

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of
Robert F. Sterling
Pharmacist Registration No. PH14543
Expiration Date: December 31, 2014

PHA-2011-0304


CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy (Board) and Robert F. Sterling (Registrant), a pharmacist licensed by the Board, Registration No. PH14543, 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 a complaint has been filed with the Board against his Massachusetts Pharmacist registration (registration¹) related to the conduct set forth in paragraph 2, identified as Docket No. PHA-2011-0304 (the Complaint).
2. The Registrant admits that he was the Manager of Record for Sedell's Pharmacy, DS3318, (Pharmacy) located at 290 Bedford Street in Lakeville, Massachusetts, at the time of a Board inspection conducted on October 26, 2011. The Registrant admits that at the time of the inspection, the Pharmacy was out of compliance with numerous Board Regulations at 247 Code of Massachusetts Regulations (CMR) 6.01(5)(b), 6.02(1), 9.01(1), 9.01(5), 9.07(3)(c). Specifically, the Registrant admits that the following conditions existed at the Pharmacy at the time of the inspection: containers of medication in inventory that were unlabeled or improperly labeled, including compounding ingredients, expired medications commingled with active stock, failure to maintain refrigeration logs, storage of food in the drug refrigeration unit, failure to maintain sink and shelving in a sanitary manner, failure to maintain medications in a manner to prevent accidental misuse (comingling of internal and external compounding ingredients) and failure to maintain documentation in accordance with federal and state laws. In addition the Registrant admits that despite serving in the position of Manager of Record for the Pharmacy, he failed to ensure the Pharmacy's compliance with applicable laws and regulations and permitted the foregoing conditions to arise, and that he was absent from the Pharmacy for extended periods. The Registrant acknowledges that the foregoing facts warrant disciplinary action by the Board under Mass. General Laws., ch. 42A and 61, and under 247 CMR 10.03(a), (b), (e), (k), (u), (v), (w) and (x).
3. The Board acknowledges the receipt of an affidavit signed by the Registrant averring that he has resigned from the position of Manager of Record for the Pharmacy, and specifying the resignation effective date. The Registrant and the Board acknowledge that the Board's receipt of this affidavit was a precondition to be met before the Board enters into this Agreement.


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

4. The Registrant agrees that the Board shall impose a REPRIMAND on his license based on his registration based on the facts admitted in Paragraph 2, and that the Board shall impose the restrictions set forth in Paragraph 5 on his license, effective as of the date on which the Board signs this Agreement (Effective Date).
5. The Registrant agrees that he will not apply for or accept a position as the Manager of Record for any pharmacy registered by the Board until such time as he takes and passes the Multi-state Pharmacy Jurisprudence Examination (MPJE) with a score of 75% or greater. For purposes of this requirement, the MPJE must be taken after the Effective Date.
6. 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.
7. 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.
8. The Registrant acknowledges that it has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.
9. The Registrant 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, G.L. ch. 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.
10. 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.

 5/29/13
 Witness (sign and date)
 Print Name: Paul Garbarini

 5-29-13
 Robert F. Sterling (sign and date)

Effective Date of Probation Agreement Reprimand


 Margaret Cittadino
 Associate Director
 Board of Registration in Pharmacy

Fully Signed Agreement Sent to Pharmacy on _____ by Certified Mail
 No. 6