

COMMONWEALTH OF MASSACHUSETTS

Received

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
James M. Muzzy)
Pharmacist Registration No. 22318)

Docket Nos. PH-08-102
20080710PH004

COPY BOARD OF
PHARMACY

CONSENT AGREEMENT

The Board of Registration in Pharmacy ("Board") and James M. Muzzy, R.Ph. ("Registrant"), a pharmacist registered by the Board (Pharmacist Registration No. 22318), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the file of Registrant which is maintained by the Board:

1. The parties enter into this Consent Agreement ("Agreement") in order to resolve certain complaints pending against Registrant as Docket No. PH-08-102 and 20080710PH004 (the "Complaints").
2. The Complaint (PH-08-102) alleged that on or about March 1, 2008, while employed as a pharmacist at Louis and Clark Drug Store, Inc. located at 490 Page Blvd., in Springfield, Massachusetts, Registrant incorrectly dispensed a prescription for Depakote EC® 500mg three times with Depakote ER® 500 mg three times daily as alleged in the Complaint. Additionally, the Complaint (20080710PH004) alleged that on or about April 9, 2008, Registrant incorrectly dispensed a prescription for Trifluoperazine 5mg (blister card) with Trihexyphenidyl 5mg as alleged in the Complaint.
3. Accordingly, the Registrant freely agrees to the following:
 - a. That the conduct described in Paragraph 2 above constitutes professional misconduct which warrants disciplinary action pursuant to G.L. c. 112, §§ 42A and 61 and 247 CMR 9.01(1), and 10.03 (1)(a)(k); and
 - b. Registrant's Massachusetts Pharmacist Registration is hereby **REPRIMANDED** by the Board for Registrant's conduct in this matter;
 - c. Registrant shall complete two (2) hours of continuing education (CE) related to medication error prevention topics and five (5) LIVE CE's which may not also be used for license renewal. Registrant shall submit the ORIGINAL CE certificates of completion to the Board along with a copy of the Agreement within ninety (90) days of the Effective date of the Agreement; and
 - d. The Registrant shall return a signed copy of this Agreement to the Board within ten (10) days of receipt.

4. The Agreement and its contents shall become a part of the records maintained by the Board, and as such, is a public record subject to disclosure to the public, other licensing boards, and the National Association of Boards of Pharmacy.
5. The Board agrees that in return for the Registrant's execution of this Agreement, and compliance with the terms and conditions outlined in Paragraph 3, the Board will not advance the prosecution of the Registrant pursuant to the Complaint; any and all other rights of the Board to take action within the scope of its authority are expressly reserved.
6. The Registrant understands and agrees that his failure to abide by the terms of this Agreement shall nullify the representations contained in Paragraph 5 and permit the Board to initiate formal adjudicatory action under the State Administrative Procedure Act (G.L. c. 30A) and 801 CMR 1.00 *et. seq.*
7. The Registrant understands and agrees that his decision to enter into this Agreement and to accept the terms and conditions herein described is a final act and is not subject to reconsideration or judicial review.
8. The Registrant states that he has used legal counsel in connection with his decision to enter into this Agreement or, if he did not, that he had an opportunity to do so and that his decision to enter into this Agreement was made of his own free will.
9. Registrant certifies that he has read this document entitled "Consent Agreement." The Registrant understands that, by executing this Agreement, he is waiving his right to a formal hearing at which time he would possess the rights 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 court in the event of an adverse ruling, and all other rights set forth in the State Administrative Procedure Act, G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.*

Shawn Theriault
Witness (signature)

Shawn Theriault
Witness (print name)

James M. Muzzy R.Ph.
James M. Muzzy, R.Ph.
Registrant
Date: 9/8/09

BOARD OF REGISTRATION
IN PHARMACY

James T. DeVita
James T. DeVita, R.Ph.
President
Effective Date: 9/2/09

Dec. No. 1805 & 1959