

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
CVS/pharmacy)
171 North Main Street)
Randolph, MA 02368)
Pharmacy Registration No. 2818)

Docket No. DS-08-087

CONSENT AGREEMENT

The **Board of Registration in Pharmacy** ("Board") and **CVS/pharmacy** (Registration No. 2818), located at 171 North Main Street in Randolph, Massachusetts ("Pharmacy"), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the file of the Pharmacy that is maintained by the Board:

1. The parties enter into this Consent Agreement ("Agreement") to resolve disputed matters arising out of a complaint pending against the Pharmacy as Docket No. DS-08-087 (the "Complaint").
2. The Board held an Investigative Conference on this matter on November 18, 2008.
3. The Pharmacy acknowledges the occurrence of the quality-related event alleged in the Complaint; specifically; on or about January 14, 2008 the Pharmacy filled a prescription for EmSam (selegiline 6mg/24hr transdermal patch) as a result of a conduct which contributed to the improper filling of the prescription where effective drug utilization review would indicate adverse interaction with other known patient medications (Dexedrine® and Cymbalta®). The Pharmacy did not utilize appropriate communication and effective counseling measures to ensure for the proper care of the patient.
4. Accordingly, the Pharmacy agrees to the following:
 - a. That the actions of Pharmacy personnel in the filling and dispensing of the prescription constitute conduct in violation of accepted professional practice standards warranting disciplinary action by the Board, pursuant to M.G.L. c.112, §§ 42A and 61 and 247 CMR 9.01(1) and 10.03 (1)(a), (1)(k), (1)(v), and (1)(w); and
 - b. The Pharmacy is hereby **REPRIMANDED** by the Board.
5. The Agreement and its contents shall be incorporated into the records maintained by the Board. The Agreement is a public record subject to disclosure to the public and equivalent state licensing boards.
6. The Board agrees that in return for executing the Agreement, the Board will not advance the prosecution of the Pharmacy pursuant to the Complaint; any and all other rights of the Board to take action within the scope of its authority are expressly reserved.

7. The Pharmacy acknowledges and agrees that the decision to enter into the Agreement and to accept the terms and conditions herein described is a final act and is not subject to reconsideration or judicial review.
8. The Pharmacy acknowledges that legal counsel was consulted in connection with the decision to enter into the Agreement or, if not, that the Pharmacy had an opportunity to do so.
9. The Pharmacy acknowledges by executing this Agreement, the Pharmacy is waiving the right to a formal hearing at which the Pharmacy would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to offer testimony on its own behalf, to contest the allegations, to present oral argument, to appeal to court in the event of an adverse ruling, and all other rights set forth in G.L. c. 30A and 801 CMR 1.01 *et seq.* The Pharmacy representative executing this Agreement states that in executing this document entitled "Consent Agreement", the Pharmacy is knowingly and voluntarily waiving all right to a formal hearing and to all of the above listed rights.

CVS/pharmacy
Registration No. 2818

By: William J. [Signature]

Title: Director, Regulatory Compliance

Date: 3/20/2009

BOARD OF REGISTRATION IN PHARMACY

By: Joanne M. Trifone [Signature]

Joanne M. Trifone, R.Ph.
President-Elect

Effective Date: 3/24/09

Dec. No. 1882