

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Gary Levitsky)
License Number PH15889)
Expired 12.31.24)
)
)
)

Docket Number PHA-2023-0207
(CASE 2023-0456)

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy (Board) and Gary Levitsky (Respondent), with Pharmacist license, license number PH15889, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Respondent's record maintained by the Board:

1. The Respondent acknowledges that the Board opened a Complaint against the Respondent's license related to the conduct set forth in Paragraph 2 below, identified as Docket Number PHA-2023-0207 (Complaint).
2. The Respondent and the Board agree to resolve this Complaint without making any admissions or findings and without proceeding to a formal adjudicatory hearing. The Complaint alleges the following:

During a retail compliance inspection (ISP30002-RCCOM) conducted on August 28, 2023, Beacon Pharmacy, Inc. was cited for allowing Katherine McMaster to perform Pharmacy Technician (PT) duties without an active license, in violation of 247 CMR 6.07(1)(e) and 247 CMR 8.03(1) which may be grounds for discipline pursuant to 247 CMR 10.03(1)(m). At the time, the Respondent was the Pharmacist Manager of record. As such, a complaint was opened against the Respondent for violation of 247 CMR 6.07(1)(e), which may be grounds for discipline pursuant to 247 CMR 10.03(1)(a)&(v).

3. The Board and Respondent acknowledge and agree that based upon the information described in Paragraph 2 above, the Board could find the Respondent in violation of 247 CMR Section 6.07(1)(e).
4. The Respondent agrees that the Board shall impose a REPRIMAND on this license based on the facts described in Paragraph 2 above, effective as of the date on which the Board signs this Agreement (Effective Date).
5. The Board agrees that in return for the Respondent's execution and successful compliance with all the requirements of this Agreement, the Board will not prosecute the Complaint.

6. The Respondent 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, MGL Chapter 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR Section 1.01, *et seq.* The Respondent further understands that by executing this Agreement, he is knowingly and voluntarily waiving his right to a formal adjudication of the Complaint.
7. The Respondent acknowledges that he has been at all times represented by Counsel or otherwise free to seek and use legal counsel in connection with the Complaint and this Agreement.
8. The Respondent 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, MGL Chapter 4, Section 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 Respondent 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 Respondent certifies that he has read this Agreement.

Date

7/15/24

Gary Levitsky (signature)

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

7/15/24

Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Licensee on 7/15/2024 by Certified Mail
No. 7020 2450 0001 9471 5801