

STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF PHARMACY

IN RE:
MARBLE WORKS PHARMACY
License No.: 038-0003398)

Docket No. 2011-337

STIPULATION AND CONSENT ORDER

NOW COMES the State of Vermont and Marbleworks Pharmacy who hereby stipulate and agree as follows:

Board Authority

1. The Vermont Board of Pharmacy (the Board) has authority to issue warnings or reprimands; suspend, revoke, limit, or condition licenses; or prevent the renewal of licenses and to deny licensure if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct, pursuant to 3 V.S.A. §§129, 129a; 26 V.S.A. Chapter 36 and the rules of the Board and the Vermont Office of Professional Regulation.

Stipulated Facts

2. Respondent, Marble Works Pharmacy, is a licensed retail pharmacy in the State of Vermont, holding license number 038-0003398.
3. On or about April 22, 2011, the Board received one Application for Registration of a Pharmacy Technician from J.M.
4. In the "Employment History" portion of the application, J.M. listed his job duties with Respondent as "Pharmacy Technician" from November 2010 to April 2011.
5. On or about July 6, 2011, State Investigator, Karl Packer, interviewed, C.F., Respondent's pharmacist manager. During the interview, C.F. stated as follows:
 - a. J.M. was employed by Respondent as a Pharmacy Technician without being registered as a Vermont Registered Pharmacy Technician;
 - b. As soon as C.F. realized this, she had J.M. submit his Pharmacy Technician application.
6. Respondent's conduct constitutes unprofessional conduct because it employee performed the duties of a Pharmacy Technician without being registered as such with the Board.

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602

Violations

7. The acts, omissions and/or circumstances described above constitute unprofessional conduct pursuant to:
 - (i) 26 V.S.A. § 2042a (No person shall perform the duties of a pharmacy technician unless registered with the board).

CONSENT ORDER

Based upon the above stipulation, it is **ORDERED AND ADJUDGED** as follows:

- A. Respondent has engaged in unprofessional conduct as set out above.
- B. The Board of Pharmacy hereby imposes a **WARNING** and an **ADMINISTRATIVE PENALTY of FIVE HUNDRED DOLLARS (\$500.00)** on Respondent. This penalty shall be paid within ninety (90) days of the entry date of this Order.
- C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.
- E. A violation of this order may be unprofessional conduct and grounds for further disciplinary action.

AGREED TO:

Dated: 1/3/11

STATE OF VERMONT
SECRETARY OF STATE

By: Edward G. Adrian

State Prosecuting Attorney

RESPONDENT

By: Diane Gray

Authorized Agent
Marble Works Pharmacy
Pharmacy

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
National Life Building
Second Floor North
Montpelier, VT
05620-3602

APPROVED AND SO ORDERED:

Dated: 1/25/12

Date of Entry: 1/25/12

VERMONT BOARD OF PHARMACY

By

Julia Eaton RPh
Chairperson

STATE OF VERMONT



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Rx.Marbleworks.stip