COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY BOARD OF REGISTRATION

IN PHARMACY

In the Matter of )

Ethos Veterinary Health, LLC ) PHA-2017-0202

License Number: DS90035 )

Expiration: December 31, 2019 )

**CONSENT AGREEMENT FOR REPRIMAND**

The Massachusetts Board of Registration in Pharmacy (“Board”) and Ethos Veterinary Health (“Pharmacy” or “Licensee”), a pharmacy licensed by the Board, DS90035, 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 the Board opened a Complaint against its Massachusetts pharmacy license related to the conduct set forth in Paragraph 2, identified as Docket Number PHA-2017-0202 (“Complaint”).
2. The Board and the Pharmacy acknowledge and agree that on or about October 18, 2017, Board investigators conducted an inspection at the Pharmacy and observed deficiencies including but not limited to:
   1. Failure to report June 2017 above action level environmental monitoring results, in violation of 247 CMR 6.15(7).
   2. Failure to remediate above action level environmental monitoring result in the buffer room in June 2017, in violation of USP <797> and 247 CMR 9.01(3).
   3. Failure to maintain current power of attorney, in violation of 247 CMR 9.01(1) and 21 CFR 1305.05(a). Specifically the power of attorney for former Manager of Record, Justin McDowell, was not revoked and current Manager of Record, Lynn McCarthy, did not have power of attorney.
   4. Failure to maintain records pertaining to reverse distribution and/or disposal of controlled substances, in violation of 247 CMR 9.01(1) and 1304.21(a).
   5. Failure to maintain a balance sealed by the state or local sealer of weights and measures, in violation of 247 CMR 6.01(5)(a)(4).
   6. Expired Schedule II medications comingled with active inventory, in violation of 247 CMR 9.01(10).
   7. Documentation of annual Continuous Quality Improvement training was not available at the time of inspection, in violation of 247 CMR 15.02(1)(f).
   8. Documentation of pre-qualification and staff competencies for sterile and non-sterile compounding was not available for all compounding staff, in violation of USP <795>, USP <797>, and 247 CMR 9.01(3).
   9. Hand hygiene for sterile compounding occurred in an unclassified space, in violation of USP <797> and 247 CMR 9.01(3).
3. The Pharmacy acknowledges that the facts described in Paragraph 2 constitute grounds for disciplinary action by the Board under M.G.L. c. 12, §§ 42A & 61, 247 CMR 10.03(1)(a), (b), (v), and (bb).

1. 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”).
2. 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 Complaint.
3. The Board acknowledges and agrees that it does not have any outstanding allegation, investigation, complaint, or other matter pertaining to the Pharmacy pending before the Board as of the Effective Date.
4. The Pharmacy understands that it has a right to formal adjudicatory hearing concerning the Complaint 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 it’s right to a formal adjudication of the Complaint.
5. The Pharmacy acknowledges that it has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.
6. 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.
7. 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.
8. 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.

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Witness (sign and date) Ethos Veterinary Health

(sign and date)

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(print name)

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David Sencabaugh, R. Ph.

Executive Director

Board of Registration in Pharmacy

1/23/19\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Licensee on 1/25/19\_\_\_\_\_\_\_\_\_\_\_\_\_by Certified Mail No.7017 2620 0000 0142 1690