

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

)
In the Matter of)
Melissa Scott)
License No. 23306)
License Expires 12/31/14)
_____)

Docket No. PHA-2013-0058

RECEIVED

OCT 22 2014

OFF. PUBLIC PROTECTION

CONSENT AGREEMENT FOR PROBATION

The Massachusetts Board of Registration in Pharmacy (Board) and Melissa Scott (Registrant), a Pharmacist licensed by the Board, Registration No. PH23306, 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 a complaint has been filed with the Board against her Massachusetts Pharmacist registration (Registration¹) related to the conduct set forth in paragraph 2, identified as Docket No. PHA-2013-0058 (the Complaint).
2. The Registrant admits to the factual allegations in Paragraphs 1 through 171 of the First Amended Order to Show Cause (FAOTSC) issued on June 30, 2014, relative to the Complaint.
3. The Registrant further acknowledges that her conduct as set forth in Paragraphs 1 through 171 of the FAOTSC violates United State Pharmacopeia Standard <797> Pharmaceutical Compounding – Sterile Preparations, and Massachusetts laws and regulations, as set forth in the FAOTSC, Grounds for Discipline, Paragraphs A-V, and warrants disciplinary action by the Board against her Registration.
4. The Registrant agrees that her Registration shall be placed on PROBATION for no less than three (3) years (Probationary Period) commencing with the date on which the Board signs this Consent Agreement for Probation (Agreement; Effective Date).
5. During the Probationary Period, the Registrant further agrees that she shall comply with all of the following requirements to the Board's satisfaction:
 - a. Comply with all laws and regulations governing the practice of pharmacy, and not engage in any continued or further conduct such as that set forth in Paragraph 2.
 - b. Notify the Board in writing within ten (10) days of each change in her name and/or address.
 - c. Timely renew her Registration.

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

- d. Submit documentation that she has successfully completed, within ninety (90) days of the Effective Date, five (5) hours of continuing education² on the subject of sterile compounding.
 - e. Refrain from undertaking the role of a Manager of Record for any pharmacy for the term of her probation.
 - f. Retake the Massachusetts Multistate Pharmacy Jurisprudence Examination (MPJE) with a passing score of seventy-five percent (75%).
 - g. Successful completion of media-fill tests upon initial employment with any sterile compounding facility and, at minimum, once every six (6) months thereafter.³
 - h. Successful completion of gloved fingertip/thumb sampling of both hands upon initial employment with any sterile compounding facility and, at minimum, once per month thereafter.⁴
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. If and when the Board determines that the Registrant has complied to the Board's satisfaction with all the requirements contained in this Agreement, the Probationary Period will terminate no earlier than three (3) years after the Effective Date upon written notice to the Registrant from the Board⁵.
 8. If the Registrant does not comply with each requirement of this Agreement, or if the Board opens a Subsequent Complaint⁶ during the Probationary Period, the Registrant agrees to the following:
 - a. The Board may upon written notice to the Registrant, as warranted to protect the public health, safety, or welfare:
 - i. **EXTEND** the Probationary Period; and/or

² This continuing education course shall be *in addition to* any contact hours required for license renewal.

³ If the registrant is or will be working in a low/medium risk sterile compounding facility, media-fill tests shall consist of three (3) media-fills on three (3) consecutive days, immediately or upon employment, in a manner that represents the most challenging type of compounding performed. If the Registrant is or will be working in a high-risk sterile compounding facility, media-fill tests shall consist of five (5) media-fills on three (3) consecutive days, immediately or upon employment, in a manner that represents the most challenging type of compounding performed. Details of the media fill procedures are to be provided to the Board.

⁴ The Registrant must successfully complete at least three (3) gloved fingertip/thumb sampling procedures (success is 0 CFUs) all of which are documented, immediately or upon employment. The Board shall be notified within one (1) hour of receipt of any positive media-fill or gloved fingertip/thumb test by contacting the Registrant's assigned Division of Health Professions Licensure Probation Monitor at 239 Causeway Street, Suite 500, 5th Floor, Boston, MA.

⁵ In all instances where this Agreement specifies written notice to the Registrant from the Board, such notice shall be sent to the Registrant's address of record.

⁶ The term "Subsequent Complaint" applies to a complaint opened after the Effective Date, which (1) alleges that the Registrant engaged in conduct that violates Board statutes or regulations, and (2) is substantiated by evidence, as determined following the complaint investigation, during which the Registrant shall have an opportunity to respond.

- ii. MODIFY the Agreement requirements; and/or
 - iii. IMMEDIATELY SUSPEND the Registrant's registration.
 - b. If the Board suspends the Registrant's registration pursuant to Paragraph 8(a)(iii), the suspension shall remain in effect until:
 - i. the Board gives the Registrant written notice that the Probationary Period is to be resumed and under what terms; or
 - ii. the Board and the Registrant sign 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.
- 9. The Registrant agrees that if the Board suspends her registration in accordance with Paragraph 8, she will immediately return her current Registration to the Board, by hand or certified mail. The Registrant further agrees that upon suspension, she will no longer be authorized to engage in practice as a Pharmacist in the Commonwealth of Massachusetts and shall not in any way represent herself as a Pharmacist until such time as the Board reinstates her registration⁷.
- 10. 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, 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.
- 11. The Registrant acknowledges that she has been represented by legal counsel in connection with the Complaint and this Agreement.
- 12. The Registrant acknowledges that after the Effective Date, the Agreement constitutes a public record subject to the Commonwealth of Massachusetts' Public Records Law, G.L. c. 4, §7.

⁷Any evidence of unlicensed practice or misrepresentation as a Pharmacist after the Board has notified the Registrant 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.

13. 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.

Sarah Trotter 10/17/14

Witness (sign and date)

Sarah Trotter

Witness (print name)

Melissa Scott, RR 10/17/2014

Registrant (sign and date)

Registrant (sign and date)

David Sencabaugh

David Sencabaugh, R. Ph.

Executive Director

Board of Registration in Pharmacy

10/24/14

Effective Date of Probation Agreement

Fully Signed Agreement Sent to Registrant on October 24, 2014 by Certified Mail
No. 7014 0510 0001 0374 6342