

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of _____)
Therap-Ease Inc. _____)
Wholesale Distributor Registration No. 499 _____)

Docket No. PHA-2012-0047

CONSENT AGREEMENT

The Board of Registration in Pharmacy ("Board") and **Therap-Ease Inc.**, currently located at 121 Industrial Park Road in Plymouth, Massachusetts (current Wholesale Distributor Registration No. 499) and previously registered by the Board (Wholesale Distributor Registration No. WD445; Expiration 11/30/2007) to operate at 187 Summer Street in Kingston, Massachusetts (the operations of **Therap-Ease Inc.** at both locations being hereby referred to as "Registrant"), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the files of Registrant maintained by the Board:

1. The parties enter into this Consent Agreement ("Agreement") to resolve the complaint ("Complaint") pending before the Board regarding Registrant (Docket No. PHA-2012-0047).
2. Registrant acknowledges and agrees that Registrant failed to conduct operations in accordance with Board statutes and regulations pertaining to the operations of a wholesale distributor by failing to:
 - a. timely renew Wholesale Distributor Registration No. WD445 and operating without a current registration since 11/30/2007, in violation of G.L. c. 112, ss. 36A-36C and 247 CMR 7.02(1);
 - b. timely renew Controlled Substance Registration No. WD445CS and operating without a current registration since 11/30/2008, in violation of 247 CMR 11.02(2); and
 - c. obtain Board approval for the change in location of operations; in violation of 247 CMR sections 7.02(4) and (6).
3. Accordingly, Registrant acknowledges and agrees:
 - a. that the statutory and regulatory violations described in Paragraph 2 constitute a basis for disciplinary action of Registrant by the Board, pursuant to M.G.L. c. 112, sections 42A and 61 and 247 CMR sections 10.03(1)(a), 10.03(1)(b), and 10.03(1)(i);
 - b. that Registrant's Wholesale Distributor Registration No. 499 is hereby **REPRIMANDED** by the Board; and
 - c. to provide to the Board, within 30 days of the Effective Date of the Agreement, a copy of Registrant's written policies and procedures ensuring for timely annual renewal of Registrant's wholesale distributor and controlled substance registrations.

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 testimony 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.

Therap-Ease Inc.

Wholesale Distributor Registration No. 499

By: John P. Cianciulli Jr.

Title: President

Effective Date: 3/13/12

**BOARD OF REGISTRATION
IN PHARMACY**

By: Michael J. Tocco
Michael J. Tocco, R.Ph., M.Ed.
President

Date: March 13, 2012

Decision ID. No. 2898