

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Natalie R. Budilovsky-Kelley, R.Ph.) PHA-2015-0012
PH26427)

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and Natalie Budilovsky-Kelley ("Licensee"), a pharmacist licensed by the Board, license number PH26427, 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:

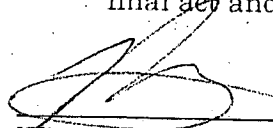
1. The Licensee acknowledges that the Board opened a Complaint against her Massachusetts pharmacist license related to the conduct set forth in Paragraph 2, identified as Docket Number PHA-2015-0012 ("Complaint").
2. The Board and the Licensee acknowledge and agree to the following facts:
 - a. From approximately March 20, 2014 until approximately August 28, 2015, Licensee worked as the Manager of Record for Rite Aid Pharmacy #10152 ("Pharmacy") located at 710 East Broadway in South Boston, Massachusetts. As described in 247 CMR 6.07, Licensee, as Manager of Record, was responsible for operating the Pharmacy in compliance with 247 CMR 2.00 *et seq.* and applicable state and federal laws and regulations.
 - b. On or about January 14, 2015, Board Inspectors observed that the Pharmacy engaged in sterile compounding without the required primary or secondary engineering controls and without aseptic technique, in violation of USP General Chapter 797, 247 CMR 6.01(5), and 247 CMR 9.01(3).

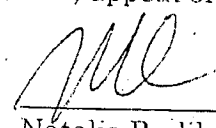
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- c. While Licensee worked as Manager of Record of the Pharmacy, the Pharmacy compounded and dispensed Neosporin/Sodium CL bladder irrigation to a single patient on the following dates: May 6, 2014, June 22, 2014, August 18, 2014, October 4, 2014, November 21, 2014, and January 6, 2015. Licensee maintains she did not compound or verify the Neosporin/Sodium CL bladder irrigation.
 - d. Inspectors observed the Pharmacy assigned a Beyond-Use-Date (BUD) to Neosporin/Sodium CL bladder irrigation in excess of the manufacturer's page insert of two days.
 - e. The foregoing facts warrant disciplinary action by the Board under M.G.L. c. 112, §§ 42A and 61, 247 CMR 10.03(1)(a), and 247 CMR 10.03(1)(v).
3. The Licensee acknowledges and agrees the facts described in Paragraph 2 warrant disciplinary action by the Board under M.G.L. c. 112, §§ 42A and 61, 247 CMR 10.03(1)(a), and 247 CMR 10.03(1)(v).
 4. The Licensee agrees that the Board shall impose a REPRIMAND on her license based on the facts admitted in Paragraph 2, effective as of the date on which the Board signs this Agreement ("Effective Date").
 5. The Board agrees that in return for the Licensee's execution and successful compliance with all the requirements of this Agreement, the Board will not prosecute the Complaint.
 6. The Licensee 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, 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 she is knowingly and voluntarily waiving her right to a formal adjudication of the Complaint.
 7. The Licensee acknowledges that she has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.

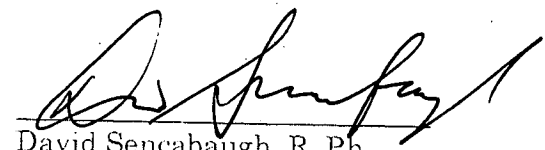
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- 8. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board subject to the Commonwealth of Massachusetts' Public Records Law, M.G.L. c. 4, § 7. The Board may forward a copy of this Agreement to other licensing boards, law enforcement entities, and other individuals or entities as required or permitted by law.
- 9. The Licensee certifies that she has read this Agreement. The Licensee understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal or judicial review.


11/26/17
Witness (sign and date)


11/26/17
Natalie Budilovsky-Kelley
(sign and date)

11-28-17
Effective Date


David Sencabaugh, R. Ph.
Executive Director
Board of Registration in Pharmacy

Fully Signed Agreement Sent to Registrant on 11/29/17 by
Certified Mail No. 7016 1370 00014117 0665

Natalie Budilovsky-Kelley
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