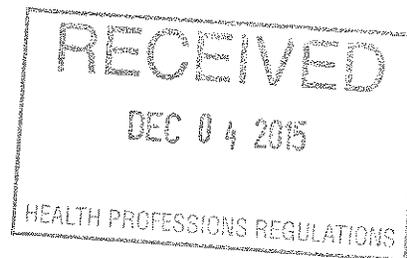


STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH
DIVISION OF HEALTH SERVICES REGULATION
BOARD OF PHARMACY



In the Matter of:
CVS Caremark
LICENSE #PHN09668

CONSENT AGREEMENT FOR PROBATION

Pursuant to Rhode Island General Laws § 5-19.1-21 and the Rules and Regulations promulgated there under, the Department of Health (Department), Board of Pharmacy (Board) has investigated a complaint charging CVS Caremark, (hereinafter "Respondent"), with violations of RIGL § 5-19.1-21 of the Rules and Regulations Pertaining to Pharmacists, Pharmacies and Manufacturers, Wholesalers and Distributors ("Rules"). After consideration by the Board, the following constitutes the Findings of Fact with respect to the professional performance of the Respondent:

1. Respondent is licensed as a non-resident pharmacy in the State of Rhode Island and holds license #PHN09668.
2. That on or about August 28, 2013, the pharmacy incorrectly dispensed Exjade 500mg rather than Xeloda 500mg to a patient. Following this error, the patient was hospitalized and subsequently died.

Based on these findings, the Respondent agrees to the following conditions of this Consent Order:

1. Respondent shall be placed on probation for a period of up to 3 years to commence upon ratification of this consent order.
2. Respondent agrees that it shall comply with all of the terms and requirements contained in the consent agreement ratified by the Massachusetts Board of Registration in Pharmacy.

3. Should Respondent successfully complete the terms and requirements contained in the consent agreement ratified by the Massachusetts Board of Registration in Pharmacy, such completion may be brought before the Rhode Island Board of Pharmacy for approval to terminate this consent order.

Based on the foregoing, the parties agree as follows:

1. Respondent is a non-resident pharmacy and is able to conduct business under and by virtue of the laws of the State of Rhode Island.
2. Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.
3. Respondent has read this Consent Order and understands that it is a proposal of the Board and is subject to the final ratification by the Department. This Consent Order and the contents thereof are not binding on Respondent until final ratification by the Department.
4. Respondent hereby acknowledges and waives:
 - a) The right to appear personally or by counsel or both before the Board;
 - b) The right to produce witnesses and evidence on its behalf at a hearing;
 - c) The right to cross-examine witnesses;
 - d) The right to have subpoenas issued by Board and or the Department;
 - e) The right to further procedural steps except for those specifically contained herein;
 - f) Any and all rights of appeal of this Consent Order;
 - g) Any objection to the fact that this Consent Order will be presented to the Department for consideration and review;

- h) Any objection to the fact that it will be necessary for the Department to become acquainted with all evidence pertaining to this matter in order to adequately review this Consent Order;
 - i) Any objection to the fact that the Board reviewing this Consent Order may be the same as the hearing committee presiding over this matter should it later be brought to an administrative hearing; and
 - j) Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order to the Department.
5. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and accepted by the Department.
 6. Acceptance by the Respondent and approval by the Department of this Consent Order constitutes an admission of the facts contained herein.
 7. That should Respondent violate the terms of this Consent Order, Respondent shall be subject to further disciplinary sanctions.

11/30/15
Date

Karen De Stefano
CVS Caremark
License # PHN09668
*Director, Pharmacy
Regulatory Affairs*

12/17/15
Date

Leo Lariviere
Leo Lariviere, RPh
Chairperson
Rhode Island Board of Pharmacy

Ratified on this 17 day of DECEMBER, 2015.