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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF
BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
JOHN M. ALEXANDER, R.PH.)
Pharmacist Registration No. 20639)

Docket No. PH-91-039

CONSENT AGREEMENT FOR PROBATION

The Board of Registration in Pharmacy ("Board") and John M. Alexander ("Registrant"), a pharmacist registered by the Board (Pharmacist Registration No. 20639), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the file of Registrant which is maintained by the Board:

1. The parties enter into this Consent Agreement for Probation ("Probation Agreement") pursuant to the terms and conditions of those certain agreements and requirements of the Board related to the above-referenced complaint and Registrant's petition for reinstatement of his pharmacist license in the Commonwealth, specifically: (a) the Consent Agreement ("2002 Consent Agreement"), effective October 17, 2002; (b) the Consent Agreement dated June 28, 1991; (c) the Massachusetts Professional Recovery System (MPRS) contract dated July 30, 2002 as extended thru May 2008; (d) various communications from the Board, including a June 13, 2008; and (e) letter from MPRS coordinator dated October 31, 2007 to the Board.; pursuant to the terms of which Registrant has petitioned the Board for the terminate the suspension of Registrant's pharmacist license (the "Suspension Period"), which suspension commenced effective June 28, 1991.
2. The Board acknowledges that Registrant has completed: (a) NAPLEX (12/29/09); (b) MPJE (3/21/08); (c) MPRS (May 6, 2008); (d) minimum 1500 hours of experiential pharmacy apprenticeship (completed 9/9/09 with employment as graduate intern continuing to date of this Probation Agreement); and (e) *Online Pharmacy Refresher Course* Module One (8/11/08).
3. Registrant acknowledges that the termination of the Suspension Period is conditioned upon Registrant's agreement to the following terms and conditions:
 - a. On the date the Suspension Period is terminated, the Board will place Registrant's license on probationary status for a minimum five-year period ("Probation Period"). Termination of the Probation Period shall be governed by Paragraph 4 of this Agreement; and

b. During the Probation Period, the Registrant acknowledges and agrees:

- (1) Registrant may not act as a pharmacist manager of record in any pharmacy setting;
- (2) Registrant shall be required to provide a copy of this Agreement to each employer where he is employed as a pharmacist or other pharmacy support position in any pharmacy setting. Registrant's employer(s) must provide written verification of receipt and review of this Agreement to the Board. Registrant shall provide notice to the Board of any change in employment status and information regarding the change in status, including voluntary (resignation) and involuntary (termination) changes in employment in any employment setting within twenty four hours of any change in employment. It shall be Registrant's responsibility to ensure all verifications (employers and prescribers) are provided to the Board as required hereunder;
- (3) During the initial twelve months of the Probation Period, or such longer period as may be required by the Board, Registrant must undergo Board-approved monitoring, including random drug/alcohol screening, such monitoring to commence as of the Effective Date of the Agreement. Registrant must arrange for the results of random, supervised urine tests for substances of abuse, collected from the Registrant no less than fifteen (15) times per year during the **initial** twelve months of the Probation Period, in accordance with and as set forth in **Attachment A**, all of which tests must be negative. Registrant may apply in writing to the Board for termination of the random drug/alcohol screening requirement following twelve contiguous months of negative screenings. Registrant may not terminate screenings without prior approval of the Board;
- (4) Registrant must refrain from the consumption of alcohol and the use of all controlled substances unless specifically prescribed by a treating physician and approved by the Board, who has been informed of the Registrant's history, for the purpose of prescribing for a legitimate medical purpose and in the usual course of the physician's practice;
- (5) If prescribed any controlled substance, Registrant shall notify the Board within five (5) days and arrange for the prescriber to submit directly to the Board a written statement of the identity and amount of each controlled substance prescribed, and medical necessity for said prescription;
- (6) Registrant hereby waives any privileges concerning and all information, reports and records, which release includes the Registrant's waiver of any privileges and immunities he may possess regarding all material covered by 42 CFR Part 2, and the Criminal Offender Records Information (CORI) Act (G.L. c. 6, §§ 167-178) and authorizes the Board to have access to all such information and records; and

(7) Registrant must notify the Board in writing within ten (10) days of any change in the Registrant's name and or address.

4. Registrant agrees that termination of the Probation Period shall be granted only if he has met the following conditions:

- a. Registrant must apply in writing to the Board for termination of the Probation Period. The Board may request a conference to discuss the merits of such request and request documentation regarding employment status; and
- b. Registrant has fully complied with all terms and conditions of this Agreement and meets all other requirements for licensure.

5. Registrant acknowledges that this Agreement shall be incorporated into the records maintained by the Board, is a matter of public record, and subject to disclosure without limitation to the public and equivalent state licensing boards.

6. The Registrant understands and agrees that, at any time during the Probation Period, upon a determination by the Board of any violation of any of the terms and conditions of this Agreement, or any violation of the applicable laws, rules and regulations governing the practice of pharmacy, the Board may seek to immediately suspend or otherwise discipline the Registrant's license to practice pharmacy without the requirement of further proceedings pursuant to M.G.L. c. 30A for a period of time deemed necessary by the Board.

7. The Registrant understands and agrees that any of the following may be considered by the Board to be a violation of this Agreement and a basis for disciplinary action by the Board:

- a. A toxicology screen is found to contain any evidence of any controlled substance in violation of this Agreement; or
- b. the Board has other reliable evidence that the Registrant has used any controlled substance in violation of this Agreement; or
- c. the Registrant withdraws any waiver or release provided and/or filed in connection with this Agreement.

8. The Registrant understands and agrees that his 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.

9. The Registrant states that he has used legal counsel in connection with his decision to enter into this Agreement or if he did not, that he had an opportunity to do so.

10. The Registrant certifies that he has read this document entitled "Consent Agreement". The Registrant understands that, by executing this Agreement, he is agreeing to the terms and conditions pursuant to which the Board will terminate the Suspension Period and place his license on probationary status on the terms and conditions set forth herein.

MaryAnn Alexander
Witness (signature)

MARY ANN ALEXANDER
Witness (Print Name)

John M. Alexander
John M. Alexander, R.Ph.

Effective Date: 3/5/10

BOARD OF REGISTRATION
IN PHARMACY

Joanne M. Trifone
Joanne M. Trifone, R.Ph.
President
Date: March 3, 2010

Dec. No. 2279