

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

)
In the Matter of)
ROBERT AUDET)
)
)
Lic. No. PH 13088)
Expires 12/31/16)
_____)

Docket No. PHA-2013-0047

VOLUNTARY SURRENDER AGREEMENT

The Massachusetts Board of Registration in Pharmacy (“Board”) and registered pharmacist Robert Audet (“Registrant”), Registration No. PH 13088, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Registrant’s record as maintained by the Board:

1. The Registrant acknowledges that a complaint has been filed with the Board against his Massachusetts pharmacist registration (“registration”¹) related to the conduct set forth in paragraph 2, identified as Docket No. PHA-2013-0047 (“the Complaint”).
2. The Registrant acknowledges that in June of 2011 he was the owner of Pawtucket Pharmacy when the Pharmacy entered into a probation agreement with the Board which prohibited the Pharmacy from compounding for a 3 year probationary period (see matter PHA-2011-0011). The Registrant also acknowledges that, in May of 2013 while the Pharmacy was still on probation, that he directed staff at the Pharmacy to engage in compounding activities. Further, the Registrant acknowledges that the Pharmacy was in violation of several requirement relating to the compounding of medications.
3. The Registrant admits that the conduct referenced in Paragraph 2 of this Voluntary Surrender Agreement violated the terms of the probationary agreement signed in June of 2011 (the PHA-2011-0011 agreement) and failed to comply with the Board’s regulations at 247 Code of Massachusetts Regulations (“CMR”) 9.01(3), Massachusetts General Laws (“G.L.”) Chapter 112, section 61 and Board regulations at 247 CMR 10.06, Disciplinary Actions.

¹ The term “registration” applies to both a current registration and the right to renew an expired registration.

4. The Registrant agrees to **SURRENDER** his registration for a term of one (1) year (“Surrender Period”), commencing with the date on which the Board signs this Agreement (“Effective Date”).
5. If the Registrant completes to the satisfaction of the Board all of the requirements set forth in this Paragraph and complies with the reinstatement policy in effect at the time he seeks reinstatement (including, but not limited to Board Policy 2011-02 “License Reinstatement following Surrender, Suspension, or Revocation), the Registrant may petition the Board for termination of the surrender of his registration. The petition must be in writing and must include the following documentation of the Registrant’s ability to practice as a pharmacist in a safe and competent manner, all to the Board’s satisfaction:
 - a. All documentation required pursuant to Board’s policy 2011-02 “License Reinstatement following Surrender, Suspension, or Revocation,”
 - b. A performance evaluation sent directly to the Board from each of the Registrant’s employers, prepared on official letterhead that reviews the Registrant’s attendance, general reliability, and specific job performance during the year immediately prior to the date on which the Registrant submits his petition (“petition date”)².
 - c. Authorization for the Board to obtain a Criminal Offender Record Information (“CORI”) report of the Registrant conducted by the Massachusetts Criminal History Systems Board.
 - d. Documentation that the Registrant has: 1) completed the annual continuing education requirements during the period of his suspension; 2) taken and successfully passed the Multi-State Pharmacy Jurisprudence Exam (after the Effective Date of this agreement); and 3) demonstrated sufficient good moral character to resume practice as a pharmacist.
 - e. Certified documentation from the state board of pharmacy of each jurisdiction in which the Registrant has ever been registered to practice as a pharmacist, sent directly to the Massachusetts Board identifying his registration status and discipline history, and verifying that his pharmacist registration is, or is eligible to be, in good standing and free of any restrictions or conditions with the exception of discipline that is imposed on him by other jurisdictions as a consequence of the facts described in Paragraph 2 or as reciprocal discipline in response to the disciplinary proceedings referenced in Paragraph 1.

² If the Registrant has not been employed during the year immediately prior to the petition date, he shall submit an affidavit to the Board so attesting.

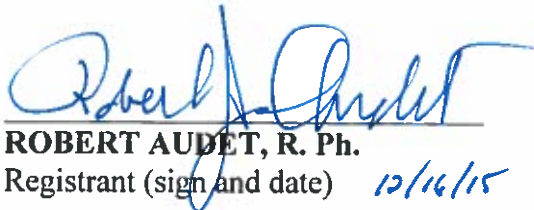
6. Petitions for reinstatement which satisfy the requirements of Paragraph 5 will be referred by staff to the Board for consideration. The Board reserves the right to exercise full discretion in determining whether reinstatement of the Registrant's right to practice as a pharmacist is in the best interest of the public health, safety and welfare. The Board's review will include, but not be limited to, consideration of the Registrant's demonstrated good moral character, integrity, and knowledge of the practice of pharmacy. The Registrant will receive written notice of the Board's decision with respect to the petition for termination of the surrender. If the petition for termination of the surrender is granted the notice of termination of surrender may include conditions including, but not limited to, a requirement of a probationary period the term and requirements of which will be determined at the time the surrender is terminated. If the petition is denied the Registrant may not re-file a petition for termination of the surrender within 12 months of the effect date of the notice of denial.
The Registrant agrees that he will not own more than 1% of any pharmacy during the Surrender Period.
7. The Registrant agrees that he will not practice as a registered pharmacist in Massachusetts as of the Effective Date unless and until the Board terminates the surrender of his registration³.
8. The Board agrees that in return for the Registrant's execution of this Agreement it will not proceed with the prosecution of the Complaint.
9. The Registrant understands that he has a right to formal adjudicatory hearing concerning the allegations against him 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 Complaints.
10. The Registrant acknowledges that he has been represented by legal counsel in connection with the Complaints and this Agreement.

³ The Registrant understands that practice as a registered pharmacist includes, but is not limited to, seeking and/or accepting a paid or voluntary position as a registered pharmacist, or a paid or voluntary position requiring that the applicant hold a current pharmacist registration. The Registrant further understands that if he accepts a voluntary or paid position as a registered pharmacist, or engages in any practice of pharmacy after the Effective Date and before the Board formally reinstates his registration, evidence of such practice shall be grounds for the Board's referral of any such unlicensed practice to the appropriate law enforcement authorities for prosecution.

11. The Registrant acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board. 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.
12. The Registrant certifies that he has read this Agreement. The Registrant understands and agrees that entering into this Agreement is a final act and not subject to reconsideration, appeal or judicial review.




Witness (sign and date) 12/16/15



ROBERT AUDET, R. Ph.
Registrant (sign and date) 12/16/15

Witness (print name)



David Sencabaugh, Executive Director
Board of Registration in Pharmacy

January 12, 2016

Effective Date of Surrender Agreement

Fully Signed Agreement Sent to Registrant on January 13, 2016 by Certified
Mail No. 7015 1520 0002 9254 7016