

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of _____)
Community Pharmacy at Mercy Medical Center)
Pharmacy Registration No. DS89680)

Docket No. PHA20110051

DEC 19 2011

CONSENT AGREEMENT

The Board of Registration in Pharmacy ("Board") and **Community Pharmacy at Mercy Medical Center** (Pharmacy Registration No. DS89680), located at 299 Carew Street, First Fl., Springfield, Massachusetts ("Registrant" or "Pharmacy"), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the files of the Registrant that are maintained by the Board:

1. The parties enter into this Consent Agreement ("Agreement") to resolve disputed matters arising out of the complaint pending before the Board regarding Registrant as Docket No. PHA20110051 ("Complaint").
2. Registrant acknowledges and agrees that Board Investigators inspected the Pharmacy on February 23, 2011 and observed multiple statutory and regulatory violations pertaining to the practice of pharmacy, including, but not limited to, Registrant's failure to:
 - a. conduct Pharmacy operations to facilitate proper preparation and compounding of prescribed medications; and provide for an arrangement and storage of drugs that is calculated to prevent accidental misuse, in violation of 247 CMR 6.01(5)(b);
 - b. comply with United States Pharmacopoeia (USP) Compounding Standards 795, in violation of 247 CMR 9.01(3);
 - c. provide proper preservation and security of all drugs in the Pharmacy, including proper refrigeration and storage, in violation of 247 CMR 9.01(5);
 - d. notify the Board of change in the pharmacist Manager of Record of the pharmacy or pharmacy department, in violation of 247 CMR 6.03(1);
 - e. maintain proper signage to display the name of the Manager of Record, in violation of 247 CMR 6.02(7); and
 - f. designate a patient counseling area, in violation of 247 CMR 6.01(5)(d)(1).
3. Accordingly, Registrant acknowledges and agrees:
 - a. that the statutory and regulatory violations described in Paragraph 2 constitute a basis for disciplinary action by the Board, pursuant to M.G.L. c.112, sections 42A and 61 and 247 CMR sections 10.03(1)(a) and 10.03(1)(b);
 - b. that the Pharmacy Registration is hereby **REPRIMANDED** by the Board; and
 - c. to submit to the Board written within 30 days of the Effective Date of the Agreement, confirmation that the Board's *Self-Assessment Inspection Form* has been completed by the Manager of Record.

4. The Agreement and its contents shall be incorporated into the records maintained by the Board. The Agreement is a public record subject to disclosure to the public and equivalent state licensing boards.
5. The Board agrees that in return for execution of the Agreement, the Board will not advance the prosecution of the 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.
6. The Registrant acknowledges 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.
7. Registrant acknowledges that legal counsel was consulted in connection with the decision to enter into the Agreement or, if not, that Registrant had an opportunity to do so.
8. The Registrant acknowledges by executing this Agreement, Registrant waives the right to a formal hearing at which the Registrant would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to offer testify on its own behalf, to contest the allegations, to present oral argument, to appeal to court in the event of an adverse ruling, and all other rights set forth in G.L. c. 30A and 801 CMR 1.01 *et seq.* Registrant in executing this Agreement states that in executing this document entitled "Consent Agreement", the Registrant is knowingly and voluntarily waiving all right to a formal hearing and to all of the above listed rights.

Community Pharmacy at Mercy Medical Center
Pharmacy Registration No. 89680

By: 

Title: ESR Plaintiff Counsel
Attorney at Law

Effective Date: 12/19/2011

BOARD OF REGISTRATION
IN PHARMACY

By: 

Stanley B. Walczyk, R.Ph.
President

Decision ID. No. 2666

Date: December 14, 2011