

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Garry Levitsky)
License Number: PH15889)
Expiration: December 31, 2014)

PHA-2014-0053

Received

JUN 30 2014

BOARD OF
PHARMACY

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and Garry Levitsky ("Licensee" or "Pharmacy"), a pharmacist licensed by the Board, license number PH15889, 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-2014-0053 ("Complaint").
2. The Board and the Licensee acknowledge and agree to the following facts:
 - a. In September 2012, a pharmacist at Beacon Pharmacy, Inc. incorrectly filled and dispensed a prescription for Benztropine 1 mg tablets with Clozapine 100 mg tablets for a patient with a documented allergy to Clozapine.
 - b. Beacon Pharmacy Inc. failed to identify the prescription error and the incorrect prescription was administered to patient for approximately six (6) weeks, during which time the patient was hospitalized twice.
 - c. Licensee was notified of the error on or about November 1, 2012. Licensee failed to report the error to the Board as required by 247 CMR 6.14..
3. The Licensee 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.

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4. The Board acknowledges receipt of the following: (1) an attestation that Licensee read 247 CMR; and (2) documentation demonstrating Licensee completed a self-inspection of the pharmacy using the Board's Compliance Inspection Form located on the Board's website, <http://www.mass.gov/eohhs/docs/dph/quality/boards/pharmacy/compliance-inspection-tool.pdf>. Licensee and the Board acknowledge and agree that the Board's receipt of said documentation 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.
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, 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.
8. The Registrant 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, 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.

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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.

Rachel H. [Signature] 6/26/14
Witness (sign and date)

Garry Levitsky 6/26/14
Garry Levitsky (sign and date)

7-8-14
Effective Date of Reprimand Agreement

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

Fully Signed Agreement Sent to Registrant on July 9, 2014 by
Certified Mail No. 7014 0510 0661 0375 2978

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