

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Mary O. Smith)
Pharmacist Registration No. 24452)

Docket No. PHA-2009-0001

Received

04 2009

BOARD OF
PHARMACY

CONSENT AGREEMENT

The Board of Registration in Pharmacy ("Board") and Mary O. Smith, R.Ph. ("Registrant"), a pharmacist registered by the Board (Pharmacist Registration No. 24452), 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 certain complaint pending against the Registrant as Docket No. PHA-2009-0001 (the "Complaint").
2. The Complaint alleged that on or about July 28, 2008, while employed as a pharmacist at CVS/pharmacy #433, Route 7 & 20, Lenox, MA 01240, Registrant incorrectly dispensed Valtrex 500 mg four times daily rather than Keflex 500mg four times daily as alleged in the Complaint.
3. The Registrant acknowledges that she knowingly signed a form for the renewal of her pharmacist license in which she attested "under the penalties of perjury" that he had fulfilled requisite continuing education requirements for the period 2006 and 2007, yet when audited by the Board, the Registrant failed to provide documentation of completing the required five (5) live contact hours for 2007, in violation of 247 CMR 4.03(3) and G.L. c. 112, s. 61.
4. 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 4.03(3); and 9.01(1); and 10.03 (1)(a)(k); and
 - b. Registrant's Massachusetts Pharmacist Registration is hereby **REPRIMANDED** by the Board for Registrant's conduct in this matter;
 - c. **The registrant within thirty (30) days of the Effective date of the Agreement shall complete two (2) hours of continuing education (CE) related to medication error prevention topics and submit the ORIGINAL CE certificates of completion to the Board along with a copy of the Agreement;**

- d. **The registrant within thirty (30) days of the Effective date of the Agreement the shall** file a Medication Error Report with the Institute for Safe Medication Practices (ISMP) at <https://www.ismp.org/orderforms/reporterrortoISMP.asp> and submit a copy of the report to the Board along with a copy of the Agreement;
 - e. **The registrant within six (6) months of the effective date of this Agreement** shall complete fifteen (15) hours of **LIVE** CEs and submit the **ORIGINAL** CE certificates of completion to the Board along with a copy of the Agreement; and
 - f. The Registrant shall return a signed copy of this Agreement to the Board within ten (10) days of receipt.
- 5. 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.
 - 6. The Board agrees that in return for the Registrant's execution of this Agreement, and compliance with the terms and conditions outlined in Paragraph 3, 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.
 - 7. 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.*
 - 8. 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.
 - 9. The Registrant states that she has used legal counsel in connection with her decision to enter into this Agreement or, if he 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.

10. The 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.*

Donna M. Trifone
Witness (signature) OF MARY O. SMITH

Donna M. Trifone
Witness (print name) OF MARY O. SMITH

Mary O. Smith
Mary O. Smith, R.Ph.
Registrant
Date: 9/2/09

Board of Registration in Pharmacy

Joanne M. Trifone
Joanne M. Trifone, R.Ph.
President-Elect
Effective Date: 9/4/09

Dec. No. 2009