

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

Received

In the Matter of

**Kimberly A. Kelley, R.Ph.**

Pharmacist Registration No. 22994  
BOARD OF  
PHARMACY

MAY 06 2011

Docket No. PHA20110035

**CONSENT AGREEMENT**

The Board of Registration in Pharmacy ("Board") and Kimberly A. Kelley, R.Ph. ("Registrant"), a pharmacist registered by the Board (Pharmacist Registration No. 22994), 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. PHA20110035 (the "Complaint").
2. The Registrant acknowledges that she knowingly signed a renewal of her pharmacist license in which she attested "under the penalties of perjury" that she had fulfilled requisite continuing education (CE) requirements for the period 2008 and 2009, yet when audited by the Board, the Registrant failed to provide documentation of completion of 2 CEs in 2008 (No Law), and 12 CEs in 2009 (No Law, No Live) in violation of 247 CMR 4.03(3), 9.01(1), 9.01(6), 10.03(a)(p)(w) and G.L. c. 112, s. 61.
3. The Registrant acknowledges that at the time she signed the renewal form referenced in Paragraph 2 above, she was a pharmacist at Rite Aid Pharmacy located at 71 Lowell Road, Concord, Massachusetts.
4. Accordingly, the Registrant freely acknowledges and agrees to the following:
  - a. That her conduct as described in Paragraph 2 above warrants disciplinary action by the Board for conduct in violation of G.L. c. 112, s. 61 and 247 CMR 4.03(3), 9.01(1), 9.01(6), 10.03(a)(p)(w); and G.L. 112, S.61;
  - b. That her pharmacist license is hereby **REPRIMANDED** by the Board;
  - c. That she must take and pass the Multistate Pharmacy Jurisprudence Examination (MPJE) with a score of at least 75% within six months of the effective date of this Agreement; and
  - d. That she must complete 42 hours of Continuing Education (CE) which must include fifteen (15) hours of LIVE CE and twelve (12) hours of LAW CE, which may not be used for license renewal in 2011/ 2012 with original certificate of completion to the Board within six months of the effective date of this Agreement.



5. 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.

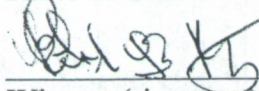
6. In consideration of Registrant's execution of this Agreement, the Board will not advance the prosecution of the Registrant pursuant to the Complaint; any and all other rights of the Board to take action within the scope of its authority are expressly reserved.

7. The Registrant understands and agrees that her failure to satisfy the terms of this Agreement shall constitute grounds for the Board to take additional disciplinary action regarding the License of the Registrant without the requirement for additional proceedings pursuant to the State Administrative Procedure Act (G.L. c. 30A) and 801 CMR 1.00 *et. seq.*

8. 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.

9. 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 her decision to enter into this Agreement was made of her own free will.

10. Registrant certifies that she has read this document entitled "Consent Agreement". The Registrant understands that, by executing this Agreement, she is waiving her 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.*


  
Witness (signature)

Patrick B Keller  
Witness (print name)

  
Kimberly A. Kelley, R.Ph.  
Registrant

Date: 5/2/11

BOARD OF REGISTRATION  
IN PHARMACY

  
Stanley B. Walczyk, R.Ph.  
President

Effective Date: 5/9/11

Dec. No. 2569