

State of New Hampshire
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
DIVISION OF HEALTH PROFESSIONS

Board of Pharmacy
121 South Fruit Street, Suite 303
Concord, N.H. 03301-2412
Telephone 603-271-2152 · Fax 603-271-6702



In the Matter of:

Nicholas Guletsky, R. Ph.
New Hampshire Pharmacist License: R2431

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of retail Pharmacy, the New Hampshire Board of Pharmacy ("Board") and Nicholas Guletsky, R. Ph. ("Respondent") a licensed Pharmacist in the State of New Hampshire, agree to resolve certain allegations of administrative rule violations now pending before the Board in accordance with the terms and conditions set forth below as part of this *Settlement Agreement*:

1. The parties stipulate that the Board has jurisdiction to institute a disciplinary proceeding against the Respondent pursuant to NH RSA 318-29, RSA 541-A: 31, and Administrative Rule Part Ph 204.
2. Respondent was the Pharmacist in Charge ("PIC") at PillPack Pharmacy located at 250 Commercial Street, Suite 250, Manchester, NH until October 26, 2019.

3. On November 12, 2019, the Board received form Ph B-1 from PillPack reflecting Respondent was no longer the PIC effective October 26, 2019 and naming a new PIC. The application was accompanied by a letter dated October 29, 2019 signed by the new PIC.
5. As part of the PIC change Respondent failed to fully comply with Administrative Rule Ph 306.02 and Ph 704.12.
6. Respondent acknowledges that the conduct set forth in paragraphs 1-5 constitutes grounds for the Board to impose disciplinary sanctions against Respondent pursuant to the NH RSA 318 and Ph 100-2000, the laws and rules governing Pharmacists and Pharmacies in New Hampshire.

WHEREFORE, the Respondent consents to the Board imposing the following discipline pursuant to RSA 318-29:

- A. The Respondent shall pay an administrative fine in the amount of **Two Hundred Fifty Dollars (\$250)** for violations of Ph 306.02 and Ph 704.12 to the New Hampshire Board of Pharmacy, payable to the Treasurer State of New Hampshire, immediately upon acceptance of this *Settlement Agreement*.
- B. The Board may consider Respondent's compliance with the terms and conditions herein in any subsequent proceeding before the Board regarding Respondent's license. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall institute unprofessional conduct and shall serve as a separate and sufficient basis for further disciplinary action by the Board.

- C. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Board based upon the misconduct described above. However, the Board may consider this misconduct as evidence of a pattern of conduct in the event that similar misconduct is proven against Respondent in the future.
- D. This *Settlement Agreement* shall become a permanent part of the Respondent's file, which is maintained by the Board as a public document.
- E. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to him other than those terms and conditions expressly stated herein.
- F. The Board agrees that in return for Respondent executing this *Settlement Agreement*, the Board will not proceed with the formal adjudicatory process based upon the facts described herein.
- G. Respondent understands that his action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
- H. Respondent has had the opportunity to seek and obtain the advice of an attorney of his choosing in connection with his decision to enter into this *Settlement Agreement*.
- I. Respondent understands that the Board must review and accept the terms of this *Settlement Agreement*. If the Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to the Board during its review of this *Settlement Agreement*

has prejudiced his right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.

- J. Respondent certifies that he has read this document titled *Settlement Agreement*. Respondent understands that he has the right to a formal adjudicatory hearing concerning this matter and that at said hearing he would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, quality and dimensions of these rights. Respondent understands that by signing this *Settlement Agreement*, he waives these rights as they pertain to the misconduct described herein. This *Settlement Agreement* shall take effect as an Order of the Board on the date it is signed by an authorized representative of the Board.

FOR RESPONDENT

I, Nicholas Guletsky, have reviewed the foregoing *Settlement Agreement* settling misconduct allegations pending against me and, of my own free will and without duress, and being knowledgeable about all of the consequences, admit to the validity thereof, and agree to all of the terms of this *Settlement Agreement*.

Further, Nicholas Guletsky knowingly and freely waives the right to further notice, opportunity for hearing, substantial evidence, and findings and conclusions with

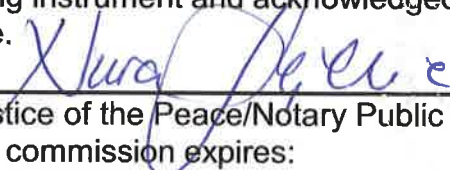
regard to the allegations, which have been settled by the terms of this *Settlement Agreement*.

Dated: July 6, 2020



Nicholas Guletsky

On this 6 day of July A.D. 2020 personally appeared the person who subscribe to the following instrument and acknowledged the same as her/his voluntary act and deed before me.




Justice of the Peace/Notary Public
My commission expires:



FOR THE BOARD OF PHARMACY

Dated: July 14, 2020



Jason Richard,
Interim Board Administrator/ Chief of Compliance
Division of Health Professions
NH Office of Professional Licensure and Certification
Authorized Representative of the NH Board of Pharmacy