

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
KEITH N. LAROCHE, R.Ph.)
PH License No. 16881)
Exp. 12/31/12)

Docket No. PHA-2010-0225

CONSENT AGREEMENT

The Board of Registration in Pharmacy ("Board") and **KEITH N. LAROCHE**, R.Ph. ("Registrant"), a pharmacist registered by the Board (Pharmacist Registration No. 16881), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the file of Registrant which is maintained by the Board:

1. The parties enter into this Consent Agreement ("Agreement") in resolution of above-referenced Complaint Docket No. PHA-2010-0225 ("Complaint").
2. Registrant acknowledges and agrees that this Agreement has been entered into as a result of his admission to the diversion, for personal use, of controlled substances by filling forged prescriptions under (a) a fictitious name for Cialis 20mg (#10 tablets) approximately 13 occasions; (b) his own name for Vitamin D, Benadryl and Hydrochlorothiazide (25mg), on various dates commencing on or about January 14, 2010 through August 10, 201, while Registrant provided pharmacy services at Wal-Mart Pharmacy (1105 Boston Road in Springfield, Massachusetts, in violation of G.L. c. 112, s. 61; 247 CMR 9.01 subsections (1), (2) and (6); and 247 CMR 10.03, subsections (1)(a); 10.03(1)(b); 10.03(1)(e); 10.03(1)(l); 10.03(1)(u); 10.03(1)(v); and 10.03(1)(w);
3. Accordingly, the Registrant freely agrees to the following:
 - a. the Registrant agrees that his conduct described in Paragraph 2 above constitutes professional misconduct warranting Board disciplinary action pursuant to G.L. c. 112, s. 61; 247 CMR 9.01 subsections (1), (2) and (6); and 247 CMR 10.03, subsections (1)(a); 10.03(1)(b); 10.03(1)(e); 10.03(1)(l); 10.03(1)(u); 10.03(1)(v); and 10.03(1)(w);
 - b. that his license will be suspended for a minimum one year period (Suspension Period), commencing September 9, 2011, during which time Registrant may not practice as a pharmacist or be employed by or provide services of any type on a premises licensed by the Board;

- c. that he must take and successfully pass with a score of at least 75%, the Multistate Pharmacy Jurisprudence Examination (MPJE) within six (6) months of the Effective Date of this Agreement. Registrant must provide Board with documentation of passing the MPJE;
 - d. that not sooner than twelve months from the effective date of this Agreement, provided the conditions described in Paragraph 3.c. have been met, Registrant may petition the Board for the termination of the Suspension Period in accordance with Paragraph 6. hereof. If the Board terminates the Suspension Period, the Board will place Registrant's license on Probationary Status for a minimum three (3) year period (Probation Period) with terms and conditions of the Probationary status to be determined by the Board; and
 - e. the Registrant agrees to return a signed copy of this Agreement to the Board within ten (10) days of receipt.
5. During the Probation Period, Registrant acknowledges and agrees that he:
- a. may not self prescribe any controlled substance or enter into a collaborative practice agreement to practice collaborative drug therapy management (247 CMR 16.00) or personally fill or present for filling at any place of employment any personal prescription; and
 - b. must shall adhere to all laws and regulations pertaining to the dispensing, administration and distribution of controlled substances; and
6. Registrant agrees that the termination of the Suspension and Probation Period shall be granted only if he has met the following conditions:
- a. Registrant must apply in writing to the Board for termination of the Suspension and Probation Periods. The Board will consider any disciplinary matters or court proceedings not previously reviewed in its consideration of any petition. The Board may request a conference to discuss the merits of such request; and
 - b. Registrant has fully complied with all terms and conditions of this Agreement and meets all other requirements for licensure.
7. This Agreement and its contents shall be incorporated into the records maintained by the Board, are matters of public record, subject to disclosure, without limitation, to the public and equivalent state licensing boards.
8. 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.
9. The Registrant understands and agrees that his failure to comply with the terms of this Agreement shall nullify the representations contained in Paragraph 8, and permit the Board to

initiate formal adjudicatory action under the State Administrative Procedure Act, G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.00 *et. seq.*

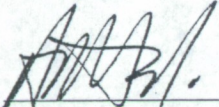
10. The Registrant understands and agrees that, at any time during the Probation Period, upon a determination by the Board of any violation of any of the terms and conditions of this Agreement any violation of the applicable laws, rules and regulations governing the practice of pharmacy, Registrant shall be required to IMMEDIATELY SURRENDER his pharmacist license to the Board without the requirement of any adjudicatory proceedings pursuant to G.L. c. 30A.

11. The Registrant understands and agrees that should he be found to have violated any of the statutes and/or regulations governing the practice of pharmacy for conduct occurring during the Probation Period, the Board may consider the conduct of the Registrant described in Paragraph 2. and more fully described in Complaint Docket No. PHA2010-0225 in determining an appropriate sanction for the subsequent offense.

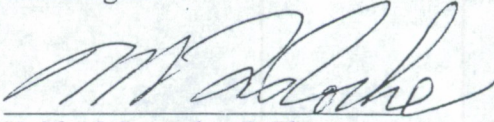
12. The Registrant understands and agrees that his decision to enter into this Agreement and to accept the terms and conditions herein described is a final act and is not subject to reconsideration or judicial review.

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

14. The Registrant certifies that he has read this document entitled "Consent Agreement". The Registrant understands that, by executing this Agreement, he is waiving his right to a formal hearing at which he would possess the rights 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 court in the event of an adverse ruling, and all other rights set forth in G.L. c. 30A and 801 CMR 1.01 *et seq.* Registrant states that he further understands that in executing this document entitled "Consent Agreement", he is knowingly and voluntarily waiving his right to a formal hearing and to all of the above listed rights.

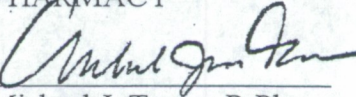
 1/12/12
Witness (sign name)

Richard E. Fradette, Esq.
Witness (print name)


Keith N. Laroche, R.Ph.

Effective Date: September 9, 2011

BOARD OF REGISTRATION
IN PHARMACY

By: 
Michael J. Tocco, R.Ph.
President

Date: January 10, 2012

Decision No. 2751