

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Walgreens #10673)
Registration No. DS89633)
Expires December 31, 2017)
_____)

Docket No. PHA-2017-0028

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and Walgreens Pharmacy #10673 in Hudson, Massachusetts ("Pharmacy"), a pharmacy registered by the Board, registration number DS89633 ("Registration"), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Pharmacy's record maintained by the Board:

1. The Pharmacy acknowledges that the Board opened a Complaint against its Registration related to the conduct set forth in Paragraph 2, identified as docket number PHA-2017-0028 (the "Complaint").
2. The Board and the Pharmacy acknowledge and agree to the following facts:
 - a. On October 26, 2016, Office of Public Protection ("OPP") investigators conducted a compliance inspection of the Pharmacy and observed the following deficiencies:
 - i. Pharmacy failed to completely reconcile perpetual inventory of methylphenidate 20 mg tablets in violation of 247 CMR 9.01(14), as a result of subsequent reconciliation, Pharmacy submitted a Report of Theft or Loss of Controlled Substance for 151 tablets of methylphenidate 20 mg on November 10, 2016 for a loss determined to have occurred around October 16, 2016;
 - ii. Pharmacy failed to record the quantity and date of each item received in CSOS that is linked to the original order in violation of 247 CMR 9.01(1) and 21 CFR 1305.22(4)(g); and
 - iii. Pharmacy violated 247 CMR 9.01(3) and USP <795> concerning the compounding of an atenolol suspension by failing to maintain directions for mixing, failing to keep a duplicate label

in the compounding log, missing a reference to the formula and recording BUD as one day.

3. The Pharmacy 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 Pharmacy agrees that the Board shall impose a REPRIMAND on its license 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 Pharmacy's execution and successful compliance with all the requirements of this Agreement, the Board will not prosecute the Complaint.
6. The Pharmacy understands that it has a right to formal adjudicatory hearing concerning the Complaint and that during said adjudication the Pharmacy 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 Pharmacy further understands that by executing this Agreement the Pharmacy is knowingly and voluntarily waiving its right to a formal adjudication of the Complaint.
7. The Pharmacy 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 Pharmacy 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 Pharmacy understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal or judicial review.

Walgreens #10673
DS89633
PHA-2017-0028

10. The individual signing this Agreement certifies that he/she is authorized to enter into this Agreement on behalf of the Pharmacy, and that he/she has read this Agreement.

[Signature] 6/12/2017
Witness (sign and date)

[Signature] 6/14/17
Walgreens #10673
(sign and date)

PINA SHAW
(print name)

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

6-21-2017
Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Registrant on 6/21/17 by

Certified Mail No. 7015 1780 0000 7974 1226