

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

Received

BOARD OF REGISTRATION  
IN PHARMACY

AUG 20 2015

In the Matter of )  
Walgreens Pharmacy #3736 )  
License Number: DS2653 )  
Expiration: December 31, 2015 )

BOARD OF  
PHARMACY

Docket No.PHA-2013-0096

**CONSENT AGREEMENT FOR REPRIMAND**

The Massachusetts Board of Registration in Pharmacy ("Board") and Walgreens Pharmacy #3736 ("Licensee" or "Pharmacy"), a pharmacy licensed by the Board, license number DS2653, 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 pharmacy license related to the conduct set forth in Paragraph 2, identified as Docket Number PHA-2013-0096 ("Complaint").
2. The Board and the Pharmacy acknowledge and agree to the following facts:
  - a. On or about, March 1, 2013, the Pharmacy incorrectly labeled two of three blister cards filled with oxcarbazepine (600 mg three times a day) as omeprazole (20 mg twice a day) for a patient who was prescribed both medications.
  - b. On or about March 1, 2013, the Pharmacy dispensed the incorrectly labeled oxcarbazepine (600 mg three times a day) to the patient, resulting in the patient ingesting an additional 1800 mg of oxcarbazepine more than necessary over a two day period. The patient subsequently required treatment.
  - c. On or about March 8, 2013, the Pharmacy received notification of the medication error. The Pharmacy failed to report the error to the Board within 15 working days of the discovery of error, in violation of M.G.L. c. 112, § 39D.
  - d. The foregoing facts warrant disciplinary action by the Board under M.G.L. c. 112 §§ 42A, 247 CMR 10.03(1)(v), and 247 CMR 10.03(1)(b).

3. The Pharmacy agrees that the Board shall impose a REPRIMAND on its pharmacy license based on the facts admitted in Paragraph 2, effective as of the date on which the Board signs this Agreement ("Effective Date").
4. The Board acknowledges the receipt of documentation demonstrating implementation of a plan of correction with policies and procedures pertaining the following:
  - a. Use of an effective blister packing process;
  - b. Retraining of all staff on blister packing;
  - c. Automatic printing of labels of an appropriate quantity for blister packs;
  - d. Minimizing overriding of barcode scanning;
  - e. Reporting of errors in a timely manner.

Licensee and the Board acknowledge that the Board's receipt of said documentation was a precondition to be met before the Board entered into this Agreement

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 it's 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.

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

Patricia M O'Boog 8/17/15 Robb Pal  
 Witness (sign and date) Walgreens Pharmacy #3736  
 (sign and date)

RICHARD GATES  
 (print name)

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

9-15-15  
 Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Licensee on 9/16/15 by  
 Certified Mail No. 7614 2120 0002 1353 5879

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