

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

In the Matter of )  
Marsha L. Smith )  
License Number: PH21899 )  
Expiration: December 31, 2014 )

PHA-2014-0057

RECEIVED BY  
JAN 20 2015  
MULTI-BOARD

**CONSENT AGREEMENT FOR REPRIMAND**

The Massachusetts Board of Registration in Pharmacy ("Board") and Marsha L. Smith ("Registrant"), a pharmacist licensed by the Board, license number PH21899, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Registrant's record maintained by the Board:

1. The Registrant 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-2014-0057 ("Complaint").
2. The Board and the Registrant acknowledge and agree to the following facts:
  - a. On or around June 1, 2013, the Registrant filled a prescription in her capacity as a pharmacist at a Walgreens (Store No. 2851, Reg. No. DS2232) in Framingham, MA for oxycodone oral solution, 20 mg/mL for an infant patient.
  - b. In the course of filling the aforementioned prescription, the Registrant failed to conduct a prospective drug utilization review ("DUR") despite being alerted through the pharmacy's processing software of the need to do so.
  - c. As a result the medication was dispensed as prescribed without further consultation with the prescriber and ingested by the patient, who consequently required hospitalization.
3. The Registrant acknowledges that the foregoing facts are in violation of 247 CMR 9.07(2) and therefore warrant disciplinary action by the Board under M.G.L. c. 112, §§ 42A and 61 and under 247 CMR 10.03(1)(a).
4. The Board acknowledges the receipt of documentation demonstrating that Registrant has submitted 2 contact hours in pediatric dosing. Registrant 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.

Smith, Marsha  
PH21899  
PHA-2014-0057

5. The Registrant 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").
6. The Board agrees that in return for the Registrant's execution and successful compliance with all the requirements of this Agreement, the Board will not prosecute the Complaint.
7. The Registrant 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 Registrant 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 at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.
9. The Registrant 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 Registrant certifies that she has read this Agreement. The Registrant understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal or judicial review.

Donna M. Muller  
 Witness (sign and date) 1-16-15

Marsha L. Smith 1/16/15  
 Marsha L. Smith (sign and date)

2-2-15  
 Effective Date of Reprimand Agreement

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

Fully Signed Agreement Sent to Registrant on 2-3-15 by Certified Mail  
 No. 7012 3460 0002 3702 8870

Smith, Marsha  
 PH21899  
 PHA-2014-0057