

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF LICENSE  
IN PHARMACY

In the Matter of )  
Vicky Gately )  
PT1401 )

PHA-2019-0080

**CONSENT AGREEMENT FOR SUSPENSION FOLLOWED BY PROBATION**

The Massachusetts Board of Registration in Pharmacy ("Board") and Vicky Gately ("Licensee"), a pharmacy technician licensed by the Board, PT1401, 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 her Massachusetts pharmacy technician license related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2019-0080 ("the Complaint").<sup>1</sup>
2. The Board and the Licensee acknowledge and agree to the following facts:
  - a. Licensee worked as a pharmacy technician at Walmart Pharmacy # 10-2336 ("Pharmacy") from approximately December 1996 until December 19, 2017.
  - b. In or about December 2016, Licensee obtained Azithromycin from the Pharmacy without a valid prescription.
  - c. Between January 2016 and December 2017, while working at the Pharmacy, Licensee knowingly processed fraudulent prescriptions for Schedule VI controlled substances written for another individual.
3. The Licensee agrees the conduct described in Paragraph 2 constitutes a violation of M.G.L. c. 94C, §§ 33 & 34 and warrants disciplinary action by the Board under M.G.L. c. 112, §§ 42A and 61, 247 CMR 10.03(1)(x).
4. The Licensee agrees that her pharmacy technician license shall be placed on **SUSPENSION** for six (6) months ("Suspension Period"), commencing with the date on which the Board signs this Agreement ("Effective Date").

---

<sup>1</sup> The term "license" includes a current license and the right to renew an expired license.

Vicky Gately  
PT1401  
PHA-2019-0080

5. The Licensee agrees that she will not practice as a pharmacy technician or work in any pharmacy-related setting in Massachusetts during the Suspension Period.<sup>2</sup>
6. Immediately following the Suspension Period, Licensee agrees her pharmacy technician license shall be placed on PROBATION for two (2) years ("Probationary Period").
7. During the Probationary Period, the Licensee agrees that she shall comply in all material respects with all laws and regulations governing the practice of pharmacy and the United States Pharmacopeia.
8. If the Licensee has complied to the Board's satisfaction with all the requirements contained in this Agreement, the Probationary Period will terminate two (2) years and six (6) months after the Effective Date upon written notice to the Licensee from the Board<sup>3</sup>.
9. If the Licensee does not materially comply with each requirement of this Agreement, or if the Board opens a Subsequent Complaint<sup>4</sup> during the Probationary Period, the Licensee agrees to the following:
  - a. The Board may upon written notice to the Licensee, as warranted to protect the public health, safety, or welfare;
    - i. EXTEND the Probationary Period; and/or
    - ii. MODIFY the Probation Agreement requirements; and/or

---

<sup>2</sup> The Licensee understands that practice as a licensed pharmacy technician includes, but is not limited to, seeking and/or accepting a paid or voluntary position as a licensed pharmacy technician, or a paid or voluntary position requiring that the applicant hold a current pharmacy technician license. The Licensee further understands that if she accepts a voluntary or paid position as a pharmacy technician, or engages in any practice of pharmacy after the Effective Date and before the Board formally reinstates her license, evidence of such practice shall be grounds for the Board's referral of any such unlicensed practice to the appropriate law enforcement authorities for prosecution.

<sup>3</sup> In all instances where this Agreement specifies written notice to the Licensee from the Board, such notice shall be sent to the Licensee's address of record.

<sup>4</sup> The term "Subsequent Complaint" applies to a complaint opened after the Effective Date concerning acts, omissions, or events occurring after the Effective Date, which (1) alleges that the Licensee engaged in conduct that violates Board statutes or regulations, and (2) is substantiated by evidence, as determined following the complaint investigation during which the Licensee shall have an opportunity to respond.

Vicky Gately  
PT1401  
PHA-2019-0080

- iii. IMMEDIATELY SUSPEND the Licensee's pharmacy technician license.
  - b. If the Board suspends the Licensee's pharmacy technician license pursuant to Paragraph 9(a)(iii), the suspension shall remain in effect until:
    - i. the Board provides Licensee written notice that the Probationary Period is to be resumed and under what terms; or
    - ii. the Board and Licensee sign a subsequent agreement; or
    - iii. the Board issues a written final decision and order following adjudication of the allegations (1) of noncompliance with this Agreement, and/ or (2) contained in the Subsequent Complaint.
10. The Licensee agrees that if the Board suspends her pharmacy technician license in accordance with Paragraph 9, she will immediately return her current Massachusetts pharmacy technician license to the Board, by hand or certified mail. Licensee further agrees that upon said suspension, she will no longer be authorized to practice as a pharmacy technician in the Commonwealth of Massachusetts and shall not in any way represent herself as a pharmacy technician until such time as the Board reinstates her license or right to renew such license.
11. The Board agrees that in return for the Licensee's execution and successful compliance with the requirements of this Agreement it will not prosecute the Complaint.
12. The Licensee understands that she has a right to formal adjudicatory hearing concerning the allegations against her and that during said adjudication she would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her 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 she is knowingly and voluntarily waiving her right to a formal adjudication of the Complaint.
13. The Licensee acknowledges that she has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.

14. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board. 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.
15. The Licensee certifies that she has read this Agreement. The Licensee understands and agrees that entering into this Agreement is a final act and not subject to reconsideration, appeal or judicial review.

Julie Harris 6/15/20  
 Witness (sign and date)

Brettney Walsh 6/15/20  
 Witness (sign and date)

Vicky Gately 6/15/2020  
 Vicky Gately  
 (sign and date)

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

6-25-20  
 Effective Date

Fully Signed Agreement Sent to Licensee on 6/25/2020 by Certified Mail  
 No. 7019 1640 0001 0886 4432

Vicky Gately  
 PT1401  
 PHA-2019-0080