

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

)
In the Matter of)
Rite Aid Pharmacy #10077)
License No. DS2392)
Expires December 31, 2017)
_____)

Docket No. PHA-2017-0132

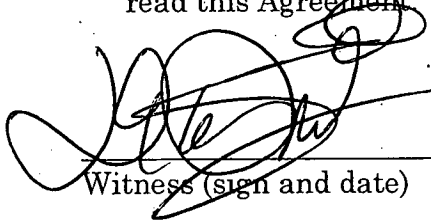
CONSENT AGREEMENT FOR REPRIMAND

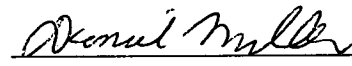
The Massachusetts Board of Registration in Pharmacy ("Board") and Rite Aid Pharmacy #10077 ("Pharmacy"), a pharmacy registered by the Board, registration number DS2392 ("License"), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Pharmacy's record maintained by the Board:

1. The Pharmacy acknowledges that the Board opened a complaint against its License related to the conduct set forth in Paragraph 2, identified as docket number PHA-2017-0132 (the "Complaint").
2. The Board and the Pharmacy acknowledge and agree to the following facts:
 - a. On May 15, 2017, the Pharmacy submitted to the Office of Public Protection ("OPP") a DEA Form 106 Report of Theft or Loss of Controlled Substances and a Board Report of Loss of Controlled Substances for a loss of 500 tablets of alprazolam 0.5 mg discovered about April 5, 2017.
 - b. As part of the Pharmacy's internal investigation, the source of the loss could not be determined.
 - c. During an OPP compliance inspection of the Pharmacy conducting on June 20, 2017, the following deficiencies were observed:
 - i. Pharmacy violated 247 CMR 9.01(1) and 21 CFR 1304.21(d), by failing to enter a schedule II controlled substance into perpetual inventory and by failing to sign Form 222 for a controlled substance as received.

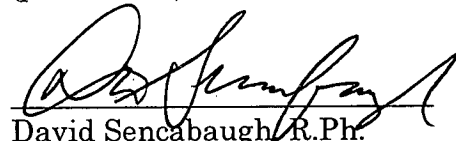
- ii. Pharmacy violated 247 CMR 9.01(1) and 21 CFR 1304.21(a), by failing to record and correctly record return of schedule II controlled substances in perpetual inventory.
 - iii. Pharmacy violated 247 CMR 9.01(3), by failing to record appropriate BUD for compounded prescription.
3. The Pharmacy acknowledges that the foregoing facts warrant disciplinary action by the Board under M.G.L. c. 112, §§ 42A and 61 and under 247 CMR 10.03(1)(a) and (b).
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").
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)


Rite Aid Pharmacy #10077
(sign and date) 11/11/17

Daniel Miller
(print name)


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

11-7-2017
Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Registrant on 11/7/17 by

Certified Mail No. 7015 1730 0000 2974 2162

Rite Aid Pharmacy #10077
DS2392
PHA-2017-0132