

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

In the Matter of  
John T. Finnegan  
PH License No. 16847  
Expiration Date: December 31, 2014

DOCKET NO. PHA-2012-0192

CONSENT AGREEMENT FOR VOLUNTARY SURRENDER

The Massachusetts Board of Registration in Pharmacy ("Board") and John T. Finnegan ("Licensee"), a registered pharmacist by the Board, Registration No. PH16847, 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 a complaint has been filed with the Board against his Massachusetts pharmacy registration ("registration"<sup>1</sup>) related to the conduct set forth in paragraph 2, identified as Docket No. PHA-2012-0192 ("the Complaint").
2. The Licensee acknowledges that he entered into a Reprimand Agreement with the Board of Registration in Pharmacy effective December 22, 2010 as a result of PHA-2010-0113. The Licensee also acknowledges that he failed to comply with certain terms of said Agreement. The Licensee acknowledges that his conduct constitutes failure to comply with the Board's regulations at 247 Code of Massachusetts Regulations ("CMR") 10.03 (1) (j) and warrants disciplinary action by the Board under Massachusetts General Laws ("G.L.") Chapter 112, section 61 and Board regulations at 247 CMR 10.06, Disciplinary Actions.
3. The Licensee agrees to **SURRENDER** his pharmacy registration for an indefinite period commencing with the date on which the Board signs this Agreement ("Effective Date").
4. After the Surrender Period, and when the Licensee can complete to the satisfaction of the Board all of the requirements set forth in this Paragraph and in the Board's policy 2011-02 "License Reinstatement following Surrender, Suspension, or Revocation," the Licensee may petition the Board for reinstatement of his registration. The petition must be in writing and must include the following documentation of the Licensee's ability to practice as a pharmacist in a safe and competent manner, all to the Board's satisfaction:

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

- a. All documentation required pursuant to Board's policy 2011-02 "License Reinstatement following Surrender, Suspension, or Revocation,"
  - b. Proof of completion of 90 CE hours of continuing education (CE) which must include include thirty (30) hours of LIVE CE and twelve(12 hours of LAW CE and submit the ORIGINAL CE certificates of completion to the Board. The Registrant may not use these CE's for purposes of license renewal.
  - c. After the Effective Date of the Agreement, Registrant shall take and pass the Multistate Pharmacy Jurisprudence Examination (MPJE®) with a score of at least 75% and submit confirmation of score results to the Board
  - d. Authorization for the Board to obtain a Criminal Offender Record Information ("CORI") report of the Licensee conducted by the Massachusetts Criminal History Systems Board.
5. If and when the Board determines that the Licensee has complied to the Board's satisfaction with all the requirements contained in Paragraphs 4, the Board shall send written notice to the Licensee<sup>2</sup> which shall terminate the Surrender Period.
  6. The Licensee agrees that he will not practice as a registered pharmacist in Massachusetts from the Effective Date unless and until the Board reinstates his registration<sup>3</sup>.
  7. The Board agrees that in return for the Licensee's execution of this Agreement it will not prosecute the Complaint.
  8. The Licensee understands that he has a right to formal adjudicatory hearing concerning the allegations against him 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, 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.

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<sup>2</sup> 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.

<sup>3</sup> The Licensee understands that practice as a registered pharmacist includes, but is not limited to, seeking and/or accepting a paid or voluntary position as a registered pharmacist, or a paid or voluntary position requiring that the applicant hold a current pharmacy registration. The Licensee further understands that if he accepts a voluntary or paid position as a registered pharmacist, or engages in any practice of pharmacy after the Effective Date and before the Board formally reinstates his registration, evidence of such practice shall be grounds for the Board's referral of any such unlicensed practice to the appropriate law enforcement authorities for prosecution, as set forth in G. L. c. 112, ss. 65 and 80.

9. The Registrant acknowledges that he has been at all times free to seek and legal counsel in connection with the Complaint and this Agreement.
10. 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.
11. The Licensee certifies that he has read this Agreement. The Licensee understands and agrees that entering into this Agreement is a final act and not subject to reconsideration, appeal or judicial review.

*Phyllis Varley 11-21-14*  
 Witness (sign and date)

*John T. Finnegan 11-20-2014*  
 John T. Finnegan  
 Licensee (sign and date)

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 Witness (print name)

*David Sencabaugh*  
 David Sencabaugh  
 Executive Director  
 Board of Registration in Pharmacy

01-01-2015  
 Effective Date of Surrender Agreement

Fully Signed Agreement Sent to Licensee on 1-2-15 by Certified  
 Mail No. 7014 0510 0001 0374 9213