

SUFFOLK COUNTY

In the Matter of
Nicholas E. Creanza, R.Ph.

License No. 16229

License Expiration Date 12/31/08

Docket No. PH-08-043

The Board of Registration in Pharmacy ("Board") and Nicholas E. Creanza, ("Registrant"), a pharmacist registered by the Board (Pharmacist Registration No. 16229), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the file of the Registrant which is maintained by the Board.

1. The parties enter into this Voluntary Surrender Agreement ("Agreement") in order to resolve the complaint pending against the Registrant before the Board as Docket No. PH-08-043, (the "Complaint").
2. Registrant acknowledges that on or about July 18, 2005, he performed a physical assessment of Patient A at his pharmacy office of the grounds of Mercy Hospital in Springfield, Massachusetts. His physical assessment included an examination of her ears, nose, throat and lungs.
3. Registrant acknowledges and agrees that the physical assessment performed was beyond the statutory limits as applied to pharmacists, and as such, is a basis for disciplinary action by the Board.
4. Accordingly, Registrant freely agrees to, and the Board accepts, the voluntary surrender of Registrant's license to practice pharmacy in the Commonwealth of Massachusetts (License No. 16229) in resolution of the Complaint, commencing on the Effective Date of this Agreement. Such surrender shall be permanent and the Registrant shall not be eligible to petition for reinstatement of his license.
5. This Agreement and its contents shall be incorporated into the records maintained by the Board, are matters of public record, and are subject to disclosure without limitation to the public and equivalent state licensing boards.

6. 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.
7. 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.
8. The Registrant states that he has used legal counsel in connection with his decision to enter into this Agreement.
9. The Registrant certifies that he has read this document entitled "Voluntary Surrender 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 the court in the event of an adverse ruling, and all other rights as set forth in the State Administrative Procedure Act, G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.*

Inna Gordon 7/26/10
Witness (sign name and date)

Nicholas E. Creanza
Nicholas E. Creanza, R.Ph.

Inna Gordon
Witness (print name)

BOARD OF REGISTRATION
IN PHARMACY

By: Joanne M. Trifone
Joanne M. Trifone, R.Ph.
President

EFFECTIVE DATE

July 29, 2010

Board Use: Board Decision ID No. _____