

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

\_\_\_\_\_  
In the Matter of )  
CVS Pharmacy #669 )  
Registration No. DS2846 )  
Expires December 31, 2021 )  
\_\_\_\_\_ )

Docket No. PHA-2020-0012

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and CVS #669 Pharmacy ("Pharmacy"), a pharmacy registered by the Board, registration number DS2846 ("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 Registration related to the conduct set forth in Paragraph 2, identified as docket number PHA-2020-0012 (the "Complaint").
2. The Board and the Pharmacy acknowledge and agree that:
  - a. In or about October 2019, the Pharmacy contacted Patient A's primary care physician ("PCP") with a programmed message, without Patient A's consent or knowledge, regarding an alternative to Patient A's statin prescription that offered greater savings. The programmed script conveyed that Patient A had requested the alternative.
  - b. The Pharmacy's MOR admitted sending the programmed script in error to Patient A's PCP.
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 Registration 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 it has used 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 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.

Susan Hartley/Electronic Sig applied 5/20/20

Witness (sign and date)

Leo Lariviere

CVS Pharmacy #669  
(sign and date) 5/20/20

Leo Lariviere

(print name)

David Sencabaugh

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

July 7, 2020

Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Registrant on 7/7/2020 by

Certified Mail No. 7019 0700 0000 1934 6359

CVS Pharmacy #765  
DS2910  
PHA-2019-0001