

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

In the Matter of )  
Frank L. Pallaria, Jr. )  
License No. PH18787 )  
Expiration Date: December 31, 2014 )

Docket No. PHA-2013-0012

SEP 19 2013

**CONSENT AGREEMENT FOR REPRIMAND**

The Massachusetts Board of Registration in Pharmacy ("Board") and Frank L. Pallaria, Jr. ("Licensee"), a Pharmacist licensed by the Board, Registration No. PH18787, 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 a complaint has been filed with the Board against his Massachusetts Pharmacist registration (registration) related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2013-0012 ("Complaint").<sup>1</sup>
2. The Board and the Licensee acknowledge and agree to the following facts:
  - a. Licensee failed to act upon knowledge and report that a co-worker diverted Schedule II controlled substances from the pharmacy.
  - b. Licensee falsified the pharmacy's controlled substances inventory in order to coceal the fact that a co-worker diverted Schedule II controlled substances from the pharmacy.
3. The Licensee acknowledges that the facts described in Paragraph 2 warrant disciplinary action by the Board under M.G.L. c. 112, § 61 and under 247 CMR 10.03.
4. The Board acknowledges the receipt of documentation evidencing successful completion of one (1) contact hour of continuing education in Ethics and one (1) contact hour of continuing education in Law. The Licensee and the Board acknowledge that the Board's receipt of documentation evidencing successful completion one (1) contact hour of continuing education in Ethics and one (1) contact hour of continuing education in Law was a precondition to be met before the Board entered into this Agreement.
5. The Licensee agrees that the Board shall impose a REPRIMAND on his pharmacist license based on the facts admitted in Paragraph 2, effective as of the date on which the Board signs this Agreement ("Effective Date").
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.

<sup>1</sup> The term "registration" applies to both a current registration and the right to renew an expired registration.

7. 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 forth in the Massachusetts Administrative Procedures Act, 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.
8. 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.
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, G.L. ch. 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.
10. 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.

DM Gephell 12/16/2013  
 Witness (sign and date)

Frank L. Pallaria, Jr. 12/16/2013  
 Frank L. Pallaria, Jr. (sign and date)  
 Print Name: Frank L. Pallaria Jr.

12-30-13  
 Effective Date of Reprimand Agreement

David Sencabaugh  
 David Sencabaugh  
 Executive Director  
 Board of Registration in Pharmacy

Fully Signed Agreement Sent to Licensee on 12/30/13 by Certified Mail  
 No. 7012 0470 0001 3526 6622