

Received

JAN 14 2016

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

In the Matter of )  
Deerfield Pharmacy ) PHA-2012-0009  
License Number: DS2102 ) PHA-2015-0065  
Expiration: December 31, 2017 )

**CONSENT AGREEMENT FOR REPRIMAND**

The Massachusetts Board of Registration in Pharmacy ("Board") and Deerfield Pharmacy ("Deerfield" or "Pharmacy"), a pharmacy licensed by the Board, license number DS2102, 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 Complaints against its Massachusetts pharmacy license related to the conduct set forth in Paragraph 2, identified as Docket Numbers PHA-2012-0009 and PHA-2015-0065 ("Complaints").
2. The Board and the Pharmacy acknowledge and agree to the following facts:
  - a. On or about October 26, 2011, the Pharmacy incorrectly processed and dispensed clonazepam rather than lorazepam, as prescribed.
  - b. On or about October 26, 2011, the Pharmacy dispensed a prescription for ondansetron 8 mg that contained tablets from two separate manufacturers in one vial.
  - c. On or about January 21, 2015, Board investigators inspected the Pharmacy and observed the following deficiencies:
    - i. The Pharmacy did not have a sign informing patients about counseling, in violation of 247 CMR 9.07(3)(c).
    - ii. The Pharmacy did not have a designated counseling area, in violation of 247 CMR 6.01(5)(d)(1).
    - iii. The Pharmacy did not have a sign indicating the Pharmacy had lock boxes available, in violation of M.G.L. c. 94C, § 21B.
    - iv. The Pharmacy failed to conduct perpetual inventory every 10 days, in violation of 247 CMR 6.07(1)(e), and existing perpetual inventories were inaccurate.

- v. The Pharmacy's CQI program did not comply with 247 CMR 15.00.
  - vi. The Pharmacy did not maintain documentation pertaining to disposal of expired controlled substances.
  - vii. The Pharmacy's sink did not have hot water, in violation of 247 CMR 6.01(5)(a)(7).
  - viii. The Pharmacy had expired medications in its inventory, in violation of 247 CMR 9.01(10).
  - ix. The Pharmacy did not have policies and procedures pertaining to non-sterile compounding, in violation of 247 CMR 9.01(3).
  - x. The compounding area was not maintained in a clean and sanitary manner, in violation of 247 CMR 9.01(3).
  - xi. The Pharmacy failed to maintain master formulation records and compounding records, in violation of 247 CMR 9.01(3).
3. The Pharmacy acknowledges that the foregoing facts warrant disciplinary action by the Board under M.G.L. c. 12, §§ 42A and 61 and under 247 CMR 10.03.
  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 Complaints.
  6. The Pharmacy understands that it has a right to formal adjudicatory hearing concerning the Complaints 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 Complaints.
  7. The Pharmacy acknowledges that it has been at all times free to seek and use legal counsel in connection with the Complaints and this Agreement.

Deerfield Pharmacy  
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- 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.

*[Signature]* 1/11/16  
 Witness (sign and date)

*[Signature]* 1/11/16  
 Deerfield Pharmacy  
 (sign and date)

ROBERT M. FYNENKEL  
 (print name)

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

2/5/16  
 Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Registrant on 2/5/16 by  
 Certified Mail No. 7015 3010 0001 7680 2564

Deerfield Pharmacy  
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