

RECEIVED

JUL 25 2014

COMMONWEALTH OF MASSACHUSETTS OFFICE OF PUBLIC PROTECTION

SUFFOLK COUNTY

BOARD OF REGISTRATION IN
PHARMACY

In the Matter of)
JAMES T. NIXON)
PH License No. 18616)
Expiration Date: 12/31/1998)

PHA-2013-0159

CONSENT AGREEMENT FOR VOLUNTARY SURRENDER

The Massachusetts Board of Registration in Pharmacy ("Board") and James T. Nixon ("Licensee"), a Pharmacist with an expired registration, PH18616, 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 his Massachusetts pharmacist registration ("registration") related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2013-0159 ("the Complaint").¹
2. The Board and the Licensee acknowledge and agree to the following facts:
 - a. While employed as a pharmacist at a pharmacy, the Licensee diverted Controlled Substances.
 - b. The Licensee practiced pharmacy while under the influence of Controlled Substances.
 - c. On or about October 29, 2013, the New Hampshire Board of Pharmacy issued an Order of Emergency License Suspension against the Licensee's New Hampshire pharmacist license and Notice of Hearing.
 - d. On or about November 14, 2013, the New Hampshire Board of Pharmacy accepted the Licensee's offer to voluntarily surrender his New Hampshire pharmacist license.
3. The Board and Licensee acknowledge and agree that the Licensee's conduct described in Paragraph 2 warrants disciplinary action by the Board under M.G.L. c. 112, §§ 42A and 61 and Board regulations at 247 CMR 10.03(t).

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

4. The Licensee agrees to SURRENDER his right to renew his pharmacist license for an indefinite period of time and 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").
5. The Licensee agrees that he will not practice as a pharmacist or work in a pharmacy-related setting in Massachusetts on or after the Effective Date unless and until the Board reinstates his registration.²
6. The Board agrees that in return for the Licensee's execution of this Agreement it will not prosecute the Complaint.
7. The Licensee understands that he has a right to formal adjudicatory hearing concerning the allegations against him 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.
8. The Licensee acknowledges that he has at all times been 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. 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 he has read this Agreement. The Licensee understands and agrees that entering into this Agreement is a final act and not subject to reconsideration, appeal or judicial review.

² The Licensee understands that practice as a registered pharmacist includes, but is not limited to, seeking and/or accepting a paid or voluntary position as a registered pharmacist, or a paid or voluntary position requiring that the applicant hold a current pharmacist registration. The Licensee further understands that if he accepts a voluntary or paid position as a pharmacist, or engages in any practice of pharmacy after the Effective Date and before the Board formally reinstates his registration, evidence of such practice shall be grounds for the Board's referral to any such unlicensed practice to the appropriate law enforcement authorities for prosecution.

CA Pki

Witness (sign and date)

[Signature]

James T. Nixon
Licensee (sign and date)

[Signature]

David Sencabaugh
Executive Director
Board of Registration in Pharmacy

July 28, 2014

Effective Date of Surrender Agreement

Fully Signed Agreement Sent to Licensee on July 28, 2014 by
Certified Mail No. 7012 3460 0003 3582 4329