

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

In the Matter of )  
Richard Mole ) PHA-2012-0048  
PH15360 )  
Expiration Date: December 31, 2014 )

**CONSENT AGREEMENT FOR REPRIMAND**

The Massachusetts Board of Registration in Pharmacy ("Board") and Richard Mole ("Registrant"), a Pharmacist licensed by the Board, Registration No. PH15360, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Registrant's record maintained by the Board:

1. The Registrant acknowledges that the Board opened a Complaint against his Massachusetts Pharmacist registration related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2013-0048 ("the Complaint").<sup>1</sup>
2. The Board and Registrant acknowledge and agree to the following facts:
  - a. The Registrant is currently the Manager of Record of Lenox Village Pharmacy ("Lenox"), DS3344, and has been the Manager of Record of Lenox since approximately July ~~21~~, 2004. 2/21/07
  - b. As described in 247 CMR 6.07, Registrant, as manager of record, was responsible for the operation of the Lenox pharmacy in compliance with 247 CMR 2.00 et seq. and applicable state and federal laws and regulations.
  - c. On or about October 18, 2012, Lenox submitted an Attestation of Compliance to the Board attesting that Lenox was engaged in the compounding of sterile preparations and attesting that all sterile compounding practices were in compliance with all Massachusetts Board of Registration in Pharmacy regulations (247 CMR) and USP Standard <797> in the compounding of sterile preparations. The Registrant signed the attestation.

---

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

d. Board investigators conducted an unannounced inspection of Lenox on or about December 11 & 12, 2012. During the inspection, Board investigators observed Lenox to be non-compliant with 247 CMR 9.01 and United States Pharmacopoeia ("USP") Standard <797> Pharmaceutical Compounding – Sterile Preparations, with regard to its compounding of sterile medications.

e. As a result of Lenox's non-compliance, on or about December 12, 2012, Lenox was notified to immediately cease the preparation and dispensing of sterile compounded medications, and quarantine all sterile compounded medications on Lenox's premises.

3. The Registrant 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).
4. The Board acknowledges the receipt of documentation establishing that Registrant has successfully completed at least five (5) continuing education hours in sterile and non-sterile compounding.<sup>2</sup> The Registrant and the Board acknowledge that the Board's receipt of documentation of five (5) CE hours in sterile and non-sterile compounding was a precondition to be met before the Board enters into this Agreement.
5. The Board agrees that in return for the Registrant's execution and successful compliance with all the requirements of this Agreement, the Board will not prosecute the Complaint.
6. The Registrant 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, G. L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.* The Registrant further understands that by executing this Agreement he is knowingly and voluntarily waiving his right to a formal adjudication of the Complaint.
7. The Registrant acknowledges that he has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.

---

<sup>2</sup> This continuing education course shall be *in addition to* any contact hours required for license renewal.

8. The Registrant acknowledges that after the Effective Date, the Agreement constitutes a public record subject to the Commonwealth of Massachusetts' Public Records Law, G.L. ch. 4, §7.
9. The Registrant certifies that he has read this Agreement. The Registrant understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal or judicial review.

[Signature] 1/10/14  
Witness (sign and date)

Anne Browne  
Witness (print name)

[Signature] 1/10/14  
Richard Mole (sign and date)

[Signature]  
~~Margaret Cittadine~~ David Sencabaugh  
~~Associate Director~~ Executive Director  
Board of Registration in Pharmacy

1/16/14  
Effective Date of Stayed Probation Agreement

Fully Signed Agreement Sent to Registrant on January 16, 2014 by  
Certified Mail No. 7012 3460 0003 3582 1205