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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Walgreens Pharmacy #2311)
Pharmacy Registration No. 1943)

Docket No. PHA20100032

CONSENT AGREEMENT

The Board of Registration in Pharmacy ("Board") and Walgreens Pharmacy #2311 (Pharmacy Registration No. 1943), located at 1919 Wilbraham Road in Springfield, Massachusetts ("Pharmacy"), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the file of the Pharmacy that is maintained by the Board:

1. The parties enter into this Consent Agreement ("Agreement") to resolve disputed matters arising out of complaint pending against the Pharmacy before the Board as Docket No. PHA20100032 (the "Complaint").
2. The Pharmacy acknowledges and agrees that Board Investigators inspected the Pharmacy on December 11, 2009 and observed multiple statutory and regulatory violations pertaining to the practice of pharmacy, including, but not limited to:
 - a. Registrant failed to maintain Pharmacy records and conduct inventories in compliance with federal and state statutes and Board regulations in violation of 247 CMR sections 6.07 (b), 9.01(1) and 9.01(14);
 - b. Registrant failed to conduct Pharmacy operations in a clean and sanitary manner, in violation of 247 CMR sections 6.02(1) and 9.01(1);
 - c. Registrant failed to provide the proper preservation and storage of prescription drug products, in violation of 247 CMR sections 9.01(1) and 9.01(5);
 - d. Registrant failed to operate in a manner that facilitated proper preparation and compounding of prescribed medications; and provide for an arrangement and storage of drugs calculated to prevent accidental misuse conduct, in accordance with the requirements of 247 CMR 6.01(5)(b);
 - e. Registrant failed to comply with United States Pharmacopoeia (USP) Compounding Standards 795, in violation of 247 CMR 9.01(3);

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- f. Registrant failed to provide adequate procedures for insuring all medications are accurately labeled and that for any medications for dispensing, the medications include an accurate beyond use date and lot number, in violation of 247 CMR 9.01 (3)(10); and
- g. Registrant failed to provide a "Change in Manager of Record" application to the Board, in violation of 247 CMR 6.03(1), with required sworn statement confirming that a complete inventory of controlled substances in Schedules II, III, IV and V signed by the outgoing Pharmacist Manager of Record.

3. Accordingly, the Pharmacy agrees to the following:

- a. that the statutory and regulatory violations described in Paragraph 2 constitute pharmacy practice below accepted professional pharmacy practice standards warranting disciplinary action by the Board, pursuant to M.G.L. c.112, sections 42A and 61 and 247 CMR sections 9.01(1), 10.03(1)(a), 10.03(1)(b), 10.03(1)(c), 10.03(1)(v), and 10.03(1)(w);
 - b. that the Pharmacy is hereby **REPRIMANDED** by the Board;
 - c. to submit to the Board within thirty (30) days of the Effective Date of the Agreement, a detailed certification of completion of corrective action implemented by the Pharmacy (Pharmacy Manager of Record attestation); and
 - d. to submit to the Board written within 30 days of the Effective Date of the Agreement, confirmation that the Board's *Self-Assessment Inspection Form* has been completed by the Manager of Record.
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 executing the Agreement, the Board will not advance the prosecution of the Pharmacy 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 Pharmacy 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. The Pharmacy acknowledges that legal counsel was consulted in connection with the decision to enter into the Agreement or, if not, that the Pharmacy had an opportunity to do so.

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8. The Pharmacy acknowledges by executing this Agreement, the Pharmacy is waiving the right to a formal hearing at which the Pharmacy 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 811 CMR 1.01 *et seq.* The Pharmacy representative executing this Agreement states that in executing this document entitled "Consent Agreement", the Pharmacy is knowingly and voluntarily waiving all right to a formal hearing and to all of the above listed rights.

Walgreens Pharmacy #2311
Pharmacy Registration No. 1943

By: [Signature]Title: Pharmacy SupervisorDate: 4-28-2010

BOARD OF REGISTRATION
IN PHARMACY

By: [Signature]

Stanley B. Walczyk, R.Ph.
President-Elect

Effective Date: 4/28/10

Decision ID. No. 2278