

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Jacquelyn M. Stanley)
License Number: PH15712)
Expiration: December 31, 2018)

PHA-2015-0060

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and Jacquelyn M. Stanley ("Licensee"), a pharmacist licensed by the Board, license number PH15712, 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 her Massachusetts pharmacist license related to the conduct set forth in Paragraph 2, identified as Docket Number PHA-2015-0060.¹
2. The Board and the Licensee acknowledge and agree to the following facts:
 - a. Licensee was the owner and manager of record at Plainville Prescription Center ("Pharmacy"), a pharmacy licensed by the Board, DS1584, at times relevant hereto.
 - b. As described in 247 CMR 6.07, Licensee, as manager of record, was responsible for the operation of the Pharmacy in compliance with 247 CMR 2.00 et seq. and applicable state and federal laws and regulations.
 - c. On or about March 2, 2015, Board Investigators conducted a compliance inspection of the Pharmacy and observed the following violations:

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

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- i. Pharmacy did not maintain a biennial inventory of controlled substances, in violation of 247 CMR 9.01(1) and 21 CFR 1304.11(a) & (c);
- ii. Pharmacy failed to maintain accurate records of outdated medications, in violation of 247 CMR 9.01(1) and 21 CFR 1304.21(a);
- iii. Pharmacy was not maintained in a clean and sanitary manner and had excess debris, a leaking roof, and water damaged ceiling tiles, in violation of 247 CMR 6.02(1);
- iv. Pharmacy was not equipped with appropriate sanitary appliances, including a suitable sink with hot and cold running water that is situated in or near the prescription area, in violation of 247 CMR 6.01(5)(a)(7);
- v. The Schedule II safe and pre-pack area were located in an unsecured area, in violation of 247 CMR 9.01(5);
- vi. Investigators observed expired medications in the pharmacy inventory, in violation of 247 CMR 9.01(10);
- vii. Pharmacy did not have sufficient space to accommodate pharmaceutical equipment, apparatus, and supplies, and to facilitate the proper preparation of prescribed medications, in violation of 247 CMR 6.01(5)(b).
- viii. Pharmacy failed to maintain a daily temperature log for refrigeration and did not have a certified thermometer, in violation of 247 CMR 9.01(1) & (5) and Board Policy No. 2011-01;
- ix. Pharmacy failed to maintain policies and procedures to respond to out of range temperature readings, in violation of 247 CMR 9.01(1) & (5) and Board Policy No. 2011-01;
- x. Pharmacy failed to maintain policies to not allow beverages to be stored in the refrigerators or freezers with controlled substances, in violation of 247 CMR 9.01(1) & (5) and Board Policy No. 2011-01;
- xi. Hazardous drugs were not stored appropriately, in violation of 247 CMR 9.01(3) and USP 795;
- xii. Pharmacy failed to maintain written standard operating procedures for all significant procedures performed in the compounding area, in violation of 247 CMR 6.07(1)(d) & (e), 247 CMR 9.01(3), and USP 795;
- xiii. Pharmacy possessed medications previously dispensed by CVS Pharmacy for the purpose of re-dispensing in seven day planners, in violation of 247 CMR 9.01(4);

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- xiv. The seven day medication planners were not properly labeled, in violation of M.G.L. c. 94C, § 21;
- xv. Pharmacy failed to maintain a master formulation records and compounding records for compounded medications, in violation of 247 CMR 9.01(3) and USP <795>;
- xvi. Pharmacy failed to properly label compounded medications, in violation of 247 CMR 9.01(3) and USP <795>; and
- xvii. Pharmacy was deficient in all requirements for a CQI program, in violation of 247 CMR 15.00.

3. The Licensee acknowledges that the foregoing facts warrant disciplinary action by the Board under M.G.L. c. 12, §§ 42A & 61 and 247 CMR 10.03.

4. The Board acknowledges the receipt of the following:

- a. Documentation demonstrating successful completion of five (5) continuing education credits required for the license renewal cycle 2013 – 2014;
- b. Documentation demonstrating successful completion of fifty-nine and one-quarter (59.25) contact hours of continuing education completed in 2017 as remediation for Licensee's continuing education deficiency during the 2013 – 2014 license renewal cycle;
- c. Documentation demonstrating successful completion of at least four (4) contact hours of continuing education in Pharmacy Law;
- d. An attestation demonstrating Licensee read and reviewed 247 CMR 2.00 et seq.

The Registrant and the Board acknowledge that the Board's receipt of this documentation was a precondition to be met before the Board enters into this Agreement.

- 5. The Licensee agrees that the Board shall impose a REPRIMAND on her 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 she has a right to formal adjudicatory hearing concerning the Complaint and that during said adjudication she would possess the right to confront and cross-examine witnesses, to call witnesses, to present

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evidence, to testify on her 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 she is knowingly and voluntarily waiving her right to a formal adjudication of the Complaint.

8. The Registrant acknowledges that she 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.
10. The Licensee certifies that she 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.

Linda Lee Murphy 11/6/17
Witness (sign and date)

Jacquelyn M. Stanley 11/6/17
Jacquelyn M. Stanley
(sign and date)

11-17-2017
Effective Date

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

Fully Signed Agreement Sent to Registrant on 11/17/17 by
Certified Mail No. 7015 1730 0000 7973 7564

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