

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

\_\_\_\_\_  
In the Matter of )  
CVS Pharmacy #5874 )  
License No. DS3293 )  
Expires December 31, 2019 )  
\_\_\_\_\_ )

Docket No. PHA-2017-0215

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and CVS Pharmacy #5874 ("Pharmacy"), a pharmacy registered by the Board, registration number DS3293 ("License" or "Registration"), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Pharmacy's record maintained by the Board:

1. The Pharmacy acknowledges that the Board opened a complaint against its License related to the conduct set forth in Paragraph 2, identified as docket number PHA-2017-0215 ("Complaint").
2. The Board and the Pharmacy acknowledge and agree to the following facts:
  - a. On September 28, 2017, the Pharmacy submitted to the Office of Public Protection a final Board Report of Loss of Controlled Substances and a DEA Form 106 Report of Loss or Theft of Controlled Substances for a loss of #1679mLs of Guaifenesin AC Cough Syrup 100mg-10mg/5mL and #394mLs of G Tussin AC Liquid 100mg-10mg/5mL discovered on July 10, 2017.
  - b. As part of the Pharmacy's internal investigation, the source of the loss was suspected to be an inaccurate inventory count conducted on April 30, 2015.
3. The Pharmacy acknowledges that the foregoing facts warrant disciplinary action by the Board under M.G.L. c. 112, §§ 42A and 61 and under 247 CMR 10.03(1)(v).
4. The Pharmacy agrees that the Board shall impose a REPRIMAND on its License based on the facts admitted in Paragraph 2, effective as of the date on which the Board signs this Agreement ("Effective Date").

5. The Board agrees that in return for the Pharmacy's execution and successful compliance with all the requirements of this Agreement, the Board will not prosecute the Complaint.
6. The Pharmacy understands that it has a right to formal adjudicatory hearing concerning the Complaint and that during said adjudication the Pharmacy would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on its own behalf, to contest the allegations, to present oral argument, to appeal to the courts, and all other rights as set forth in the Massachusetts Administrative Procedures Act, M.G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.* The Pharmacy further understands that by executing this Agreement the Pharmacy is knowingly and voluntarily waiving its right to a formal adjudication of the Complaint.
7. The Pharmacy acknowledges that it has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.
8. The Pharmacy acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board subject to the Commonwealth of Massachusetts' Public Records Law, M.G.L. c. 4, § 7. The Board may forward a copy of this Agreement to other licensing boards, law enforcement entities, and other individuals or entities as required or permitted by law.
9. The Pharmacy understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal or judicial review.
10. The Pharmacy understands that the Board recommends it include Guaifenesin/Codeine products in the monthly counts of benzodiazepine and codeine/apap solid dosage products agreed to by the Pharmacy pursuant to its Consent Agreement for Stayed Probation docketed at PHA-2017-0127 and effective December 5, 2017.
11. The individual signing this Agreement certifies that he/she is authorized to enter into this Agreement on behalf of the Pharmacy, and that he/she has read this Agreement.

[Signature]  
Witness (sign and date) 8/8/18

Thomas M. Bourque Jr. 8/8/18  
CVS Pharmacy #5874  
(sign and date)

Thomas M. Bourque Jr.  
(print name)

[Signature]  
David Sencabaugh, R.Ph.  
Executive Director  
Board of Registration in Pharmacy

August 13, 2018  
Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Registrant on 8/14/18 by

Certified Mail No. 7017 0530 0000 0551 8420