

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION IN
PHARMACY

IN THE MATTER OF
STEPHEN LEBOURDAIS
PT11250

DOCKET NO. PHA-2013-0138

Received

OCT 15 2013

BOARD OF
PHARMACY

CONSENT AGREEMENT FOR VOLUNTARY SURRENDER

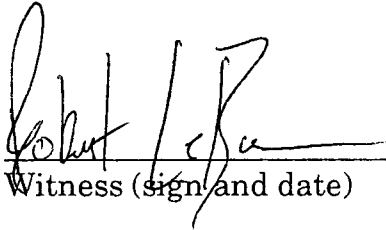
The Massachusetts Board of Registration in Pharmacy ("Board") and Stephen LeBourdais ("Licensee"), a pharmacy technician licensed by the Board, PT11250, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board:

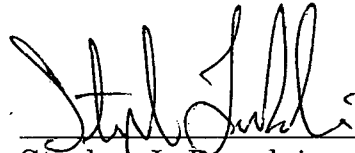
1. The Licensee acknowledges that a complaint has been filed with the Board against his Massachusetts Pharmacy Technician license¹ related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2013-0138 ("Complaint").
2. The Board and Licensee acknowledge and agree to the following facts:
 - a. Stephen LeBourdais removed narcotic medications, including Oxycontin tablets, from the Pyxis automated dispensing cabinet machines at Tewksbury Hospital, ostensibly for the reason that they were "outdated." Stephen LeBourdais did not appropriately document his removal of these medications and did not physically return the medications to the Tewksbury Hospital Pharmacy for proper disposition.
 - b. Stephen LeBourdais diverted oxycodone from Tewksbury Hospital for personal use, including self-treatment of acute back pain.
 - c. Stephen LeBourdais diverted approximately 4000 oxycodone and Oxycontin tablets from the Pyxis machines at Tewksbury Hospital.
3. The Board and Licensee acknowledge and agree that, based on Licensee's Conduct described Paragraph 2, Licensee's continued or further practice as a Pharmacy Technician presents an immediate and serious threat to the public health, safety, or welfare warranting summary suspension set forth in 247 CMR 10.07.

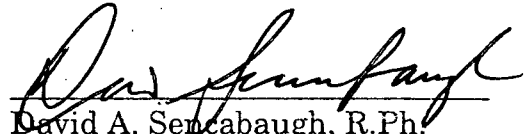
¹ The term "license" applies to both a current license and the right to renew an expired license.

4. The Licensee agrees to SURRENDER his license and refrain from practicing as a Pharmacy Technician and from working in any pharmacy setting in Massachusetts, commencing with the date on which the Board signs this Agreement ("Effective Date"). The Licensee further agrees to immediately return his original Massachusetts pharmacy technician registration to the Board.
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, 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.

9. The Registrant certifies that he has read this Agreement. The Registrant 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)

 10/9/13
Stephen LeBourdais
(sign and date)


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

10-17-13
Effective Date of Agreement

Fully Signed Agreement Sent to Registrant on 10/18/13 by
Certified Mail No. 7012 3460 0001 7330 8746