

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of
Walgreens #6072
DS3004

Expiration: 12/31/2023

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Docket No.: PHA-2022-0004
CAS-2022-0009

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and Walgreens #6072 ("Pharmacy" or "Licensee"), a pharmacy licensed by the Board, DS3004, 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 the Board opened a Complaint against its Massachusetts pharmacy license related to the conduct set forth in Paragraph 2, identified as Docket Number PHA-2022-0004 ("Complaint").
2. The Pharmacy and the Board agree to resolve this Complaint without making any admissions or findings and without proceeding to a formal adjudicatory hearing. The Complaint alleges the following:
 - a. During a retail compliance inspection on January 3, 2022, it was determined that the former Manager of Record (MOR) was no longer working for Walgreens and the MOR position had been vacant for approximately four (4) to five (5) weeks. No application for a Change in Manager for the Pharmacy had been submitted to the Board during that time.¹
 - b. Also during the retail compliance inspection on January 3, 2022, it was observed that a perpetual inventory had not been completed since November 13, 2021.
 - c. As a result of the above, a plan of correction was issued to the Pharmacy.

¹ Of note, a March 1, 2022 response to this Complaint indicated a new MOR of the Pharmacy was effective on February 1, 2022. However, as of May 31, 2022, an application for a Change in Manager for the Pharmacy for the new MOR had not been submitted to the Board.

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3. The Pharmacy acknowledges that the facts described in Paragraph 2 constitute a violation of 247 CMR 6.03(1) and 247 CMR 9.01(14) and warrants disciplinary action by the Board under M.G.L. c. 112, §§ 42A & 61 and 247 CMR 10.03(1)(a).
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.
10. The individual signing this Agreement certifies that they are authorized to enter into this Agreement on behalf of the Pharmacy, and that they have read this Agreement.

Sanat Schwerman 10/09/2023
Witness (sign and date)

John L. Colaizzi 10/09/2023
(sign and date)

John L. Colaizzi
(print name)

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

11/22/2023

Effective Date

Fully Signed Agreement Sent to Licensee on 11/22/2023 by Certified Mail
No. 7021 2720 0000 7504 2151