

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Westminster Pharmacy) PHA-2021-0067
DS1710)

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy (“Board”) and Westminster Pharmacy (“Pharmacy” or “Licensee”), a pharmacy licensed by the Board, DS1710, 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-2021-0067 (“Complaint”).
2. The Board and the Pharmacy acknowledge and agree to the following facts:
 - a. On or about August 4, 2021, during a retail compliance inspection, a Board investigator observed the following:
 - i. the Pharmacy was storing COVID vaccines in a front store freezer typically used for the storage of ice bags, in violation of 247 CMR 6.02(6)(b); 247 CMR 9.01(1) & (5); and Board of Registration in Pharmacy (BORP) Policy 2020-5: Proper Storage of Refrigerated and Frozen Medications.
 - ii. the Pharmacy had an incomplete temperature log for the storage of said vaccines in violation of Board of Registration in Pharmacy (BORP) Policy 2020-05 and 247 CMR 9.01(1) &(5).
 - iii. The Pharmacy also admitted to administering Johnson & Johnson COVID vaccines without an authorizing standing order, in violation of 247 CMR 9.01(1); 105 CMR 700.004(6)(b); and BORP Policy 2020-11: Vaccine Administration.
 - b. During a follow-up site visit on September 17, 2021, the Board investigator instructed the Pharmacy to remove the Moderna vaccines from active inventory and contact manufacturers of quarantined refrigerated products to determine if they were safe for dispensing.
 - c. During a site visit on December 3, 2021, an investigator observed Moderna vaccine vials in Sharps containers mixed in with needles and syringes. These vials were without any documentation calling for destruction, return for destruction, or a follow up with manufacturers.

3. The Pharmacy acknowledges that the facts described in Paragraph 2 warrant disciplinary action by the Board under M.G.L. c. 112, §§ 42A & 61 and 247 CMR 10.03(1)(a), (d), &(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. 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.

Mudan Chahal
 09/14/2022

 Witness (sign and date)

Joseph P. Senio 9/14/22

 (sign and date)

Joseph P. Senio

 (print name)

David Sencabaugh

 David Sencabaugh, R. Ph.

Westminster Pharmacy
 DS1710
 PHA-2021-0067

Executive Director
Board of Registration in Pharmacy

6/2/2023
Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Licensee on 6/2/2023 by Certified Mail
No. 7020 0090 0000 1273 1387

Westminster Pharmacy
DS1710
PHA-2021-0067