

STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH
HEALTH SERVICES REGULATION
BOARD OF PHARMACY

vs.

MATTHEW SCHMITT, R.Ph.

CONSENT ORDER

Pursuant to Rhode Island General Laws (1999 Reenactment) Section 5-19.1-21 and the Rules and Regulations promulgated thereunder, the Department of Health Board of Pharmacy (hereinafter "Department") has investigated a complaint charging Matthew Schmitt, R.Ph. (hereinafter "Respondent"), with a violation of Chapter 5-19.1 of the Rules and Regulations.

After consideration by the Department, the following constitutes the Findings of Fact with respect to the professional performance of the Respondent:

1. Respondent is a licensed pharmacist in this state.
2. That at all pertinent times Respondent ^{was employed at} ~~owned and operated~~ a CVS Pharmacy on Post Road in North Kingstown, RI.
3. That on or about October 2005 Respondent did hire an unlicensed pharmacy technician.

The parties agree as follows:

1. Respondent is a licensed pharmacist in this state.
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 Department and is subject to the final approval by the Department. This Consent Order and the contents thereof are not binding on Respondent until final approval by the Department.

4. Respondent hereby acknowledges and waives:

- a) The right to appear personally or by counsel or both before the Department;
- b) The right to produce witnesses and present evidence in his behalf at a hearing;
- c) The right to cross-examine witnesses;
- d) The right to have subpoenas issued by 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 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.

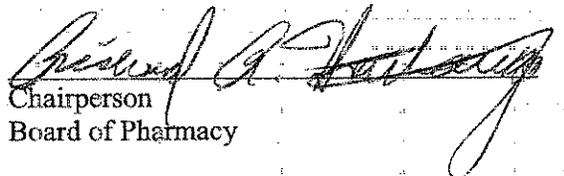
6. Respondent admits the allegations contained above.

7. Respondent shall agree to a formal Reprimand as a sanction regarding this matter.

8. That this Consent Order shall constitute a final disposition of the matters and obviates the necessity for an administrative hearing.



Matthew Schmitt, R.Ph.



Chairperson
Board of Pharmacy

Ratified as an Order of the Board of Pharmacy on this 15th day of JUNE, 2006.

CERTIFICATION

I do hereby certify that I have mailed the within Consent Order by regular and certified mail, postage prepaid to Matthew Schmitt, 170 Orchard Woods Drive, Saunderstown, RI 02874 on this 18th day of May 2006.

Carole Allsworth

I have mailed a copy of the within signed and executed Consent Order to Matthew Schmitt at above address on this 16th day of June 2006.

Carole Allsworth