

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Martha Lyn Porter, R.Ph.)
Pharmacist Registration No. 17887)
Exp. 12/31/2010)

Docket No. PHA20090025

Received

MAY 01 2009

OF
PHARMACY

CONSENT AGREEMENT

The Board of Registration in Pharmacy ("Board") and Martha Lyn Porter, R.Ph. ("Registrant"), a pharmacist registered by the Board (Pharmacist Registration No. 17787), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the file of the Registrant which is maintained by the Board:

1. The parties enter into this Consent Agreement ("Agreement") in order to resolve that a certain complaint pending against the Registrant as Docket No. PHA20090025 (the "Complaint").
2. The Complaint alleged that on or about December 21, 2007, while employed as a pharmacist at Leesburg Pharmacy located in Leesburg, Virginia, the Registrant violated Virginia Code §§ 54.1-3316(7), 54.1-3320(A)(1), and 54.1-3462(1) and 18 VAC 110-2-270(C) of the Commonwealth of Virginia Board of Pharmacy Regulations, Registrant acknowledged that she dispensed a prescription for amlodipine 1.25mg/ml suspension that contained 0.68 grams of amlodipine powder rather than the required 0.068 grams of amlodipine powder for the suspension as prescribed. The prescription bottle was mislabeled as containing amlodipine 1.25mg/ml. The Registrant acknowledges that the Commonwealth of Virginia Board of Pharmacy entered the attached Order on June 30th, 2008 which included a Reprimand of Registrant's Virginia pharmacist license.
3. Accordingly, the Registrant freely agrees to the following:
 - a. That the conduct described in Paragraph 2 above constitutes professional misconduct which warrants disciplinary action pursuant to G.L. c. 112, §§ 42A and 61 and 247 CMR 9.01(1) and 10.03(t);
 - b. Registrant's Massachusetts Pharmacist Registration is hereby **REPRIMANDED** by the Board for Registrant's conduct in this matter; and
 - c. The Registrant shall return a signed copy of this Agreement to the Board within ten (10) days of receipt.
4. The Agreement and its contents shall become a part of the records maintained by the Board, and as such, is a public record subject to disclosure to the public, other licensing boards, and the National Association of Boards of Pharmacy.

5. The Board agrees that in return for the Registrant's execution of this Agreement, the Board will not advance the prosecution of the Registrant pursuant to the Complaint; any and all other rights of the Board to take action within the scope of its authority are expressly reserved.

6. The Registrant understands and agrees that her failure to abide by the terms of this Agreement shall nullify the representations contained in Paragraph 5 and permit the Board to initiate formal adjudicatory action under the State Administrative Procedure Act (G.L. c. 30A) and 801 CMR 1.00 *et. seq.*

7. The Registrant understands and agrees that her decision to enter into this Agreement and to accept the terms and conditions herein described is a final act and is not subject to reconsideration or judicial review.

8. The Registrant states that she has used legal counsel in connection with her decision to enter into this Agreement or, if she did not, that she had an opportunity to do so and that her decision to enter into this Agreement was made of her own free will.

9. Registrant certifies that she has read this document entitled "Consent Agreement." The Registrant understands that, by executing this Agreement, she is waiving her right to a formal hearing at which time she would possess the rights 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 court in the event of an adverse ruling, and all other rights set forth in the State Administrative Procedure Act, G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.*

William C. Porter
Witness (signature)

WILLIAM C. PORTER
Witness (print name)

Martha Lyn Porter RPh
Martha Lyn Porter, R.Ph.
Registrant
Date: 4-26-09

Board of Registration in Pharmacy
James T. DeVita
James T. DeVita, R.Ph.
President
Effective Date: 5/21/09

Dec. No.2048

Attachment