

COMMONWEALTH OF MASSACHUSETTS

Received

SUFFOLK COUNTY

DEC 12 2007

BOARD OF REGISTRATION  
IN PHARMACY

In the Matter of

**PENNI A. CHEATLE, R.Ph.**

Pharmacist Registration No. 22073

Exp. 12/31/08

Docket No. PH-07-111

CONSENT AGREEMENT

The Board of Registration in Pharmacy ("Board") and Penni A. Cheatle, R.Ph. ("Registrant"), a pharmacist registered by the Board (Pharmacist Registration No. 22073), 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 matters arising out of the complaint pending against Registrant before the Board as Docket No. PH-07-111 (the "Complaint").
2. The Registrant agrees that this Agreement has been entered into as a result of her license discipline by the Connecticut Commission of Pharmacy (License No. 8746) on or about November 29, 2006 (Copy of Connecticut Commission of Pharmacy ("Connecticut Board") *Settlement Agreement Concerning License of Penni A. Cheatle* in the matter of Docket No. 06-2918 (the "Connecticut Agreement") attached hereto), related to Registrant's conduct in dispensing a medication to a person who was allergic to sulfa drugs. The Connecticut Agreement resolved the Connecticut matter by issuance of a Letter of Reprimand to Registrant and Registrant's completion of a continuing education course related to prescription errors.
3. The Board has reviewed the Complaint investigative report and the Connecticut Agreement and accepted the terms and conditions of the Connecticut Agreement as the terms and conditions for the resolution of the Complaint.
4. Accordingly, the Registrant agrees that terms and conditions of the Connecticut Agreement are hereby incorporated into the terms of this Agreement and that Registrant's Massachusetts Pharmacist Registration No. 22073 is hereby REPRIMANDED in resolution of the Complaint.
5. The Registrant shall return a fully executed copy of this Agreement to the Board within ten (10) days of receipt.

6. This Agreement and its contents shall be incorporated into the records maintained by the Board, are matters of 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 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.

9. The 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.

10. The Registrant certifies that she has read this document entitled "Consent Agreement". The Registrant understands that, by executing this Agreement, she is waiving her right to a formal hearing at which she would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her 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 she further understands that in executing this document entitled "Consent Agreement", she is knowingly and voluntarily waiving her right to a formal hearing and to all of the above listed rights.

Barry J. Huff  
Witness (sign name)

Barry J. Huff  
Witness (print name)

Penni A. Cheate  
Penni A. Cheate, R.Ph.

Effective Date: 11-26-07

BOARD OF REGISTRATION  
IN PHARMACY

By: James T. DeVita  
James T. DeVita, R.Ph.  
President

Date: November 13, 2007

ATTACHEMNT: Connecticut Agreement

Certified Mail No. 7006 2760 0003 7733 3185 and First Class Mail

BOARD USE: Decision No. 1170

STATE OF CONNECTICUT  
BEFORE THE COMMISSION OF PHARMACY

In the Matter of

Docket No. 06- 2918

Penni A. Cheadle

Settlement Agreement Concerning Pharmacist

License of Penni A. Cheadle

This settlement agreement concerning Penni A. Cheadle, hereinafter referred to as Licensee, is entered into in accordance with Section 21a-8(8) of the Connecticut General Statutes.

PARAGRAPH ONE: Licensee is and has been the holder of Connecticut Pharmacist License No. 8746 issued by the Department of Consumer Protection by authority of Connecticut General Statutes, Section 20-590.

PARAGRAPH TWO: The Department of Consumer Protection has investigated a complaint that the Licensee dispensed the drug Sulfamethoxazole to a person who was allergic to sulfa drugs.

PARAGRAPH THREE: In lieu of a hearing, Licensee agrees that:

a.) the Commission of Pharmacy shall issue a Letter of Reprimand to the Licensee;

b.) before May 1, 2007, she shall complete a continuing education course, approved by the Commission of Pharmacy, related to prescription errors. If Licensee fails, without good cause, to complete the required continuing education by May 1, 2007,

Licensee's Pharmacist License No. 8746 shall be placed on probationary status until she completes such course and provides proof of completion; and

c.) she shall complete a USP Practitioners' Reporting Network Medication Error Reporting Form for the error and return the form to the Department of Consumer Protection with this agreement. The Department of Consumer Protection will forward these forms to the USP Practitioner's Reporting Network.

PARAGRAPH FOUR: Licensee agrees to waive:

a.) any right to seek judicial review or otherwise challenge or contest the validity of this Settlement Agreement;

b.) any requirement that this Settlement Agreement contain findings of fact and conclusions of law; and

c.) any right to a hearing or other procedural requirements of the Uniform Administrative Procedure Act, Connecticut General Statutes, Section 4-166 et seq.

PARAGRAPH FIVE: This Settlement Agreement shall not become binding unless and until it is accepted and approved by the Commission of Pharmacy.

For the Licensee

Dated: 10-26-06

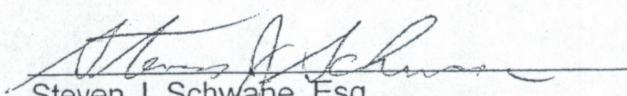
By: Penni A. Cheatle  
Penni A. Cheatle  
Licensee

Dated: 10/26/06


By: Kathleen J. Wozniak, RPh.  
Witness

For the Department of  
Consumer Protection

Dated: 11-3-06

  
Steven J. Schwane, Esq.  
Staff Attorney 3  
and Complaint Counsel

The above Settlement Agreement concerning Pharmacist License of Penni A.  
Cheatle is accepted and approved by the Commission of Pharmacy on  
November 29 , 2006.

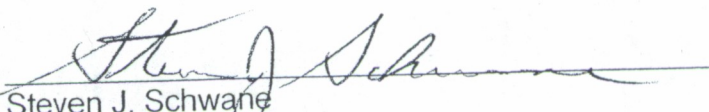
  
William Summa, Chairman  
Commission of Pharmacy

SD/A-CHEATLE

CERTIFICATION

I hereby certify that the attached Settlement Agreement Concerning Pharmacist License of Penni A. Cheatle, Docket No. 06-2918, dated November 29, 2006, is a true and correct copy of the original of such record in the files of the Connecticut Department of Consumer Protection.

Dated at Hartford, Connecticut this 24th day of July, 2007.

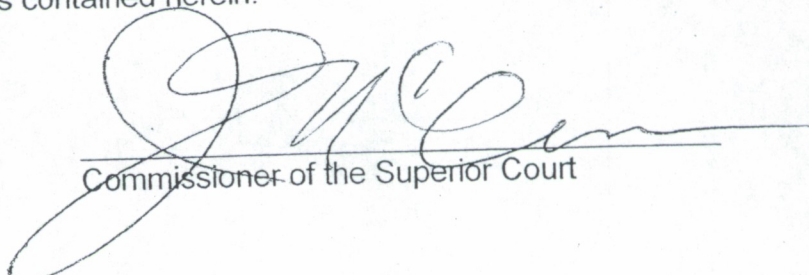
  
Steven J. Schwane  
Staff Attorney

STATE OF CONNECTICUT )  
  )  
COUNTY OF HARTFORD )

ss: Hartford, Connecticut

July 24, 2007

Before me personally appeared Steven J. Schwane, Staff Attorney for the Department of Consumer Protection of the State of Connecticut, known to me, and made oath to the truth of the matters contained herein.

  
Commissioner of the Superior Court