

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

)
In the Matter of)
Peter A. Lyons, R.Ph.)
License No. PH19225)
Expires December 31, 2016)
_____)

Docket No. PHA-2015-0137

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and Peter A. Lyons, R.Ph. ("Licensee"), a pharmacist licensed by the Board, license number PH19225, 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 his Massachusetts pharmacist license related to the conduct set forth in Paragraph 2, identified as Docket Number PHA-2015-0137 ("Complaint").
2. The Board and the Licensee acknowledge and agree to the following facts:
 - a. Licensee was the Manager of Record ("MOR") at Samuels Pharmacy located at 46 Woodside Avenue in Winthrop, Massachusetts ("Pharmacy") at all times relevant to the conduct described in paragraphs 2(b) and (c).
 - b. On or about October 30, 2014, Office of Public Protection investigators conducted a compliance inspection of the Pharmacy ("Inspection I") and observed the following regulatory deficiencies:
 - i. Pharmacy failed to maintain a separate working alarm activated when the pharmacy is closed in violation of 247 CMR 6.02(6)(d);
 - ii. Pharmacy failed to maintain premises in a clean and sanitary manner in violation of 247 CMR 6.02(1);
 - iii. Pharmacy failed to maintain appropriate sanitary appliances, including a suitable sink with running hot and cold water

situated near the area where prescriptions are filled in violation of 247 CMR 6.01(5)(a)7;

- iv. Pharmacy failed to maintain an adequate space specifically designed and suitable for compounding of prescriptions in violation of 247 CMR 9.01(3); and
 - v. Pharmacy failed to develop and maintain a Continuous Quality Improvement program consistent with and in violation of the Board's regulations at 247 CMR 15.00.
- c. On or about April 6, 2015, Office of Public Protection investigators conducted a compliance inspection of the Pharmacy ("Inspection II") and observed the following regulatory deficiencies:
- i. Pharmacy failed to maintain premises in a clean and sanitary manner in violation of 247 CMR 6.02(1); and
 - ii. Pharmacy failed to properly quarantine expired medications in violation of 247 CMR 9.01(10).
3. The Licensee acknowledges that the foregoing facts warrant disciplinary action by the Board under M.G.L. c. 12, §§ 42A and 61 and under 247 CMR 10.03.
4. The Board acknowledges the receipt of documentation demonstrating that Licensee has completed the following pre-conditions:
- a. Submit an attestation to the Board demonstrating Licensee has read and reviewed 247 CMR 6.00, 9.00 and 15.00; and
 - b. Submit documentation demonstrating successful completion of at least two (2) contact hours of continuing education in the area of pharmacy law.¹

The Licensee and the Board acknowledge that the Board's receipt of 4(a) and (b) are preconditions to be met before the Board enters into this Agreement.

¹ This continuing education requirement shall be *in addition to* any contact hours required for license renewal.

5. The Licensee agrees that the Board shall impose a REPRIMAND on his License based on the facts admitted in Paragraph 2, effective as of the date on which the Board signs this Agreement ("Effective Date").
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 he has a right to formal adjudicatory hearing concerning the Complaint and that during said adjudication he would possess the right 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 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 he is knowingly and voluntarily waiving his right to a formal adjudication of the Complaint.
8. The Registrant acknowledges that he has been at all times free to seek and use [The Registrant acknowledges that he has been represented by] 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 he 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.

Thomas M. Kelly 12-11-15
Witness (sign and date)

Peter A. Lyons 12/14/15
Peter A. Lyons, R.Ph. (sign and date)

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

12/31/15
Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Registrant on 1/5/16 by
Certified Mail No. 7015 3010 0001 7077 9257