

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Fidelis Fynn)
PH27655)

PHA-2019-0110

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and Fidelis Fynn ("Licensee"), a pharmacist licensed by the Board, license number PH27655, 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 his Massachusetts pharmacist license related to the conduct set forth in Paragraph 2, identified as Docket Number PHA-2019-0110 ("Complaint").
2. The Board and the Licensee acknowledge and agree to the following facts:
 - a. Licensee served as Manager of Record of Kabafusion ("Pharmacy"), DS89700, a pharmacy located in Shrewsbury, Massachusetts from approximately May 2016 until at least March 2019.
 - b. As described in 247 CMR 6.07, Licensee, as Manager of Record, was responsible for the operation of the Pharmacy in compliance with 247 CMR 2.00 et seq. and applicable state and federal laws and regulations.
 - c. Board investigators inspected the Pharmacy on or about June 20, 2019 and observed the Pharmacy failed to properly respond to above action level environmental monitoring results in February 2019 and March 2019.
 - d. Specifically, on or about February 20, 2019, a third party performed viable surface sampling at the pharmacy. One surface sample grew two colony forming units (CFUs) of a gram negative, rod-shaped bacteria identified as *Serratia macescens*, which is a highly pathogenic microorganism. As such, this sample was above USP 797 action levels.

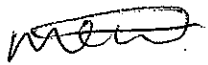
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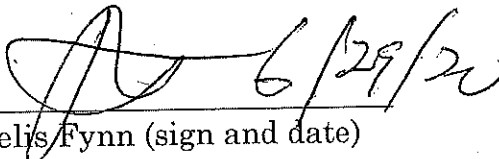
- e. The Pharmacy failed to immediately remedy the February 20, 2019 above action level environmental monitoring result, in violation of USP 797 and 247 CMR 9.01(3).
 - f. The Pharmacy failed to report the February 20, 2019 above action level environmental monitoring result to the Board, in violation of 247 CMR 6.15(7).
 - g. Another environmental monitoring sample taken on or about March 18, 2019 contained microbial growth. This sample was not sent to a credentialed laboratory for identification, in violation of in violation of USP 797 and 247 CMR 9.01(3).
 - h. During the June 20, 2019 inspection, Board investigators also observed the following violations of USP 797 and 247 CMR 9.01(3):
 - i. fungal media plates incubated at incorrect temperatures;
 - ii. use of expired sterile isopropyl alcohol; and
 - iii. unsealed ceiling tiles.
 - i. The foregoing facts warrant action by the Board under M.G.L. c. 112, §§ 42A and 61 and 247 CMR 10.03(1)(a), (v), and (bb).
3. The Licensee acknowledges that the facts described in Paragraph 2 warrant disciplinary action by the Board under M.G.L. c. 12, §§ 42A and 61 and under 247 CMR 10.03(1)(a), (v), and (bb)
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 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 he has a right to formal adjudicatory hearing concerning the Complaint and that during said adjudication he 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

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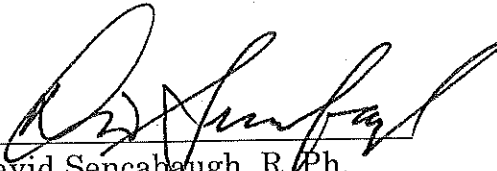
forth in the Massachusetts Administrative Procedures Act, M.G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.* The Licensee further understands that by executing this Agreement he is knowingly and voluntarily waiving his right to a formal adjudication of the Complaint.

7. The Licensee acknowledges that he 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 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.

 6-29-20
Witness (sign and date)

 6/29/20
Fidelis Fynn (sign and date)

8-12-20
Effective Date of Reprimand Agreement.


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

Fully Signed Agreement Sent to Registrant on 8/13/2020 by
Certified Mail No. 7019 0200 0000 1846 1961