

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

In the Matter of )  
Pepperell Family Pharmacy ) PHA-2022-0031  
DS3541 )

**CONSENT AGREEMENT FOR REPRIMAND**

The Massachusetts Board of Registration in Pharmacy ("Board") and Pepperell Family Pharmacy ("Pharmacy" or "Licensee"), a pharmacy licensed by the Board, DS3541, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Pharmacy's record maintained by the Board:

1. The Pharmacy acknowledges the Board opened a Complaint against its Massachusetts pharmacy license related to the conduct set forth in Paragraph 2, identified as Docket Number PHA-2022-0031 ("Complaint").
2. The Board and the Pharmacy acknowledge and agree to the following facts:
  - a. On or about August 25, 2021, an investigator observed during a retail compliance inspection that the Pharmacy was storing Moderna COVID-19 ("Moderna") vaccines in a freezer without a thermometer or temperature logs.
  - b. Readings from a thermometer placed in the freezer during the inspection revealed that Moderna vaccines were being stored in the range of 5.8°F to 12°F, outside of the accepted -58°F to 5°F storage range for the Moderna vaccine.
3. The Pharmacy acknowledges that the facts described in Paragraph 2 constitute violations of 105 CMR 700.004(B)(6)(d)(3); 247 CMR 9.01(1); and Board of Registration in Pharmacy Policy 2020-05: Proper Storage of Refrigerated and Frozen Medications, and warrant disciplinary action by the Board under M.G.L. c. 112, §§ 42A & 61 and 247 CMR 10.03(1)(a) & (v).
4. The Pharmacy agrees that the Board shall impose a REPRIMAND on its license based on the facts admitted 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 Pharmacy's execution and successful compliance with all the requirements of this Agreement, the Board will not prosecute the Complaint.
6. The Pharmacy understands that it has a right to formal adjudicatory hearing concerning the Complaint and that during said adjudication the Pharmacy would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on its 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 Pharmacy further understands that by executing this Agreement the Pharmacy is knowingly and voluntarily waiving its right to a formal adjudication of the Complaint.

7. The Pharmacy acknowledges that it has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.
8. The Pharmacy 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.
9. 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.
10. The individual signing this Agreement certifies that he/she is authorized to enter into this Agreement on behalf of the Pharmacy, and that he/she has read this Agreement.

James J. Hall 10/5/22  
Witness (sign and date)

James J. Hall 10/5/22  
(sign and date)

DAVID SENCABAUGH  
(print name)

David Sencabaugh

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

6/2/2023  
Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Licensee on 6/2/2023 by Certified Mail  
No. 7020 0090 1273 1370