

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

Received

In the Matter of)
Rodney E. Finch, R.Ph.)
Pharmacist Registration No. 19204)
_____)

Docket No. PH-07-067

1 2007
BOARD OF
PHARMACY

CONSENT AGREEMENT

The Board of Registration in Pharmacy ("Board") and Rodney E. Finch, R.Ph. ("Registrant"), a pharmacist registered by the Board (Registration No. 19204), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the file of Registrant which is maintained by the Board:

1. The parties enter into this Consent Agreement ("Agreement") in order to resolve disputed matters arising out of the complaint pending against Registrant before the Board as Docket No. PH-07-067 (the "Complaint").
2. The Registrant agrees that this Agreement has been entered into as a result of his admission to the Board, that on divers dates over the period commencing on or about March 2006 thru January 2007, while employed at Wal-Mart Pharmacy # 10-2122, 30 Memorial Drive, Avon, Massachusetts, he did divert various controlled substances for personal use; specifically, hydrocodone/APAP and lorazepam in violation of G.L. c. 94C, §§ 34 and 37 and 247 CMR 9.01(1) and 9.01(6).
3. Accordingly, the Registrant acknowledges and agrees to the following:
 - a. that his conduct described in Paragraph 2 above constitutes professional misconduct which warrants Board disciplinary action under G.L. c. 112, § 61 and Board Regulations 247 CMR 9.01(1) and 9.01(6);
 - b. that his license will be suspended for a minimum one year period (Suspension Period), effective January 10, 2007, during which time he may not practice as a pharmacist or be employed by or provide services of any type on a premises licensed by the Board;
 - c. that not sooner than November 30, 2007, Registrant may petition the Board for the termination of the Suspension Period. The Board will terminate the

Suspension Period in accordance with Paragraph 4. hereof and place his license on Probationary Status for a minimum four (4) year period (Probation Period).

- d. that he must take and successfully pass with a score of at least 75%, the Multistate Pharmacy Jurisprudence Examination (MPJE) within ninety (90) days of the Effective Date of this Agreement. Registrant must provide Board with documentation of passing the MPJE;
 - e. that he must complete continuing education units (CEUs) required pursuant to 247 CMR 4.00(4) for 2007 and 2008. Registrant must provide Board with documentation of completing all required CEUs; and
 - f. to return a signed copy of this Agreement to the Board within ten (10) days of receipt.
4. Registrant agrees that the termination of the Suspension and Probation Periods shall be granted only if Registrant has met the following conditions:
- a. Registrant has applied in writing to the Board for termination of the Suspension and Probation Periods. The Board may schedule Registrant's appearance to discuss the merits of such a request. At the time of any such application, the Board may determine that certain probationary terms are necessary and appropriate for the Board to terminate the Suspension Period and Registrant to resume the practice of pharmacy; which probationary status conditions may include, but not be limited to, medical evaluation and employment monitoring terms; and
 - b. Registrant has fully complied with all terms and conditions of the Agreement and meets all other requirements for licensure.
5. The Agreement and its contents shall be incorporated into the records maintained by the Board. The Agreement is a public record subject to disclosure without limitation to the public and equivalent state licensing boards.
6. The Board agrees that in return for the Registrant's execution of this Agreement, the Board will not advance the prosecution of the Registrant pursuant to the Complaint; any and all other rights of the Board to take action within the scope of its authority are expressly reserved.
7. The Registrant understands and agrees that his failure to abide by the terms of this Agreement shall nullify the representations contained in Paragraph 7, and permit the Board to initiate formal adjudicatory action under the State Administrative Procedure Act, G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.00 *et. seq.*
8. The Registrant understands and agrees that, at any time during the Suspension Period, upon a determination by the Board of any violation of any of the terms and conditions of this Agreement, or any violation of the applicable laws, rules and regulations governing the practice

of pharmacy, the Board may seek to immediately REVOKE the Registrant's license to practice as a pharmacist without the requirement of further proceedings.

9. The Registrant understands and agrees that his decision to enter into this Agreement and to accept the terms and conditions herein described is a final act and is not subject to reconsideration or judicial review.

10. The Registrant states that he has used legal counsel in connection with his decision to enter into this Agreement or, if he did not, that he had an opportunity to do so and that his decision to enter into this Agreement was made of his own free will.

11. The Registrant certifies that he has read this document entitled "Consent Agreement". The Registrant understands that, by executing this Agreement, he is waiving his right to a formal hearing at which he would possess the rights 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 court in the event of an adverse ruling, and all other rights set forth in G.L. c. 30A and 801 CMR 1.01 *et seq.* Registrant states that he further understands that in executing this document entitled "Consent Agreement", he is knowingly and voluntarily waiving his right to a formal hearing and to all of the above listed rights.

Nicholas G. Gonis
Witness (signature)

NICHOLAS G. GONIS
Witness (print name)

Rodney E. Finch, R.Ph.
Registrant

5/30/2007
Date

BOARD OF REGISTRATION
IN PHARMACY
James T. DeVita
James T. DeVita, R.Ph.
President

01/10/07
Effective Date