

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

Received

BOARD OF REGISTRATION  
IN PHARMACY

JAN 05 2015

In the Matter of )  
Kenneth G. Minty )  
License Number: PH17282 )  
Expiration: December 31, 2014 )

BOARD OF  
PHARMACY

PHA-2013-0005  
PHA-2013-0167

**CONSENT AGREEMENT FOR REPRIMAND**

The Massachusetts Board of Registration in Pharmacy ("Board") and Kenneth G. Minty ("Licensee"), a pharmacist licensed by the Board, license number PH17282, 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 two Complaints against his Massachusetts pharmacist license related to the conduct set forth in Paragraph 2, identified as Docket Numbers PHA-2013-0005 and PHA-2013-0167 ("Complaint").
2. The Board and the Licensee acknowledge and agree to the following facts:
  - a. On or about May 23, 2012, a pharmacy technician at Rogers Pharmacy Inc. incorrectly labeled two prescriptions for Zyprexa for a single patient. Licensee verified the prescription but failed to detect the error before the prescriptions were delivered to the patient, resulting in a quality related event.
  - b. Licensee is currently the manager of record of Rogers Pharmacy, a pharmacy licensed by the Board, DS14170, and was the manager of record of Rogers Pharmacy at times relevant hereto.
  - c. As described in 247 CMR 6.07, Licensee, as manager of record, was responsible for the operation of the Rogers Pharmacy in compliance with 247 CMR 2.00 et seq. and applicable state and federal laws and regulations.

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- d. During a compliance inspection on or about September 6, 2013, Board Investigators observed multiple violations of Board regulations pertaining to the practice of pharmacy, including but not limited to the following: improper storage and security of controlled substances; failure to maintain required records; failure to perform required inventories of controlled substances; and failure to maintain the pharmacy in a clean and sanitary manner.
  - e. On or about December 6, 2013, Board Investigators re-inspected Rogers Pharmacy and observed additional violations including but not limited to the following: visible residue and staining on the sink; pharmacy prescription pads not compliant with 105 CMR 721.020; and a non-compliant refrigeration policy.
3. The Licensee 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.
  4. The Board acknowledges receipt of the following: (1) documentation demonstrating that Licensee completed two contact hours of continuing education in the area of quality assurance and patient safety; and (2) an attestation that Licensee read 247 CMR. Licensee and the Board acknowledge and agree that the Board's receipt of said documentation was a precondition to be met before the Board entered into this Agreement.
  5. The Licensee agrees that the Board shall impose a REPRIMAND on his license based on the facts admitted in Paragraph 2, effective as of the date on which the Board signs this Agreement ("Effective Date").
  6. The Board agrees that in return for the Licensee's execution and successful compliance with all the requirements of this Agreement, the Board will not prosecute the Complaint.

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7. The Licensee understands that he has a right to formal adjudicatory hearing concerning the Complaints 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 Licensee acknowledges that he has been at all times free to seek and use legal counsel in connection with the Complaints and this Agreement.
  
9. The Licensee 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.
  
10. The Licensee certifies that he has read this Agreement. The Licensee understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal or judicial review.

Mark Locki 1/2/15  
 Witness (sign and date)

Kenneth G. Minty 1-2-15  
 Kenneth G. Minty  
 (sign and date)

1-7-15  
 Effective Date of Reprimand Agreement

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

Fully Signed Agreement Sent to Registrant on 1-8-15 by  
 Certified Mail No. 7014 0510 0001 0374 9220

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