

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Kiet T. Ngo, R.Ph.)
License No. PH19274)
Expires December 31, 2016)
_____)

Docket No. PHA-2015-0143

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and Kiet T. Ngo ("Licensee"), a pharmacist licensed by the Board, license number PH19274, 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 license related to the conduct set forth in Paragraph 2, identified as Docket Number PHA-2015-0143 ("Complaint").
2. The Board and the Licensee acknowledge and agree to the following facts:
 - a. Licensee was the Manager of Record ("MOR") at Saigon Pharmacy located at 1167 Dorchester Avenue in Dorchester, Massachusetts ("Pharmacy") at all times relevant to the conduct described in paragraphs 2(b) and (c).
 - b. On or about June 1, 2015, Office of Public Protection ("OPP") investigators conducted a compliance inspection of the Pharmacy ("Inspection I") and observed the following regulatory deficiencies:
 - i. Pharmacy failed to comply with 247 CMR 6.02(8)(a), by failing to post hours of operation prominently at all consumer entrances to the pharmacy;
 - ii. Pharmacy failed to maintain perpetual inventory of each controlled substance in Schedule II and failed to reconcile same at least once every ten days in violation of 247 CMR 9.01(14);

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- iii. Pharmacy failed to maintain a biennial inventory of all controlled substances in violation of 247 CMR 6.07(1)(i) and 247 CMR 9.01(1);
 - iv. Pharmacy failed to maintain a complete and accurate record of the disposal or destruction of each controlled substance in violation on 105 CMR 700.006 and 21 CFR 1304.21(a);
 - v. Pharmacy failed to maintain premises in a clean and sanitary manner in violation of 247 CMR 6.02(1);
 - vi. Pharmacy failed to maintain compounding area in sanitary manner; there was noted to be excessive debris in violation of 247 CMR 6.01(5)(b);
 - vii. OPP investigators observed that Pharmacy was deficient in all aspects of simple, non-sterile compounding in violation of 247 CMR 9.01(3) and USP Chapter <795>; and
 - viii. OPP investigators observed that Pharmacy was deficient in all aspects of implementing and maintaining a Continuous Quality Improvement program in violation of 247 CMR 15.01 *et seq.*
- c. On or about, August 10, 2015, OPP investigators conducted a compliance inspection of the Pharmacy (“Inspection II”) and observed the following regulatory deficiency:
- i. Pharmacy failed to maintain a biennial inventory of all controlled substances in violation of 247 CMR 6.07(1)(i) and 247 CMR 9.01(1).
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 the receipt of documentation demonstrating completion of the following:
- a. Licensee’s attestation that he has read and reviewed 247 CMR 6.00, 9.00 and 15.00; and
 - b. Verifications of two (2) CEs in Pharmacy Law.

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Licensee and the Board acknowledge 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.
7. The Licensee understands that he has a right to formal adjudicatory hearing concerning the Complaint 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 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 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.

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Jan. 01, 2016

Witness (sign and date)

Kiet T. Ngo

Jan. 01, 2016

Kiet T. Ngo (sign and date)

David Sencabaugh

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

1/13/16

Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Registrant on 1/14/16 by

Certified Mail No. 7015 3010 0001 7079 9840

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