

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Innocent Akani)
PH25261)

PHA-2022-0119

CONSENT AGREEMENT FOR PROBATION

The Massachusetts Board of Registration in Pharmacy ("Board") and Innocent Akani ("Licensee"), PH25261, 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. Licensee acknowledges the Board opened a complaint against their Massachusetts pharmacist license related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2022-0119.¹
2. The Board and Licensee agree to resolve this Complaint without making any admissions or findings and without proceeding to a formal adjudicatory hearing. The Complaint alleges the following:
 - a. On or about August 7, 2018, Licensee entered into an agreement, Board Order #A-18-007, ("Order") with the Texas Board of Pharmacy.
 - b. The Order detailed allegations that the Licensee dispensed approximately 2,700 invalid prescriptions for controlled substances and approximately 1,900 invalid prescriptions for dangerous and over-the-counter available products.
 - c. The Order asserted that Licensee knew or should have known that the prescriptions were not issued for a legitimate medical purpose by a practitioner in the course of medical practice.
 - d. The Order imposed a \$1,200 fine, 60-day suspension, and a five year probation that prohibited the Licensee from serving as a Pharmacist-In-Charge or holding an ownership interest in any pharmacy during the probation period.

¹ The term "license" applies to both a current license and the right to renew an expired license.

- e. On or about August 3, 2021, the Order was amended to remove the prohibition on serving as a pharmacist-in-charge of any pharmacy during the probation period.
3. The Board and Licensee acknowledge and agree that Licensee's conduct described in Paragraph 2 warrant disciplinary action by the Board under M.G.L. c. 112, §§ 42A & 61 and 247 CMR 10.03(1)(t).
 4. Licensee agrees that their pharmacist license shall be placed on PROBATION for ONE (1) YEAR ("Probationary Period"), commencing with the date on which the Board signs this Agreement ("Effective Date").
 5. During the Probationary Period, the Licensee agrees that they shall comply in all material respects with all laws and regulations governing the practice of pharmacy and the United States Pharmacopeia.
 6. The Board agrees that in return for Licensee's execution and successful compliance with the requirements of this Agreement it will not prosecute the Complaint.
 7. If the Licensee has complied to the Board's satisfaction with all the requirements contained in this Agreement, the Probationary Period will terminate ONE (1) YEAR after the Effective Date upon written notice to the Licensee from the Board².
 8. If the Licensee does not materially comply with each requirement of this Agreement, or if the Board opens a Subsequent Complaint³ during the Probationary Period, the Licensee agrees to the following:
 - a. The Board may upon written notice to the Licensee, as warranted to protect the public health, safety, or welfare:
 - i. EXTEND the Probationary Period; and/or
 - ii. MODIFY the Probation Agreement requirements; and/or

² In all instances where this Agreement specifies written notice to the Licensee from the Board, such notice shall be sent to the Licensee's address of record.


³ The term "Subsequent Complaint" applies to a complaint opened after the Effective Date concerning acts, omissions, or events occurring after the Effective Date, which (1) alleges that the Licensee engaged in conduct that violates Board statutes or regulations, and (2) is substantiated by evidence, as determined following the complaint investigation during which the Licensee shall have an opportunity to respond.

- iii. IMMEDIATELY SUSPEND the Licensee's pharmacist license.
- b. If the Board suspends the Licensee's pharmacy license pursuant to Paragraph 8(a)(iii), the suspension shall remain in effect until:
 - i. the Board provides Licensee written notice that the Probationary Period is to be resumed and under what terms; or
 - ii. the Board and Licensee sign a subsequent agreement; or
 - iii. the Board issues a written final decision and order following adjudication of the allegations (1) of noncompliance with this Agreement, and/ or (2) contained in the Subsequent Complaint.
- 9. Licensee agrees that if the Board suspends their pharmacist license in accordance with Paragraph 8, they will immediately return their current Massachusetts pharmacist license to the Board, by hand or certified mail. Licensee further agrees that upon said suspension, they will no longer be authorized to practice as a pharmacist in the Commonwealth of Massachusetts and shall not in any way represent themselves as a pharmacist until such time as the Board reinstates their pharmacist license or right to renew such license.
- 10. Licensee understands that they have a right to formal adjudicatory hearing concerning the Complaint and that during said adjudication they would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on their 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 they are knowingly and voluntarily waiving their right to a formal adjudication of the Complaints.
- 11. The Licensee acknowledges that they have been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.

12. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board. 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.
13. The Licensee certifies that they have 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.

4/4/2024

Date



Innocent Akani (sign)

David Sencabaugh

David Sencabaugh, R. Ph.
Executive Director
Board of Registration in Pharmacy
4/4/24

Effective Date of Probation Agreement

Fully Signed Agreement Sent to Licensee on 4/5/2024 by
Certified 7022 2410 0001 6855 3521 & 7022 2410 0001 6855 3514
Mail No. _____