

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

In the Matter of )  
Nicole Bombardier )  
PH26088 )

Docket No. 20080916-PH-039  
PHA-2009-0130

**POST SURRENDER CONSENT AGREEMENT FOR PROBATION**

The Massachusetts Board of Registration in Pharmacy ("Board") and Nicole Bombardier ("Licensee"), a pharmacist licensed by the Board, Registration No. PH26088, 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 agrees that this Post Surrender Consent Agreement for Probation ("Agreement") will supersede the Consent Agreement for Surrender dated, October 5, 2008. Further, the Licensee agrees that this Agreement has been executed as a result of the Board's:
  - a. receipt and investigation of a complaints filed against her, Docket 20080916-PH-039 and PHA-2009-0130, which resulted in the surrender of her pharmacist license, pursuant to a Consent Agreement for Surrender with the Board effective October 5, 2008 in resolution of the complaint; and
  - b. consideration of the Licensee's request for license reinstatement and documentation she submitted pursuant to the requirements of the Surrender Agreement referenced in the subparagraph immediately above.
2. The Licensee admitted that during or about May 2008 and continuing until on or about September 5, 2008, she diverted controlled substance, specifically OxyContin, from Price Chopper Pharmacy in Pittsfield, MA and placed other medication that was not OxyContin into the bottle and then returned the bottle to the safe that was used to store controlled substances.
3. The Board and the Licensee acknowledge and agree the conduct described in Paragraph 2 is grounds for discipline by the Board pursuant to M.G.L. c. 112, §§ 42A & 61 and 247 CMR 10.03.

Bombardier, Nicole  
PH260888

4. The Licensee agrees that her pharmacist license shall be placed on PROBATION for 4 years, beginning on the date the Board signs this Agreement ("Effective Date").
5. During the Probationary Period, the Licensee 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.
  - d. Submit directly to the Board, according to the conditions and procedures outlined in **Attachment A** of this Agreement, the results of random, supervised urine tests for substances of abuse, collected from the Licensee no less than fifteen (15) times per year during the Probationary Period, all of which are required to be negative.
  - e. Abstain from the use of alcohol, controlled substances, substances of abuse, and substances with potential for abuse.
  - f. If prescribed any controlled substance, notify the Board within three (3) days and arrange for the prescriber to submit immediately thereafter and directly to the Board a written statement of the kind and amount of each controlled substance prescribed with medical necessity for each such prescription.
6. During the Probationary Period, the Licensee further agrees that she shall participate in and comply with the Massachusetts Professional Recovery System ("MPRS") program.
7. The Board acknowledges receipt of documentation demonstrating that Registrant passed the MPJE examinations. The Board and the Registrant acknowledge that receipt of said documentation was a precondition to be met before the Board entered into this Agreement.
8. If and when the Board determines that the Licensee has complied to the Board's satisfaction with all the requirements contained in this Agreement

and the MPRS Program, the Probationary Period will terminate upon written notice to the Licensee from the Board<sup>1</sup>.

9. If the Licensee does not comply with each requirement of this Agreement and the MPRS Program, or if the Board opens a Subsequent Complaint<sup>2</sup> during the Probationary Period, the Licensee agrees to the following:
- a. The Board may upon written notice to the Licensee, as warranted to protect the public health, safety, or welfare:
    - i. EXTEND the Probationary Period;
    - ii. MODIFY the Probation Agreement requirements; and/or
    - iii. IMMEDIATELY SUSPEND the Licensee's registration.
  - b. If the Board suspends the Licensee's registration pursuant to Paragraph 9(a)(iii), the suspension shall remain in effect until:
    - i. the Board gives the Licensee written notice that the Probationary Period is to be resumed and under what terms;
    - ii. the Board and the Licensee 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.
10. The Licensee agrees that if the Board suspends her license in accordance with Paragraph 9, she will immediately return her current Massachusetts license to practice as pharmacist to the Board, by hand or certified mail. The Licensee further agrees that upon suspension, she will no longer be authorized to engage in the practice of pharmacy in the Commonwealth of Massachusetts and shall not in any way represent herself as a pharmacist until such time as the Board reinstates her license<sup>3</sup>.
11. The Licensee agrees that when she executed the original Consent Agreement for Surrender, effective on October 5, 2008, she knowingly and voluntarily waived her right to a formal adjudication concerning the allegations against her in the complaints, the rights that he would have possessed during such

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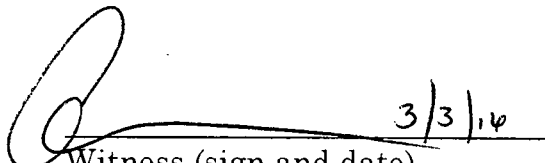
<sup>1</sup> In all instances where this Agreement specifies written notice to the Licensee from the Board, such notice shall be sent to the Licensee's address of record.

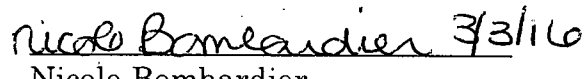
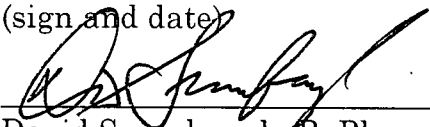
<sup>2</sup> The term "Subsequent Complaint" applies to a complaint opened after the Effective Date, which (1) alleges that the Licensee engaged in conduct that violates Board statutes or regulations, and (2) is substantiated by evidence, as determined following the complaint investigation during which the Licensee shall have an opportunity to respond.

<sup>3</sup> Any evidence of unlicensed practice or misrepresentation as a pharmacist after the Board has notified the Licensee of her license 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.

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, M.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 Surrender 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 surrender of her pharmacist 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.

12. 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.
13. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record subject to the Commonwealth of Massachusetts' Public Records Law, M.G.L. c. 4, § 7.
14. 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.

  
3/3/16  
Witness (sign and date)  
Carolin Swain

  
3/3/16  
Nicole Bombardier  
(sign and date)  
  
David Sencabaugh, R. Ph.  
Executive Director  
Board of Registration in Pharmacy

3/9/16  
Effective Date

Fully Signed Agreement Sent to Licensee on 3/9/16 by  
Certified Mail No. 7015 1520 0600 4631 3204