

NOV 23 2014

COMMONWEALTH OF MASSACHUSETTS

BOARD OF
PHARMACY

SUFFOLK COUNTY

BOARD OF REGISTRATION IN
PHARMACY

IN THE MATTER OF
JAMES W. RUSSELL
PH18950

PHA-2014-0148

CONSENT AGREEMENT FOR VOLUNTARY SURRENDER

The Massachusetts Board of Registration in Pharmacy ("Board") and James W. Russell ("Licensee"), a pharmacist licensed by the Board, PH18950, 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:

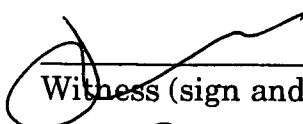
1. The Licensee acknowledges that the Board opened a complaint against his Massachusetts pharmacist license related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2014-0148 ("Complaint").¹
2. The Board and Licensee acknowledge and agree to the following facts:
 - a. Licensee falsified at least 56 prescriptions for approximately 3,486 tablets of oxycodone.
 - b. Licensee diverted approximately 3,486 tablets of oxycodone from the pharmacy where he worked as a pharmacist. Licensee did not have valid prescription for said oxycodone.
 - c. Licensee altered the pharmacy's inventory in an effort to conceal his diversion.
3. The Board and Licensee acknowledge and agree that Licensee's conduct described in Paragraph 2 constitutes a violation M.G.L. c. 94C, § 34 and is grounds for discipline by the Board pursuant to M.G.L. c. 112, § 61 and 247 CMR 10.03(x).
4. The Licensee agrees to SURRENDER his 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"). The Licensee

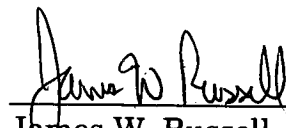
¹ The term "license" applies to both a current license and the right to renew an expired license.

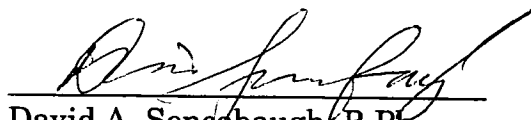
further agrees to immediately return his original Massachusetts pharmacist registration to the Board.

5. The Board may determine the terms and conditions for potential reinstatement of Licensee's pharmacist license following an evaluation by and recommendation from the Massachusetts Professional Recovery System ("MPRS").
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 he has a right to formal adjudicatory hearing concerning the Complaint 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 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 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.

 11/25/14
Witness (sign and date)
David J. Bohren, Esq.

 11/25/14
James W. Russell
(sign and date)


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

12-2-14
Effective Date of Agreement

Fully Signed Agreement Sent to Registrant on December 3, 2014 by
Certified Mail No. 9014 0570 0001 0375 1224

James W. Russell
PH18950
PHA-2014-0148