

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION IN
PHARMACY

Received

IN THE MATTER OF
TYLER LEE BURTON
PT15823

PHA-2014-0157

JUN 24 2014

BOARD OF
PHARMACY

CONSENT AGREEMENT FOR VOLUNTARY SURRENDER

The Massachusetts Board of Registration in Pharmacy ("Board") and Tyler Lee Burton ("Licensee"), a pharmacy technician licensed by the Board, PT15823, 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 the Board opened a complaint against his Massachusetts pharmacy technician license related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2014-0157 ("Complaint").¹
2. The Board and Licensee acknowledge and agree that evidence exists which if proven at hearing could demonstrate the following:
 - a. Licensee diverted controlled substances, including oxycodone, hydrocodone, and lorazepam, from the pharmacy where he worked as a pharmacy technician. Licensee did not have a valid prescription for said controlled substances.
 - b. Licensee removed at least one full stock bottle of hydrocodone from the pharmacy, and returned the opened stock bottle to the pharmacy shelves the following day only partially filled.
 - c. Licensee admitted to DEA agents that he diverted at least 1,000 – 2,000 tablets of controlled substances from the pharmacy between January 2014 and May 29, 2014.
 - d. Licensee worked as a pharmacy technician while impaired by controlled substances.
3. The Board and Licensee acknowledge and agree that if proven at a hearing Licensee's conduct described in Paragraph 2 constitutes a violation M.G.L. c.

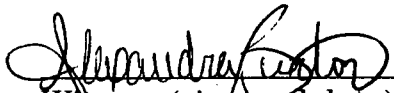
¹ The term "license" applies to both a current license and the right to renew an expired license.


94C, §§ 34 and 37 and is grounds for discipline by the Board pursuant to M.G.L. c. 112, § 61 and 247 CMR 10.03(x).


4. The Board and Licensee acknowledge and agree that, based on the conduct described Paragraph 2, Licensee's continued or further practice as a pharmacy technician presents an immediate or serious threat to the public health, safety, or welfare warranting a Cease and Desist Notice as set forth in 247 CMR 10.08(b).
5. The Licensee agrees to SURRENDER his license for an indefinite period of time and refrain from practicing as a pharmacy technician and from working in any pharmacy-related 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.
6. 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.
7. 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, M.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.
8. 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.
9. 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.

Tyler Lee Burton
PT15823
PHA-2014-0157

10. The Licensee certifies that he has read this Agreement. The Licensee understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal or judicial review.

 6/23/14
Witness (sign and date)

 6/23/14
Tyler Lee Burton
(sign and date)


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

July 2, 2014

Effective Date of Agreement

Fully Signed Agreement Sent to Registrant on July 2, 2014 by
Certified Mail No. 7014 0510 0001 03745697

Tyler Lee Burton
PT15823
PHA-2014-0157