

COMMONWEALTH OF MASSACHUSETTS

Received

SUFFOLK COUNTY

FEB 25 2010

BOARD OF REGISTRATION
IN PHARMACY

BOARD OF
PHARMACY

In the Matter of)
Jessica Howe)
Pharmacy Technician Registration No. 8842)
Expiration 08/29/2011)

Docket No. PHA-2009-0164

CONSENT AGREEMENT

The Board of Registration in Pharmacy ("Board") and Jessica Howe ("Registrant"), a pharmacy technician registered by the Board (Pharmacist Registration No. 8842), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the file of the Registrant which is maintained by the Board:

1. The parties enter into this Consent Agreement ("Agreement") in order to resolve disputed matters arising out of a complaint pending against the Registrant before the Board as Docket No. PHA-2009-0164 (the "Complaint").
2. The Complaint alleges that on or about July 1, 2009, Registrant, while employed as a pharmacy technician at Ameridose, located at 50 Fountain Street in Framingham, Massachusetts, tested positive for a controlled substance (marijuana).
3. Accordingly, the Registrant freely agrees to the following terms for registration by the Board as a pharmacy technician:
 - a. That her conduct as described in Paragraph 2 above constitutes unprofessional conduct warranting disciplinary action by the Board for conduct in violation of G.L. c. 112, s. 61 and 247 CMR 10.03(1), subsections (e), (h), (k), (r) and (u);
 - b. That her pharmacist technician registration will be placed on PROBATIONARY STATUS for a minimum two-year period commencing as of the Effective Date of the Agreement ("Probation Period"). Termination of the Probation Period shall be governed by Paragraph 4 of the Agreement;
 - b. To submit to a Board approved substance abuse evaluation prior to reviewing any petition for termination of the Probation Period; the results of which will be reviewed by the Board to determine if Registrant will be required to meet any additional terms and conditions to continue employment as a pharmacy technician, including, but not limited to, an appearance before the Board to review the Petition and any Board required discuss additional terms and conditions;

- c. To provide a copy of this Agreement to each employer during the Probation Period; and
 - d. To return a signed copy of this Agreement to the Board within ten days of receipt.
4. Registrant acknowledges and agrees that the termination of the Probation Period referenced in Paragraph 3 shall be granted only if Registrant has satisfied the following conditions:
- a. Registrant must apply in writing to the Board for the termination of the Probation Period; and
 - b. Registrant must have fully complied with all terms and conditions of the Agreement and meet all other requirements for licensure.
5. 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.
6. The Registrant understands and agrees that her 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.
7. The Registrant states that she has used legal counsel in connection with her decision to enter into this Agreement or, if she did not, that she had an opportunity to do so and that her decision to enter into this Agreement was made of her own free will.
8. Registrant certifies that she has read this document entitled "Consent Agreement". The Registrant understands that, by executing this Agreement, she is agreeing to the terms and conditions for registration by the Board.

Paula Anderson R.Ph.

Witness (signature)

Paula Anderson R.Ph.

Witness (print name)

Jessica Howe

Jessica Howe

Date: 2/24/10

Board of Registration in Pharmacy

James T. DeVita

James T. DeVita, R.Ph.

Past-President

Effective Date: 3/1/10