

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION IN
PHARMACY

_____)
In the Matter of)
Patricia Smart)
License No. PT3344)
Expired December 13, 2013)
_____)

Docket No. PHA-2013-0078

CONSENT AGREEMENT FOR VOLUNTARY SURRENDER

The Massachusetts Board of Registration in Pharmacy ("Board") and Patricia Smart ("Licensee"), a pharmacy technician licensed by the Board, PT3344 ("Licensee")¹ 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 License related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2013-0078 ("Complaint").
2. The Board and Licensee acknowledge and agree to the following facts:
 - a. On or about April 15, 2013, Licensee was employed as a pharmacy lead technician at CVS Pharmacy #1886 located at 425 Lowell Avenue in Haverhill, Massachusetts ("Pharmacy").
 - b. Licensee was employed by CVS for approximately 14 years.
 - c. On or about April 15, 2013, Licensee admitted to diverting about one hundred and twenty-six (126) hydrocodone 7.5/750 tablets; four hundred and eighty (480) hydrocodone 10/325 tablets; twenty (20) hydrocodone 10/300 tablets, eight (8) hydrocodone 10/660 tablets; and twenty (20) hydrocodone 5/325 tablets, over an 18 month period, while employed at the Pharmacy.
 - d. Licensee did not have a valid prescription for these controlled substances.

¹ The term "registration", "license" or "License" applies to both a current license and the right to renew an expired license.

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- e. In her voluntary, signed statement, Licensee stated, "I have a drug dependency issue and felt that this was the only way to support it."
3. The Board and Licensee acknowledge and agree that Licensee's conduct described in Paragraph 2 constitutes violations of M.G.L. c. 94C, § 34 and 247 CMR 10.03(1)(e), (h) and (x), and is grounds for discipline by the Board pursuant to M.G.L. c. 112, §§ 42A and 61 and 247 CMR 10.06.
 4. The Licensee agrees to: (1) **SURRENDER** her License for an indefinite period of time; (2) refrain from practicing as a pharmacy technician; and (3) refrain from working in any pharmacy-related setting in Massachusetts; commencing with the date on which the Board signs this Agreement ("Effective Date"). The Licensee further agrees to immediately return her original License to the Board.
 5. The Board may determine the terms and conditions for potential reinstatement of Licensee's registration following the receipt by the Board of a substance abuse evaluation consistent with the criteria found at Attachment A.
 6. 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.
 7. The Licensee understands that she has the right to a formal adjudicatory hearing concerning the Complaint and that during said adjudication she would possess the right to confront and cross-examine witnesses, call witnesses, present evidence, testify on her own behalf, contest the allegations, present oral argument, 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.
 8. 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.
 9. 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.

10. 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.

[Signature] 3/14/16
Witness (sign and date)

[Signature] 3/14/16
Patricia Smart (sign and date)

[Signature]
David A. Sencabaugh, R.Ph.
Executive Director
Board of Registration in Pharmacy

3/23/16
Effective Date of Agreement

Fully Signed Agreement Sent to Licensee on 3/24/16 by

Certified Mail No. 7015 3010 0001 6944 5185