



The Commonwealth of Massachusetts  
 Executive Office of Health and Human Services  
 Department of Public Health  
 Division of Health Professions Licensure  
 239 Causeway Street, Suite 500, Boston, MA 02114

CHARLES D. BAKER  
 Governor  
 KARYN E. POLITO  
 Lieutenant Governor

Tel: 617-973-0800  
 TTY : 617-973-0988  
[www.mass.gov/dph/boards](http://www.mass.gov/dph/boards)

MARYLOU SUDDERS  
 Secretary  
 MONICA BHAREL, MD, MPH  
 Commissioner

March 21, 2016

**VIA CERTIFIED AND FIRST CLASS MAIL NO. 7015 3010 0001 6944 5161**

Marcella Kahl



RE: Marcella Kahl; PT11496; PHA-2014-0048

**FINAL NOTICE: SUSPENSION**

Dear Ms. Kahl:

On November 20, 2014, you entered into a Non-Disciplinary Consent Agreement for Stayed Probation ("Agreement") with the Board of Registration in Pharmacy ("Board"). The Agreement obligates you to comply with specified licensure conditions during the period of time while your license is on stayed probation. A copy of the Agreement is enclosed with this letter for your review.

On March 8, 2016, I sent you a Notice of Violation and Imposition of Discipline ("Notice"). A copy of the Notice is enclosed with this letter. The Notice informed you that you are in violation of the Agreement and listed the facts supporting the determination that you are in violation. The Notice also informed you that the Board authorized me to suspend your license. The Notice informed you that you had a right to a hearing on the limited issue of whether you are in compliance with, or in violation of, the terms of the Agreement. Lastly, the Notice informed you that to claim your right to a hearing, you needed to submit a written statement of facts and request for a hearing within 7 days.

Marcella Kahl  
 PT11496  
 PHA-2014-0048  
 Final Notice: Suspension



I do hereby certify the foregoing to be a true and certified copy of the document on file with the Massachusetts Board of Registration in Nursing.

 3/22/16  
 Authorized Signature Date

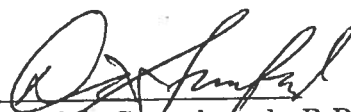
As of the date of this letter, I have not received from you a written statement of facts and a request for a hearing. Accordingly, you have waived your right to a hearing.

Effective today, March 21, 2016, pursuant to Paragraph 7 of the Agreement, the Board **SUSPENDS** your license to practice as a pharmacy technician. You may not practice as a pharmacy technician in Massachusetts until the Board provides you written notice that it has reinstated your license.

This notice constitutes a final agency action. You are hereby notified that you have a right to appeal this *Final Notice: Suspension* within thirty (30) days of your receipt of this notice, either to the Superior Court for Suffolk County or the county where you reside pursuant to M.G.L. c. 30A, § 14, or to the Supreme Judicial Court pursuant to M.G.L. c. 112, §64.

You may petition the Board to reinstate your license in accordance with **Policy No. 2011-02: License Reinstatement Following Surrender, Suspension or Revocation**. You may also contact Traci Westgate at 617-973-0894 if you have any questions regarding license reinstatement.

Sincerely,



David A. Sencabaugh, R.Ph.  
Executive Director

cc: Karen Fishman, Probation Monitor

Marcella Kahl  
PT11496  
PHA-2014-0048  
Final Notice: Suspension



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MARYLOU SUDDERS  
Secretary  
MONICA BHAREL, MD, MPH  
Commissioner

March 8, 2016

VIA CERTIFIED AND FIRST CLASS MAIL NO. 7015 3010 0001 6944 5086

Marcella Kahl  
[REDACTED]

RE: Marcella Kahl; PT11496; PHA-2014-0048

**NOTICE OF VIOLATION AND IMPOSITION OF DISCIPLINE**

Dear Ms. Kahl:

On November 20, 2014, you entered into a Non-Disciplinary Consent Agreement for Stayed Probation ("Agreement") with the Board of Registration in Pharmacy ("Board"). The Agreement obligates you to comply with specified licensure conditions during the period of time while your license is on a stayed probation. A copy of the Agreement is enclosed with this letter for your review.

You are in violation of the Agreement. On March 19, 2015, May 2, 2015, and November 10, 2015, the probation monitor, Karen Fishman, notified you that you were in violation of the Agreement. I have enclosed copies of Ms. Fishman's letters for your convenience. Under Paragraph 4 of the Agreement, the Board may lift the stay on the probationary licensure status and impose formal discipline against your license in the event that you violate any provision of the Agreement. At its meeting on March 1, 2016, the Board has authorized me to **SUSPEND your license, a disciplinary status, effective in 7 days.**

The basis for the contention that you are in violation of the Agreement are as follows:

Marcella Kahl  
Notice of Violation and Imposition of Discipline

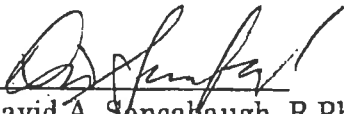
1. Per Paragraph 4 of the Agreement, you were required to submit documentation demonstrating successful completion of two contact hours of continuing education in the area of medication error prevention on or before February 20, 2015. As of the date of this letter, you have failed to submit any such documentation.

You have a right to a hearing on the limited issue of whether you are in compliance with, or in violation of, the terms of the Agreement. You may claim your right to a hearing by submitting a written statement to the Board within 7 days of receipt of this letter. Your written statement must include specific facts which support the determination that you are in compliance, and not in violation, with the provisions of the agreement identified above. Your written statement must also include a request for a hearing. Please send your written statement to:

Heather A. Engman  
Board Counsel  
Board of Registration in Pharmacy  
239 Causeway Street, 5<sup>th</sup> Floor  
Boston, MA 02114

Your failure to submit a written statement of facts and request for a hearing within 7 days shall constitute a waiver of your right to a hearing on the issue of your violation of the Agreement.

Sincerely,

  
David A. Sencabaugh, R.Ph.  
Executive Director

cc: Karen Fishman, Probation Monitor

Marcella Kahl  
Notice of Violation and Imposition of Discipline

Attachment 1



Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
Division of Health Professions Licensure  
Board of Registration in Pharmacy

239 Causeway Street, Suite 500, Boston, MA 02114

CHARLES D. BAKER  
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MARYLOU SUDDERS  
Secretary

MONICA BHAREL, MD, MPH  
Commissioner

March 19, 2015

Marcella A. Kahl

COPY

RE: First Notice of Probation Violation  
PT License No. 11496  
Docket No. PHA-2014-0048

Dear Ms. Kahl:

I am writing to inform you of the status of your license to practice as a Pharmacy Technician in Massachusetts. As you know, your license is subject to Stayed Probation, pursuant to the *Consent Agreement effective November 20, 2014*, you entered into with the Board of Registration in Pharmacy (Board). You are in violation of the Agreement and therefore, your license is subject to further review by the Board.

The Board requests that you provide the following documentation (checked items) to facilitate its determination of your compliance with, or your continued violation of, the Agreement:

- Pharmacy's Plan of Correction
- Pharmacy's Plan of Correction, with names and signatures of retrained employees
- Certificate of completion for remediation: Per paragraph 4 (d), submit documentation demonstrating successful completion of at least 2 contact hours in the area of medication error prevention, this was due on February 20, 2015.
- Other:

If the Board does not receive the checked item(s) within 15 days of the date of this letter you will be considered non-compliant and your license shall be subject to further disciplinary action, including, but not limited to, the Suspension of your Pharmacy Technician license.

Sincerely,

*Karen L. Fishman*

Karen L. Fishman  
Probation Monitor

KLF/lf



Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
Division of Health Professions Licensure  
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MARYLOU SUDDERS  
Secretary

MONICA BHAREL, MD, MPH  
Commissioner

May 1, 2015

Sent Via Certified Mail No. 7009 2250 0001 8154 9159 & U.S. First Class Mail

Marcella A. Kahl



**COPY**

RE: Second Notice of Probation Violation  
PT License No. 11496  
Docket No. PHA-2014-0048

Dear Ms. Kahl:

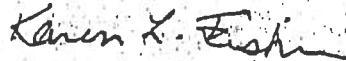
I am writing to inform you of the status of your license to practice as a Pharmacy Technician in Massachusetts. As you know, your license is subject to Stayed Probation, pursuant to the *Consent Agreement effective November 20, 2014*, you entered into with the Board of Registration in Pharmacy (Board). You are in violation of the Agreement and therefore, your license is subject to further review by the Board.

The Board requests that you provide the following documentation (checked items) to facilitate its determination of your compliance with, or your continued violation of, the Agreement:

- Pharmacy's Plan of Correction
- Pharmacy's Plan of Correction, with names and signatures of retrained employees
- Certificate of completion for remediation: Per paragraph 4 (d), submit documentation demonstrating successful completion of at least 2 contact hours in the area of medication error prevention, this was due on February 20, 2015.
- Other:

If the Board does not receive the checked item(s) within 10 days of the date of this letter you will be considered non-compliant and your license shall be subject to further disciplinary action, including, but not limited to, the Suspension of your Pharmacy Technician license.

Sincerely,



Karen L. Fishman  
Probation Monitor

KLF/lf





CHARLES D. BAKER  
Governor

KARYN E. POLITO  
Lieutenant Governor

Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
Division of Health Professions Licensure  
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MARYLOU SUDDERS  
Secretary

MONICA BHAREL, MD, MPH  
Commissioner

Attachment 3

November 10, 2015

Sent Via Certified Mail No. 7015 1660 0001 1911 0199

COPY

Marcella A. Kahl  
[REDACTED]

RE: In the Matter of Marcella A. Kahl  
PT License No. 11496  
Docket No. PHA-2014-0048

Dear Ms. Kahl:

I am writing to inform you of the status of your license to practice as a Pharmacy Technician in Massachusetts. As you know, your license is subject to Stayed Probation, pursuant to the *Consent Agreement effective November 20, 2014*, you entered into with the Board of Registration in Pharmacy (Board). You are in violation of the Agreement and therefore, your license is subject to further review by the Board.

Attached hereto is a copy of a First Notice of Probation Violation, dated March 19, 2015, for failure to submit proof of successful completion of two (2) contact hours in the area of Medication Error Prevention. Also attached, is a copy of a Second Notice of Probation Violation, dated May 1, 2015, which was sent to your address of record via First Class and Certified Mail. On or about May 18, 2015, this office received confirmation that you received the Second Notice of Violation and signed the return receipt upon delivery. Please see attached.

Kindly contact this office immediately upon receipt of this letter. If there are mitigating circumstances as to why you have not complied, I will be available to discuss this with you and offer solutions. You may reach me directly at 617-973-0951.

If I do not receive your response within 10 days of the date of this letter you will remain non-compliant and your license shall be subject to further disciplinary action, including, but not limited to, the Suspension of your Pharmacy Technician license.

Sincerely,

*Karen L. Fishman*

Karen L. Fishman  
Probation Monitor

KLF/lf

Enclosures: First Notice of Probation Violation, dated March 19, 2015  
Second Notice of Probation Violation, dated May 1, 2015  
Signed Certified Return Receipt (confirmation of delivery on May 15, 2015)  
Consent Agreement

File copy w/out  
enclosures

Received

NOV 19 2014

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF  
REGISTRATION  
IN PHARMACY

In the Matter of )  
Marcella A. Kahl )  
Registration No. PT11496 )  
Expiration Date: 06/06/16 )

Docket No. PHA-2014-0048

**NON-DISCIPLINARY  
CONSENT AGREEMENT FOR STAYED PROBATION**

The Massachusetts Board of Registration in Pharmacy ("Board") and Marcella A. Kahl ("Licensee"), a Pharmacy Technician licensed by the Board, Registration No. PT11496, 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 Technician registration related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2014-0048 ("the Complaint").<sup>1</sup>

2. The Board and the Licensee acknowledge and agree to the following facts:

On or around August 31, 2013, Licensee improperly filled and dispensed to a patient 14 syringes of Ceftriaxone 1 gram in 10 ml sterile water for injection instead of 14 syringes of Ceftriaxone 1 gram in 20 ml sterile water for injection.

3. The Licensee agrees that his Pharmacy Technician registration shall be placed on PROBATION for no less than one (1) day, and that the probation shall be STAYED for no more than 90 days ("Stayed Probationary Period"), commencing with the date on which the Board signs this Agreement ("Effective Date"). The Agreement shall be non-disciplinary until and unless the Board takes action pursuant to Paragraph 7 of the Agreement.

4. During the Stayed Probationary Period, the Licensee further agrees that she shall comply with all of the following requirements to the Board's satisfaction:

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<sup>1</sup> The term "registration" applies to both a current registration and the right to renew an expired registration.

- a. Comply with all laws and regulations governing the practice of pharmacy.
  - b. Notify the Board in writing within ten (10) days of each change in his name and/or address.
  - c. Timely renew his registration.
  - d. Submit documentation demonstrating successful completion of at least two (2) contact hours of continuing education in the area of medication error prevention within 90 days of the Effective Date.<sup>2</sup>
5. 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.
  6. If and when the Board determines that the Licensee has complied to the Board's satisfaction with all the requirements contained in this Agreement, the Stayed Probationary Period will terminate no sooner than one (1) business day after the Effective Date upon written notice to the Licensee from the Board, and the Licensee shall have no history of discipline upon her record related to this Agreement or the Complaint.<sup>3</sup>
  7. If the Licensee does not comply with each requirement of this Agreement, or if the Board opens a Subsequent Complaint during the Stayed Probationary Period, the Licensee agrees to the following:<sup>4</sup>
    - a. The Board may upon written notice to the Licensee, as warranted to protect the public health, safety, or welfare:
      - i. LIFT the stay, resulting in the imposition of PROBATION and rendering this Agreement disciplinary;

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

<sup>3</sup> In all instances where this Agreement specifies written notice to the Licensee from the Board, such notice shall be sent to the Licensee's address of record.

<sup>4</sup> The term "Subsequent Complaint" applies to a complaint opened after the Effective Date, which (1) alleges that the Licensee engaged in conduct that violates Board statutes or regulations, and (2) is substantiated by evidence, as determined following the complaint investigation during which the Licensee shall have an opportunity to respond.

Kahl, Marcella  
PT11496  
PHA-2014-0048

- ii. EXTEND the Stayed Probationary Period or, if the stay is lifted, the Probationary Period; and/or
  - iii. MODIFY the Stayed Probation Agreement requirements; and/or
  - iv. IMMEDIATELY SUSPEND the Licensee's registration.
- b. If the Board suspends the Licensee's registration pursuant to Paragraph 7(a)(iv), the suspension shall remain in effect until:
- i. the Board gives the Licensee written notice that the Stayed Probation and/or Probationary Period is to be resumed and under what terms; or
  - ii. the Board and the Licensee enter into a subsequent agreement; or
  - iii. the Board issues a written Final Decision and Order following adjudication of the allegations (1) of noncompliance with this Agreement, and/or (2) contained in the Subsequent Complaint.
8. The Licensee agrees that if the Board lifts the stay and suspends her registration in accordance with Paragraph 7, she will immediately return her current Massachusetts registration to practice as Pharmacy Technician to the Board, by hand or certified mail. The Licensee further agrees that upon suspension, she will no longer be authorized to engage in practice as a Pharmacy Technician in the Commonwealth of Massachusetts and shall not in any way represent herself as a Pharmacy Technician until such time as the Board reinstates her registration.<sup>5</sup>
9. The Licensee understands that she has a right to a 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,

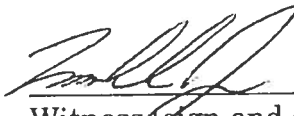
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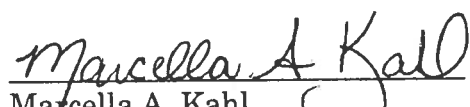
<sup>5</sup>Any evidence of unlicensed practice or misrepresentation as a Pharmacy Technician after the Board has notified the Licensee of her registration suspension shall be grounds for further disciplinary action by the Board and the Board's referral of the matter to the appropriate law enforcement authorities for prosecution.

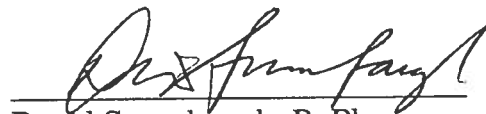
Kahl, Marcella  
PT11496  
PHA-2014-0048

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 his/her right to a formal adjudication of the Complaint.

10. 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.
11. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record subject to the Commonwealth of Massachusetts' Public Records Law, M.G.L. c. 4, § 7.
12. 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.

  
11/18/14  
Witness (sign and date)

  
11/18/14  
Marcella A. Kahl  
Licensee (sign and date)

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

11-20-14  
Effective Date of Stayed Probation Agreement

Fully Signed Agreement Sent to Licensee on November 20, 2014 by  
Certified Mail No. 9614 0570 0061 0325 1100

Kahl, Marcella  
PT11496  
PHA-2014-0048