

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Michael K. Wynne, R.Ph.)
PH License No. 17353)
License Expired 12/31/10)
_____)

Docket No. PHA-2008-0026

Received

MAY 29 2009

CONSENT AGREEMENT

BOARD OF
PHARMACY

The Board of Registration in Pharmacy ("Board") and Michael K. Wynne, R.Ph. ("Registrant"), a pharmacist registered by the Board (Pharmacist Registration No. 17353), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the file of Registrant which is maintained by the Board:

1. The parties enter into this Consent Agreement ("Agreement") to resolve the matters pending against Registrant before the Board as Docket No. PHA-2008-0026 (the "Complaint").
2. Registrant agrees that this Agreement has been entered into as a result of his conduct while employed at CVS/Pharmacy #604, located at 199 Sudbury Road, Concord, Massachusetts during the period from August 2008 thru December 2008; specifically, Registrant's theft of prescription medications for personal use (380 tablets methylphenidate 20 mg.).
3. Accordingly, to resolve the matters relating to the Complaint, the Registrant agrees:
 - a. That his conduct described in Paragraph 2 above constitutes professional misconduct warranting Board disciplinary action pursuant to G.L. c. 112, §§ 42A and 61 and Board Regulations 247 CMR 9.01(1); 9.01(2); 10.03(1)(a); 10.03(1)(b); 10.03(1)(e); 10.03(1)(f); 10.03(1)(u); and 10.03(1)(w);
 - b. That his license shall be SUSPENDED for a minimum twelve month period, commencing on the Effective Date of the Agreement (the date Registrant surrendered his license to the Board); and
 - c. That within twelve months of the Effective Date of the Agreement, Registrant shall pass (grade of 75% or more) the Multistate Professional Jurisprudence

Examination (MPJE).

4. Not sooner than twelve months from the Effective Date of the Agreement, provided Registrant has complied with the terms of the Agreement, Registrant may petition the Board for termination of the SUSPENSION Period. Assuming compliance with the Agreement, the Board will reinstate Registrant's license on PROBATIONARY STATUS, continuing for a minimum two (2) year period (the "PROBATION Period").
5. Registrant agrees that the termination of the PROBATION Period shall be granted only if he has met the following conditions:
 - a. Registrant must apply in writing to the Board for termination of the PROBATION Period. The Board may request a conference to discuss the merits of such request; and
 - b. Registrant has fully complied with all terms and conditions of this Agreement and meets all other requirements for licensure.
6. This Agreement and its contents shall be incorporated into the records maintained by the Board, are matters of public record, subject to disclosure, without limitation, to the public and equivalent state licensing boards.
7. 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.
8. The Registrant understands and agrees that his failure to comply with the terms of this Agreement shall nullify the representations contained in Paragraph 7, and permit the Board to initiate formal adjudicatory action under the State Administrative Procedure Act, G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.00 *et seq.*
9. The Registrant understands and agrees that, at any time during the PROBATION Period, upon a determination by the Board of any violation of any of the terms and conditions of the Contract or this Agreement or any violation of the applicable laws, rules and regulations governing the practice of pharmacy, the Board may immediately suspend the Registrant's license to practice pharmacy without the requirement of further proceedings pursuant to G.L. c. 30A, for such period and on such terms as the Board may deem necessary and appropriate..
10. The Registrant understands and agrees that should he be found to have violated any of the statutes and/or regulations governing the practice of pharmacy for conduct occurring during the PROBATION Period, the Board may consider the conduct of the Registrant

described in Paragraph 2 and more fully described in the Complaint in determining an appropriate sanction for the subsequent offense.

11. The Registrant understands and agrees that his 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.
12. The Registrant states that he has used legal counsel in connection with his decision to enter into this Agreement or, if he did not, that he had an opportunity to do so and that his decision to enter into this Agreement was made of his own free will.
13. The Registrant certifies that he has read this document entitled "Consent Agreement". The Registrant understands that, by executing this Agreement, he is waiving his right to a formal hearing at which he would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, to appeal to court in the event of an adverse ruling, and all other rights set forth in G.L. c. 30A and 801 CMR 1.01 *et seq.* Registrant states that he further understands that in executing this document entitled "Consent Agreement", he is knowingly and voluntarily waiving his right to a formal hearing and to all of the above listed rights.

Leslie Wynne 5/24/09
Witness (sign name and date)

Leslie Wynne
Witness (print name)

Michael K. Wynne R.Ph.
Michael K. Wynne, R.Ph.

Date: 5/24/09

BOARD OF REGISTRATION
IN PHARMACY

Joanne M. Trifone
Joanne M. Trifone, R.Ph.
President Elect

Effective Date: December 9, 2008

Decision No. 1990