

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

\_\_\_\_\_  
)  
In the Matter of                    )  
Rite Aid Pharmacy #10064        )  
License No. DS2228                )  
Expires December 31, 2017        )  
\_\_\_\_\_

Docket No. PHA-2015-0079

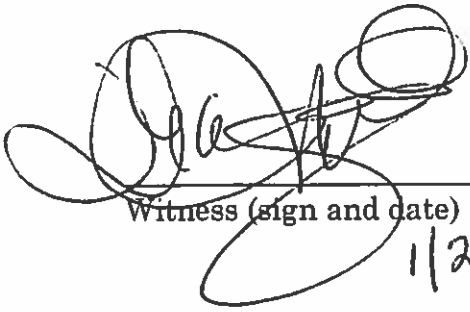
CONSENT AGREEMENT FOR REPRIMAND

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);
    - iii. Pharmacy failed to comply with 247 CMR 9.01(16), by stating to OPP investigators that no compounding occurs at the Pharmacy; and

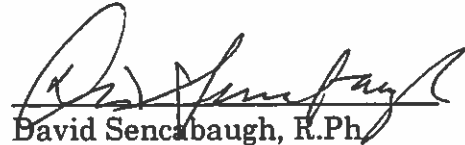


5. The Board agrees that in return for the Pharmacy's execution and successful compliance with all the requirements of this Agreement, the Board will not prosecute the Complaint.
6. The Pharmacy understands that it has a right to formal adjudicatory hearing concerning the Complaint and that during said 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 its 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.
9. 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

Daniel Miller  
Rite Aid Pharmacy #10064  
(sign and date) 1/20/16

Daniel Miller  
(print name)

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

1/29/16  
Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Registrant on 2/1/16 by

Certified Mail No. 7015 3010 0001 7079 9833

Rite Aid Pharmacy #10064  
DS2228  
PHA-2015-0079