

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
The Hilsinger Company)
Permit No. WD450)
Expires November 30, 2020)
_____)

Docket No. PHA-2019-0102

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Registant ("Board") and the Hilsinger Company ("Registrant"), a wholesale distributor registered by the Board, permit number WD450 ("Permit"), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Registrant's record maintained by the Board:

1. The Registrant acknowledges that the Board opened a complaint against its Permit related to the conduct set forth in Paragraph 2, identified as docket number PHA-2019-0102 ("Complaint").
2. The Board and the Registrant acknowledge and agree to the following:
 - a. Registrant distributed prescription drugs into Indiana and North Dakota without possessing the requisite out-of-state wholesale distributor licenses from those respective jurisdictions in violation of 247 CMR 10.03(1)(b); and
 - b. Registrant failed to notify the Board within seven business days of the Alabama State Board of Pharmacy's discipline against its Alabama wholesale distributor permit no. 195009 in violation of 247 CMR 10.03(1)(z).
3. The Registrant acknowledges that the foregoing facts warrant disciplinary action by the Board under M.G.L. c. 112, §§ 42A and 61 and under 247 CMR 10.03(1)(b) and (v).
4. The Registrant agrees that the Board shall impose a REPRIMAND on its Permit 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 Registrant's execution and successful compliance with all the requirements of this Agreement, the Board will not prosecute the Complaint.
6. The Registrant understands that it has a right to formal adjudicatory hearing concerning the Complaint and that during said adjudication the Registrant would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on its 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 Registrant further understands that by executing this Agreement the Registrant is knowingly and voluntarily waiving its right to a formal adjudication of the Complaint.
7. The Registrant acknowledges that it has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.
8. The Registrant 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 understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal or judicial review.
10. The individual signing this Agreement certifies that he/she is authorized to enter into this Agreement on behalf of the Registrant, and that he/she has read this Agreement.

W. J. ... 12/26/19
Witness (sign and date)

[Signature] 12/26/2019
The Hilsinger Company
(sign and date)

Tom Costa
(print name)

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

1-2-2020
Effective Date of Reprimand Agreement

~~Fully Signed Agreement Sent to Registrant on 12/26/2019 by~~

~~Certified Mail No. 7019 0700 0002 2155 0650~~

Fully signed Agreement Sent to Registrant on
1/2/2020 By certified mail no. 7019 0700 0000 1934 5208