

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Walgreens Pharmacy #10128)
171 West Street)
Ware, Massachusetts)
Pharmacy Registration No. 3472)

Docket No. PHA-2009-0141

CONSENT AGREEMENT

The Board of Registration in Pharmacy ("Board") and Walgreens Pharmacy #10128 (Pharmacy Reg. No. 3472), located at 171 West Street in Ware, 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 maintained by the Board:

1. The parties enter into this Consent Agreement ("Agreement") to resolve a complaint (the "Complaint") pending regarding the Pharmacy as Docket No. PHA-2009-0141.
2. The Pharmacy acknowledges that the Complaint alleges that the Pharmacy failed to secure delivery of controlled substances in accordance with 247 CMR §§ 6.02 (6)(g) and 9.01(5); specifically, that the Pharmacy failed to account for a delivery of approximately 4400 units of Schedule II medication on December 18, 2008.
3. Accordingly, the Pharmacy agrees to the following:
 - a. That the conduct of certain Pharmacy personnel involved in the receipt of the controlled substance delivery at issue constitutes conduct in violation of accepted professional practice standards warranting disciplinary action by the Board, pursuant to M.G.L. c.112, §§ 42A and 61 and 247 CMR §§9.01(1, 10.03 (1)(a), 10.03 (1) (k), 10.03 (1)(v), and 10.03 (1)(w);
 - b. The Pharmacy is hereby **REPRIMANDED** by the Board;
 - c. The Pharmacy shall submit: (1) a copy of the Pharmacy Department's Corrective Action Plan to achieve compliance with 247 CMR §§ 6.02 (6)(g) and 9.01(5) related to "Ordering and Receiving Controlled Substances;" and (2) the names and titles of all pharmacy personnel who have completed comprehensive re-training (with signatures of re-trained individuals attesting to completion of re-training) to the Board for review within 30 days of the Effective Date of the Agreement; and
 - d. The Pharmacy shall submit written confirmation that the Board's Self-Assessment Inspection Form has been completed by the Manager of Record to the Board within 30 days of the Effective Date of the Agreement.

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.
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 801 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 #10128
Registration No. 3472

By: Abraham Ann Platts

Title: Executive Director

Date: 1/8/2010

BOARD OF REGISTRATION IN PHARMACY

By: James T. DeVita
James T. DeVita, R.Ph.
President-Elect

Effective Date: 2/18/2010

Dec. No. 2157