

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Shams Rafiq Karimi, R.Ph.)
Pharmacist Registration No. 232829)

Docket No. PHA-2011-0123

Received

BOARD OF
PHARMACY

CONSENT AGREEMENT

The Board of Registration in Pharmacy ("Board") and Shams Rafiq Karimi, R.Ph. ("Registrant"), a pharmacist registered by the Board (Pharmacist Registration No. 232829/Exp. 12/31/2012), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the file of the Registrant which is maintained by the Board:

1. The parties enter into this Consent Agreement ("Agreement") to resolve a complaint ("Complaint") regarding Registrant (Docket No. PHA-2011-0123).
2. Registrant acknowledges and agrees that she was employed as a pharmacist at Shore Drug, previously doing business at 297 Belmont Street in Belmont, Massachusetts, on May 4, 2011, when the Board conducted an inspection ("Inspection") of the Pharmacy that identified multiple statutory and regulatory violations related to Pharmacy operations; with Inspection violations related to Registrant's practice of pharmacy being more specifically described as prescription filling and dispensing: (a) from inventory that primarily consisted of expired, mislabeled, misbranded medications; and (2) in a pharmacy that was unsanitary, disorganized and operating in violation of state and federal statute and regulations (Complaint Docket No. PHA-2011-0114).
3. Registrant acknowledges that on or about May 4, 2011 she did fill two prescriptions with beyond date medications; specifically, a prescription for (1) Levothroid 50mcg tablets from a stock bottle labeled "EXP04/11;" and (b) hydrochlorothiazide tablets 25mg from a stock bottle labeled "EXP 04/2011."
4. Accordingly, the Registrant freely agrees to the following:
 - a. That Registrant's conduct as described in Paragraph 3 constitutes professional misconduct warranting disciplinary action by the Board, pursuant to M.G. L. c. 112, sections 42A and 61, for violations of 247 CMR section 9.01, subsections (1), (2), (3), and (10); and section 10.03(1), subsections (a), (b), (e), (k), (l), (v) and (w);
 - b. Registrant's Pharmacist Registration is REPRIMANDED by the Board for her conduct in this matter, as of the Effective Date of the Agreement;
 - c. Within thirty (30) days of the Effective Date of the Agreement; Respondent shall complete a two (2) hour: (1) Law continuing education (CE) program; and (2) Medication Error Prevention/Patient Safety Medication Error Prevention CE program, which CEs may not also be used for license renewal. Registrant shall submit the original CE certificates of completion to the Board, along with a copy of the Agreement, by the same date; and

d. Registrant shall return a signed copy of the Agreement to the Board within ten (10) days of receipt.

5. The Agreement and its contents shall become a part of the records maintained by the Board, and as such, are public records subject to disclosure to the public, other licensing boards, and the National Association of Boards of Pharmacy.

6. The Board agrees that in return for Registrant's execution of this Agreement, and compliance with the terms and conditions set forth herein, the Board will not advance the prosecution of 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. Registrant understands and agrees that the failure to abide by the terms of the Agreement shall nullify the representations contained in Paragraph 6 and permit the Board to initiate formal adjudicatory action under the State Administrative Procedure Act (G.L. c. 30A) and 801 CMR 1.00 *et seq.*

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

9. Registrant states that she has used legal counsel in connection with the decision to enter into this Agreement or, if Registrant did not, that an opportunity to do so was provided and that the decision to enter into this Agreement was freely made by Registrant.

10. Registrant certifies that she has read this document entitled "Consent Agreement" and Registrant understands that, by executing this Agreement, Registrant is waiving all rights to a formal hearing at which time Registrant would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her own behalf, to contest the allegations, to present oral argument, to appeal to the court in the event of an adverse ruling, and all other rights set forth in the State Administrative Procedure Act, G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.*

Michael P. Hickey
Witness (signature)

Michael P. Hickey
Witness (print name)

Dec. No. 2964

S.R. Karimi
Shams Rafiq Karimi, R.Ph.

Date: 9.10.12

Board of Registration in Pharmacy

James T. DeVita
James T. DeVita, R.Ph.

President

Effective Date: 9/14/12