

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF LICENSE  
IN PHARMACY

PHARMACY  
PHARMACY  
PHARMACY

In the Matter of )  
Israel Aker )  
License No. PH26335 )  
Expired 12/31/2014 )

PHA-2014-0191

**CONSENT AGREEMENT FOR  
SUSPENSION FOLLOWED BY PROBATION**

The Massachusetts Board of Registration in Pharmacy ("Board") and Israel Akar ("Licensee"), a Pharmacist licensed by the Board, License No. PH26335, 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 has opened a complaint against his Massachusetts Pharmacist license related to the conduct set forth in paragraph 2, identified as Docket No. PHA-2014-0191 ("the Complaint").<sup>1</sup>
2. The Board and the Licensee acknowledge and agree to the following facts:
  - a. On or about July 7, 2014, Licensee was employed as a pharmacist at Omnicare of Northern Massachusetts, located at 360 Audubon Road in Wakefield, Massachusetts.
  - b. On or about July 7, 2014, Licensee diverted approximately 157 tablets of hydrocodone/apap 10/325 mg. Licensee did not have a valid prescription for said hydrocodone.
3. The Licensee agrees the conduct described in Paragraph 2 constitutes a violation of M.G.L. c. 94C, § 34 and warrants disciplinary action by the Board under M.G.L. c. 112, §§ 42A and 61, 247 CMR 10.03(1)(h), and 247 CMR 10.03(1)(x).

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

4. The Licensee agrees to a SUSPENSION his license for no less than four (4) months ("Suspension Period") and to refrain from practicing as a pharmacist and from working in any pharmacy-related setting in Massachusetts, commencing with the date on which the Board signs this Agreement ("Effective Date"). The Licensee further agrees to immediately return his original Massachusetts pharmacist registration to the Board.
  
5. After the Suspension Period, and when the Licensee can complete to the satisfaction of the Board all of the requirements set forth in this Paragraph and in the Board's policy 2011-02 "License Reinstatement following Surrender, Suspension, or Revocation," the Licensee may petition the Board for reinstatement of his license. The petition must be in writing and must include the following documentation of the Licensee's ability to practice as a pharmacist in a safe and competent manner, all to the Board's satisfaction:
  - a. All documentation required pursuant to Board's policy 2011-02 "License Reinstatement following Surrender, Suspension, or Revocation".
  - b. Documentation demonstrating that the Licensee has entered into a contract with the Massachusetts Professional Recovery System ("MPRS").
  - c. Documentation from the MPRS coordinator that (1) verifies that the Licensee has participated in and remained in compliance with MPRS, and (2) makes recommendations concerning reinstatement, probation length, and probation terms.
  - d. A performance evaluation sent directly to the Board from each of the Licensee's employers, prepared on official letterhead that reviews the Licensee's attendance, general reliability, and specific job performance during the year immediately prior to the date on which the Licensee submits his petition ("petition date").<sup>2</sup>

---

<sup>2</sup> If the Licensee has not been employed during the year immediately prior to the petition date, he shall submit an affidavit to the Board so attesting.

Israel Aker  
PH26335  
PHA-2014-0191

- e. Authorization for the Board to obtain a Criminal Offender Record Information ("CORI") report of the Licensee conducted by the Massachusetts Criminal History Systems Board.
  - f. Documentation that the Licensee has completed, at least one year prior to the petition date, all requirements imposed upon him in connection with all criminal and/or administrative matter(s) arising from, or related to, the conduct identified in Paragraph 2.<sup>3</sup> Such documentation shall be certified and sent directly to the Board by the appropriate court or administrative body and shall include a description of the requirements and the disposition of each matter.
  - g. Certified documentation from the state board of pharmacy of each jurisdiction in which the Licensee has ever been registered to practice as a pharmacist, sent directly to the Massachusetts Board identifying his license status and discipline history, and verifying that his pharmacist license is, or is eligible to be, in good standing and free of any restrictions or conditions.
6. If and when the Board determines the Licensee has complied to the Board's satisfaction with all the requirements contained in Paragraph 5, the Board shall send written notice to the Licensee<sup>4</sup> which shall terminate the Suspension Period. The Licensee understands and agrees that his license shall be placed on PROBATION for no less than four (4) years ("Probationary Period") commencing immediately upon the date of reinstatement. The Board will determine additional terms and conditions for the Probationary Period at the time of reinstatement. The Probationary Period terms shall include continued participation in the MPRS program.
7. The Board agrees that in return for the Licensee's execution and successful compliance with all the requirements of this Agreement it will not prosecute the Complaint.

---

<sup>3</sup> If there have been no criminal or administrative matters against the Licensee arising from or in any way related to the conduct identified in Paragraph 2, the Licensee shall submit an affidavit so attesting.

<sup>4</sup> 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.

Israel Aker  
PH26335  
PHA-2014-0191

8. The Licensee understands that he has a right to formal adjudicatory hearing concerning the Complaints 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.
9. 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.
10. 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.
11. 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.

Israel Aker 5/13/15  
 Witness (sign and date)

Israel Aker  
 (sign and date) 5/13/15

David Sencabaugh (Cons per Admin Policy 13-03)  
 David Sencabaugh, R. Ph.  
 Executive Director  
 Board of License in Pharmacy

5-22-15  
 Effective Date

Fully Signed Agreement Sent to Licensee on 5/22/15 by  
 Certified Mail No. 70092250000181249203

Israel Aker  
 PH26335  
 PHA-2014-0191