

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Patricia Rubino)
PT3964)
Expired: 10/11/2023)

Docket No. PHA-2022-0166
CAS-2022-0152

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and Patricia Rubino ("Licensee"), pharmacy technician licensed by the Board, License No. PT3964, 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 their Massachusetts pharmacy technician license related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2022-0166 ("the Complaint").¹
2. The Licensee and the Board agree to resolve this Complaint without making any admissions or findings and without proceeding to a formal adjudicatory hearing. The Complaint alleges the following:
 - a. The Licensee worked as a pharmacy technician for CVS Pharmacy #1870 in February 2022, and at all times relevant to this Agreement.
 - i. While employed by CVS Pharmacy #1870 as a pharmacy technician and while filing a prescription, the Licensee affixed the drug label to the manufacturer stock bottle of the wrong drug. The Licensee bypassed the pharmacy's product verification barcode technology when labeling the prescription.
 1. The Licensee admitted in a signed statement that they were confused at times in the past by [the medications involved] due to "similar drug names." The Licensee further admitted in the signed statement that they would

¹ The term "license" includes a current license and the right to renew an expired license.

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only bypass scanning the barcode on the medication bottle when they were confident the drug chosen was correct.

2. Following their internal investigation into the error, CVS Pharmacy #1870 stated the error was due to bypassing barcode verification.

- ii. As a result, the patient was dispensed and ingested the wrong drug, and suffered adverse drug effects as a result.

3. The Board and Licensee acknowledge and agree that based upon the conduct described in Paragraph 2 the Board could find the Licensee in violation of recognized standards of pharmacy practice, warranting disciplinary action by the Board under M.G.L. c. 112, §§ 42A and 61, 247 CMR 10.03(1)(v).
4. The Licensee agrees that the Board shall impose a REPRIMAND on their license based on the facts described 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 it will not prosecute the Complaint.
6. The Licensee understands that they have a right to a formal adjudicatory hearing concerning the allegations against them and that during said adjudication they would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on their 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 they are knowingly and voluntarily waiving their right to a formal adjudication of the Complaint.
7. The Licensee acknowledges that they have been at all times represented by Counsel or otherwise free to seek and use legal counsel in connection with the Complaint and this Agreement.
8. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board. 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 they have read this Agreement. The Licensee understands and agrees that entering into this Agreement is a final act and not subject to reconsideration, appeal, or judicial review.

August 29, 2024
Date

Patricia Rubino
Patricia Rubino
Licensee (signature)

David Sencabaugh

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

September 5, 2024

Effective Date

Fully Signed Agreement Sent to Licensee on 9/5/24 by Certified Mail
No. 9589 0710 5270 0429 9695 65

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