

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

Received

OCT 05 2009

BOARD OF
PHARMACY

In the Matter of)
Ralph A. Giuggio, R.Ph.)
Reg. No. 24126 (Exp. 12/31/2010))
_____)

Docket No. PHA-009-0046

VOLUNTARY SURRENDER AGREEMENT

The Board of Registration in Pharmacy ("Board") and **Ralph A. Giuggio, R.Ph.** ("Registrant"), a pharmacist registered by the Board (Pharmacist Registration No. 24126), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the file of the Registrant which is maintained by the Board:

1. The parties enter into this Voluntary Surrender Agreement ("Agreement") in order to resolve the complaint pending against the Registrant before the Board as Docket No. PHA-009-0046 (the "Complaint").
2. Registrant acknowledges that on multiple dates during the period commencing on or about through March 2009, he did divert prescription medication for personal use while employed as a pharmacist at Walgreens #3736, located at 501 Summer Ave., Springfield, Massachusetts.
3. Registrant acknowledges and agrees that the conduct described in Paragraph 2. constitutes violations of G.L. c. 94C, ss. 33, subsec. (b); the recordkeeping requirements of Title 21 CFR 1304.4(h)(2); G.L. c. 112, ss. 61; and 247 CMR sections 9.01(1), 9.01(6), 9.01(9), 10.03(1)(a), 10.03(1)(b), 10.03(1)(e), 10.03(1)(g), 10.03(1)(h), 10.03(1)(w) and 10.03(1)(x), and as such, is a basis for disciplinary action by the Board.
4. Accordingly, Registrant freely agrees to and the Board accepts the voluntary surrender of Registrant's license to practice pharmacy in the Commonwealth of Massachusetts (License No. 24126) in resolution of the Complaint, commencing on the Effective Date of this Agreement. Such surrender shall be for an indefinite period and shall continue until and continue until Registrant meets the following conditions for filing a petition for reinstatement with the Board:
 - (a) As a condition precedent to filing any petition for the reinstatement of his pharmacist registration, Respondent will be required to have entered into a contract with the Massachusetts Professionals Recovery System (MPRS) and demonstrate compliance with

all MPRS contract terms and conditions for a minimum two year period (24 contiguous months) immediately preceding the date of any such petition;

(b) If Registrant does not seek reinstatement prior to five (5) years from the Effective Date of this Agreement, Registrant will be required to achieve a passing score (75%) on the NAPLEX;

(c) Respondent will be required to achieve a passing score (75%) on the Multistate Pharmacy Jurisprudence Examination (MPJE); and

(d) Respondent will also be required to complete any retraining and course requirements and meet any other conditions for licensure as may be determined by the Board prior to Board review of any petition for licensure.

5. Registrant acknowledges that the Board would impose monitoring and practice limitation conditions should the Board grant any petition for licensure in the future, including but not limited to, probationary status, MPRS participation, supervised practice and practice setting restrictions.
6. This Agreement and its contents shall be incorporated into the records maintained by the Board, are matters of public record, and are 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 his 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 he has used legal counsel in connection with his decision to enter into this Agreement and or, if not, that he had an opportunity to do so and that his decision to enter into this Agreement was made of his own free will.
10. The Registrant certifies that he has read this document entitled "Voluntary Surrender Agreement". The Registrant understands that, by executing this Agreement, he is waiving his right to a formal hearing at which he would possess the rights 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 court in the event of an adverse ruling,

and all other rights set forth in the State Administrative Procedure Act, G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.*

Patricia McBride 10-2-09

Witness (sign name and date)

Patricia McBride

Witness (print name)

Ralph A. Giuggio

Ralph A. Giuggio, R.Ph.

Effective Date: 10-2-09

BOARD OF REGISTRATION
IN PHARMACY

James T. DeVita

By:

James T. DeVita, R.Ph.

President

Board Dec. No. 2163

Date: 9/22/09