COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY BOARD OF REGISTRATION

 IN PHARMACY

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IN THE MATTER OF )

 )

**CHUKWUKERE A. NSONWU, R.PH.** )

**A/K/A ALOYSIUS NSONWU, R.PH.** )DOCKET NO. PHA-2010-0017

Pharmacist Registration No. 18414\_\_\_\_\_\_\_)

FINAL DECISION AND ORDER BY DEFAULT

On **August 13, 2010**, the Board of Registration in Pharmacy ("Board") issued and duly served on Chukwukere A. Nsonwu, a/k/a Aloysius Nsonwu, ("Respondent") an Order to Show Cause ("Show Cause Order")1 related to a complaint filed regarding Respondent's registration to practice as a pharmacist. 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 Order4 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.

On **September 8, 2010**, Prosecuting Counsel sent notice to Respondent to file an

Answer and a Request for Hearing by **September 15, 2010**. The notice again advised

Respondent that if defaulted, the Board might enter a Final Decision and Order that assumes

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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.

the truth of the allegations stated in the Show Cause Order and impose license 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

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.

On October 19, 201 0, 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

Pharmacist registration (No. 18414; suspended by the Board effective March 25, 2010), effective

as of the date issued (see below), by the following vote: In favor: Stanley B. Walczyk, R.Ph.;

Karen M. Ryle, R.Ph., George A. Cayer, R.Ph.; Donald D. Accetta, M.D.; Michael Tocco. R.Ph.,

Kathy J. Fabiszewski, Ph.D., N.P.; Sophia Pasedis, R.Ph., Pharm.D.; Steven Budish, Public

Member and James T. DeVita, R.Ph.Opposed: None. Absent: Joanne M. Trifone, R.Ph.

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The Board will not review any petition for pharmacist licensure in the Commonwealth

filed sooner than five (5) years from the Effective Date of this Final Decision and Order. While Respondent's pharmacist registration is revoked, Respondent may not: (1) be employed as a

pharmacist or 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. If at any time in the future Respondent seeks re-

licensure by the Board, he will be required to meet all current requirements for licensure at the

time of any such application, including, but not limited to, re-application, re-examination, re-

training and moral character qualifications (including consideration of any convictions or

unlawful activity) and any other reinstatement terms and conditions the Board may deem to be

necessary and appropriate. Respondent is hereby advised that the Board does not envision

any terms or conditions pursuant to which the Board would consider Respondent to be

qualified for licensure as a pharmacist in the Commonwealth in the future.

 EFFECTIVE DATE OF ORDER

The Order of the Board shall be effective as of October 19, 2010.

Respondent is hereby notified of his right to appeal this Final Decision and Order 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

Stanley B. Walczyk, R.Ph.

President Elect

Date Issued: October 19, 2010

Dec. No. 2298

Attached: Order to Show Cause dated August 13, 2010

Final Decision and Order by Default sent to:

BY FIRST CLASS to Attorney of Record

Edward P. Harrington, Esq.

171 Milk St.

Boston, MA 02109

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BY FIRST CLASS AND CERTIFIED MAIL RETURN RECEIPT REQUESTED to

No. 7009 1680 0001 1520 4154 to RESPONDENT

Chukwukere A. Nsonwu

[redacted]

BY INTEROFFICE MAIL

Vita Berg, Prosecuting Counsel

Office of Prosecutions, DPH Division of Health Professions Licensure

239 Causeway Street

Boston, MA 02114