

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

In the Matter of )  
WILLIAM LOOMIS )  
redacted )  
 )

PHA-2013-0049

**CONSENT AGREEMENT FOR PROBATION**

The Massachusetts Board of Registration in Pharmacy ("Board") and William Loomis ("Licensee"), PH18751, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board:

1. The Licensee acknowledges that a complaint has been filed with the Board against his Massachusetts pharmacist license (the "Complaint") related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2013-0049.<sup>1</sup>

2. The Board and the Licensee acknowledge and agree to the following facts:

a. Board investigators conducted an unannounced inspection of Baystate Home Infusion & Respiratory Services ("BHI&RS") on or about December 11 & 12, 2012. The Licensee was the Manager of Record of BHI&RS at the time of the inspection and has been the Manager of Record since at least December 31, 2003. During the inspection, Board investigators made observations from which they determined BHI&RS to be non-compliant with 247 CMR 9.01 and United States Pharmacopoeia ("USP") Standard <797> Pharmaceutical Compounding - Sterile Preparations, with regard to its compounding of sterile medications.

b. As a result of this determination of non-compliance, on or about December 12, 2012, BHI&RS was notified to immediately cease the preparation and dispensing of sterile compounded medications, and quarantine all sterile compounded medications on BHI&RS's premises.

<sup>1</sup> The term "license" applies to both a current license and the right to renew an expired license.

- c. Board investigators conducted a re-inspection of BHI&RS on May 17, 2013. During the inspection, Board investigators observed that BHI&RS appeared to be in compliance with United States Pharmacopoeia ("USP") Standard <797> Pharmaceutical Compounding –Sterile Preparations. Accordingly, the Cease and Desist and Quarantine Notice was rescinded and BHI&RS was authorized by the Board to resume low and medium risk sterile compounding.
3. The Licensee agrees that his pharmacist license shall be placed on PROBATION for 12 months ("Probationary Period"), commencing with the date on which the Board signs this Agreement ("Effective Date").
  4. During the Probationary Period, the Licensee agrees that he shall comply with all laws and regulations governing the practice of pharmacy. The Licensee agrees that he shall comply with USP Standard <797> Pharmaceutical Compounding –Sterile Preparations.
  5. During the Probationary Period, the Licensee agrees that he shall not serve as a Manager of Record for any pharmacy.
  6. The Board agrees that in return for the Licensee's execution of this Agreement it will not prosecute the Complaint.
  7. If the Licensee has complied to the Board's satisfaction with all of the requirements contained in this Agreement, the Probationary Period will terminate 12 months after the Effective Date upon written notice to the Licensee from the Board.
  8. If the Licensee does not comply with each requirement of this Agreement, or if the Board opens a Subsequent Complaint<sup>2</sup> during the Probationary Period, the Licensee agrees to the following:
    - a. The Board may upon written notice to the Licensee, as warranted to protect the public health, safety, or welfare:
      - i. EXTEND the Probationary Period; and/or
      - ii. MODIFY the Probation Agreement requirements; and/or

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<sup>2</sup> The term "Subsequent Complaint" applies to a complaint opened after the Effective Date, which (1) alleges that the Licensee engaged in conduct that violates Board statutes or regulations, and (2) is substantiated by evidence, as determined following the complaint investigation during which the Licensee shall have an opportunity to respond.

- iii. IMMEDIATELY SUSPEND the Licensee's pharmacist license.
  - b. If the Board suspends Licensee's pharmacist license pursuant to Paragraph 8(a)(iii), the suspension shall remain in effect until:
    - i. the Board provides Licensee written notice that the Probationary Period is to be resumed and under what terms; or
    - ii. the Board and Licensee sign a subsequent agreement; or
    - iii. the Board issues a written final decision and order following adjudication of the allegations (1) of noncompliance with this Agreement, and/ or (2) contained in the Subsequent Complaint.
9. Licensee agrees that if the Board suspends his pharmacist license in accordance with Paragraph 8, he will immediately return his current Massachusetts pharmacist license to the Board, by hand or certified mail. Licensee further agrees that upon said suspension, he will no longer be authorized to practice as a pharmacist in the Commonwealth of Massachusetts and shall not in any way represent himself as a pharmacist until such time as the Board reinstates his pharmacist license or right to renew such license.
10. The Licensee understands that he has a right to formal adjudicatory hearing concerning the Complaint and that during said adjudication he would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his 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, G. L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 et seq. The Licensee further understands that by executing this Agreement he is knowingly and voluntarily waiving his right to a formal adjudication of the Complaint.
11. The Licensee acknowledges that he has been represented by legal counsel in connection with the Complaint and this Agreement.

12. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board. 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.
13. The Licensee certifies that he has read this Agreement. The Licensee understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal, or judicial review.

Nancy L. Stebbins 12/30/13      William Loomis 12/30/13  
Witness (sign and date)      William Loomis (sign and date)

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

12-31-13  
Effective Date of Probation Agreement

Fully Signed Agreement Sent to Licensee's on January 6, 2014 by  
Certified Attorney  
Mail No. 7012 0470 0001 3526 6684