

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

\_\_\_\_\_ )  
 Board of Registration in )  
 Pharmacy, )  
 Petitioner, )  
 )  
 v. )  
 )  
 Erin Beth Monahan )  
 PT Registration No. 21333 )  
 Registration Expires 11/8/20, )  
 Respondent )  
 \_\_\_\_\_ )

Docket No. PHA-2018-0024

FINAL DECISION AND ORDER BY DEFAULT

On November 27, 2018, the Board of Registration in Pharmacy (Board) issued and duly served on Erin Beth Monahan (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]

<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.

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registration.” A copy of the Show Cause Order is attached to this Final Decision and Order by Default at Exhibit A and is incorporated herein by reference.

On or about January 2, 2019, Respondent submitted an answer to the Order to Show Cause and a request for a hearing. The answer is attached hereto at Exhibit B

On or about January 22, 2019, the Chief Administrative Magistrate ordered both parties to appear for a telephone conference on February 7, 2019. See Exhibit C. The Order clearly stated that “both sides must comply with this Order. If Respondent does not, Respondent should expect to be defaulted, which would allow the pharmacy board to accept the allegations in the Order to Show Cause as true, and take disciplinary action without a hearing.”

Respondent failed to appear for the telephone conference. As a result, the Chief Administrative Magistrate issued an Entry of Default Against Respondent, attached hereto at Exhibit D.

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). Respondent failed to appear for the telephone conference, as required by the Order issued by the Chief Administrative Magistrate. 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:

**ORDER**

On April 4, 2019, 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, PT21333, effective ten days from the Date Issued, by the following vote:

In favor:	Timothy Fensky; Patrick Gannon; Leah Giambarresi; Sebastian Hamilton; Julie Lanza; Dawn Perry; Andrew Stein
Opposed:	None
Abstained:	None
Recused:	Susan Cornacchio
Absent:	Michael Godek; Stephanie Hernandez; Carly Jean-Francois; Kim Tanzer


**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: 4-11-2019

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Notice to:

BY FIRST CLASS & CERTIFIED MAIL NO. 7017 2620 0000 0142 2154,  
RETURN RECEIPT REQUESTED

Erin Beth Monahan  
120 Dean Street, Apartment 209B  
Taunton, MA 02780

BY HAND

Eugene Langner  
Prosecuting Counsel  
Massachusetts Department of Public Health  
Office of the General Counsel  
250 Washington Street  
Boston, MA 02108

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