

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Julie E. Garvey)
Pharmacy Technician Reg. No. 3913)

Docket No. PHA-20100098

Received

FEB 03 2011

CONSENT AGREEMENT

BOARD OF
PHARMACY

The Board of Registration in Pharmacy ("Board") and Julie E. Garvey ("Registrant"), a pharmacy technician registered by the Board (Pharmacy Technician Registration No. 3913), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the file of the Registrant which is maintained by the Board:

1. The parties enter into this Consent Agreement ("Agreement") in order to resolve disputed matters arising out of a complaint pending against the Registrant before the Board as Docket No. PHA-2010-0098 (the "Complaint").
2. The Complaint alleged that on or about November 24, 2009, the Registrant processed a prescription for omeprazole 40 mg rather than omeprazole 20 mg while working under the direct supervision of a pharmacist. The Registrant also acknowledges that she continued to practice as a pharmacy technician at Apothecare Pharmacy located at 205 West Main Street in Hyannis, Massachusetts after her Pharmacy Technician registration (No. 3913) lapsed without timely renewal (Expiration: December 18, 2005).
3. Accordingly, the Registrant freely agrees to the following:
 - a. That Registrant's conduct as described in Paragraph 2 above warrants disciplinary action for violation of G.L. c. 112, s. 61 and 247 CMR 8.07(2) and 10.03(1)(a), 10.03(1) (i), and 10.03(1)(r); and
 - b. That the Board hereby **Reprimands** pharmacy technician registration; and
 - c. Within thirty (30) days of the Effective Date of the Agreement, Registrant shall complete two (2) hours of continuing education (CE) related to medication error prevention and submit the ORIGINAL CE certificates of completion to the Board along with a copy of the Agreement; and
 - d. Registrant shall return a signed copy of the Agreement to the Board within ten (10) days of receipt.

4. The Agreement and its contents shall become a part of the records maintained by the Board, and as such, are public records subject to disclosure to the public, other licensing boards, and the National Association of Boards of Pharmacy.

5. The Board agrees that in return for the Registrant's execution of this Agreement, the Board will not advance the prosecution of the Registrant pursuant to the Complaint; any and all other rights of the Board to take action within the scope of its authority are expressly reserved.

6. The Registrant understands and agrees that her 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.

7. The Registrant states that she has used legal counsel in connection with his decision to enter into this Agreement or, if she did not, that she had an opportunity to do so and that his decision to enter into this Agreement was made of her own free will.

8. Registrant certifies that she has read this document entitled "Consent Agreement". The Registrant understands that, by executing this Agreement, she is waiving his right to a formal hearing at which she would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her own behalf, to contest the allegations, to present oral argument, to appeal to the court in the event of an adverse ruling, and all other rights set forth in the State Administrative Procedure Act, G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.*

Whitney Fernandes
Witness (signature)

Whitney Fernandes
Witness (print name)

Julie E. Garvey
Registrant
Date: 1/28/11

Board of Registration in Pharmacy

Stanley B. Walczyk, R.Ph.
President

EFFECTIVE DATE: 2/3/2011