

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Paul E. Dufresne, R.Ph.)
Pharmacist Registration No. 15681)
_____)

Docket No. PH-06-027

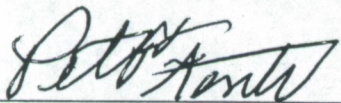
CONSENT AGREEMENT

The Board of Registration in Pharmacy ("Board") and Paul E. Dufresne, R.Ph. ("Registrant"), a pharmacist registered by the Board (Registration No. 15681), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the file of Registrant which is maintained by the Board:

1. The parties enter into this Consent Agreement ("Agreement") in order to resolve disputed matters arising out of the complaint pending against Registrant before the Board as Docket No. PH-06-027 (the "Complaint").
2. The Registrant acknowledges that on September 29, 2005, while he was employed as a pharmacist at Louis & Clark #688, 2 Medical Center Drive, Springfield, Massachusetts, he was observed on video camera in possession of 74 generic Fioricet, without a valid written or oral prescription in violation of MGL c. 94C § 34.
3. The Board reviewed the evidence on Tuesday, March 07, 2006, which included the Registrant's admission to the allegations written in a letter written to an agent of the Board on December 08, 2005
4. Accordingly, the Registrant freely agrees to the following:
 - a. that his conduct described in Paragraph 2 above constitutes professional misconduct which warrants Board disciplinary action under G.L. c. 112, ss. 42A and 61 and Board Regulations 247 CMR 9.01(1) and (6);
 - b. that his license will be suspended for a minimum (12) month period, with six (6) months of that suspension to be stayed ("Suspension Period") effective on the date Registrant executes this Agreement, during which time he may not practice as a pharmacist or be employed in a premises licensed by the Board;

- c. that following termination of the Suspension Period, his license to practice pharmacy will be placed on probationary status for a minimum four year-period ("Probation Period");
 - d. to return a signed copy of this Agreement to the Board within ten (10) days of receipt.
- 5. Registrant agrees that the termination of the Suspension and Probation Periods shall be granted only if he has met the following conditions:
 - a. He must apply in writing to the Board for termination of the Suspension and Probation Periods. The Board may request a conference to discuss the merits of such a request; and
 - b. He has fully complied with all terms and conditions of this Agreement and meets all other requirements for licensure.
- 6. The Agreement and its contents shall be incorporated into the records maintained by the Board. The Agreement is a public record subject to disclosure without limitation to the public and equivalent state licensing boards.
- 7. 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.
- 8. The Registrant understands and agrees that his failure to abide by the terms of this Agreement shall nullify the representations contained in Paragraph 7, and permit the Board to initiate formal adjudicatory action under the State Administrative Procedure Act, G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.00 *et. seq.*
- 9. The Registrant understands and agrees that at any time during the Suspension and Probation Periods, upon a determination by the Board of any violation of the terms and conditions of this Agreement, or any violation of the applicable laws, rules and regulations governing the practice of pharmacy, the Board may seek to immediately REVOKE the Registrant's license to practice as a pharmacist without the requirement of further proceedings pursuant to G.L. c. 30A.
- 10. The Registrant understands and agrees that his decision to enter into this Agreement and to accept the terms and conditions described herein is a final act and is not subject to reconsideration or judicial review.
- 11. The Registrant states that he has used legal counsel in connection with his decision to enter into this Agreement or, if he did not, that he had an opportunity to do so and that his decision to enter into this Agreement was made of his own free will.

12. The Registrant certifies that he has read this document entitled "Consent 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 court in the event of an adverse ruling, and all other rights set forth in G.L. c. 30A and 801 CMR 1.01 *et seq.* Registrant states that he further understands that in executing this document entitled "Consent Agreement", he is knowingly and voluntarily waiving his right to a formal hearing and to all of the above listed rights.



Witness (signature)

Peter P. Fenton

Witness (print name)

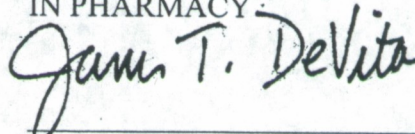


Paul E. Dufresne, R.Ph.
Registrant

July 10, 2007

Effective Date

BOARD OF REGISTRATION
IN PHARMACY



James T. DeVita, R.Ph.
President

July 13, 2007
Date