

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

\_\_\_\_\_  
In the Matter of )  
Walgreens #3300 )  
License No. DS3412 )  
Expires December 31, 2019 )  
\_\_\_\_\_ )

Docket No. PHA-2018-0045

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and Walgreens #3300 Pharmacy ("Pharmacy"), a pharmacy registered by the Board, registration number DS3412 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 Massachusetts license related to the conduct set forth in Paragraph 2, identified as Docket Number PHA-2018-0045 ("Complaint").
2. The Board and the Pharmacy acknowledge and agree to the following facts:
  - a. On or about April 5, 2018, Pharmacy untimely submitted an initial Board Report of Loss of Controlled Substances ("Board report") for a loss of 30 tablets of amphetamine-dextroamphetamine 5 mg, a schedule II controlled substance, discovered on March 24, 2018.
  - b. After reviewing the loss further, the Pharmacy submitted a final Board report for an actual loss of #29 amphetamine-dextroamphetamine 5 mg tablets on April 10, 2018.
  - c. As part of the Pharmacy's internal investigation, it determined the loss was due to a dispensing error.
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)(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(26). 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 he/she is authorized to enter into this Agreement on behalf of the Pharmacy, and that he/she has read this Agreement.

Sara Schwerman 12/14/18  
Witness (sign and date)

Rina Shah  
Walgreens #2309 3300  
(sign and date)

RINA SHAH  
(print name)

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

1-3-2019  
Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Registrant on 1/3/19 by  
Certified Mail No. 7615 3010 0001 7079 8300

Walgreens #3300  
DS3412  
PHA-2018-0045