

VIRGINIA:

BEFORE THE BOARD OF PHARMACY

IN RE: NEW ENGLAND COMPOUNDING CENTER
NONRESIDENT PHARMACY
Registration No.: 0214-000687

ORDER OF MANDATORY SUSPENSION

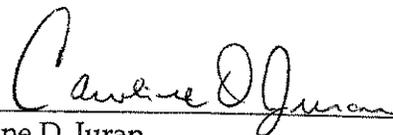
In accordance with the provisions of § 54.1-3434.3 of the Code of Virginia (1950), as amended ("Code"), I, Caroline D. Juran, Executive Director, Virginia Board of Pharmacy, received and acted upon evidence that the New England Compounding Center voluntarily surrendered permit #2848, to operate as a pharmacy in the State of Massachusetts pursuant to a Voluntary Surrender Agreement effective October 3, 2012. A copy of the facility's Voluntary Surrender Agreement is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Executive Director of the Virginia Board of Pharmacy, pursuant to § 54.1-3434.3 of the Code, it is hereby ORDERED that the registration of New England Compounding Center to operate as a nonresident pharmacy in the Commonwealth of Virginia be, and hereby is, suspended.

Upon entry of this Order, the registration of New England Compounding Center will be recorded as suspended and no longer current. Should New England Compounding Center seek reinstatement of its registration pursuant to § 54.1-3434.3, it shall be responsible for any fees that may be required for the reinstatement and renewal of its registration prior to issuance of its registration to resume operation as a nonresident pharmacy in the Commonwealth of Virginia.

Pursuant to § 2.2-4023 and § 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

FOR THE BOARD



Caroline D. Juran
Executive Director

ENTERED: October 5, 2012

OCT 04 2012

COMMONWEALTH OF MASSACHUSETTS

ENFORCEMENT

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
NEW ENGLAND)
COMPOUNDING CENTER)
Pharmacy Registration No. 2848)

Docket No. PHA-2012-0204

VOLUNTARY SURRENDER AGREEMENT

The Board of Registration in Pharmacy (Board) and New England Compounding Center, a pharmacy licensed by the Board (Pharmacy Registration No. 2848), located at 697 Waverly Street in Framingham, 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 that is maintained by the Board:

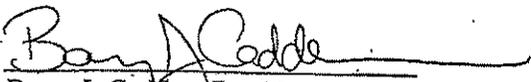
1. The parties enter into this Voluntary Surrender Agreement (Agreement) relating to matters pending before the Board as Docket No. PHA-2012-0204 (Complaint) concerning:
 - (a) an inspection conducted on October 2, 2012; and
 - (b) the sterility of certain drug products compounded and dispensed by the Pharmacy; specifically, methylprednisolone acetate.
2. The Pharmacy acknowledges and agrees to **surrender** Pharmacy Registration No. 2848 to the Board, effective October 3, 2012 (the Effective Date of the Agreement).
3. The parties acknowledge and agree that the period of Pharmacy license surrender shall continue until such time as the Board has determined that it is in the best interest of the public health and safety for the Pharmacy to resume operations.
4. The Pharmacy agrees to **immediately** commence recall procedures regarding **ALL in use date:**
 - (a) methylprednisolone acetate; and
 - (b) other drug products prepared for intrathecal administration.
5. The Pharmacy acknowledges and agrees that the **quarantine** of:
 - (a) methylprednisolone acetate (commenced September 26, 2012) shall continue in effect, in accordance with the **Quarantine Notice** issued by the Board on October 1, 2012; and
 - (b) all other drug products on Pharmacy premises shall immediately commence and be subject to the terms and conditions of the October 1, 2012 **Quarantine Notice**.
6. 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.



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7. The Board agrees that in return for the Pharmacy execution of this Agreement, the Board will not initiate proceedings pursuant to G.L. c. 94C, s. 14 and G.L. c. 112, s. 40; any and all other rights of the Board to take action within the scope of its authority are expressly reserved.
8. The Pharmacy understands and agrees that the decision to enter into this Agreement is a final act and is not subject to reconsideration or judicial review.
9. The Agreement is neither an admission of liability or wrongdoing.
10. The Pharmacy states that the Pharmacy has used legal counsel in connection with the decision to enter into this Agreement or, if the Pharmacy did not, that the Pharmacy had an opportunity to do so.
11. The Pharmacy and the duly authorized representative executing this Agreement on behalf of the Pharmacy, certifies that the representative has read this document entitled "Voluntary Surrender Agreement" and understands that, by executing this Agreement, the Pharmacy is waiving any and all right to a formal hearing at which the Pharmacy would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to provide 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.*

NEW ENGLAND
COMPOUNDING CENTER

By: 
Barry J. Cadden, President
Date: October 3, 2012

BOARD OF REGISTRATION
IN PHARMACY


James T. DeVita, R.Ph.
President
Date: October 3, 2012

Effective Date: October 3, 2012

Decision No. 3066