

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION IN
PHARMACY

IN THE MATTER OF
KRISTINE KIELY
PI157579

PHA-2014-0100

CONSENT AGREEMENT FOR VOLUNTARY SURRENDER

The Massachusetts Board of Registration in Pharmacy ("Board") and Kristine Kiely ("Licensee"), a pharmacy intern licensed by the Board, PI157579, 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 pharmacy intern license related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2014-0100 ("Complaint").¹
2. The Board and Licensee acknowledge and agree that from September 2013 until March 20, 2014, Licensee diverted for personal use at least 20 bottles of hydrocodone medication from the pharmacy where she worked as a pharmacy intern. Licensee did not have a valid prescription for said hydrocodone medication.
3. The Board and Licensee acknowledge and agree that Licensee's conduct described in Paragraph 2 constitutes a violation M.G.L. c. 94C, § 34 and is grounds for discipline by the Board pursuant to M.G.L. c. 112, § 61 and 247 CMR 10.03(x).
4. The Board and Licensee acknowledge and agree that, based on the conduct described Paragraph 2, Licensee's continued or further practice as a pharmacy intern presents an immediate and serious threat to the public health, safety, or welfare warranting summary suspension as set forth in 247 CMR 10.07.

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

5. The Licensee agrees to SURRENDER her license for an indefinite period of time and refrain from practicing as a pharmacy intern and from working in any pharmacy-related setting in Massachusetts, commencing with the date on which the Board signs this Agreement ("Effective Date"). The Licensee further agrees to immediately return her original Massachusetts pharmacy intern registration to the Board.
6. The Board may determine the terms and conditions for potential reinstatement of Licensee's pharmacy intern license following an evaluation by and recommendation from the Massachusetts Professional Recovery System ("MPRS").
7. 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.
8. 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.
9. The Licensee acknowledges that she has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.
10. 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.

Kristine Kiely
PI157579
PHA-2014-0100

11. 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.

Roderick Blaine 5/15/14
Witness (sign and date)

Kristine Kiely 5/15/14
Kristine Kiely
(sign and date)

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

5-19-14
Effective Date of Agreement

Fully Signed Agreement Sent to Registrant on May 21, 2014 by
Certified Mail No. 7012 3460 0001 7331 3627