

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Prerana Patel, R. Ph.)
License No. PH232475)
Expires December 31, 2016)
_____)

Docket No. PHA-2016-0045

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and Prerana Patel, R.Ph. ("Licensee"), a pharmacist licensed by the Board, license number PH232475, 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 her Massachusetts pharmacist license related to the conduct set forth in Paragraph 2, identified as Docket Number PHA-2016-0045 ("Complaint").
2. The Board and the Licensee acknowledge and agree to the following facts:
 - a. Licensee served as the Manager of Record of Walgreens Pharmacy # 3337, DS2626, located in Dorchester, Massachusetts ("Pharmacy") from approximately February 4, 2015 to at least August 16, 2016.
 - b. As described in 247 CMR 6.07, Licensee, as Manager of Record, was responsible for the operation of the Pharmacy in compliance with 247 CMR 2.00 *et seq.* and applicable state and federal laws and regulations.
 - c. On or about August 13, 2015, a Board investigator inspected the Pharmacy and noted the following deficiencies:
 - i. The Pharmacy failed to comply with minimum staffing ratios, in violation of 247 CMR 8.06(3);
 - ii. The Pharmacy did not have a sign stating "patient consultation area," in violation of 247 CMR 6.01(5)(d);
 - iii. Unsanitary conditions, including multiple stained ceiling tiles, in violation of 247 CMR 6.02(1); and
 - iv. Inconsistent beyond-use-dates, in violation of 247 CMR 9.01(3) and USP 795.

- d. On or about November 9, 2015, a Board investigator conducted a repeat inspection of the pharmacy and noted the following deficiencies:
 - i. The Pharmacy failed to comply with minimum staffing ratios, in violation of 247 CMR 8.06(3);
 - ii. An authorization for emergency dispensing of controlled substances for a Schedule II medication lacked a written prescription, in violation of 247 CMR 5.03(4); and
 - iii. Unsanitary conditions, including multiple stained ceiling tiles, in violation of 247 CMR 6.02(1).
 - e. On or about December 31, 2015, a Board investigator inspected the Pharmacy and observed the following deficiencies:
 - i. A pharmacy technician was practicing with an expired license, in violation of 247 CMR 8.07(3)(b);
 - ii. The Pharmacy failed to comply with minimum staffing ratios, in violation of 247 CMR 8.06(3);
 - iii. The Pharmacy failed to reconcile its perpetual inventory every ten days, in violation of 247 CMR 9.01(14); and
 - iv. Incorrect beyond-use-dates, in violation of 247 CMR 9.01(3) and USP 795.
 - f. Further analysis of staffing schedules from November 5, 2015 through February 10, 2016 revealed 69 hours of non-compliance with minimum staffing requirements over the course of 39 days, in violation of 247 CMR 8.06(3).
3. The Licensee acknowledges that the foregoing facts warrant disciplinary action by the Board under M.G.L. c. 12, §§ 42A & 61 and 247 CMR 10.03(1)(a), (d) & (v).
 4. The Board acknowledges the receipt of documentation demonstrating that Licensee submitted documentation demonstrating the following:
 - a. Licensee read and reviewed 247 CMR 6.00, 247 CMR 8.00, 247 CMR 9.00, and 247 CMR 15.00.

The Licensee and the Board acknowledge that the Board's receipt of documentation described in Paragraph 4(a) is a precondition to be met before the Board enters into this Agreement.

Prerana Patel
PH232475
PHA-2016-0045

5. The Licensee agrees that the Board shall impose a REPRIMAND on her 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 she has a right to formal adjudicatory hearing concerning the Complaint and that during said adjudication she would possess the right 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 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 she is knowingly and voluntarily waiving her right to a formal adjudication of the Complaint.
8. The Registrant acknowledges that she has been at all times free to seek and use 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 she 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.

Patel Rd 8/26/16
Witness (sign and date)

Prerana Patel 8/26/16
Prerana Patel, R.Ph. (sign and date)

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

9/6/16
Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Registrant on 9/8/16 by
Certified Mail No. 7015 1660 0001 1911 4661