

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
DEBORAH FORAND-TOLSON, R.Ph.)
Pharmacist Registration No. 21697)

Docket No. PHA-2010-0151

Received

DEC 15 2010

**BOARD OF
PHARMACY**

CONSENT AGREEMENT

The Board of Registration in Pharmacy ("Board") and Deborah Forand-Tolson ("Registrant"), a pharmacist registered by the Board (Pharmacist Registration No. 21697), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the file of Registrant which is maintained by the Board:

1. The parties enter into this Consent Agreement ("Agreement") in resolution of above-referenced complaint Docket No. PHA-2010-0151 ("Complaint").
2. Registrant acknowledges and agrees that the Complaint relates to Registrant's admitted conduct during the period from April 30, 2009 to April 20, 2010 in altering the directions of four prescriptions (each with three refills per prescription) of Hycodan syrup from the original prescription direction of "qid" to "q4", which prescriptions Registrant self filled and dispensed while employed as a pharmacist at Harrington Memorial Hospital located at 100 South Street in Southborough, Massachusetts without obtaining or maintaining required prescriber authorization documentation to alter such prescriptions on any of the four dates she altered the prescription directions over an approximate one year period; in violation of 247 CMR §§ 9.01(1), 10.03(1)(a), 10.03(1) and 10.03 (v).
3. Accordingly, Registrant acknowledges and agrees that Registrant's pharmacist registration shall be placed on probationary status by the Board for a minimum one year period commencing on the Effective Date of the Agreement ("Probation Period") and that during the Probation Period, Registrant shall be subject to the following terms and conditions:
 - a. Registrant may not act as a pharmacist manager of record or Director of Pharmacy in any pharmacy setting;
 - b. Registrant shall be required to provide a copy of this Agreement to each employer where she is employed as a pharmacist or other pharmacy support position in any pharmacy setting. Registrant's employer(s) must provide written verification of receipt and review

of this Agreement to the Board. Registrant shall provide notice to the Board of any change in employment status and information regarding the change in status, including voluntary (resignation) and involuntary (termination) changes in employment in any employment setting within twenty-four (24) hours of any change in employment. It shall be Registrant's responsibility to ensure all verifications (employers and prescribers) are provided to the Board as required hereunder;

- c. During the initial twelve months of the Probation Period, or such longer period as may be required by the Board, Registrant must undergo Board-approved monitoring, including random drug/alcohol screening, such monitoring to commence as of the Effective Date of the Agreement. Registrant must arrange for the results of random, supervised urine tests for substances of abuse, collected from the Registrant no less than fifteen (15) times per year during the **initial** twelve months of the Probation Period, in accordance with and as set forth in **Attachment A**, all of which tests must be negative. Registrant may apply in writing to the Board for termination of the random drug/alcohol screening requirement following twelve contiguous months of negative screenings. Registrant may not terminate screenings without prior approval of the Board;
- d. Registrant must refrain from the use of any "PRN" medication (including all benzodiazepines, opiates and opioids);
- e. Registrant may not fill or dispense (including refills) or have filled or dispensed at any pharmacy setting where Registrant is employed, any prescription medication written by any prescriber for use by Registrant;
- f. Registrant must refrain from the use of all other controlled substances unless specifically prescribed by a treating physician and approved by the Board, for the purpose of prescribing for a legitimate medical purpose and in the usual course of the physician's practice;
- g. If prescribed any controlled substance, Registrant shall notify the Board within three (3) days and arrange for the prescriber to submit directly to the Board a written statement of the identity and amount of each controlled substance prescribed, and medical necessity for said prescription;
- h. Registrant hereby waives any privileges concerning and all information, reports and records, which release includes the Registrant's waiver of any privileges and immunities she may possess regarding all material covered by 42 CFR Part 2, and the Criminal Offender Records Information (CORI) Act (G.L. c. 6, §§ 167-178) and authorizes the Board to have access to all such information and records; and
- i. Registrant must notify the Board in writing within ten (10) days of any change in the Registrant's name and or address.

4. Registrant agrees that termination of the Probation Period shall be granted only if she has met the following conditions:

- a. Registrant must apply in writing to the Board for termination of the Probation Period. The Board may request a conference to discuss the merits of such request and request documentation regarding employment status; and
- b. Registrant has fully complied with all terms and conditions of the Agreement and meets all other requirements for licensure.

5. Registrant acknowledges that this Agreement shall be incorporated into the records maintained by the Board, is a matter of public record, and subject to disclosure without limitation to the public and equivalent state licensing boards.

6. The Registrant understands and agrees that, at any time during the Probation Period, upon a determination by the Board of any violation of any of the terms and conditions of this Agreement, or any violation of the applicable laws, rules and regulations governing the practice of pharmacy, the Board may seek to immediately suspend or otherwise discipline the Registrant's license to practice pharmacy without the requirement of further proceedings pursuant to M.G.L. c. 30A for a period of time deemed necessary by the Board.

7. The Registrant understands and agrees that any of the following may be considered by the Board to be a violation of this Agreement and a basis for disciplinary action by the Board:

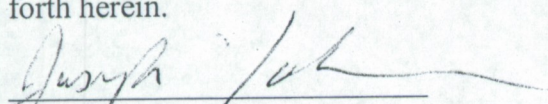
- a. A toxicology screen is found to contain any evidence of any controlled substance in violation of this Agreement;
- b. Registrant is found to have violated any Probation Period term or condition as listed in Paragraph 4. of this Agreement;
- c. the Board has other reliable evidence that the Registrant has used any controlled substance in violation of this Agreement; or
- d. Registrant withdraws any waiver or release provided and/or filed in connection with this Agreement.

8. The Registrant understands and agrees that her decision to enter into this Agreement and to accept the terms and conditions herein described is a final act and is not subject to reconsideration or judicial review.

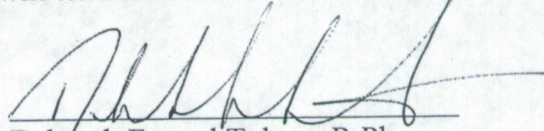
9. The Registrant states that she has used legal counsel in connection with her decision to enter into this Agreement or if he did not, that she had an opportunity to do so.

10. The Registrant certifies that she has read this document entitled "Consent Agreement". The Registrant understands that, by executing this Agreement, she is agreeing to the terms and conditions pursuant to which the Board will and place her license on probationary status and the

terms and conditions pursuant to which the Board will terminate the Probation Period as set forth herein.

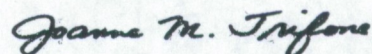

Witness (signature)

Joseph Tolson
Witness (Print Name)


Deborah Forand Tolson, R.Ph.

Effective Date: 11-29-10

BOARD OF REGISTRATION
IN PHARMACY


Joanne M. Trifone, R.Ph.
President
Date: 11/29/10

Attachment A

Dec. No. 2409