

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Maxim Pharmacy)
License Number: DS3425)
Expiration: December 31, 2017)

PHA-2016-0043

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and Maxim Pharmacy ("Pharmacy" or "Licensee"), a pharmacy licensed by the Board, license number DS3425, 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 that the Board opened a Complaint against its Massachusetts license related to the conduct set forth in Paragraph 2, identified as Docket Number PHA-2016-0043 ("Complaint").
2. The Board and the Pharmacy acknowledge and agree to the following facts:
 - a. Board investigators conducted an inspection of the Pharmacy on August 10, 2015 and observed deficiencies related to refrigeration of controlled substances. Specifically, Board investigators observed the refrigerator to have several instances of temperatures below 36 degrees. Nineteen products were affected by the out of range temperatures, including insulins, immunizations, and ophthalmics.
 - b. At the conclusion of the August 10, 2015 inspection, the Manager of Record, Lanvy Vu, PH235417, confirmed that she participated in the inspection and reviewed the inspection results with the investigator during the exit interview.
 - c. As a result of the deficiencies observed on August 10, 2015, the Pharmacy submitted a plan of correction.
 - d. Board investigators conducted another inspection of the Pharmacy on December 1, 2015. On that date, Board investigators again observed deficiencies involving refrigeration and immunizations. Specifically, investigators observed the Pharmacy failed to maintain a temperature log for one of the refrigerators and the zostavax and varivax

immunizations were stored at the incorrect temperature. At least 29 products were affected by inadequate refrigeration.

- e. At the conclusion of the December 1, 2015 inspection, the Manager of Record, Lanvy Vu, PH235417, confirmed that she participated in the inspection and reviewed the inspection results with the investigator during the exit interview.
 - f. As a result of the deficiencies observed on December 10, 2015, the Pharmacy submitted a plan of correction.
 - g. Board investigators inspected the Pharmacy again on March 30, 2016. The results of that inspection were satisfactory.
 - h. The violations described in Paragraph 2 constitute violations of 247 CMR 9.01(1), 247 CMR 9.01(5), and Board Policy No. 2011-01.
3. The Pharmacy acknowledges that the foregoing facts warrant disciplinary action by the Board under M.G.L. c. 112, §§ 42A and 61 and under 247 CMR 10.03(1)(a), (d), and (v).
 4. The Pharmacy agrees that the Board shall impose a REPRIMAND on its license based on the facts admitted 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, M.G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 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 free to seek and use legal counsel in connection with the Complaint and this Agreement.

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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, 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.
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 he/she is authorized to enter into this Agreement on behalf of the Pharmacy, and that he/she has read this Agreement.

[Signature] 8/23/16 [Signature] 8/23/16
Witness (sign and date) Maxim Pharmacy
(sign and date)

Hieu Vinh
(print name)

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

9-6-16
Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Registrant on 9/8/16 by
Certified Mail No. 7015 1660 0001 1911 4685

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