

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

Received

SEP 23 2011

BOARD OF REGISTRATION
IN PHARMACY

BOARD OF
PHARMACY

In the Matter of)
Pepperell Family Pharmacy)
Pharmacy Registration No. DS3541)
Tracie G. Ezzio, R.Ph.)
Pharmacist Registration No. PH16837)

Docket Nos. PHA20110042
PHA20110110

CONSENT AGREEMENT

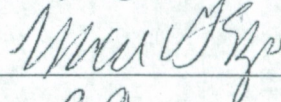
The Board of Registration in Pharmacy ("Board"), **Pepperell Family Pharmacy** (Pharmacy Registration No. DS3541), located at 74 Main Street in Pepperell, Massachusetts ("Registrant" or "Pharmacy"), and **Tracie G. Ezzio, R.Ph.** (Pharmacist License No. PH16837), owner and Manager of Record of Registrant ("Licensee"), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the files of the Registrant and Licensee that are maintained by the Board:

1. The parties enter into this Consent Agreement ("Agreement") to resolve disputed matters arising out of the complaints pending before the Board regarding Registrant and Licensee as Docket Nos. PHA20110042 and PHA20110110 respectively (jointly the "Complaints").
2. Registrant and Licensee acknowledge and agree that Board Investigators inspected the Pharmacy on March 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. maintain Pharmacy records and conduct inventories in compliance with federal and state laws and regulations, including Board regulations (247 CMR), in violation of 247 CMR sections 6.07(1)(b), 9.01(1) and 9.01(14);
 - b. 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);
 - c. comply with United States Pharmacopoeia (USP) Compounding Standards 795, in violation of 247 CMR 9.01(3);
 - d. provide proper preservation and security of all drugs in the Pharmacy, including proper refrigeration and storage, in violation of 247 CMR 9.01(5);
 - e. insure that two Pharmacy employees had current Massachusetts pharmacy technician registrations, in violation of 247 CMR sections 6.07(1), 9.01(1) and 10.03(1)(a) and (b);

- f. maintain proper signage in the designated patient counseling area, in violation of 247 CMR 9.07(3)(c); and
 - g. maintain required information and establish policies and procedures regarding pharmacy technicians providing services at the Pharmacy, in violation of 247 CMR 8.06.
3. Accordingly, Registrant and Licensee acknowledge and agree:
- a. that the statutory and regulatory violations described in Paragraph 2 constitute a bases for disciplinary action by the Board, pursuant to M.G.L. c.112, §§ 42A and 61 and 247 CMR sections 9.01(1); 10.03(1)(a), 10.03(1)(b), 10.03(1)(e), 10.03(1)(u), 10.03(1)(v) and 10.03(1)(w);
 - b. that Licensee's license and Registrant's registration are hereby **REPRIMANDED** by the Board;
 - c. that Licensee shall cease acting as Manager of Record at the Pharmacy and not seek approval to act as Manager of Record at any other pharmacy or pharmacy department for a minimum **one (1) year** period following the Effective Date of the Agreement;
 - d. to submit a "Change of Manager" application to the Board within ten (10) days of the Effective Date of the Agreement; and
 - e. that the new Manager of Record of the Pharmacy shall complete the Board's *Self-Assessment Inspection Form* and submit written confirmation of completion to the Board within 30 days of the Effective Date of the Agreement.
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 and Licensee pursuant to the Complaints; any and all other rights of the Board to take action within the scope of its authority are expressly reserved.
6. The Registrant and Licensee acknowledge and agree 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. The Registrant and Licensee acknowledge that legal counsel was consulted in connection with the decision to enter into the Agreement or, if not, that the Registrant and Licensee had an opportunity to do so.
8. The Registrant and Licensee acknowledge by executing this Agreement, the Registrant and Licensee are waiving the right to a formal hearing at which the Registrant and Licensee 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.* The Registrant and Licensee in executing this Agreement state that in executing this document entitled "Consent Agreement", the

Registrant and Licensee are knowingly and voluntarily waiving all right to a formal hearing and to all of the above listed rights.


Pepperell Family Pharmacy
Pharmacy Registration No. 3541

By: 
Title: RPh

Tracie G. Ezzio, R.Ph.
Pharmacist Registration No. 16837

Date: 9/22/11

**BOARD OF REGISTRATION
IN PHARMACY**

By: 
Stanley B. Walczyk, R.Ph.
President

Effective Date: 9/24/11

Decision ID Nos. 2599 and 2602