

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the matter of)
JEFFREY A. COHEN)
)
Registration No. 20734)
License expired 12/31/2012)
(reg. summarily susp. 03/19/2012)

Docket Nos. PHA-2011-0251
PHA-2012-0014

CONSENT AGREEMENT

The Massachusetts Board of Registration in Pharmacy ("Board") and Jeffrey Cohen ("Licensee"), License No. 20734, 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 complaints against his Massachusetts pharmacy license (Docket Nos. PHA-2011-0251 and PHA-2012-0014) based on the conduct set forth in Paragraph 2 of this Consent Agreement.¹
2. The Board and the Licensee acknowledge and agree that if the matters proceeded to hearing, the evidence would show that the Licensee (Jeffrey Cohen) passed a forged prescription for Valium in March of 2011 and was subsequently placed on Pre-trial Probation in Waltham District Court in September of 2012 on the charge of Uttering a False Prescription. Additionally, the Licensee and the Board acknowledge and agree that the evidence would show that Mr. Cohen failed to provide the Board with satisfactory proof that he completed the requisite number of Continuing Education credits during the last renewal period.
3. The Licensee and the Board acknowledge and agree that the Licensee's conduct as described above violates 247 CMR 9.01(1) and 10.03 (1), (a), (b), (e), (h), (l), (k), (n), (r), (u), (v) and (x).
4. To facilitate the resolution of the pending complaints, the Licensee has provided the Board with proof of the following:

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

- a. Successful completion of his pre-trial probation term and dismissal of all criminal charges pending in Waltham District Court;
 - b. Successful completion of ninety (90) hours of continuing education credits; and
 - c. A demonstrated willingness to cooperate in the completion of a CORI search relating to the Licensee.
5. The Board (acknowledging the actions enumerated in Paragraph #4 of this Agreement) and the Licensee acknowledge and agree that: 1) the Order of Summary Suspension of the Licensee's license shall be lifted allowing the Licensee to resume the practice of pharmacy as a pharmacist; and 2) the Licensee's license shall be placed on **PROBATION for a minimum of 12 months** ("Probationary Period"). Both the lifting of the Order of Summary Suspension and the commencement of the probationary period shall occur on the date on which the Board signs this Agreement ("Effective Date").
6. During the Probationary Period, the Licensee agrees that he shall comply with all applicable laws, regulations, and accepted standards of pharmacy practice. The Licensee further agrees that he shall continue with weekly mental health counseling during the probationary term.
7. The Board agrees that in return for the Licensee's execution of this Agreement it will not prosecute the Complaint.
8. If the Licensee has complied to the Board's satisfaction with all the requirements contained in this Agreement and if the Board (in its sole discretion) determines that the Licensee is in all respects fit to resume practicing as a pharmacist, the Probationary Period will terminate **12 months** after the Effective Date upon written notice to the Licensee from the Board².
9. If the Licensee has not materially complied with each requirement of this Agreement or is otherwise deemed to be unfit to resume practice as a pharmacist for any reason (including, but not limited to having been the subject of a new or subsequent Complaint³ during the Probationary Period), the Licensee agrees to the following:
 - a. The Board may upon written notice to the Licensee, as warranted to protect the public health, safety, or welfare:

² 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.

³ The term "Subsequent Complaint" applies to a complaint opened after the Effective Date concerning acts, omissions, or events occurring after the Effective Date, which (1) alleges that the Licensee engaged in conduct that violates Board statutes or regulations, and (2) is substantiated by evidence, as determined following the complaint investigation during which the Licensee shall have an opportunity to respond.

- b. EXTEND the Probationary Period; and/or
 - c. MODIFY the Probation Agreement requirements; and/or
 - d. IMMEDIATELY SUSPEND the Licensee's pharmacist license.
10. If the Board suspends the Licensee's pharmacy license pursuant to Paragraph 9(d), the suspension shall remain in effect until:
- a. the Board provides Licensee written notice that the Probationary Period is to be resumed and under what terms; or
 - b. the Board and Licensee sign a subsequent agreement; or
 - c. the Board issues a written final decision and order following adjudication of the allegations (1) of noncompliance with this Agreement, and/ or (2) contained in the Subsequent Complaint.
11. Licensee agrees that if the Board suspends his pharmacist license in accordance with Paragraph 9, he will immediately return his current Massachusetts pharmacist license to the Board, by hand or certified mail. Licensee further agrees that upon said suspension, he will no longer be authorized to practice as a pharmacist in the Commonwealth of Massachusetts and shall not in any way represent himself as a pharmacist until such time as the Board reinstates his pharmacist license or right to renew such license.
12. 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 its right to a formal adjudication of the Complaints.
13. The Licensee acknowledges that he has been represented by legal counsel in connection with the Complaint and this Agreement.
14. 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.

15. 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.

R. S. Glabe
Witness (sign and date)
10/31/2013

Jeffrey Cohen 10/31/2013
Jeffrey Cohen (sign and date)

Margaret Cittadino
Margaret Cittadino
Associate Director
Board of Registration in Pharmacy

October 9, 2013

Effective Date of Probation Agreement

Fully Signed Agreement Sent to Licensee on October 10, 2013 by Certified Mail
No. 7012 3460 0001 7331 1562