

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Salvatore Mellace, Jr., R. Ph.)
License Number: PH26522)
Expiration: December 31, 2018)

PHA-2016-0025

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and Salvatore Mellace, Jr. ("Licensee"), a pharmacist licensed by the Board, license number PH26522, 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 the Board opened a Complaint against his Massachusetts pharmacist license related to the conduct set forth in Paragraph 2, identified as Docket Number PHA-2016-0025 ("Complaint").
2. The Board and the Licensee acknowledge and agree to the following facts:
 - a. Licensee was the manager of record at Rite Aid # 10210 ("Pharmacy"), DS3192, 676 Dartmouth Street, South Dartmouth, Massachusetts in September 2015 and October 2015.
 - b. As described in 247 CMR 6.07, Licensee, as manager of record, was responsible for the operation of the Pharmacy in compliance with 247 CMR 2.00 et seq. and applicable state and federal laws and regulations.
 - c. On several occasions in September 2015 and October 2015, Licensee instructed a pharmacy intern to attend an off-site flu clinic and administer influenza vaccinations. The pharmacy intern, as instructed by Licensee, administered approximately 53 influenza vaccinations outside the pharmacy and without pharmacist supervision.

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3. The Licensee acknowledges that the facts described in Paragraph 2 constitute violations of 247 CMR 8.01(2) and 247 CMR 8.06(3) and warrant disciplinary action by the Board under M.G.L. c. 112, §§ 42A and 61 and under 247 CMR 10.03(a)&(v).
4. The Licensee agrees that the Board shall impose a REPRIMAND on his 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 Licensee's execution and successful compliance with all the requirements of this Agreement, the Board will not prosecute the Complaint.
6. 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 Complaint.
7. 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.
8. The Licensee 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.

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9. 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.

Vatiz Mellace 12/19/16
Witness (sign and date)

Salvatore Mellace, Jr. 12-19-2016
Salvatore Mellace, Jr. (sign and date)

12/22/16
Effective Date of Reprimand Agreement

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

Fully Signed Agreement Sent to Registrant on 12/22/16 by
Certified Mail No. 7016 0340 0000 4975 9483

Salvatore Mellace, Jr.
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