

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Maida Pharmacy Inc.)
DS2822)
Exp: December 31, 2025)

Docket No.: PHA-2023-0054

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy (Board) and Maida Pharmacy Inc. (Pharmacy), a pharmacy licensed by the Board, license number DS2822, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Pharmacy's record maintained by the Board:

1. The Pharmacy acknowledges the Board opened a Complaint against its Massachusetts pharmacy license related to the conduct set forth in Paragraph 2, identified as Docket Number PHA-2023-0054 (Complaint).
2. The Pharmacy 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. During an inspection conducted on February 3, 2023, the pharmacy was providing prescription compounding forms with the pharmacy name, telephone, and fax number to the prescriber. Compound records utilizing short-dated API: 9 NSCP with nifedipine USP powder where the assigned BUD exceeded the expiration date of the API 2, NSCP with nystatin USP powder where the assigned BUD exceeded the expiration of the API 1, NSCP with PCCA Lipoderm base where the assigned BUD exceeded the expiration of the component. Peridox RTU was used in the hazardous room is in a plastic squeeze bottle labeled only as "Peridox" without an expiration date.
3. The Board and Licensee acknowledge and agree that based upon the information described in Paragraph 2 the Board could find the Licensee in violations warranting disciplinary action by the Board pursuant to Mass. Gen. Laws ch. 112, §§ 42A, 61, and 247 Code Mass. Regs. § 10.03(1)(a), (b), (x).
 - a. Inaccurate controlled substance recordkeeping in violation of 247 Code Mass. Regs. § 9.01(14); 247 Code Mass. Regs. § 6.07(1)(b), (i); Mass Gen. Laws ch. 94C, § 15; Mass Gen. Laws ch. 94C, § 23(d); 21 C.F.R. § 1304.11(a); 21 C.F.R. § 1304.21(a), (d);

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- b. Disposal records in violation of 247 Code Mass. Regs. § 9.01(14); 247 Code Mass. Regs. § 6.07(1)(b); Mass Gen. Laws ch. 94C, § 15; 21 C.F.R. § 1304.21(a), (d); 21 C.F.R. § 1304.22;
 - c. Improper disposal of drugs in violation of 247 Code Mass. Regs. § 9.01(10); 21 C.F.R. § 1301.71; 21 C.F.R. § 1317.90;
 - d. Corresponding responsibility in violation of 21 C.F.R. § 1306.05(a); 21 C.F.R. § 1306.03(a);
 - e. PMP reporting in violation of 247 Code Mass. Regs. § 9.01(1); 105 Code Mass. Regs. § 700.012(A)(1); Mass Gen. Laws ch. 94C, §24A(2)(c);
 - f. Proper storage of medications in violation of 247 Code Mass. Regs. § 9.01(5); USP¹ 795;
 - g. Prescription files in violation of 247 Code Mass. Regs. § 9.05(2) and (3); 21 C.F.R. § 1306.14(h);
 - h. Dispensing more than 30 days of CIIIs in violation of 247 Code Mass. Regs. § 9.01(1); Mass Gen. Laws ch. 94C, § 23(d);
 - i. Incorrect beyond-use dates (BUD)s in violation of 247 Code Mass. Regs. § 9.01(3) and (10); USP 795;
 - j. Incomplete prescription labels in violation of 247 Code Mass. Regs. § 9.01(1); Mass Gen. Laws ch. 94C §21;
 - k. Dispensing records in violation of 247 Code Mass. Regs. § 9.01(1); 247 Code Mass. Regs. § 6.07(1)(b); 21 C.F.R. §1304.22(c);
 - l. Pre-printed prescription blanks in violation of 247 Code Mass. Regs. § 9.01(13); 105 Code Mass. Regs. § 721.050; 21 C.F.R. §1306.24(a).
 - m. Records not readily retrievable in violation of 247 Code Mass. Regs. § 9.04(6) and 21 C.F.R. § 1300.01(b);
 - n. Non-sterile compounding issues in violation of 247 Code Mass. Regs. § 9.01(3) and USP 795; and
 - o. The Pharmacy's violations of Massachusetts pharmacy laws put the Pharmacy in violation of Title 21 U.S.C. § 823(b)(1), (2).
4. The Pharmacy agrees that the Board shall impose a REPRIMAND on its 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 Pharmacy's execution and successful compliance with all the requirements of this Agreement, the Board will not prosecute the Complaint.
 6. The Pharmacy understands that it has a right to formal adjudicatory hearing concerning the Complaint and that during said adjudication the Pharmacy would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on its 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, Mass.

¹ USP Compounding Compendium.
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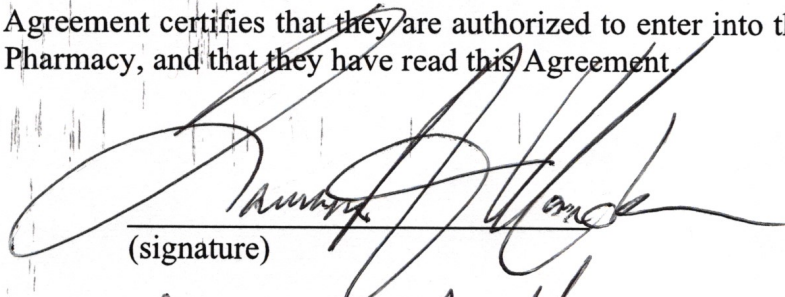
Gen. Laws ch. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 Code Mass. Regs. § 1.01 *et seq.* The Pharmacy further understands that by executing this Agreement the Pharmacy is knowingly and voluntarily waiving its right to a formal adjudication of the Complaint.

7. The Pharmacy acknowledges that it has 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 Pharmacy 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 Mass. Gen. Laws ch. 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.
9. The Pharmacy understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal or judicial review.
10. The individual signing this Agreement certifies that they are authorized to enter into this Agreement on behalf of the Pharmacy, and that they have read this Agreement.

Date

7/23/24

(signature)



(print name)

Lawrence A Maida

David Sencabaugh

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

7/24/24

Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Licensee on July 25, 2024 by Certified Mail
No. 7019 2970 0002 0026 6078

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