

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Family Health Mart Pharmacy)
License No. DS3480)
Expires December 31, 2017)
_____)

Docket No. PHA-2015-0154

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and Family Health Mart Pharmacy ("Pharmacy"), a pharmacy registered by the Board, registration number DS3480, 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 a Complaint against its Massachusetts license related to the conduct set forth in Paragraph 2, identified as Docket Number PHA-2015-0154 ("Complaint").
2. The Board and the Pharmacy acknowledge and agree to the following facts:
 - a. On or about April 24, 2015, Office of Public Protection ("OPP") investigators conducted a retail compliance inspection of the Pharmacy and observed the following regulatory deficiencies:
 - i. Pharmacy, through its Manager of Record, failed to monitor and enforce its policies and procedures concerning maintaining security of Schedule II controlled substances in violation of 247 CMR 6.07(1)(e), as OPP investigators witnessed CII safe door was open upon entering the Pharmacy;
 - ii. Pharmacy permitted pharmacy technician trainee to work more than 1000 hours without Board extension in violation of 247 CMR 8.03(3);
 - iii. Pharmacy failed to reconcile segregated but expired Schedule II controlled substances once every ten days in violation of 247 CMR 9.01(14);

- iv. Pharmacy failed to provide biennial inventory on day of inspection in violation of 247 CMR 6.07(1)(i), 247 CMR 9.01(1) and 21 CFR 1304.11;
- v. Pharmacy was unable to provide the most recent Schedule II return at the time of inspection in violation of 247 CMR 9.01(1) and 21 CFR 1304.21(a);
- vi. Pharmacy failed to properly maintain a sink equipped with running hot water in violation of 247 CMR 6.01(5)(a)7, 247 CMR 9.01(3) and USP <795>;
- vii. Pharmacy failed to properly keep all equipment used in compounding clean in violation of 247 CMR 9.01(3) and USP <795>;
- viii. Pharmacy failed to record BUD information in compound log in violation of 247 CMR 9.01(3) and USP <795>;
- ix. Pharmacy failed to properly label compounded medications by indicating that "this is a compounded medication" in violation of 247 CMR 9.01(3) and USP <795>;
- x. Pharmacy failed to locate signature page of physician standing order of immunization in violation of 247 CMR 9.01(1) and 105 CMR 700.004(6)(b);
- xi. Pharmacy failed to locate signature page of physician standing order of epinephrine in violation of 247 CMR 9.01(1) and 105 CMR 700.004(6)(b); and
- xii. Pharmacy failed to locate copies of immunization certification of pharmacists in violation of 247 CMR 9.01(1) and 105 CMR 700.004(6)(c).

3. The Pharmacy acknowledges that the foregoing facts warrant disciplinary action by the Board under M.G.L. c. 112, §§ 42A and 61 and under 247 CMR 10.03.

Family Health Mart Pharmacy
DS3480
PHA-2015-0154

4. The Pharmacy agrees that the Board shall impose a REPRIMAND on its registration 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 Complaint.
6. 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 its right to a formal adjudication of the Complaint.
7. 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.
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]
Witness (sign and date)
1/19/2016

H. D. M. D. S. S.
Family Health Mart Pharmacy
(sign and date) 1/19/2016

Hamid Mohaghegh
(print name)

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

1/25/16
Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Registrant on 1/25/16 by
Certified Mail No. 7015 3010 0001 7080 0003