

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Kimberly J. Gould, R.Ph.)
License Number: PH27266)
Expiration: December 31, 2016)

PHA-2014-0218

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and Kimberly J. Gould ("Licensee"), a pharmacist licensed by the Board, license number PH27266, 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 her Massachusetts pharmacist license related to the conduct set forth in Paragraph 2, identified as Docket Number PHA-2014-0218 ("Complaint").¹
2. The Board and the Licensee acknowledge and agree to the following facts:
 - a. Licensee worked as a pharmacist and Manager of Record at New England Home Therapies ("NEHT"), DS3486, 337 Turnpike Road, Southborough, Massachusetts from at least May 11, 2010 to December 27, 2013.
 - b. As described in 247 CMR 6.07, Licensee, as Manager of Record, was responsible for the operation of the NEHT in compliance with 247 CMR 2.00 *et seq.* and applicable state and federal laws and regulations.
 - c. On or about November 20, 2013, NEHT received environmental monitoring results that were above USP 797 action limits. Licensee and NEHT did not report the abnormal environmental monitoring results to the Board as required by 247 CMR 6.15(7).

¹ The term "license" applies to both a current license and the right to renew an expired license.

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- d. On or about November 20, 2013, NEHT ceased sterile compounding and performed renovations to its sterile compounding area. Specifically, NEHT altered the physical structure of the ante room and buffer rooms by installing a new door to the negative pressure buffer room, new door to the ante room, and a new pass through from the ante room to the buffer room. The renovations were completed on or about November 24, 2013. Following the renovations, NEHT "triple cleaned" its sterile compounding area and resumed sterile compounding activities on or about November 24, 2013. NEHT did not recertify its primary or secondary engineering controls following the alteration of the physical structure of the buffer rooms and ante room and prior to resumption of sterile compounding activities, in violation of USP 797.
- e. On or about December 3, 2013, NEHT appeared before the Board to seek approval for renovations to its clean room.
- f. NEHT failed to submit its bi-annual sterile compounding report on or before January 15, 2014, as required by 247 CMR 6.15(5).
3. The Licensee acknowledges that the facts described in Paragraph 2 warrant disciplinary action by the Board under M.G.L. c. 12, §§ 42A and 61, 247 CMR 10.03(1)(a), and 247 CMR (1)(bb).
4. The Licensee agrees that the Board shall impose a REPRIMAND on her license based on the facts admitted in Paragraph 2, effective as of the date on which the Board signs this Agreement ("Effective Date").
5. The Board acknowledges the receipt of documentation demonstrating that Licensee successfully completed at least five contact hours of continuing education in the area of sterile compounding and that Licensee read and reviewed 247 CMR 2.00 *et seq.*² 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.
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.

² This continuing education requirement shall be *in addition to* any contact hours required for license renewal.

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7. The Licensee understands that she has a right to formal adjudicatory hearing concerning the Complaint 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, 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 she is knowingly and voluntarily waiving her right to a formal adjudication of the Complaint.
8. The Registrant acknowledges that she has been represented by 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 she 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.

[Signature]
 Witness (sign and date)

Kimberly Gould *KMG* 5/22/15
 Kimberly Gould, R.Ph. (sign and date)

6-16-15
 Effective Date of Reprimand Agreement

[Signature]
 David Sennebaugh, R. Ph.
 Executive Director
 Board of Registration in Pharmacy

Fully Signed Agreement Sent to Registrant on 6/18/15 by
 Certified Mail No. 7009 2250 0001 8154 9173

Kimberly J. Gould
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 PHA-2014-0218