

SUFFOLK COUNTY

BOARD OF REGISTRATION IN PHARMACY

_____)
 In the Matter of)
Mona-Lissa Frain, R.Ph.)
 Pharmacist Registration No. 25272)
 _____)

Docket No. PHA-2011-0193

CONSENT AGREEMENT

The Board of Registration in Pharmacy ("Board") and Mona-Lissa Frain, R.Ph., R.Ph. ("Registrant"), a pharmacist registered by the Board (Pharmacist Registration No. 25272), 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") in order to resolve disputed matters arising out of the complaint pending against Registrant before the Board as Docket No. PHA-2011-0193 (the "Complaint").
2. The Registrant acknowledges and agrees that this Agreement has been entered into as a result of Registrant's admission to the diversion, for personal use and the use of family members, of various Schedule VI controlled substances thorough 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 Records at CVS/pharmacy #2325, located at 1025 Central Street in Stoughton, Massachusetts.
3. Accordingly, the Registrant freely agrees to the following:
 - a. that the conduct described in Paragraph 2 constitutes professional misconduct warranting Board disciplinary action pursuant to G.L. 112, §§ 42A and 61 and Board Regulations 247 CMR sections 9.01(1), 9.01(2), 9.01(6), 10.03(1)(a), 10.03(1)(b), 10.03(1)(e), 10.03(1)(a), 10.03(1)(l), 10.03(1)(r), 10.03(1)(u), 10.03(1)(v), 10.03(1)(w) and 10.03(1)(x);
 - b. The Registrant agrees that as of the date of the execution of this Agreement by the registrant ("Effective Date") the Board place Registrant's license to practice pharmacy in the Commonwealth on SUSPENSION STATUS for a minimum period of one (1) year (the "Suspension Period"); and

- c. Registrant agrees that the termination of the Suspension Period shall be granted if she has met the following conditions:
 - i. Registrant shall have passed (grade of 75% or more) the Multistate Pharmacy Jurisprudence Examination (MPJE); and
 - ii. Registrant shall have completed the minimum number of continuing education units (CEUs) credits in compliance with 247 CMR 4.03(4).
4. Upon receipt of official documentation of Registrant's completion of the MPJE and required CEUs, the Board will reinstate Registrant's license on a PROBATIONARY STATUS for a three (3) year period (the "Probation Period"). Termination of the Probation Period shall be governed by Paragraph 5 of this Agreement.
5. Registrant agrees that the termination of the Suspension and Probation Periods shall be granted only if she has met the following conditions:
 - a. Registrant must apply in writing to the Board for termination of the Suspension and Probation Periods. The Board may schedule a conference to review the petition; 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 her 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 should she 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 Licensee described in Paragraph 2. and more fully described in Complaint Docket No. PHA-2011-0193 in determining an appropriate sanction for the subsequent offense.

10. The Registrant understands and agrees that her 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.

11. The Registrant states that she has used legal counsel in connection with her decision to enter into this Agreement or, if she did not, that she had an opportunity to do so and that her decision to enter into this Agreement was made of her own free will.

12. The Registrant certifies that she has read this document entitled "Consent Agreement". The Registrant understands that, by executing this Agreement, she is waiving her right to a formal hearing at which she 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 she further understands that in executing this document entitled "Consent Agreement", she is knowingly and voluntarily waiving her right to a formal hearing and to all of the above listed rights.

Monique Lucien
Witness (sign name)

MONIQUE LUCIEN
Witness (print name)

Mona-Lissa Frain, R.Ph.

Effective Date: 9/13/11

BOARD OF REGISTRATION
IN PHARMACY

By: Stanley B. Walczyk R.Ph.
President

Date: September 13, 2011

Decision No. 2670