

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

Received

In the Matter of )  
**Joseph A. Davis** )  
PH License No. 18680 )  
Expiration Date: 12/31/14)

PHA-2014-0064

SEP 11

BOARD OF  
PHARMACY

**CONSENT AGREEMENT FOR VOLUNTARY SURRENDER**

The Massachusetts Board of Registration in Pharmacy ("Board") and Joseph A. Davis ("Licensee"), a pharmacist registered by the Board, PH18680, 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 the Board opened a complaint against his Massachusetts pharmacist registration ("registration") related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2014-0064 ("the Complaint").<sup>1</sup>
2. The Board and the Licensee acknowledge and agree that Licensee diverted Suboxone from the pharmacy where he was employed, that he did not have a legitimate prescription for said Suboxone, and that he diverted the Suboxone for personal use. The Board and the Licensee acknowledge and agree that Licensee voluntarily surrendered his New Hampshire pharmacist license.
3. The Board and Licensee acknowledge and agree that Licensee's conduct described in Paragraph 2 is a violation M.G.L. c. 94C, § 34 and is grounds for discipline by the Board under M.G.L. c. 112, § 61 and Board regulations at 247 CMR 10.03.

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

4. The Licensee agrees to SURRENDER his pharmacist license until such time as the Board if Regsitratio[n] of Pharmcy in New Hampshire restores his New Hampshire pharmacist license to good standing. Licensee further agrees to refrain from practicing as a pharmacist and from working in any pharmacy-related setting in Massachusetts, commencing with the date on which the Board signs this Agreement ("Effective Date"). The Licensee further agrees to immediately return his original Massachusetts pharmacist registration to the Board.
5. The Licensee agrees that he will not practice as a pharmacist or work in a pharmacy related setting in Massachusetts from the Effective Date unless and until the Board reinstates his registration.<sup>2</sup>
6. The Board agrees that in return for the Licensee's execution of this Agreement it will not prosecute the Complaint.
7. 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, M.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.
8. The Registrant acknowledges that he has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.
9. 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.

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<sup>2</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 pharmacist registration. The Licensee further understands that if he accepts a voluntary or paid position as a 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.

10. 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.

Lucas Kinker 6/9/14  
Witness (sign and date)

Joseph A. Davis 6/9/14  
Joseph A. Davis  
(sign and date)

David Sencabaugh 6-11-14  
David Sencabaugh, R. Ph.  
Executive Director  
Board of Registration in Pharmacy

~~6-11-14~~ 6-11-14  
Effective Date of Surrender Agreement HAE

Fully Signed Agreement Sent to Licensee on June 13, 2014 by  
Certified Mail No. NY 0510 0001 0375 2701