



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Division of Health Professions Licensure
Office of Public Protection
239 Causeway Street, Suite 500, Boston, MA 02114

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MARYLOU SUDDERS
Secretary

MONICA BHAREL, MD, MPH
Commissioner

November 3, 2015

VIA FIRST CLASS AND CERTIFIED MAIL RETURN
RECEIPT REQUESTED NO. 7015 1660 0001 1911 0106

Alisha Farmer

redact

VIA FIRST CLASS AND CERTIFIED MAIL RETURN
RECEIPT REQUESTED NO. 7015 1660 0001 1911 0113

Alisha Farmer

redact

RE: In the Matter of Alisha J. Farmer, PT License No. 5754
Board of Registration in Pharmacy Docket No. PHA-2014-0079

Dear Ms. Farmer:

Enclosed is the *Final Decision and Order by Default* ("Final Order") issued by the Board of Registration in Pharmacy (Board) in connection with the above-referenced matter. The effective date of the Board's Order is ten (10) days from the date appearing on page 3 of the *Final Order* ("Date Issued"). Your appeal rights are noted on page 3 of the *Final Order*.

Sincerely,


David Sencabaugh, R. Ph.
Executive Director

Enc.

cc: Michelle Fentress, Prosecuting Counsel

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
ALISHA FARMER)
PT Registration No. 5754)
Registration Expired 4/30/2014)

Docket No. PHA-2014-0079

FINAL DECISION AND ORDER BY DEFAULT

On June 24, 2015, the Board of Registration in Pharmacy ("Board") issued and duly served on Alisha Farmer ("Respondent"), an Order to Show Cause ("Show Cause Order")¹ related to a complaint filed regarding Respondent's registration. In addition to stating the allegations against Respondent, the Show Cause Order notified Respondent that an Answer to the Show Cause Order ("Answer") was to be submitted within 21 days of receipt of the Show Cause Order.² The Show Cause Order also notified Respondent of the right to request a hearing on the allegations³ and that any hearing request ("Request for Hearing") was to be submitted within 21 days of receipt of the Show Cause Order.⁴ Respondent was further notified that failure to submit an Answer within 21 days "shall result in the entry of default in the above-captioned matter" and, if defaulted, "the Board may enter a Final Decision and Order that assumes the truth of the allegations in the Show Cause Order and may revoke, suspend, or take other disciplinary action against [Respondent's] registration...including any right to renew [Respondent's] registration." A copy of the Show Cause Order is attached to this Final Decision and Order by Default and is incorporated herein by reference.

As of the date of this Final Decision and Order by Default, Respondent has failed to file either an Answer or a Request for Hearing.

The Board has afforded Respondent an opportunity for a full and fair hearing on the allegations in the Show Cause Order as required by G.L. c. 30A, §10, and sufficient

¹ Pursuant to 801 CMR 1.01(6)(a).

² In accordance with 801 CMR 1.01(6)(d)(2).

³ Pursuant to G.L. c. 112, §61.

⁴ Respondent was also notified that failure to timely submit a Request for Hearing would constitute a waiver of the right to a hearing.

notice of the issues involved to afford Respondent reasonable opportunity to prepare and present evidence and argument as required by G.L. c. 30A, §11(1). The Board has also notified Respondent of the obligation under 801 CMR 1.01(6)(d) to file an Answer to the Show Cause Order within 21 days of its receipt and of the consequences of failing to file an Answer or otherwise respond.

As authorized by G.L. c. 30A, §10(2), the Board may make informal disposition of any adjudicatory proceeding by default. Upon default, the allegations of the complaint against Respondent are accepted as true. *Danca Corp. v. Raytheon Co.*, 28 Mass. App. Ct. 942, 943 (1990).

Based on the foregoing, the Board enters a default in the above-captioned matter and, consequently, the allegations in the Order to Show Cause are deemed to be true and Respondent has waived the right to be heard. In accordance with the Board's authority and statutory mandate, the Board orders as follows:

ORDER BY DEFAULT

On October 6, 2015, in accordance with the Board's authority and statutory mandate, the Board voted to issue this Final Decision and Order by Default and **REVOKE** Respondent's pharmacy technician license (No. PT5754) effective ten days from the Date Issued, by the following vote:

In favor:	Patrick Gannon; Ed Taglieri; Richard Tinsley; Timothy Fensky; Garrett Cavanaugh; William Cox; Michael Godek; Andrew Stein; Phillippe Bouvier;
Opposed:	None
Abstained:	None
Recused:	Susan Cornacchio
Absent:	Catherine Basile; Karen Conley

The Board will not review any petition for reinstatement of Respondent's pharmacy technician license prior to October 30, 2020.

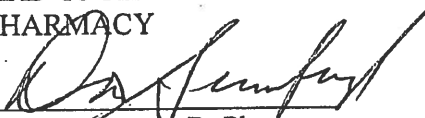
EFFECTIVE DATE OF ORDER

The Final Decision and Order by Default shall be effective 10 days from the Date Issued.

RIGHT TO APPEAL

Respondent is hereby notified of the right to appeal this Final Decision and Order to the Supreme Judicial Court, pursuant to M.G.L. c. 112, § 64 and M.G.L. c. 30A, §§ 14 and 15, within thirty (30) days of receipt of notice of this Final Decision and Order by Default.

BOARD OF REGISTRATION
IN PHARMACY



David Sencabaugh, R. Ph.
Executive Director

Date Issued: 11/3/15

Notice to:

BY FIRST CLASS MAIL AND CERTIFIED MAIL NO. 7015 1660 0001 1911 0106
RETURN RECEIPT REQUESTED

Alisha Farmer

redact

BY FIRST CLASS MAIL AND CERTIFIED MAIL NO. 7015 1660 0001 1911 0113
RETURN RECEIPT REQUESTED

Alisha Farmer

redact

BY HAND

Michelle Fentress, Esq.
Office of Prosecutions
Department of Public Health
Division of Health Professions Licensure
239 Causeway Street
Boston, MA 02114



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
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MARYLOU SUDDERS
Secretary

MONICA BHAREL, MD, MPH
Commissioner

June 24, 2015

BY FIRST CLASS AND CERTIFIED MAIL
7012 3460 0003 3582 3506

Ms. Alisha Farmer

redact

RE: In the Matter of Alisha Farmer, PT License No. 5754
Board of Registration in Pharmacy, Docket No. PHA-2014-0079

Dear Ms. Farmer:

The Massachusetts Board of Registration in Pharmacy ("Board") within the Department of Public Health, Division of Health Professions Licensure ("Division"), has completed its investigation of the above-referenced complaint against your license to practice as a Pharmacy Technician. For the reasons set forth in the attached Order to Show Cause, the Board is proposing to suspend, revoke or impose other discipline against your license as a Pharmacy Technician (PT License No. 5754).

The Order to Show Cause and any subsequent hearing are governed by G.L. c. 30A, the State Administrative Procedure Act, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et. seq.* You must submit an Answer to the Order to Show Cause and you have a right to request a hearing by filing a written request for a hearing, as specified in the Order to Show Cause.

Your failure to submit an Answer to the Order to Show Cause within twenty-one (21) days of receipt of the Order to Show Cause *shall result in the entry of default* in the above-referenced matter. Your failure to submit a written request for a hearing within twenty-one (21) days of receipt of this Order to Show Cause *shall constitute a waiver of the right to a hearing* on the allegations therein and on any Board disciplinary action. Notwithstanding the earlier filing of an Answer and/or request for a hearing, your failure to respond to notices or correspondence, failure to appear for any scheduled status conference, pre-hearing conference or hearing dates, or failure to otherwise defend this action shall result in the entry of default.

If you are defaulted, the Board may enter a Final Decision and Order that assumes the truth of the allegations in this Order to Show Cause, and may revoke, suspend, or take other disciplinary action against your registration to practice as a Pharmacy Technician in the Commonwealth of Massachusetts, including any right to renew your registration.


The request for a hearing and your Answer must be filed with Michelle D. Fentress, Prosecuting Counsel at the following address:

Michelle D. Fentress
Prosecuting Counsel
Department of Public Health
Office of the General Counsel
239 Causeway Street, Suite 500
Boston, Massachusetts 02114

If you are represented by an attorney in this matter, all communications should be made through your attorney.

You may contact me at (617) 973-0979 if you have any questions regarding this matter.

Sincerely,



Michelle D. Fentress
Prosecuting Counsel

Encl: Order to Show Cause
Certificate of Service

This is an important notice. Please have it translated.

Este é um aviso importante. Queira mandá-lo traduzir.

Este es un aviso importante. Sirvase mandarlo traducir.

ĐÂY LÀ MỘT BẢN THÔNG CÁO QUAN TRỌNG

XIN VUI LÒNG CHO DỊCH LẠI THÔNG CÁO ẤY

Ceci est important. Veuillez faire traduire.

本通知很重要。請將之譯成中文。

នេះគឺជាជំនាញសំខាន់ សូមមេត្តាបកប្រែជូនផង

ΠΡΟΣΟΧΗ, ΑΥΤΟ ΕΙΝΑΙ ΣΗΜΑΝΤΙΚΟ. ΠΑΡΑΚΑΛΩ ΜΕΤΑΦΡΑΣΤΕ

Questo è un 'avviso importante. Si pregadi farlo tradurre.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
ALISHA FARMER)
PT Registration No. 5754)
Registration Expired 04/30/2014)

Docket No. PHA-2014-0079

ORDER TO SHOW CAUSE

ALISHA FARMER you are hereby ordered to appear and show cause why the Massachusetts Board of Registration in Pharmacy ("Board") should not suspend, revoke, or otherwise take action against your Pharmacy Technician registration in the Commonwealth of Massachusetts, Registration No. 5754 or your right to renew such registration, pursuant to G.L. c. 112, §§42A and 61, and Board regulations 247 CMR 2.00 *et seq.*, based upon the following facts and allegations:

Factual Allegations

1. On or about July 20, 2004, the Board issued to you a Pharmacy Technician ("PT") registration, Registration No. 5754. Your registration expired April 30, 2014 and it has not been renewed.
2. You were employed as a Pharmacy Technician at CVS pharmacy #604 ("CVS") located at 199 Sudbury Road, Concord, Massachusetts in March 2014.
3. On March 7, 2014, after being stopped for operating a motor vehicle with no inspection sticker affixed thereon, you were arrested for Possession of a Class B Substance (Cocaine, Schedule II Controlled Substance), and for Possession of a Class E Substance (four (4) tablets of Hydrocodone, Schedule II Controlled Substance). You were arraigned on March 7, 2014, in the Lowell District Court, redact for the misdemeanor offenses of Possession of a Class B Substance and Possession of a Class E Substance.
4. The Hydrocodone tablets referred to in Paragraph No. 3 were found in a prescription vial, the label for which had another person's name on it.
5. During your arrest referred to in Paragraph No. 3, you informed the arresting officer that you had marijuana in your possession and that you had ingested marijuana and cocaine "not long before [the officer] stopped [you]." The arresting officer also found you to be in possession of the following drug paraphernalia: a glass smoking pipe; a metal grinder

with marijuana and a white powder residue inside; and shortened straws commonly used for snorting cocaine.

6. You failed to inform the Board of the pending criminal charges referred to in Paragraph 3.
7. As a result of your conduct referred to in Paragraph No. 3, you were placed on Pre-Trial Probation and you were ordered to remain drug free, submit to random drug testing, and to continue with mental health counseling.

Grounds for Discipline

- A. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to G.L. c. 112, §§24D and 42A.
- B. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as an Pharmacy Technician pursuant to G.L. c. 112, §61 for deceit, malpractice, and gross misconduct in the practice of the profession and for any offense against the laws of the Commonwealth relating thereto.
- C. Your conduct as alleged, warrants disciplinary action by the Board against your registration to practice as a Pharmacy Technician pursuant to Board regulation 247 CMR 10.03(1)(h) because you engaged in abuse or illegal use of prescription drugs or controlled substances.
- D. Your conduct as alleged, warrants disciplinary action by the Board against your registration to practice as a Pharmacy Technician pursuant to Board regulation 247 CMR 10.03(1)(k) because you engaged in conduct that has the capacity or potential to place the public health, safety or welfare at risk.
- E. Your conduct as alleged, warrants disciplinary action by the Board against your registration to practice as a Pharmacy Technician pursuant to Board regulation 247 CMR 10.03(1)(r) because you engaged in conduct that demonstrates lack of good moral character.
- F. Your conduct as alleged, warrants disciplinary action by the Board against your registration to practice as a Pharmacy Technician pursuant to Board regulation 247 CMR 10.03(1)(u) because you engaged in conduct which undermines public confidence in the integrity of the profession.
- G. Your conduct as alleged, warrants disciplinary action by the Board against your registration to practice as a Pharmacy Technician pursuant to Board regulation 247 CMR 10.03(v) because you committed an act that violates recognized standards of pharmacy practice.

- II. Your conduct as alleged, warrants disciplinary action by the Board against your registration to practice as a Pharmacy Technician pursuant to Board regulation 247 CMR 10.03(w) because you failed to comply with recognized ethical standards of the profession, including, but not limited to, the standards of practice of pharmacists, pharmacy interns, pharmacies and pharmacy departments set forth in 247 CMR 9.01.
- I. Your conduct as alleged, warrants disciplinary action by the Board against your registration to practice as a Pharmacy Technician pursuant to Board regulation 247 CMR 10.03(1)(x) because you violated G.L. c. 94C or any rules and regulations promulgated thereunder:
- J. Your conduct as alleged, warrants disciplinary action by the Board against your registration to practice as a Pharmacy Technician pursuant to Board regulation 247 CMR 10.03(1)(aa) because you failed to report to the Board, in writing, within 30 days, any pending criminal charge or conviction as defined in 247 CMR 10.02, in Massachusetts or any other jurisdiction.
- K. Your conduct as alleged also constitutes unprofessional conduct and conduct that undermines public confidence in the integrity of the nursing profession. *Sugarman v. Board of Registration in Medicine*, 422 Mass. 338, 342 (1996); see also *Kvitka v. Board of Registration in Medicine*, 407 Mass. 140, cert. denied, 498 U.S. 823 (1990); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708, 713 (1982).

You have a right to an adjudicatory hearing ("hearing") on the allegations contained in the Order to Show Cause before the Board determines whether to suspend, revoke, or impose discipline against your license. G.L. c. 112, §61. Your right to a hearing may be claimed by submitting a written request for a hearing *within twenty-one (21) days of receipt of this Order to Show Cause*. You must also submit an Answer to this Order to Show Cause in accordance with 801 CMR 1.01 (6)(d) *within twenty-one (21) days of receipt of this Order to Show Cause*. The Board will give you prior written notice of the time and place of the hearing following receipt of a written request for a hearing.

Hearings shall be conducted in accordance with the State Administrative Procedure Act, G.L. c. 30A, §§10 and 11, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 and 1.03, under which you are granted certain rights including, but not limited to, the rights: to a hearing, to secure legal counsel or another representative to represent your interests, to call and examine witnesses, to cross-examine witnesses who testify against you, to testify on your own behalf, to introduce evidence, and to make arguments in support of your position.

The Board will make an audio recording of any hearing conducted in the captioned matter. In the event that you wish to appeal a final decision of the Board, it is incumbent on you to supply a reviewing court with a "proper record" of the proceeding, which may include a written transcript. *New Bedford Gas and Light Co. v. Board of Assessors of Dartmouth*, 368

Mass. 745, 749-750 (1975). Upon request, the Board will make available a copy of the audio recording of the proceeding at your own expense. Pursuant to 801 CMR 1.01 (10)(i)(1), upon motion, you "may be allowed to provide a public stenographer to transcribe the proceedings at [your] own expense upon terms offered by the Presiding Officer." Those terms may include a requirement that any copy of the transcript produced must be sent promptly upon completion and on an ongoing basis directly to the Presiding Officer by the stenographer or transcription service. The transcript will be made available to the Prosecutor representing the Board. Please note that the administrative record of the proceedings, including but not limited to, the written transcript of the hearing is a public record and subject to the provisions of G.L. c. 4, §7 and G.L. c. 66, §10.

Your failure to submit an Answer to the Order to Show Cause within 21 days of receipt of the Order to Show Cause *shall result in the entry of default* in the above-captioned matter. Your failure to submit a written request for a hearing within 21 days of receipt of this Order to Show Cause *shall constitute a waiver of the right to a hearing* on the allegations herein and on any Board disciplinary action.

Notwithstanding the earlier filing of an Answer and/or request for a hearing, your failure to respond to notices or correspondence, failure to appear for any scheduled status conference, pre-hearing conference or hearing dates, or failure to otherwise defend this action shall result in the entry of default.

If you are defaulted, the Board may enter a Final Decision and Order that assumes the truth of the allegations in this Order to Show Cause, and may revoke, suspend, or take other disciplinary action against your registration to practice as a Pharmacy Technician in the Commonwealth of Massachusetts, including any right to renew your registration.

Your Answer to the Order to Show Cause and your written request for a hearing must be filed with Michelle Fentress, Prosecutor at the following address:

Michelle D. Fentress, Esq.
Prosecuting Counsel
Department of Public Health
Office of the General Counsel
239 Causeway Street, Suite 500
Boston, MA 02114

You or your representative may examine Board records relative to this case prior to the date of the hearing during regular business hours at the office of the Prosecutor. If you elect to undertake such an examination, then please contact Prosecuting Counsel in advance at (617) 973-0979 to schedule a time that is mutually convenient.

BOARD OF REGISTRATION
IN PHARMACY,
Karen M. Ryle, MS RPh, President

By: 

Michelle D. Fentress, Esq.
Prosecuting Counsel
Department of Public Health

Date: June 24, 2015

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Cover Letter, Order to Show Cause and Certificate of Service were served upon the Respondent, Alisha Farmer at the following address of record with the Board:

Ms. Alisha Farmer

redact

by first class mail, postage prepaid, and certified mail no. 7012 3460 0003 3582 3506

This 24th day of June, 2015.

And to the following address:

by first class mail, postage prepaid, and certified mail no. 7012 3460 0003 3582 3513

This 24th day of June, 2015.

Ms. Alisha Farmer

redact



Michelle D. Fentress, Esq.
Prosecuting Counsel