

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

In the Matter of  
Ronald K. Najarian, R.Ph.  
License no. PH16097  
Expires December 31, 2018

Docket No. PHA-2017-0010

CONSENT AGREEMENT FOR PROBATION

The Massachusetts Board of Registration in Pharmacy ("Board") and Ronald K. Najarian, R.Ph. ("Licensee"), license no. PH16097 ("License")<sup>1</sup>, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board:

1. The Licensee acknowledges that a complaint has been opened by the Board against his License related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2017-0010 ("Complaint").
2. The Board and the Licensee acknowledge and agree to the following facts:
  - a. Licensee was employed as a pharmacist at Perrotta Super Drug located in Lawrence, Massachusetts ("Pharmacy") at all times relevant to the conduct set forth in paragraph 2.
  - b. Between December 26, 2015 and April 22, 2016, the Pharmacy dispensed to Patient A on ten separate occasions 30-day supplies of alprazolam 1mg or 2mg;
  - c. Between January 8, 2016 and April 18, 2016, Pharmacy dispensed to Patient A on six separate occasions a total of 336 tablets of Methadone 10mg or 112 days of Methadone 10mg;

<sup>1</sup> The term "registration", "license" or "License" applies to both a current license and the right to renew an expired license.

- d. Between January 8, 2016 and April 1, 2016, Pharmacy dispensed to Patient A on six separate occasions a total of 420 tablets of Oxycodone 15 mg or 140 days of Oxycodone 15 mg;
  - e. Between January 2, 2016 and April 7, 2016, Pharmacy dispensed to Patient A on four separate occasions a total of 120 tablets of Zolpidem 10 mg or 120 days Zolpidem 10 mg;
  - f. Between December 31, 2015 and April 22, 2016, Licensee filled and Pharmacy dispensed to Patient A on six occasions Alprazolam 1mg and Alprazolam 2mg based on fraudulent prescriptions;
  - g. Between December 26, 2015 and April 22, 2016, Licensee failed to adhere to the standard of care, specifically, by failing to consult with prescriber regarding Patient A's poly-drug use despite inherent danger of such regimen in violation of 247 CMR 10.03(1)(v).
  - h. Between December 26, 2015 and April 22, 2016, Licensee failed to conduct drug utilization review each time he filled a prescription for Patient A in violation of 247 CMR 9.07(2) and 247 CMR 10.03(1)(v).
  - i. Between December 26, 2015 and April 22, 2016, Licensee failed to meet the standard of care by failing to verify that each order for a controlled substance for Patient A was issued for a legitimate medical purpose by a practitioner acting within the usual scope of his or her professional practice in violation of M.G.L. c. 94C, §19(a) and 247 CMR 10.03(1)(a) and (v).
- 3. The Licensee acknowledges that the foregoing facts warrant disciplinary action by the Board under M.G.L. c. 112, §§42A & 61 and 247 CMR 10.03(1)(a) and (v).
  - 4. The Licensee agrees that his license shall be placed on PROBATION for two (2) years ("Probationary Period"), commencing with the date on which the Board signs this Agreement ("Effective Date").
  - 5. During the Probationary Period, the Licensee further agrees that he shall comply with all the following requirements to the Board's satisfaction:



- a. Comply in all material respects with all laws and regulations governing the practice of pharmacy and the United States Pharmacopeia.
  - b. Read and submit an attestation of having read all of the Drug Enforcement Agency Pharmacist's Manual;
  - c. Complete two credits of continuing education in dispensing controlled substances and four credits in substance use disorders;
  - d. Refrain from precepting or supervising pharmacy interns or students.
6. The Board agrees that in return for the Licensee's execution and successful compliance with the requirements of this Agreement it will not prosecute the Complaint.
7. If the Licensee has complied to the Board's satisfaction with all the requirements contained in this Agreement, the Probationary Period will terminate **two (2)** years after the Effective Date upon written notice to the Licensee from the Board<sup>2</sup>.
8. If the Licensee does not materially comply with each requirement of this Agreement, or if the Board opens a Subsequent Complaint<sup>3</sup> during the Probationary Period, the Licensee agrees to the following:
  - a. The Board may upon written notice to the Licensee, as warranted to protect the public health, safety, or welfare:
    - i. EXTEND the Probationary Period; and/or
    - ii. MODIFY the Probation Agreement requirements; and/or
    - iii. IMMEDIATELY SUSPEND the Licensee's License.

<sup>2</sup> In all instances where this Agreement specifies written notice to the Pharmacy from the Board, such notice shall be sent to the Pharmacy's address of record.

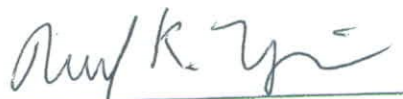
<sup>3</sup> The term "Subsequent Complaint" applies to a complaint opened after the Effective Date concerning acts, omissions, or events occurring after the Effective Date, which (1) alleges that the Pharmacy engaged in conduct that violates Board statutes or regulations, and (2) is substantiated by evidence, as determined following the complaint investigation during which the Pharmacy shall have an opportunity to respond.

- b. If the Board suspends the Licensee's License pursuant to Paragraph 8(a)(iii), the suspension shall remain in effect until:
- i. the Board provides the Licensee written notice that the Probationary Period is to be resumed and under what terms; or
  - ii. the Board and the Licensee sign a subsequent agreement; or
  - iii. the Board issues a written final decision and order following adjudication of the allegations (1) of noncompliance with this Agreement, and/or (2) contained in the Subsequent Complaint.
9. The Licensee agrees that if the Board suspends his License in accordance with Paragraph 8, he will immediately return his current Massachusetts license to the Board, by hand or certified mail. The Licensee further agrees that upon said suspension, he will no longer be authorized to operate as a pharmacist in the Commonwealth of Massachusetts and shall not in any way represent himself as a pharmacist until such time as the Board reinstates his License or right to renew such License.
10. The Licensee 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, M.G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.* The Licensee further understands that by executing this Agreement he is knowingly and voluntarily waiving his right to a formal adjudication of the Complaints.
11. The Licensee acknowledges that he has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.
12. The Licensee 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.

13. The Licensee certifies that he has read this Agreement. The Licensee understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal or judicial review.

  
Witness (sign and date)

  
Ronald K. Najarian, R.Ph.  
(sign and date)

10.29.18

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

11/16/2018  
Effective Date of Probation Agreement

Fully Signed Agreement Sent to Registrant on 11/16/2018 by

Certified Mail No. 7017 0530 0000 3483 4577