

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

In the Matter of PAWTUCKET PHARMACY, INC	)	
	)	
	)	Docket No. PHA-2013-0045
	)	PHA-2013-0054
Pharmacy Registration Nos. DS/CS/CF 789	)	
Registration expired 12/31/13	)	
	)	

CONSENT AGREEMENT FOR VOLUNTARY  
SURRENDER OF PHARMACY REGISTRATION

The Massachusetts Board of Registration in Pharmacy (the “Board”) and a duly authorized representative of Pawtucket Pharmacy (the “Authorized Pharmacy Representative”), hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Board’s records relating to Pawtucket Pharmacy, Inc. (the “Pharmacy”), a pharmacy formerly located at 65 School Street, Lowell, Massachusetts and licensed by the Board, Registration No. DS 789:

1. The Pharmacy, through its authorized representative, acknowledges that complaints Docket No. PHA-2013-0045 & Docket No. PHA-2013-0054 (the “Complaints”) have been filed with the Board against its Massachusetts pharmacy registration<sup>1</sup> related to the conduct set forth in paragraph 2 of this agreement.

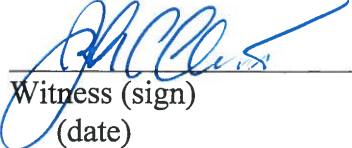
<sup>1</sup> The term “registration” applies to both a current registration and the right to renew an expired registration.


2. The Pharmacy acknowledges that in May of 2013 it was only permitted to operate subject to the terms of probation included in a consent agreement entered into by the Pharmacy and the Board in June of 2011 (see matter PHA-2011-0011). The terms of probation in that matter prohibited the Pharmacy from engaging in compounding.
3. On or about May 2, 2013, while the Pharmacy was subject to probationary terms referenced in the preceding paragraph, inspectors for the Board of Registration in Pharmacy found evidence that the pharmacy was engaging in the non-sterile compounding of drugs and evidence of multiple other violations of proper compounding practice.
4. On May 3, 2013, based on the report of the Pharmacy Board inspectors, the Board Chair ordered the Pharmacy to cease its pharmacy operations at 65 School Street in Lowell and to quarantine schedule II-VI medications and compounding ingredients and compounded medications.
5. On May 9, 2013, the Board summarily suspended the Pharmacy's registration (see Dkt. No. PHA-2013-0054). Subsequently, on May 14, 2013 (one day before a scheduled hearing on the need to continue that suspension), the Pharmacy waived its right to a hearing on the summary suspension and agreed that the suspension would remain in place until the resolution of the underlying case -Dkt. No. PHA-2013-0045.
6. The Pharmacy has not conducted pharmacy business since May of 2013 and officially permanently shut down its business in the summer of 2013 with the transfer of its records to another pharmacy.
7. By this document (hereafter the "Agreement"), the Pharmacy agrees to voluntarily surrender its Pharmacy Registration and to relinquish all rights it may have to seek renewal of that Pharmacy Registration.

8. The Board agrees that in return for the Pharmacy's execution of this agreement that it will not proceed with the prosecution of complaints PHA-2013-0045 & PHA-2013-0054 and will refrain from further proceedings in matter PHA-2011-0011.
9. The Pharmacy understands that it has a right to a formal adjudicatory hearing concerning the Complaint and that during said adjudication it would possess the right to have its representative confront and cross-examine witnesses, call witnesses, present evidence, present testimony on the Pharmacy's behalf, contest the allegations, present oral argument, appeal to the courts, and exercise all other rights as set forth in the Massachusetts Administrative Procedures Act, G. L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.* The Pharmacy further understands that by executing this Agreement it is knowingly and voluntarily waiving its right to a formal adjudication of the Complaint.
10. The Pharmacy acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board subject to disclosure in accordance with the Massachusetts and United States public information laws, including but not limited to G.L. c. 4, § 7, and G.L. c. 66A, § 10. The Board expressly reserves the authority to independently notify, at any time, any entities including, but not limited to, other licensing boards, law enforcement entities, and other individuals or entities of any action it has taken.
11. The Pharmacy understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal or judicial review.
12. The Pharmacy Representative signing this Agreement certifies (1) that he is the owner of record of Pawtucket Pharmacy or another person duly authorized to enter into this Agreement on behalf of the Pharmacy, and (2) that he has read this Agreement.

13. The Pharmacy Representative acknowledges that he has been free at all times to seek and use legal counsel in connection with the Complaint and this Agreement.

Pawtucket Pharmacy, Inc., DS/CS/CF 789  
By:

  
\_\_\_\_\_  
Witness (sign)  
(date) 12/16/15  
(date)

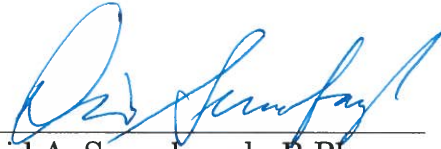
  
\_\_\_\_\_  
Pharmacy Representative (sign) 12/16/15  
(date)

Print Name: JOSEPH C. CLERMONT

Print Name: ROBERT J. AUDET

Title: PRESIDENT

January 12, 2016  
\_\_\_\_\_  
Effective Date of Voluntary Surrender

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

Fully Signed Agreement Sent to Pharmacy on January 13, 2016 by Certified Mail  
No. 7615 1520 0002 9254 7016