

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

In the Matter of )  
KATHI MORGAN )  
PH License No. 23952 )  
REG. EXP. DATE: 12/31/2012 )

PHA-2012-0162  
PHA-2013-0006

**CONSENT AGREEMENT FOR VOLUNTARY SURRENDER**

The Massachusetts Board of Registration in Pharmacy ("Board") and Kathi Morgan ("Licensee"), a pharmacist registered by the Board, Registration No. PH23952, 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 two (2) complaints have been filed with the Board against her Massachusetts pharmacist registration ("registration") related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2012-0162 and PHA-2013-0006 ("the Complaints").<sup>1</sup>
2. The Board and Licensee acknowledge and agree to the following facts:
  - a. Licensee wrote false and unauthorized prescriptions, including one (1) Z-Pak (Azithromycin) prescription and at least four (4) prednisone prescriptions, during an approximately 18 month time period ending in approximately July 2012.
  - b. Licensee did not complete 15 contact hours of continuing education in 2010, as required by 247 CMR 4.03(4). Licensee did not complete 15 contact hours of continuing education in 2011, as required by 247 CMR 4.03(4).

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

3. The Licensee acknowledges that her conduct constitutes a failure to comply with the laws and regulations governing the practice of pharmacy, including but not limited to, M.G.L. c. 94C, 247 CMR 9.01, and 247 CMR 4.03, and warrant's disciplinary action by the Board under M.G.L. c. 112, § 61 and Board regulations at 247 CMR 10.06, Disciplinary Actions.
4. The Licensee agrees to SURRENDER her registration for a minimum of one (1) year ("Surrender Period"), commencing with the date on which the Board signs this Agreement ("Effective Date").
5. 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 her 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:
  - a. A mental health evaluation, performed within the six months prior any petition for reinstatement, sent directly to the Board from Licensee's mental health provider that addresses Licensee's ability to practice as a pharmacist in a safe and competent manner.
  - b. Documentation of a passing score on the MPJE, achieved within six months prior to any petition for reinstatement.
  - c. Documentation of successful completion of 105 contact hours in continuing education completed within the 12 months prior to any petition for reinstatement. At least one contact hour of the 105 required contact hours shall be in the area of ethics. Not more than 70 contact hours of the required 105 contract hours may be acquired through home study. At least 14 contact hours of the 105 required contact hours shall be in the area of pharmacy law.
  - d. All documentation required pursuant to the Board's policy 2011-02 "License Reinstatement following Surrender, Suspension, or Revocation."

- e. A performance evaluation sent directly to the Board from each of the Licensee's employers, prepared on official letterhead that reviews the Licensee's attendance, general reliability, and specific job performance during the year immediately prior to the date on which the Licensee submits her petition ("petition date").<sup>2</sup>
  - f. Authorization for the Board to obtain a Criminal Offender Record Information ("CORI") report of the Licensee conducted by the Massachusetts Criminal History Systems Board.
  - g. Documentation that the Licensee has completed, at least one year prior to the petition date, all requirements imposed upon her in connection with all criminal and/or administrative matter(s) arising from, or related to, the conduct identified in Paragraph 2.<sup>3</sup> Such documentation shall be certified and sent directly to the Board by the appropriate court or administrative body and shall include a description of the requirements and the disposition of each matter.
  - h. Certified documentation from the state board of pharmacy of each jurisdiction in which the Licensee has ever been registered to practice as a pharmacist, sent directly to the Massachusetts Board identifying her registration status and discipline history, and verifying that her pharmacist registration is, or is eligible to be, in good standing and free of any restrictions or conditions.
6. If and when the Board determines that the Licensee has complied to the Board's satisfaction with all the requirements contained in Paragraph 5, the Board shall send written notice to the Licensee which shall terminate the Surrender Period.<sup>4</sup>
7. The Licensee agrees that if the Board reinstates her registration, the Board may place her registration on probation, with terms and conditions to be determined at the time of reinstatement.

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<sup>2</sup> If the Licensee has not been employed during the year immediately prior to the petition date, she shall submit an affidavit to the Board so attesting.

<sup>3</sup> If there have been no criminal or administrative matters against the Licensee arising from or in any way related to the conduct identified in Paragraph 2, the Licensee shall submit an affidavit so attesting.

<sup>4</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.

8. The Licensee agrees that she will not practice as a registered pharmacist in Massachusetts after the Effective Date unless and until the Board reinstates her registration.<sup>5</sup>
9. The Board agrees that in return for the Licensee's execution of this Agreement it will not prosecute the Complaints.
10. The Licensee understands that she has a right to formal adjudicatory hearing concerning the allegations against her and that during said adjudication she would possess the right 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 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 she is knowingly and voluntarily waiving her right to a formal adjudication of the Complaint.
11. The Licensee acknowledges that she has at all times been free to seek and use legal counsel in connection with the Complaint and this Agreement.
12. 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>5</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 she 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 her 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.

PH 23952

exp 12/31/14

13. The Licensee certifies that she 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.

Paul J. Morgan

Witness (sign and date)

12/20/13

Paul J Morgan

Witness (print name)

Kathi Morgan

12/20/13

**Kathi Morgan, R. Ph.**

Licensee (sign and date)

David Sencabaugh

David Sencabaugh

Executive Director

Board of Registration in Pharmacy

12-30-13

Effective Date of Surrender Agreement

Fully Signed Agreement Sent to Licensee on 12/30/13 by  
Certified Mail No. 7012 0470 0001 3526 6608

voluntary  
permanent  
surrender of  
license -  
see enclosed  
letter