

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of
Kally A. Lachapel
PT Registration No. 14607
Registration expires 04/26/14

Docket No. PHA-2012-0066
PHA-2012-0134

FINAL DECISION AND ORDER BY DEFAULT

On August 17, 2012, the Board of Registration in Pharmacy ("Board") issued and duly served on Kally A. Lachapel ("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 your registration...including any right to renew your registration." 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, § 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, § 111(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, § 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).

ORDER

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 October 9, 2012, in accordance with the Board's authority and statutory mandate, the Board voted to issue this *Final Decision and Order by Default* and REVOKE any right Respondent may have to renew Pharmacy Technician registration No. 14607 (expiration 04/26/2014; suspended May 14, 2011), by the following vote, effective as of the date issued: In favor: George A. Cayer, R.Ph.; Stanley B. Walczyk, R.Ph.; Karen M. Ryle, R.Ph.; Donald D. Accetta, M.D.; Anita Young, R.Ph.; and Kathy J. Fabiszewski, N.P., Ph.D. Opposed: None. Recused: James T. DeVita, R.Ph. Absent: Joanne M. Trifone, R.Ph.; Sophia Pasedis, R.Ph., Pharm. D. and Steven Budish.

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 in any capacity to provide any services in any capacity in any pharmacy setting in the Commonwealth; or (2) have any ownership,


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 in any capacity 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 registration by the Board, Respondent 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 pharmacy technician in the Commonwealth in the future.

EFFECTIVE DATE OF ORDER

The Order of the Board shall be effective as of October 9, 2012.

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


Karen M. Ryle, R.Ph.
Secretary

Effective Date: October 9, 2012

Board Decision No. 2975

Attachment

First Class and Certified Mail No. 7012 0470 0001 3526 9340