

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of
Michael N. Weisburgh
PH License No. 25086
Expiration Date:

Docket No. PHA-2013-0080

CONSENT AGREEMENT FOR VOLUNTARY SURRENDER

The Massachusetts Board of Registration in Pharmacy ("Board") and Michael N. Weisburgh ("Licensee"), a registered pharmacist registered by the Board, Registration No. PH25086, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board:

1. The Licensee acknowledges that the Board opened a complaint against his Massachusetts pharmacy registration ("registration") related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2013-0080 ("Complaint").¹
2. The Board and the Licensee acknowledge and agree to the following facts:
 - a. Licensee diverted Buprenorphine 8 mg, a controlled substance, from a Maryland pharmacy where he worked.
 - b. The Maryland Board of Registration in Pharmacy summarily suspended Licensee's registration to practice as a pharmacist in the State of Maryland.
3. The Licensee acknowledges that the facts described in Paragraph 2 are grounds for discipline against his Massachusetts pharmacist registration pursuant to 247 CMR 10.03(t).
4. The Licensee agrees to **SURRENDER** his pharmacist registration until such time as his license to practice as a pharmacist in Maryland has been restored to good standing.

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

5. After the Surrender Period, and when the Licensee can complete to the satisfaction of the Board all of the requirements set forth in this Paragraph and in the Board's policy 2011-02 "License Reinstatement following Surrender, Suspension, or Revocation," the Licensee may petition the Board for reinstatement of his registration. The petition must be in writing and must include the following documentation of the Licensee's ability to practice as a pharmacist in a safe and competent manner, all to the Board's satisfaction:

- a. All documentation required pursuant to Board's policy 2011-02 "License Reinstatement following Surrender, Suspension, or Revocation."
- b. A performance evaluation sent directly to the Board from each of the Licensee's employers, prepared on official letterhead that reviews the Licensee's attendance, general reliability, and specific job performance during the year immediately prior to the date on which the Licensee submits his petition ("petition date").²
- c. Authorization for the Board to obtain a Criminal Offender Record Information ("CORI") report of the Licensee conducted by the Massachusetts Criminal History Systems Board.
- d. Documentation that the Licensee has completed, at least one year prior to the petition date, all requirements imposed upon him in connection with all criminal and/or administrative matter(s) arising from, or related to, the conduct identified in Paragraph 2.³ Such documentation shall be certified and sent directly to the Board by the appropriate court or administrative body and shall include a description of the requirements and the disposition of each matter.
- e. Certified documentation from the Maryland Board of Registration Pharmacy verifying that the Licensee successfully met all requirements imposed by the Maryland Board in connection with its discipline of his pharmacist license and that his Maryland license is, or is eligible to be, reinstated in good standing and free of any restrictions or conditions.⁴

² If the Licensee has not been employed during the year immediately prior to the petition date, he shall submit an affidavit to the Board so attesting.

³ If there have been no criminal or administrative matters against the Licensee arising from or in any way related to the conduct identified in Paragraph 2, the Licensee shall submit an affidavit so attesting.

⁴ Licensee shall also submit certified documentation from the state board of pharmacy of each jurisdiction in which the Licensee has ever been licensed to practice as a pharmacist, other than Maryland, sent directly to the Massachusetts Board, identifying his license status and discipline history, and verifying that his license is, or is eligible to be, in good standing and free of any restrictions or conditions.

Michael N. Weisburgh
PH25086
PHA-2013-0080

6. If and when the Board determines that the Licensee has complied to the Board's satisfaction with all the requirements contained in Paragraphs 4 and 5, the Board shall send written notice to the Licensee which shall terminate the Surrender Period.⁵
7. The Licensee agrees that he will not practice as a registered pharmacist in Massachusetts from the Effective Date of this Agreement unless and until the Board reinstates his registration.⁶
8. The Board agrees that in return for the Licensee's execution of this Agreement it will not prosecute the Complaint.
9. The Licensee understands that he has a right to formal adjudicatory hearing concerning the allegations against him and that during said adjudication he would possess the right 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 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 Licensee further understands that by executing this Agreement he is knowingly and voluntarily waiving his right to a formal adjudication of the Complaint.
10. The Registrant acknowledges that he has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.
11. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board. 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.


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

⁶ The Licensee understands that practice as a registered pharmacist includes, but is not limited to, seeking and/or accepting a paid or voluntary position as a registered pharmacist, or a paid or voluntary position requiring that the applicant hold a current pharmacy registration. The Licensee further understands that if he accepts a voluntary or paid position as a registered pharmacist, or engages in any practice of pharmacy after the Effective Date and before the Board formally reinstates his registration, evidence of such practice shall be grounds for the Board's referral of any such unlicensed practice to the appropriate law enforcement authorities for prosecution.

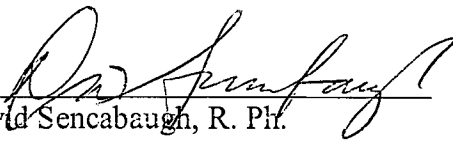
Michael N. Weisburgh
PH25086
PHA-2013-0080

12. The Licensee certifies that he has read this Agreement. The Licensee understands and agrees that entering into this Agreement is a final act and not subject to reconsideration, appeal or judicial review.

Michelle Weisburgh 3/11/14
Witness (sign and date)

 3/11/14
Michael N. Weisburgh
Licensee (sign and date)

Michelle Weisburgh
Witness (print name)


David Sencabaugh, R. Ph.
Executive Director
Board of Registration in Pharmacy
March 27, 2014
Effective Date of Surrender Agreement

Fully Signed Agreement Sent to Licensee on March 28, 2014 by Certified
Mail No. 7010 1870 0002 7380 9941

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PH25086
PHA-2013-0080