



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

MONICA BHAREL, MD, MPH  
Commissioner

June 21, 2016

**VIA FIRST CLASS AND CERTIFIED MAIL NO. 7015 1660 0001 1911 3893,**  
**RETURN RECEIPT REQUESTED**

Ashley Lanzisera  
[REDACTED]

**RE: In the Matter of Ashley Lanzisera, PT License No. 7549**  
**Board of Registration in Pharmacy Docket No. PHA-2012-0260**

Dear Ms. Lanzisera:

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 4 of the *Final Order* ("Date Issued"). Your appeal rights are noted on page 4 of the *Final Order*.

Sincerely,

David Sencabaugh, R. Ph.  
Executive Director

Enc.

cc: Eugene Langner, Prosecuting Counsel

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

\_\_\_\_\_  
)  
In the Matter of )  
Ashley Lanzisera )  
PT Registration No. 7549 )  
Registration Expired 5/8/14 )  
\_\_\_\_\_ )

Docket No. PHA-2012-0260

FINAL DECISION AND ORDER BY DEFAULT

On March 24, 2016, the Board of Registration in Pharmacy (Board) issued and duly served on Ashley Lanzisera (Respondent) an Order to Show Cause (Show Cause Order)<sup>1</sup> 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<sup>2</sup>. The Show Cause Order also notified Respondent of the right to request a hearing on the allegations<sup>3</sup>, and that any hearing request (Request for Hearing) was to be submitted within 21 days of receipt of the Show Cause Order.<sup>4</sup> Respondent was further notified that failure to submit an Answer within 21 days "shall result in the entry of default in the 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

<sup>1</sup> Pursuant to 801 CMR 1.01(6)(a).

<sup>2</sup> In accordance with 801 CMR 1.01(6)(d)(2).

<sup>3</sup> Pursuant to M.G.L. c. 112, s. 61.

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

Final Decision and Order by Default  
Ashley Lanzisera  
PT7549  
PHA-2012-0260

to this Final Decision and Order by Default and is incorporated herein by reference.

On April 20, 2016, Prosecuting Counsel sent notice to Respondent to file an Answer and a Request for Hearing by April 29, 2016. The notice again advised Respondent that if defaulted, the Board might enter a Final Decision and Order that assumes the truth of the allegations stated in the Show Cause Order and impose registration discipline, including discipline on any right to renew.

As of the date of this Final Decision and Order by Default, Respondent has failed to file an Answer or 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 Massachusetts General Laws (G.L.) c. 30A, s. 10, and sufficient notice of the issues involved to afford Respondent reasonable opportunity to prepare and present evidence and argument as required by G.L. c. 30A, s. 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 M.G.L. c. 30A, s. 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 Show Cause Order 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:

On June 7, 2016, 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 registration, No. 7549, effective ten days from the Date Issued, by the following vote:

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

The Board will not review any petition for reinstatement of Respondent's pharmacy technician license prior to June 7, 2021.

While Respondent's pharmacy technician registration is revoked, Respondent may not: (1) be employed as pharmacy technician to provide any services related to the practice of pharmacy or be employed to provide any services in any capacity in any pharmacy setting in the Commonwealth; or (2) have any ownership, management or other interest or involvement in any pharmacy related business in any setting.

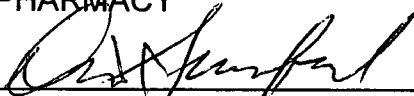
#### EFFECTIVE DATE OF ORDER

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: 6/21/2016

Notice to:

BY FIRST CLASS MAIL AND CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ashley Lanzisera  


BY HAND

Eguene Langner  
Office of Prosecutions  
Department of Public Health  
Division of Health Professions Licensure  
239 Causeway Street  
Boston, MA 02114

Final Decision and Order by Default  
Ashley Lanzisera  
PT7549  
PHA-2012-0260

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

\_\_\_\_\_  
In the Matter of )  
Ashley Lanzisera )  
PT Registration No. 7549 )  
Registration Expired 5/8/14 )  
\_\_\_\_\_ )

Docket No. PHA-2012-0260

ORDER TO SHOW CAUSE

Ashley Lanzisera, 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 registration to practice as a pharmacy technician in the Commonwealth of Massachusetts, PT Registration No. 7549, or your right to renew such registration, pursuant to Massachusetts General Laws (G.L.) chapter 112, § 61 and Board regulation 247 CMR 9.00 *et seq.*, based upon the following facts and allegations:

Factual Allegations

1. On or about September 26, 2006, the Board issued you a registration to practice as a pharmacy technician in the Commonwealth of Massachusetts, PT Registration No. 7549. Your registration expired on May 8, 2014, and has not been renewed to date.
2. On or about November 6, 2012, while you were employed as a pharmacy technician at CVS Pharmacy # 1955, located at 548 Dartmouth Street, South Dartmouth, Massachusetts ("CVS"), a reconciliation by CVS's loss prevention team revealed that one thousand six hundred fifteen (1,615) tablets of buprenorphine 8 mg, a Schedule III controlled substance, were missing.
3. On or about November 13, 2012, when confronted by CVS's regional loss prevention manager regarding the matters described in Paragraph 2 above, you acknowledged, in writing, that you had diverted approximately five hundred (500) 8 mg buprenorphine tablets for your own personal use.
4. The value of the controlled substances identified in the preceding paragraph was three thousand eight hundred seventy dollars (\$3,870.00).
5. As a result of your conduct as alleged in Paragraphs 2 and 3 above, your employment at CVS was terminated on or about November 16, 2012.

Legal Basis 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, § 42A for violation of the rules and regulations established by the Board related to the practice of the profession.
- B. 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, § 61 for being guilty of deceit, malpractice, gross misconduct in the practice of the profession, or of 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 247 CMR 9.01(1) by failing to conduct professional activities in conformity with federal, state and municipal laws, ordinances and/or regulations, including the regulations of the Board.
- D. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 9.01(2) by dispensing drugs, devices, or other substances in a manner which is intended, either directly or indirectly, to circumvent the law.
- E. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 9.01(6) by engaging in any fraudulent or deceptive act.
- F. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(a) for violating any of the duties and standards set out in Board regulations, 247 CMR 2.00 *et seq.*, or any rule or written policy adopted by the Board.
- G. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(b) for violating any provision of G.L. c. 112, §§ 24 through 42A, or any provision of state or federal statutes or rules or regulations promulgated thereunder related to the practice of the profession.
- H. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(e) by engaging in misconduct in the practice of the profession.

- I. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(f) by engaging in conduct beyond the authorized scope of a pharmacy technician.
- J. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(h) by engaging in abuse or illegal use of prescription drugs or controlled substances.
- K. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(k) by engaging in conduct that has the capacity or potential to place the public health, safety or welfare at risk.
- L. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(l) by engaging in conduct that has the capacity or potential to deceive or defraud.
- M. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.02(1)(r) by engaging in conduct that demonstrates a lack of good moral character.
- N. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(u) by engaging in conduct which undermines public confidence in the integrity of the profession.
- O. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(w) by failing to comply with recognized ethical standards of the profession, including, but not limited to, the standards of practice for pharmacists, pharmacy interns, pharmacies and pharmacy departments set forth in 247 CMR 9.01: *Code of Conduct for Registered Pharmacists, Pharmacies and Pharmacy Departments*.
- P. Your conduct as alleged also constitutes unprofessional conduct and conduct which undermines public confidence in the integrity of the 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).

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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 other discipline against your registration. 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 ordered by the Presiding Officer." Those terms may include a requirement that any copy of the transcript produced must be sent immediately 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 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 herein and on any Board disciplinary action. 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 captioned matter.

Notwithstanding the earlier filing of an Answer and/or request for a hearing, your failure to respond to notices or correspondence, your failure to appear for any scheduled status conference, pre-hearing conference or hearing dates, or your 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 Eugene Langner, Prosecuting Counsel, at the following address:

Eugene Langner, Esq.  
Prosecuting Counsel  
Department of Public Health  
Office of the General Counsel, 5<sup>th</sup> Floor  
239 Causeway Street  
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 Prosecuting Counsel. If you elect to undertake such an examination, then please contact Prosecuting Counsel in advance at (617) 973-0838 to schedule a time that is mutually convenient.

BOARD OF REGISTRATION IN PHARMACY  
Edmund J. Taglieri, R.Ph., MSM, NHA, President

By:

  
Eugene Langner, Esq.

Prosecuting Counsel

Department of Public Health

Date: March 24, 2016

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Order to Show Cause was served upon the Respondent:

Ashley Lanzisera  


by first class mail, postage prepaid, and by Certified Mail No. 7015 1520 0002 8254 5548

This 24<sup>th</sup> day of March, 2016.

  
\_\_\_\_\_  
Eugene Langner  
Prosecuting Counsel