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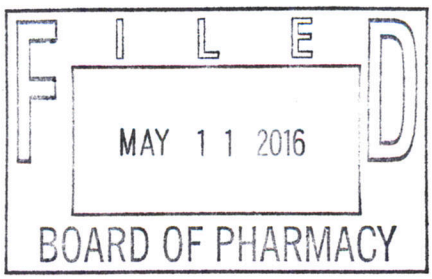

STATE BOARD OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE
REGISTRATION OF

CVS Caremark Massachusetts Specialty Pharmacy LLC
Registration No. 28RO00024200

TO OPERATE AS AN "OUT-OF-STATE" PHARMACY PURSUANT TO N.J.A.C. 13:39-4.19

Administrative Action

Consent Order

This matter was opened to the New Jersey State Board of Pharmacy ("Board") upon receipt of information that CVS Caremark Massachusetts Specialty Pharmacy, LLC ("Caremark"), a pharmacy located in Milford, MA had entered into a settlement agreement with the Massachusetts Board of Pharmacy. Caremark holds a New Jersey out-of-state registration authorizing them to ship into New Jersey. Pursuant to the Massachusetts agreement, Caremark's Massachusetts permit to operate as a pharmacy was placed on probation for a minimum

period of three years following allegations that Caremark incorrectly dispensed Exjade 500 mg (an iron chelation therapy) rather than Xeloda 500 mg (a chemotherapy drug) to a patient in violation of Massachusetts state laws. Following this error, the patient was hospitalized and subsequently died.

The parties, having agreed to resolution of this matter without further formal proceedings, and Caremark having agreed and given voluntary consent to the within order and waiving any right to a hearing, and the Board finding the within disposition adequately protective of the public health, safety, and welfare, and other good cause having been shown;

IT IS THEREFORE on this 11th **day of** May**, 2016,**

ORDERED AND AGREED that:

1. The New Jersey out-of-state registration issued to CVS Caremark Massachusetts Specialty Pharmacy, LLC is placed on probation for a minimum of three years, effective retroactively to May 22, 2015, the date its Massachusetts permit was placed on probation. CVS Caremark Massachusetts Specialty Pharmacy, LLC may apply for termination of the probationary period only upon termination of the probation placed on its permit in the State of Massachusetts.

2. During the period of probation, CVS Caremark Massachusetts Specialty Pharmacy, LLC will notify the New Jersey Board of Pharmacy

within 10 days of any changes to the status of its permit to operate a pharmacy in Massachusetts.

3. During the period of probation, CVS Caremark Massachusetts Specialty Pharmacy, LLC will notify the New Jersey Board of Pharmacy within 10 days of receiving notice that they are the subject of any investigation or complaint alleging violations of any law in any State.

NEW JERSEY STATE BOARD OF PHARMACY

By: Thomas F.X. Bender, Jr., RPh
Thomas F.X. Bender, R.Ph.
President

I have read the within Order and understand it. I agree to be bound by its terms and hereby consent to it being entered by the New Jersey Board of Pharmacy.

Kim Morese
Kim Morese, Pharmacist-in-Charge, on behalf of and duly authorized by CVS Caremark Massachusetts Specialty Pharmacy, LLC

Dated: 5/6/2016