

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION IN
PHARMACY

)
In the Matter of)
Elizabeth Holmes)
License No. PTT03639)
Expires December 5, 2019)

Docket No. PHA-2019-0083

CONSENT AGREEMENT FOR VOLUNTARY SURRENDER

The Massachusetts Board of Registration in Pharmacy ("Board") and Elizabeth Holmes ("Licensee"), a pharmacy technician trainee licensed by the Board, PTT03639 ("Licensee")¹ 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 her License related to the conduct set forth in Paragraph 2, identified as docket no. PHA-2019-0083 ("Complaint").
2. The Board and Licensee acknowledge and agree to the following facts:
 - a. Licensee was employed as a pharmacy technician trainee at CVS Pharmacy #314 located in Marblehead, Massachusetts ("Pharmacy") at all times relevant to the Complaint's allegations.
 - b. On or about July 23, 2019, Licensee admitted to diverting about #15 tables of hydrocodone-acetaminophen 5/325 mg, #5-10 tablets of tramadol hcl 50 mg, #5-10 tablets of alprazolam 2 mg and #500 tablets of lorazepam 1 mg, over a two month period, while employed at the Pharmacy.
 - c. Licensee did not have a valid prescription for these controlled substances.

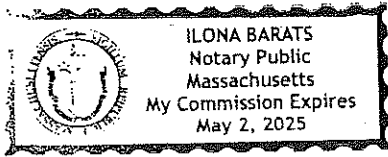
¹ The term "registration", "license" or "License" applies to both a current license and the right to renew an expired license.

- d. On or about July 23, 2019, Licensee admitted to taking \$150 from the Pharmacy's register during her employment at the Pharmacy.
3. The Board and Licensee acknowledge and agree that Licensee's conduct described in Paragraph 2 constitutes violations of M.G.L. c. 94C, § 34 and 247 CMR 10.03(1)(e), (r) and (x), and is grounds for discipline by the Board pursuant to M.G.L. c. 112, §§ 42A and 61 and 247 CMR 10.06.
4. The Licensee agrees to: (1) **SURRENDER** her License for an indefinite period of time; (2) refrain from practicing as a pharmacy technician trainee or pharmacy technician; and (3) refrain from working in any pharmacy-related setting in Massachusetts; commencing with the date on which the Board signs this Agreement ("Effective Date"). The Licensee further agrees to immediately return her original License to the Board.
5. 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.
6. The Licensee understands that she has the right to a formal adjudicatory hearing concerning the Complaint and that during said adjudication she would possess the right to confront and cross-examine witnesses, call witnesses, present evidence, testify on her own behalf, contest the allegations, present oral argument, 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 she is knowingly and voluntarily waiving her right to a formal adjudication of the Complaint.
7. The Licensee acknowledges that she has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.
8. 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.

9. The Licensee certifies that she 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.

Ilona Barats 11/12/19
Witness (sign and date)

Elizabeth Holmes 11/12/19
Elizabeth Holmes (sign and date)



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

11-25-2019
Effective Date of Agreement

Fully Signed Agreement Sent to Licensee on 11/25/19 by

Certified Mail No. 7619 0700 0000 1934 6601