

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

)
In the Matter of)
Shelly A. Rando)
PH - PT License No. 692)
License Expiration Date 7/29/12)
_____)

Docket No. PHA-2012-0079

CONSENT AGREEMENT FOR PROBATION

The Massachusetts Board of Registration in Pharmacy ("Board") and Shelly A. Rando ("Licensee"), Pharmacy Technician License No. 692, 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 her Massachusetts Pharmacy Technician license related to the conduct set forth in Paragraph 2, identified as complaint, PHA-2012-0079.¹
2. The Board and Licensee acknowledge and agree that while she was employed as a Pharmacy Technician at CVS Pharmacy #604, located at 199 Sudbury Road in Concord, Massachusetts, she diverted a bottle of Butalbital, a Schedule VI controlled substance for personal use.
3. On December 3, 2012, the Licensee was placed on pre-trial probation by the Concord District Court until May 31, 2013, which required the Licensee to have random drug tests. The Licensee completed her pre-trial probation successfully and the matter was closed.
4. On May 17, 2012, the Board issued a Temporary Order of Summary Suspension of your Pharmacy Technician license. You failed to timely request a hearing on the necessity of a continuance of the Temporary Order of Summary Suspension and a Final Order of Summary Suspension was issued on or about May 24, 2012.

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

5. On January 7, 2014, in final resolution of this matter, the Board ordered and Licensee agrees that her Pharmacy Technician license shall be placed on PROBATION for three years ("Probationary Period"), commencing with the date on which the Board signs this Agreement ("Effective Date").
6. The Licensee agrees to have submitted directly to the Board, according to the terms set forth in Attachment A, the results of random, supervised urine tests collected from the Licensee no less than six (6) times per year during the Probationary Period; all of which are required to be negative.
7. If prescribed any controlled substance during the Probationary Period, the Licensee agrees to notify the Board within five (5) days and arrange for the prescriber to submit directly to the Board a written statement of the kind and amount of each controlled substance prescribed and the medical necessity for each such prescription.
8. During the Probationary Period, the Licensee agrees that she shall comply in all material respects with all laws and regulations governing the practice of pharmacy and the United States Pharmacopeia.
9. The Board agrees that in return for Licensee's execution and successful compliance with the requirements of this Agreement, it will not prosecute the complaint, PHA-2012-0079.
10. If the Licensee has complied to the Board's satisfaction with all the requirements contained in this Agreement, the Probationary Period will terminate three years after the Effective Date upon written notice to the Licensee from the Board².
11. If the Licensee does not materially comply with each requirement of this Agreement, or if the Board opens a Subsequent Complaint³ 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

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

³ 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 Licensee engaged in conduct that violates Board statutes or regulations, and (2) is substantiated by evidence, as determined following the complaint investigation during which the Licensee shall have an opportunity to respond.

- iii. IMMEDIATELY SUSPEND the Licensee's Pharmacy Technician license.
 - b. If the Board suspends the Licensee's Pharmacy Technician license pursuant to Paragraph 9(a)(iii), the suspension shall remain in effect until:
 - i. the Board provides Licensee written notice that the Probationary Period is to be resumed and under what terms; or
 - ii. the Board and 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.
- 12. The Licensee agrees that if the Board suspends her Pharmacy Technician license in accordance with Paragraph 9(a)(iii), she will immediately return her current Massachusetts Pharmacy Technician license to the Board, by hand or certified mail. The Licensee further agrees that upon said suspension, she will no longer be authorized to practice as a Pharmacy Technician in the Commonwealth of Massachusetts and shall not in any way represent herself as a Pharmacy Technician until such time as the Board reinstates her Pharmacy Technician license or right to renew such license.
- 13. The Licensee understands that she has a right to formal adjudicatory hearing concerning the complaint, PHA-2012-0079, and that during said adjudication she 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 courts, and all other rights 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 she is knowingly and voluntarily waiving her right to a formal adjudication of the complaint, PHA-2012-0079.
- 14. The Licensee acknowledges that she has been represented by legal counsel in connection with the Complaint PHA-2012-0079 and this Agreement.
- 15. 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.

16. The Licensee certifies that she 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)

Shelly Bonds 8/21/14
Licensee (sign and date)

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

August 22, 2014
Effective Date of Probation Agreement

Fully Signed Agreement Sent to Licensee on August 26, 2014 by
Certified Mail No. 7014-0510-0001-0374-5963.

ATTACHMENT A

1. Pursuant to paragraph 6 of the Agreement, the random supervised urine tests shall include, but are not limited to, each of the following substances:

- Amphetamines
- Barbiturates
- Benzodiazepines
- Buprenorphine
- Cannabinoids
- Cocaine (metabolite)
- Opiates:
 - Codeine
 - Morphine
 - Hydromorphone
 - Hydrocodone
 - Oxycodone
 - Phencyclidine
 - Methadone
 - Propoxyphene
 - Meperidine
 - Tramadol
 - Suboxone

2. It is the Licensee's responsibility to ensure compliance with Paragraph 6 of the Agreement.