

Received

APR 22 2016

COMMONWEALTH OF MASSACHUSETTS

BOARD OF PHARMACY

SUFFOLK COUNTY

BOARD OF REGISTRATION IN PHARMACY

BOARD OF PHARMACY

In the Matter of)
Johnson Compounding and Wellness Center)
License Number: DS3579)
Expiration: December 31, 2017)

PHA-2015-0043
PHA-2015-0097

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CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and Johnson Compounding and Wellness Center ("Johnson Compounding" or "Pharmacy"), a pharmacy licensed by the Board, license number DS3579, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Pharmacy's record maintained by the Board:

1. The Pharmacy acknowledges that the Board opened Complaints against its Massachusetts pharmacy license related to the conduct set forth in Paragraph 2, identified as Docket Numbers PHA-2015-0043 and PHA-2015-0097 ("Complaints").
2. The Board and the Pharmacy acknowledge and agree to the following facts:
 - a. On or about February 18, 2015, the Pharmacy compounded a batch alprostadil 500 mcg/ml and sent samples for USP <71> sterility testing, USP <85> endotoxin testing, fungal testing, and ScanRDI rapid microbial testing. The batch of compounded alprostadil remained in quarantine until the Pharmacy received ScanRDI, endotoxin, and *preliminary* USP <71> testing results. On March 2, 2015, the Pharmacy used the compounded alprostadil 500 mcg/ml in order to compound and dispense a prescription for trimix injection. The trimix prescription, which included the alprostadil, was dispensed prior to receipt of *final* USP <71> sterility testing results, in violation of 247 CMR 9.01(3).
 - b. In or about May 2015, the Pharmacy compounded Serum Tears (autologous) eye drops for Patient A. On or about May 30, 2015, the Pharmacy incorrectly dispensed the Serum Tears (autologous) eye drops intended for Patient A to Patient B. As a result of the dispensing error, Patient B received and used the incorrect compounded medication.

3. The Pharmacy acknowledges that the foregoing facts warrant disciplinary action by the Board under M.G.L. c. 12, §§ 42A and 61 and under 247 CMR 10.03(a)&(v).
4. The Pharmacy agrees that the Board shall impose a REPRIMAND on its license based on the facts admitted in Paragraph 2, effective as of the date on which the Board signs this Agreement (“Effective Date”).
5. The Board agrees that in return for the Pharmacy’s execution and successful compliance with all the requirements of this Agreement, the Board will not prosecute the Complaints.
6. The Pharmacy understands that it has a right to formal adjudicatory hearing concerning the Complaints and that during said adjudication the Pharmacy would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on its 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 Pharmacy further understands that by executing this Agreement the Pharmacy is knowingly and voluntarily waiving its right to a formal adjudication of the Complaints.
7. The Pharmacy acknowledges that it has been at all times free to seek and use legal counsel in connection with the Complaints and this Agreement.
8. The Pharmacy acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board subject to the Commonwealth of Massachusetts’ Public Records Law, M.G.L. c. 4, § 7. 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.
9. The Pharmacy understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal or judicial review.

10. The individual signing this Agreement certifies that he/she is authorized to enter into this Agreement on behalf of the Pharmacy, and that he/she has read this Agreement.

[Signature] 4/21/16
Witness (sign and date)

[Signature]
Johnson Compounding and Wellness Center
(sign and date)

Stephen P. Bernard
(print name)

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

5-6-16
Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Registrant on 5/9/16 by
Certified Mail No. 7015 3010 0001 6944 5574

Johnson Compounding
DS3579
PHA-2015-0043
PHA-2015-0097