

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION IN
PHARMACY

In the Matter of)
Kyle O'Connor)
PH23103)
Expires 12/31/2024)

Docket No. PHA-2023-0124

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and Kyle O'Connor ("Licensee"), a pharmacist licensed by the Board, License No. PH23103, 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 their Massachusetts pharmacist license related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2023-0124 ("the Complaint").¹
2. The Licensee and the Board agree to resolve this Complaint without making any admissions or findings and without proceeding to a formal adjudicatory hearing. The Complaint alleges the following:
 - a. The Licensee served as Manager of Record ("MOR") of Winchester Pharmacy ("Pharmacy"), DS89848, from approximately August 2015 until at least May 15, 2023, and at all times relevant to this Agreement.
 - b. As described in 247 CMR 6.07, Licensee, as MOR, was responsible for the operations of the Pharmacy in compliance with 247 CMR 2.00 et seq. and applicable state and federal laws and regulations.
 - c. A Board investigator inspected the Pharmacy on or about May 15, 2023 and observed that a pharmacy technician was practicing with an expired license.
 - d. The pharmacy technician practiced with an expired license from approximately September 22, 2022 until May 15, 2023.
3. The Board and Licensee acknowledge and agree that based upon the conduct described in Paragraph 2 the Board could find the Licensee in violation of 247 CMR 6.07 warranting

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

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disciplinary action by the Board under M.G.L. c. 112, §§ 42A and 61, and 247 CMR 10.03(1)(m).

4. The Licensee agrees that the Board shall impose a REPRIMAND on their license based on the facts described in Paragraph 2, effective as of the date on which the Board signs this Agreement ("Effective Date").
5. The Board agrees that in return for the Licensee's execution and successful compliance with all the requirements of this Agreement it will not prosecute the Complaint.
6. The Licensee understands that they have a right to a formal adjudicatory hearing concerning the allegations against them and that during said adjudication they would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on their 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 they are knowingly and voluntarily waiving their right to a formal adjudication of the Complaint.
7. The Licensee acknowledges that they have been at all times represented by Counsel or otherwise free to seek and use legal counsel in connection with the Complaint and this Agreement.
8. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board. 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.
9. The Licensee certifies that they have read this Agreement. The Licensee understands and agrees that entering into this Agreement is a final act and not subject to reconsideration, appeal, or judicial review.

Date

3/23/24

Effective Date

Kyle O'Connor
Licensee (signature)

David Sencabaugh

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

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Fully Signed Agreement Sent to Licensee on 3/25/24 by Certified Mail
No. 7022 3330 0001 0813 2245

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