COMMONWEALTH OF MASSACHUSETTS

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In the Matter of		
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BOARD OF REGISTRATION IN PHARMACY

In the Matter of	
Rite Aid Pharmacy #10064	
License No. DS2228	
Expires December 31, 2017	
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SUFFOLK COUNTY

Docket No. PHA-2015-0079

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and Rite Aid Pharmacy #10064 ("Pharmacy"), a pharmacy licensed by the Board, license number DS2228 ("License"), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Pharmacy's record maintained by the Board:

- 1. The Pharmacy acknowledges that the Board opened a Complaint against its Massachusetts License related to the conduct set forth in Paragraph 2, identified as Docket Number PHA-2015-0079 ("Complaint").
- 2. The Board and the Pharmacy acknowledge and agree to the following facts:
 - a. On or about May 7, 2014, Office of Public Protection ("OPP") investigators conducted a compliance inspection of the Pharmacy ("Inspection I") and observed the following regulatory deficiencies:
 - i. Pharmacy failed to maintain required supervisory ratios in that one pharmacist, three non-certified technicians and one technician trainee were observed on duty in violation of 247 CMR 8.06(3);
 - ii. Pharmacy failed to maintain premises in a clean and sanitary manner as OPP investigators observed ceiling vents needed cleaning and compounding utensils were comingled with general cleaning supplies in violation of 247 CMR 6.02(1);
 - Pharmacy failed to comply with 247 CMR 9.01(16), by stating to OPP investigators that no compounding occurs at the Pharmacy; and

- iv. Pharmacy failed to comply with United States Pharmacopoeia (USP) Compounding Standards <795> in violation of 247 CMR 9.01(3), in that areas used for compounding must be maintained in a clean, orderly and sanitary condition and in a good state of repair, specifically, that a scale with glass cover over it was held together by tape.
- b. On or about, April 15, 2015, Office of Public Protection investigators conducted a compliance inspection of the Pharmacy ("Inspection II") and observed the following regulatory deficiencies:
 - i. Pharmacy failed to comply with 247 CMR 6.02(8)(a), by failing to post hours of operation at the pharmacy department;
 - ii. Pharmacy failed to maintain required supervisory ratios in that one pharmacist, two registered, non-licensed technicians and one technician trainee were observed on duty in violation of 247 CMR 8.06(3);
 - iii. Pharmacy failed to comply with 247 CMR 8.03(3), requiring that an individual may not act and be designated as a pharmacy technician trainee for more than 1000 hours, unless granted an extension by the Board;
 - iv. Pharmacy failed to comply with 247 CMR 6.01(5)(a) requiring a balance that has been tested and sealed annually, as OPP investigators noted that the Pharmacy's scale was last sealed in August 2013; and
 - v. Pharmacy failed to comply with 105 CMR 721.020, in that telephone prescription pad did not comply with requirements in 105 CMR 721.020.
- 3. The Pharmacy acknowledges that the foregoing facts warrant disciplinary action by the Board under M.G.L. c. 12, §§ 42A and 61 and under 247 CMR 10.03.
- 4. The Pharmacy agrees that the Board shall impose a REPRIMAND on its license based on the facts admitted in Paragraph 2, effective as of the date on which the Board signs this Agreement ("Effective Date").

Rite Aid Pharmacy #10064 DS2228 PHA-2015-0079

- 5. The Board agrees that in return for the Pharmacy's execution and successful compliance with all the requirements of this Agreement, the Board will not prosecute the Complaint.
- 6. The Pharmacy understands that it has a right to formal adjudicatory hearing concerning the Complaint and that during said adjudication the Pharmacy would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on its 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 Pharmacy further understands that by executing this Agreement the Pharmacy is knowingly and voluntarily waiving it's right to a formal adjudication of the Complaint.
- 7. The Pharmacy acknowledges that it has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.
- 8. The Pharmacy 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.
- The Pharmacy understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal or judicial review.
- 10. The individual signing this Agreement certifies that he/she is authorized to enter into this Agreement on behalf of the Pharmacy, and that he/she has read this Agreement.

Witness (sign and date) 1/20/16	Rite Aid Pharmacy #10064 (sign and date) 1/20/16 Dancel Miller			
	(print name) Bavid Sencabaugh, R.Ph Executive Director Board of Registration in Pharmacy			
29 16 Effective Date of Reprimand Agreen	nent			
Fully Signed Agreement Sent to Registrent on 2/1/1/2 by				

Certified Mail No. 7015 3010 0001 7079 9833