

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of
Mona-Lissa (Frain) Matthews
Pharmacist Registration No. PH25272

PHA-2011-0193

POST SUSPENSION CONSENT AGREEMENT FOR PROBATION

The Massachusetts Board of Registration in Pharmacy (Board) and Mona-Lissa (Frain) Matthews (Registrant), a Pharmacist licensed by the Board, Registration No. PH25272, 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 agrees that this Post-Suspension Consent Agreement for Probation ("Agreement") will supercede any and all previous agreements that she has entered into with the Board. Further, the Registrant agrees that this Agreement has been executed as a result of the Board's:
 - a. receipt and investigation of a complaint filed against her, Docket PHA-2011-0193, which resulted in the suspension of her pharmacy licence, pursuant to a Suspension Agreement with the Board effective September 13, 2011 in resolution of the complaint; and
 - b. consideration of the Registrant's request for license reinstatement and documentation she submitted pursuant to the requirements of the Consent Agreement referenced in the subparagraph immediately above.
2. The Registrant admits that she diverted, for personal use, and use of family members, various Schedule VI controlled substances through fraudulent prescriptions created by Registrant on various dates commencing in 2010, with insurance claims for such prescriptions processed by Registrant while she was employed as Manager of Record at CVS/pharmacy #2325 located at 1025 Central Street Stoughton, MA. The Registrant acknowledges that the foregoing facts warranted disciplinary action by the Board under Mass. General Laws., ch. 42A and 61, and under 247 CMR 9.01 (1), (2) and (6); and 247 CMR 10.03(1)(a), (b), (e), (l) (a) (l) (r), (u), (v), (w), and (x)
3. The Registrant agrees that her Pharmacist registration shall be placed on PROBATION for no less than three (3) years commencing with the date on which the Board signs this Agreement (Effective Date).
4. 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.
5. 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 Probation Period will terminate no earlier than three (3) years after the Effective Date upon written notice to the Registrant from the Board¹.
6. If the Registrant does not comply with each requirement of this Agreement, or if the Board opens a Subsequent Complaint² during the Probation 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
 - ii. MODIFY the Probation Agreement requirements; and/or
 - iii. IMMEDIATELY SUSPEND the Registrant's registration.
 - b. If the Board suspends the Registrant's registration pursuant to Paragraph 6(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.
7. The Registrant agrees that if the Board suspends her registration in accordance with Paragraph 6, she will immediately return her current Massachusetts registration to practice as Pharmacist 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

¹ 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.

² 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.

represent herself as a Pharmacist until such time as the Board reinstates her registration³.

8. The Registrant agrees that when she executed the original Consent Agreement for Suspension that she entered into with the Board in final resolution of the above-captioned complaint, Docket No. PHA-2011-00193 effective on September 13, 2011, she knowingly and voluntarily waived her right to a formal adjudication concerning the allegations against her in the complaints, the rights that she would have possessed during such adjudication 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 to 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 Licensee further understands and agrees that in executing this document entitled "Post-Suspension Consent Agreement for Probation," she is knowingly and voluntarily waiving any rights she has to a formal adjudication concerning the Board's action on her request for termination of her suspension of her pharmacy license in connection with the above-captioned complaint, the rights that she would possess during such an adjudication and to those other rights listed above.
9. The Registrant acknowledges that she has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.
10. 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. ch. 4, §7.
11. 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.

William Kyle Matthews 9/13/13
Witness (sign and date)

Mona-Lissa (Frain) Matthews 9/13/13
Mona-Lissa (Frain) Matthews
Registrant (sign and date)

William Kyle Matthews
Witness (print name)

Margaret Cittadino
Margaret Cittadino
Associate Director
Board of Registration in Pharmacy

September 27, 2013
Effective Date of Probation Agreement

Fully Signed Agreement Sent to Registrant on Sept. 27, 2013 by Certified Mail
No. 7012 3460 0001 7330 8722

³Any 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.