

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

Received

JUN 12 2008

BOARD OF
PHARMACY

In the Matter of)
Nicole M. McCarthy, R.Ph.)
Pharmacist Registration No. 23532)
Exp: 12/31/2008)
_____)

Docket No. PH-08-075

CONSENT AGREEMENT

The Board of Registration in Pharmacy ("Board") and Nicole M. McCarthy, R.Ph. ("Registrant"), a pharmacist registered by the Board (Pharmacist Registration No. 23532, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the file of Registrant maintained by the Board:

1. The parties enter into this Consent Agreement ("Agreement") in order to resolve a complaint pending against Registrant before the Board as Docket No. PH-08-075 (the "Complaint").
2. Registrant acknowledges that she knowingly signed a renewal of her pharmacist license in which she attested "under the penalties of perjury" that she had fulfilled requisite continuing education (CE) requirements for the renewal period commencing 2006, yet when audited by the Board, Registrant provided insufficient evidence of completion of the required total of 30 CEs for the licensure period 2006 – 2007 (9.5 CEs completed for 2006; 5 CEs completed for 2007), in violation of Board Regulations 247 CMR 4.03(3), 9.01(1), 9.01(6) 10.03(a), 10.03(o), 10.03(p) and G.L. c. 112, s. 61.
3. Accordingly, Registrant freely agrees to the following:
 - a. Registrant's conduct described in Paragraph 2 above constitutes unprofessional conduct warranting Board disciplinary action pursuant to G.L. c. 112, §§ 42A and 61 and Board Regulations 247 CMR 9.01(1), 9.01(6) and 10.03(a), 10.03(o), 10.03(p);
 - b. Registrant's pharmacist license is hereby placed on probationary status for a minimum two year period (the "Probation Period"), commencing on the Effective

Date of the Agreement. Termination of the Probation Period shall be governed by Paragraph 4 of the Agreement;

- c. During the Probation Period, Registrant may not act as Manager of Record;
 - d. Registrant must complete 46.5 CE hours of continuing education, which CEs must include a minimum of 15 hours of LIVE CE. Registrant must submit the ORIGINAL CE certificates of completion along with a copy of this Agreement to the Board by December 31, 2008;
 - e. Registrant must pass the Multistate Pharmacy Jurisprudence Examination (MPJE) with a score of at least 75% within six months of the effective date of this Agreement; and
 - f. Registrant shall return a signed copy of this Agreement to the Board within ten days of receipt.
4. Registrant agrees that termination of the Probation Period shall be granted only if Registrant has satisfied the following conditions:
- a. Registrant must apply in writing to the Board for the termination of the Probation Period; and
 - b. Registrant must fully comply with all terms and conditions of this Agreement and meets all other requirements for licensure.
5. The Agreement and its contents shall become a part of the records maintained by the Board, and as such, is a public record subject to disclosure to the public, other licensing boards, and the National Association of Boards of Pharmacy.
6. 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.
7. 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.

8. Registrant certifies that she has read this document entitled "Consent Agreement". Registrant understands that, by executing this Agreement, she is agreeing to the terms and conditions for registration by the Board.

Robert S. McCarthy
Witness (signature)

ROBERT S. MCCARTHY
Witness (print name)

Nicole M. McCarthy, R.Ph.
Registrant
Date: 6/9/08

Board of Registration in Pharmacy

Sophia Pasedis
Sophia Pasedis, Pharm.D., R.Ph.
President

Effective Date: 04/12/08

Dec. No. 1757