

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

**BOARD OF REGISTRATION
IN PHARMACY**

**In the Matter of
Donald A. Uliano, R.Ph.
License no. PH15932
Expires December 31, 2018**

Docket No. PHA-2017-0011

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and Donald A. Uliano ("Pharmacist" or "Licensee"), a pharmacist licensed by the Board, PH15932, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Pharmacist's record maintained by the Board:

1. The Licensee acknowledges the Board opened a Complaint against his Massachusetts pharmacist license related to the conduct set forth in Paragraph 2, identified as Docket Number PHA-2017-0011 ("Complaint").
2. The Board and the Licensee acknowledge and agree to the following facts:
 - a. From at least December 26, 2015 through April 22, 2016, the Licensee was employed at Perrotta Super Drug as a staff pharmacist;
 - b. Between December 26, 2015 and April 22, 2016, pharmacists at Perrotta Super Drug dispensed to Patient A on ten (10) separate occasions a 30-day supply of Alprazolam 1 mg or 2 mg tablets;
 - i. On February 23, 2016, a prescription for a 30-day supply (120 tablets) of Alprazolam 1 mg tablets was filled by the Licensee at Perrotta Super Drug for Patient A;
 - ii. On the other nine (9) occasions between December 26, 2015 and April 22, 2016, Patient A was dispensed a 30-day supply of Alprazolam 1 mg or 2 mg tablets by other pharmacists at Perrotta Super Drug;

- c. Between December 26, 2015 and April 22, 2016, Patient A was dispensed a total of 720 tablets¹ of Alprazolam 1 mg and a total of 300 tablets of Alprazolam 2 mg by pharmacists at Perrotta Super Drug;
 - d. On various dates, between February 8, 2016 and April 18, 2016, the Licensee also dispensed tablets of Methadone 10 mg and Oxycodone 15 mg pursuant to prescriptions presented by Patient A;
 - e. The U.S. Food and Drug Administration ("FDA") issued a safety announcement which stated that a "review has found that the growing combined use of opioid medicines with benzodiazepines or other drugs that depress the central nervous system (CNS) has resulted in serious side effects, including slowed or difficult breathing and deaths." Alprazolam is on the FDA list of drugs which interact with Oxycodone and/or Methadone in that manner;
 - f. The only interventions documented by Pharmacists at Perrotta Super Drug including the Licensee regarding the early refills dispensed to Patient A were comments the patient made as to why he needed early refills i.e. "very depressed and having a panic attack" or the combination of Controlled Substances for the Prescriptions in his profile;
 - g. The Licensee failed to call the prescriber to verify the early refill for Patient A was necessary on February 23, 2016;
 - h. On February 23, 2016, the Licensee failed to conduct an adequate drug utilization review ("DUR") when he filled a prescription for Patient A; and
 - i. On February 23, 2016, the Licensee failed to adhere to the standard of care, specifically, by failing to consult with the prescriber regarding Patient A's poly-drug use despite inherent danger of such regimen in violation of 247 CMR 10.03(1)(v);
3. The Licensee acknowledges that the foregoing facts warrant disciplinary action by the Board under M.G.L. c. 112, §§42A & 61 and 247 CMR 10.03(1)(a) and (v).

¹ 120 of these tablets were dispensed by the Licensee. All of the remaining tablets identified in this paragraph were dispensed by other pharmacists at Perrotta Super Drug.

Donald A. Uliano, R.Ph.

PH15932

PHA-2017-0011


4. The Licensee agrees that the Board shall impose a **REPRIMAND** on his 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 acknowledges the receipt of documentation demonstrating that the Licensee has:
 - a. Completed two (2) credits of continuing education in dispensing controlled substances;
 - b. Completed four (4) credits of continuing education in substance use disorders; and
 - c. Read and submitted an attestation of having read the entire Drug Enforcement Agency Pharmacist's Manual.


The Licensee and the Board acknowledge the Board's receipt of said documentation was a precondition to be met before the Board entered into this Agreement.

6. The Board agrees that in return for the Licensee's execution and successful compliance with all the requirements of this Agreement, the Board will not prosecute the Complaint.
7. The Licensee understands that he has a right to formal adjudicatory hearing concerning the Complaint and that during said adjudication the Licensee would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his 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 the Licensee is knowingly and voluntarily waiving his right to a formal adjudication of the Complaint.
8. The Licensee acknowledges he has been represented by legal counsel in connection with the Complaint and this Agreement.
9. The Licensee 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.

Donald A. Uliano, R.Ph.
PH15932
PHA-2017-0011

10. 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.
11. The Licensee certifies that he has 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.

 11-15-18 Donald A. Uliano R.Ph. 11-15-18
Witness (sign and date) Donald A. Uliano, R.Ph.
(sign and date)


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

1-16-19
Effective Date of Probation Agreement

Fully Signed Agreement Sent to Registrant on 1/22/19 by
Certified Mail No. 7617 0530 000034826831