

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Domenic Regalbuto)
PH238864)
Expired: 12/31/2022)

Docket No. PHA-2022-0109
CAS-2022-0521

Received

JUN 10 2024

CONSENT AGREEMENT FOR
SUSPENSION AND PROBATION

General Counsel

The Massachusetts Board of Registration in Pharmacy ("Board") and Domenic Regalbuto ("Licensee"), a Registered Pharmacist licensed by the Board, License No. PH238864, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board:

1. The Licensee acknowledges that the Board opened a complaint against their Massachusetts Pharmacist license¹ related to the conduct set forth in paragraph 2, identified as Docket No. PHA-2022-0109 ("the Complaint").
2. The Licensee and the Board agree to resolve this Complaint without making any admissions or findings and without proceeding to a formal adjudicatory hearing. The Complaint alleges the following:
 - a. On or about January 28, 2022, Licensee entered into an agreement, consent order no. 32507, with the New York State Board of Pharmacy.
 - b. The aforementioned agreement imposed discipline in relation to the licensee both supervising the unlicensed compounding of drugs and, on a particular occasion, practicing the profession of pharmacy with gross negligence.
 - c. Per the terms of the agreement, Licensee was penalized with a \$2,500 fine and a two (2) year suspension, with the last 23 months of that suspension stayed and a concurrent, two year period of probation.

¹ The term "license" applies to both a current license and the right to renew an expired license.

3. The Board and Licensee acknowledge and agree that Licensee's conduct described in Paragraph 2 warrants disciplinary action by the Board under M.G.L. c. 112, §§ 42A & 61, and 247 CMR 10.03(1)(t).
4. The Licensee agrees to SUSPENSION of their Pharmacist License for TWO (2) YEARS ("Suspension Period"), commencing with the date on which the Board signs this Agreement ("Effective Date").
5. The Licensee agrees that the last TWENTY THREE (23) MONTHS of the Suspension Period shall be stayed.
6. During the Suspension Period, the Licensee agrees that their license shall be placed on PROBATION for a period of TWO (2) YEARS ("Probationary Period").
7. During the Probationary Period, the Licensee further agrees that they shall comply with all of the following requirements to the Board's satisfaction:
 - a. Comply in all material respects with all laws and regulations governing the practice of pharmacy and the United States Pharmacopeia.
 - b. Notify the Board in writing within ten (10) days of each change in their name and/or address.
 - c. Timely renew their pharmacy license.
 - d. The Licensee will not serve as Manager of Record (MOR) of any licensed pharmacy or pharmacy department.
 - e. The Licensee will not serve as preceptor for or supervise any pharmacy intern and/or student.
 - f. Submit documentation demonstrating successful completion of at least the following remedial continuing education (CE) courses within ninety (90) days of the Effective Date of this Agreement:
 - i. 2 CE credits in ethics; and
 - ii. 2 CE credits in patient safety.

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8. If and when the Board determines that the Licensee has complied to the Board's satisfaction with all the requirements contained in Paragraph 7, and no earlier than TWO (2) years after the date of Effective Date, the Board shall send written notice to the Licensee which shall terminate the Probationary Period.
9. If the Licensee does not comply with each requirement of this Agreement, or if the Board opens a Subsequent Complaint² during either the Suspension Period or the Probationary Period, the Licensee agrees to the following:
 - a. The Board may upon written notice to the Licensee, as warranted to protect the public health, safety, or welfare:
 - i. EXTEND the Probationary Period; and/or
 - ii. MODIFY the Suspension Period and/or the Probationary Period requirements; and/or
 - iii. LIFT THE STAY of the Suspension Period; and/or
 - iv. IMMEDIATELY SUSPEND the Licensee's Pharmacy license.
 - b. If the Board suspends the Licensee's Pharmacy license pursuant to Paragraph 8(a)(iv), the suspension shall remain in effect until:
 - i. the Board gives the Licensee written notice that the Probationary Period is to resume and under what terms; or
 - ii. the Board and the Licensee sign a subsequent agreement; or
 - iii. the Board issues a written Final Decision and Order following adjudication of the allegations (1) of noncompliance with this Agreement, and/ or (2) contained in the Subsequent Complaint.

² The term "Subsequent Complaint" applies to a complaint opened after the Effective Date, which (1) alleges that the Licensee engaged in conduct that violates Board statutes or regulations, and (2) is substantiated by evidence, as determined following the complaint investigation during which the Licensee shall have an opportunity to respond.

10. The Licensee agrees if the Board suspends their Pharmacist license in accordance with Paragraph 8, they will immediately return their current Massachusetts license to practice as a Pharmacist to the Board, by hand or certified mail. The Licensee further agrees that during the Suspension Period and/or upon suspension, they will no longer be authorized to engage in the practice of Pharmacy in the Commonwealth of Massachusetts and shall not in any way represent themselves as a Pharmacist until such time as the Board reinstates their license.³
11. The Board agrees that in return for the Licensee's execution and successful compliance with all the requirements of this Agreement, it will not prosecute the Complaint.
12. The Licensee understands that they have a right to a formal adjudicatory hearing concerning the Complaint and that during said adjudication they would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on their 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 Licensee further understands that by executing this Agreement they are knowingly and voluntarily waiving their right to a formal adjudication of the Complaint.
13. The Licensee acknowledges that they have been at all times represented by legal counsel in connection with the Complaint and this Agreement / have been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.
14. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board. 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.

³ Any evidence of unlicensed practice or misrepresentation as a Pharmacist during the Suspension period and/or after the Board has notified the Licensee of their license suspension shall be grounds for further disciplinary action by the Board and the Board's referral of the matter to the appropriate law enforcement authorities for prosecution.

15. The Licensee certifies that they have read this Agreement. The Licensee understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal, or judicial review.

6-06-2024
(date)


Domenic Regalbuto
(sign)

David Sencabaugh

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

June 17, 2024

Effective Date of Suspension followed by Probation Agreement

Fully Signed Agreement Sent to Licensee on 6/17/2024
by Certified Mail No. 7020 0090 0000 1277 4773

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