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INTERIM COMMISSIONER

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

Board of Registration in Pharmacy
239 Causeway Street, Suite 500, 5th Floor
Boston, MA 02114
617-973-0954

May 13, 2013

VIA FIRST CLASS AND CERTIFIED MAIL RETURN
RECEIPT REQUESTED NO. 7010 2780 0001 8675 9890

Catherine T. Bryant

redacted

RE: In the Matter of Catherine T. Bryant, PT License No. PT9348
Board of Registration in Pharmacy Docket No. PHA-2012-0179

Dear Ms. Bryant:

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,

Margaret Cittadino
Associate Director
Board of Registration in Pharmacy

Enc.

cc: James Lavery, Prosecuting Counsel

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION IN
PHARMACY

IN THE MATTER OF
CATHERINE T. BRYANT
PT REGISTRATION NO. 9348
REG. EXPIRES 11/26/2013

DOCKET NO. PHA-2012-0179

FINAL DECISION AND ORDER BY DEFAULT

On September 25, 2012, the Board of Registration in Pharmacy ("Board") issued and duly served on Catherine T. Bryant ("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 Order². 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 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] license...including any right to renew [Respondent's] license." A copy of the Show Cause Order is attached to this Final Decision and Order by Default and is incorporated herein by reference.

¹ Pursuant to 801 CMR 1.01(6)(a).

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

³ Pursuant to M.G.L. c. 112, s. 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.

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 M.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 M.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 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:

On May 7, 2013, in accordance with the Board's authority and statutory mandate, the Board voted to issue this Final Decision and Order by Default and REVOKE Massachusetts Pharmacy Technician Registration No. 9348 (expired 11/26/2012) by the following vote: in favor: J. DeVita, Rph; J. Franke, RN, MHA, K. Ryle, RPh, MS, E. Taglieri, RPh, MSM, NHA, J. Trifone, RPh, A. Young, RPh, EdD, P. Gannon, RPh, MS; opposed: none; abstained: none.


The Board will not review any petition for pharmacy technician registration in the Commonwealth filed sooner than five (5) years from the Effective Date of this Final Decision and Order by Default. While Respondent's pharmacy technician registration is REVOKED, Respondent may not: (1) be employed in any capacity to provide any services 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. If at any time in the future Respondent seeks licensure or registration by the Board, Respondent will be required to meet all current requirements for licensure or registration at the time of any such application, including but not limited to, re-application, re-examination and re-training. The Respondent must also show proof of sobriety and closure of all criminal matters for at least one (1) year and any other reinstatement terms and conditions the Board may deem to be necessary and appropriate. The Board does not envision any terms or conditions pursuant to which Respondent would be considered to be appropriate for licensure or registration in the future.

EFFECTIVE DATE OF ORDER

The Order of the Board shall be effective ten days from the date issued, specified below.

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

BOARD OF REGISTRATION IN
PHARMACY


Margaret Cittadino
Associate Director

Date issued: May 13, 2013

Notice to:

BY FIRST CLASS MAIL AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED 7010 2780 0001 8675 9890

Catherine T. Bryant
redacted

BY HAND

James Lavery, Esq.
Office of Prosecutions

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
CATHERINE T. BRYANT)
PH-PT Registration No. 9348)
(Reg. Expires 12/31/2013))
_____)

Docket No. PHA-2012-0179

ORDER TO SHOW CAUSE

Catherine T. Bryant (hereinafter "you" or "Respondent"), 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, Registration No. 9348; or your right to renew such registration, pursuant to Massachusetts General Laws (G. L.) Chapter 112, §§ 42A and 61 and Board regulations 247 CMR 2.00 et seq. based upon the following facts and allegations:

1. On or about February 7, 2008, the Board issued you a pharmacy technician registration, Registration No. 9348.
2. On or about September 11, 2012, the Board issued a Temporary Order of Summary Suspension of your Registration. You failed to timely request a hearing on the necessity of a continuance of the Temporary Order of Summary Suspension and a Final Order of Summary Suspension was issued on or about September 14, 2012. Your Registration remains suspended.
3. On diverse dates during or about March 2012 to August 15, 2012, while employed as a pharmacy technician at CVS Pharmacy #938 located at 8 East Washington Street in North Attleboro, Massachusetts, you diverted numerous controlled substances for personal use including, hydrocodone APAP 5/500 mg tablets, hydrocodone APAP 10/325mg tablets, hydrocodone 10/225mg, and Suboxone 8/2mg SL Film.
4. In 2007 at a CVS Pharmacy located in Foxboro, Massachusetts you diverted numerous controlled substances for personal use including, hydrocodone APAP 5/500 mg tablets.
5. You admitted to diverting the controlled substances to CVS Pharmacy representatives and the North Attleboro Police on or about August 15, 2012.

6. Your conduct as alleged above warrants disciplinary action by the Board against your pharmacy technician registration pursuant to G. L. c. 112, §§ 42A and 61, and 247 CMR 2.00 et seq., for deceit, malpractice, gross misconduct in the practice of the profession, and offenses against the laws of the Commonwealth relating thereto.
7. Your conduct as described above constitutes failure to conduct professional activities in conformity with federal, state and municipal laws, ordinances and/or regulations, of the Board and therefore warrant disciplinary action by the Board pursuant to M.G.L. c. 112, §§ 27, 28, and 42A, M.G.L. c. 94C, and 247 CMR 2.00 et seq., and 10.03 (1)(a), (b), (e), (h), (l), (k), (r), (u), (v), and (x).
8. Your conduct as described above also constitutes unprofessional conduct and conduct which undermines public confidence in the integrity of the pharmacy 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 acts to suspend, revoke, or impose other discipline against your registration. G.L. c. 112, §§ 42A and 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 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 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 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 pharmacy technician in the Commonwealth of Massachusetts, including any right to renew your registration.

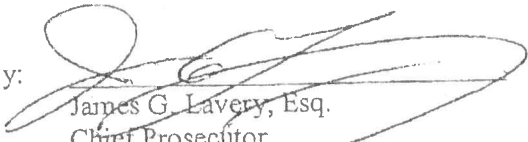
Your Answer to the Order to Show Cause and your written request for a hearing must be filed with James G. Lavery, Chief Board Prosecutor at the following address:

James G. Lavery
Chief Board Prosecutor
Department of Public Health
Office of the General Counsel
239 Causeway Street, Fourth Floor
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 Chief Board Prosecutor. If you elect to undertake such an examination, then please contact Prosecuting Counsel in advance at (617) 973-0822 to schedule a time that is mutually convenient.

Board of Registration in Pharmacy,
Karen M. Ryle, R.Ph, Secy.

By:


James G. Lavery, Esq.
Chief Prosecutor
Department of Public Health

Dated: September 25, 2012

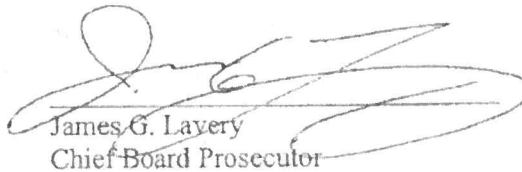
CERTIFICATE OF SERVICE

I, James G. Lavery, hereby certify that a copy of the foregoing Cover Letter, Order to Show Cause, and Certificate of Service were served upon the Respondent:

Catherine T. Bryant
redacted

by first class mail, postage prepaid, and Certified Mail No. 7011 1570 0000 8180 2773,

This 25th day of September 2012.


James G. Lavery
Chief Board Prosecutor