

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

\_\_\_\_\_)  
In the Matter of )  
JOHN A. FLORIA, JR ) Docket No. PHA-2013-0046  
)  
Pharmacist Reg. No. PH 19594 )  
Registration expired 12/31/16 )  
\_\_\_\_\_)

**CONSENT AGREEMENT FOR PROBATION**

The Massachusetts Board of Registration in Pharmacy (“Board”) and John A. Floria, Jr. (“Registrant”), Reg. No. 19594, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Registrant’s record maintained by the Board:

1. The Registrant acknowledges that a complaint has been filed with the Board against his Massachusetts pharmacist registration (“registration”<sup>1</sup>) related to the conduct set forth in paragraph 2 of this agreement, identified as Docket No. PHA-2013-0046.<sup>2</sup>
2. The Registrant acknowledges that in May of 2013 he was the Manager of Record for Pawtucket Pharmacy (“the Pharmacy”) and was aware that, at the time (and since June of 2011), the Pharmacy was subject to a probation condition which barred it from compounding medications. The Registrant further acknowledges that in May of 2013 he engaged in and/or allowed the compounding of medications despite being aware of the probation restriction and failed to ensure that the compounding which was conducted was carried out in a safe and appropriate environment.

<sup>1</sup> The term “registration” applies to both a current registration and the right to renew an expired registration.

<sup>2</sup> The term “registration” applies to both a current registration and the right to renew an expired registration.

3. The Registrant admits that the conduct referenced in Paragraph 2 of this Consent Agreement for Probation violated the terms of the probationary agreement signed in June of 2011 (the PHA-2011-0011 agreement) and failed to comply with the Board's regulations at 247 Code of Massachusetts Regulations ("CMR") 9.01(3), Massachusetts General Laws ("G.L.") Chapter 112, section 61 and Board regulations at 247 CMR 10.06, Disciplinary Actions.
4. The Registrant agrees that his registration shall be placed on **PROBATION** for a term of one (1) year (the "Probationary Period"), commencing with the date on which the Board signs this Agreement ("Effective Date").
5. During the Probationary Period, the Registrant agrees that he shall:
  - a. comply in all material respects with all laws and regulations governing the practice of pharmacy and the United States Pharmacopeia; and
  - b. take the Multistate Pharmacy Jurisprudence Examination (the "MPJE")
6. If the Registrant achieves a passing grade of 75% (or higher) on the MPJE and has complied to the Board's satisfaction with all other requirements contained in this Agreement, the Board will act to terminate the Probationary Period. Termination of the Probation Period will not be official until written notice of the termination of probation is sent to the Registrant from the Board<sup>3</sup>.
7. If the Registrant does not comply with the terms of this Agreement, or if the Board opens a Subsequent Complaint<sup>4</sup> during the Probationary Period, the Registrant agrees to the following:
  - a. The Board may upon written notice to the Registrant, as warranted to protect the public health, safety, or welfare:
    - i. EXTEND the Probationary Period; and/or
    - ii. MODIFY the Probation Agreement requirements; and/or
    - iii. IMMEDIATELY SUSPEND the Registrant's registration.

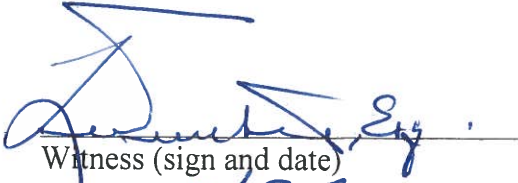
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<sup>3</sup> In all instances where this Agreement specifies written notice to the Pharmacist from the Board, such notice shall be sent to the Pharmacist's address of record.

<sup>4</sup> 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 Pharmacist engaged in conduct that violates Board statutes or regulations, and (2) is substantiated by evidence, as determined following the complaint investigation during which the Pharmacist shall have an opportunity to respond.

- b. If the Board suspends the Registrant's registration pursuant to Paragraph 7(a) (iii), the suspension shall remain in effect until:
      - i. the Board provides the Registrant written notice that the Probationary Period is to be resumed and under what terms; or
      - ii. the Board and the Registrant sign a subsequent agreement; or
      - iii. 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.
8. The Registrant agrees that if the Board suspends his registration in accordance with Paragraph 7, he will immediately return his current Massachusetts registration to the Board, by hand or certified mail. The Registrant further agrees that upon said suspension, he will no longer be authorized to operate 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 registration or his right to renew such registration.
9. The Board agrees that in return for the Registrant's execution and successful compliance with the requirements of this Agreement it will not prosecute the Complaint.
10. The Registrant understands that he has a right to a formal adjudicatory hearing concerning the Complaints 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 Registrant further understands that by executing this Agreement he is knowingly and voluntarily waiving his right to a formal adjudication of the Complaints.
11. The Registrant acknowledges that he has been represented by legal counsel in connection with the Complaint or was aware of his right to retain counsel at his own expense.
12. The Registrant 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.

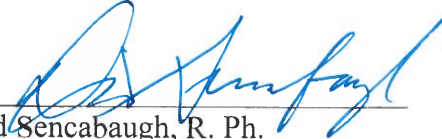
13. The Registrant acknowledges that he has read this Agreement and understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal, or judicial review.

  
Witness (sign and date)  
12/18/15

Lewis G. Demetriou, Esq.

 12/18/15  
Signature and Date

John A. Floria Jr  
Print Name

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

January 12, 2016  
Effective Date of Probation Agreement

Fully Signed Agreement Sent to Registrant on January 13, 2016 by Certified  
Mail No. 7615 1520 0002 8254 7009