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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of

PHILLIP ANDREWS, R. Ph.
PH LICENSE NO. 26606
REG. EXP. DATE: 12/31/2012

DOCKET NO. PHA-2012-0246

CONSENT AGREEMENT FOR VOLUNTARY SURRENDER

The Massachusetts Board of Registration in Pharmacy ("Board") and Phillip Andrews ("Licensee"), a registered pharmacist by the Board, Registration No. PH17025, 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 a complaint has been filed with the Board against his Massachusetts pharmacy registration ("registration"¹) related to the conduct set forth in paragraph 2, identified as Docket No. PHA-2012-0208 ("the Complaint").
2. The Licensee acknowledges that he signed a voluntary surrender statement on December 15, 2012, surrendering his registration and his right to renew his registration. The Licensee and the Board agree that this Agreement shall supersede the December 15, 2012 Voluntary Surrender Statement.
3. The Licensee admits that while employed as the Manager of Record at K-Mart Pharmacy #7155, in Fairhaven, Massachusetts, he diverted controlled substances for his own personal use. The Licensee acknowledges that his conduct constitutes failure to comply with the Board's regulations at 247 Code of Massachusetts Regulations ("CMR") 9.01 (1) and 247 CMR 10.03 (a), (b), (e), (g), (l), (u) and (w) and warrants disciplinary action by the Board under Massachusetts General Laws ("G.L.") Chapter 112, section 61 and Board regulations at 247 CMR 10.06, Disciplinary Actions.

4. The Licensee agrees to **SURRENDER** his pharmacy registration for a minimum of one (1) year ("Surrender Period"), commencing with the date on which the Board signs this Agreement ("Effective Date").

¹ The term "registration" applies to both a current registration and the right to renew an expired registration.

5. After the Surrender Period, and when the Licensee can complete to the satisfaction of the Board all of the requirements set forth in this Paragraph and in the Board's policy 2011-02 "License Reinstatement following Surrender, Suspension, or Revocation," the Licensee may petition the Board for reinstatement of his registration. The petition must be in writing and must include the following documentation of the Licensee's ability to practice as a pharmacist in a safe and competent manner, all to the Board's satisfaction:
- a. All documentation required pursuant to Board's policy 2011-02 "License Reinstatement following Surrender, Suspension, or Revocation,"
 - b. Documentation demonstrating that the Licensee has entered into a contract with the Massachusetts Professional Recovery System ("MPRS").
 - c. Documentation from the MPRS coordinator that (1) verifies that the Licensee has participated in and remained in compliance with MPRS for at least one year, and (2) makes recommendations concerning reinstatement, probation length and probation terms.
 - d. A performance evaluation sent directly to the Board from each of the Licensee's employers, prepared on official letterhead that reviews the Licensee's attendance, general reliability, and specific job performance during the year immediately prior to the date on which the Licensee submits his petition ("petition date")².
 - e. Authorization for the Board to obtain a Criminal Offender Record Information ("CORI") report of the Licensee conducted by the Massachusetts Criminal History Systems Board.
 - f. Documentation that the Licensee has completed, at least one year prior to the petition date, all requirements imposed upon him in connection with all criminal and/or administrative matter(s) arising from, or related to, the conduct identified in Paragraph 2³. Such documentation shall be certified and sent directly to the Board by the appropriate court or administrative body and shall include a description of the requirements and the disposition of each matter.
 - g. Certified documentation from the state board of pharmacy of each jurisdiction in which the Licensee has ever been registered to practice as a pharmacist, sent directly to the Massachusetts Board identifying his registration status and

² If the Licensee has not been employed during the year immediately prior to the petition date, he shall submit an affidavit to the Board so attesting.

³ If there have been no criminal or administrative matters against the Licensee arising from or in any way related to the conduct identified in Paragraph 2, the Licensee shall submit an affidavit so attesting.

discipline history, and verifying that his pharmacist registration is, or is eligible to be, in good standing and free of any restrictions or conditions.

6. If and when the Board determines that the Licensee has complied to the Board's satisfaction with all the requirements contained in Paragraph 5, the Board shall send written notice to the Licensee⁴ which shall terminate the Surrender Period.
7. The Licensee agrees that he will not practice as a registered pharmacist in Massachusetts from the Effective Date unless and until the Board reinstates his registration⁵.
8. The Board agrees that in return for the Licensee's execution of this Agreement it will not prosecute the Complaint.
9. The Licensee understands that he has a right to formal adjudicatory hearing concerning the allegations against him 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, 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.
10. The Licensee acknowledges that he has been represented by legal counsel in connection with the Complaint and this Agreement.
11. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board. 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.

⁴ In all instances where this Agreement specifies written notice to the Licensee from the Board, such notice shall be sent to the Licensee's address of record.

⁵ The Licensee understands that practice as a registered pharmacist includes, but is not limited to, seeking and/or accepting a paid or voluntary position as a registered pharmacist, or a paid or voluntary position requiring that the applicant hold a current pharmacy registration. The Licensee further understands that if he accepts a voluntary or paid position as a registered pharmacist, or engages in any practice of pharmacy after the Effective Date and before the Board formally reinstates his registration, evidence of such practice shall be grounds for the Board's referral of any such unlicensed practice to the appropriate law enforcement authorities for prosecution, as set forth in G. L. c. 112, ss. 65 and 80.

12. The Licensee certifies that he has read this Agreement. The Licensee understands and agrees that entering into this Agreement is a final act and not subject to reconsideration, appeal or judicial review.

Ly 4/22/13
Witness (sign and date)

Philip Andrew 4-22-13
PHILIP ANDREW, R. Ph..
Licensee (sign and date)

Lynne Thomas
Witness (print name)

Margaret Cittadino
Margaret Cittadino
Associate Director
Board of Registration in Pharmacy

May 13, 2013
Effective Date of Surrender Agreement

Fully Signed Agreement Sent to Licensee on 5-13-2013 by Certified
Mail No. ~~7011 2970 0001 5596 7077~~
7012 0470 0001 3611 6209