

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Richard M. Tanner, R.Ph.)
Pharmacist Registration No. 18251)
_____)

Docket No. PHA20100082

Received

JUL 26 2010

BOARD OF
PHARMACY

CONSENT AGREEMENT

The Board of Registration in Pharmacy ("Board") and Richard M. Tanner, R.Ph. ("Registrant"), a pharmacist registered by the Board (Pharmacist Registration No. 18251), 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 Consent Agreement ("Agreement") in order to resolve disputed matters arising out of a complaint pending against the Registrant before the Board as Docket No. PHA20100082 (the "Complaint").
2. The Registrant acknowledges that he knowingly signed a renewal of his pharmacist license in which he attested "under the penalties of perjury" that he had fulfilled requisite continuing education (CE) requirements for the period 2008 and 2009, yet when audited by the Board, the Registrant failed to provide documentation of completion of 5 LIVE CE's in 2008 and 15 CE's in 2009, in violation of 247 CMR 4.03(3), 9.01(1), 9.01(6), 10.03(a)(p)(w) and G.L. c. 112, s. 61.
3. The Registrant acknowledges that at the time he signed the renewal form referenced in Paragraph 2 above, he was a pharmacist at CVS/pharmacy #736, located at 199 Great Road, in Bedford, MA (Pharmacy Reg. No. 1039).
4. Accordingly, the Registrant freely acknowledges and agrees to the following:
 - a. That his conduct as described in Paragraph 2 above warrants disciplinary action by the Board for conduct in violation of G.L. c. 112, s. 61 and 247 CMR 4.03(3), 9.01(1), 9.01(6), 10.03(a)(p)(w); and G.L. 112, s.61;
 - b. That his pharmacist license is hereby **REPRIMANDED** by the Board;
 - c. That he must take and pass the Multistate Pharmacy Jurisprudence Examination (MPJE) with a score of at least 75% within six months of the effective date of this Agreement; and
 - d. That he must complete 60 CE hours of Continuing Education (CE) to include fifteen 15 hours of LIVE CE and six hours of LAW CE, which may not be used for license renewal in 2010 and 2011 with original certificates of completion to the Board within six months of the effective date of this Agreement.

5. The Agreement and its contents shall become a part of the records maintained by the Board, and as such, are public records subject to disclosure to the public, other licensing boards, and the National Association of Boards of Pharmacy.

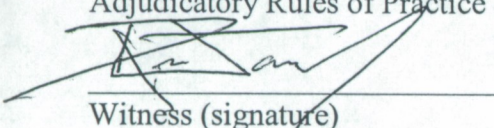
6. The Board agrees that in return for Registrant's execution of this Agreement, and compliance with the terms and conditions set forth in Paragraph 4, the Board will not advance the prosecution of Registrant pursuant to the Complaint; any and all other rights of the Board to take action within the scope of its authority are expressly reserved.

7. The Registrant understands and agrees that the failure to abide by the terms of the Agreement shall nullify the representations contained in Paragraph 6 and permit the Board to initiate formal adjudicatory action under the State Administrative Procedure Act (G.L. c. 30A) and 801 CMR 1.00 *et. seq.*

8. The Registrant understands and agrees that the 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 Registrant has used legal counsel in connection with his decision to enter into this Agreement or, if Registrant did not, that an opportunity to do so was provided and that the decision to enter into this Agreement was freely made by the Registrant.

10. The Registrant certifies that Registrant has read this document entitled "Consent Agreement." The Registrant understands that, by executing this Agreement, Registrant is waiving all rights to a formal hearing at which time Registrant 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 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.*


Witness (signature)

Richard Tanner Jr.
Witness (print name)

Richard M. Tanner, RPh
Richard M. Tanner, R.Ph.
Registrant

July 22, 2010
Date:

BOARD OF REGISTRATION
IN PHARMACY

Joanne M. Trifone
Joanne M. Trifone, R.Ph.
President

Effective Date: 7/27/10

Dec. No. 2342