



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Bureau of Health Professions Licensure
Board of Registration in Pharmacy
239 Causeway Street, Suite 500, Boston, MA 02114

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

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www.mass.gov/dph/boards/pharmacy

MARYLOU SUDDERS
Secretary
MONICA BHAREL, MD, MPH
Commissioner

February 7, 2020

VIA FIRST CLASS & CERTIFIED MAIL NO. 7019 0700 0000 1934 5161,
RETURN RECEIPT REQUESTED

Kareem Nagaty Mohamed
a/k/a Kareem Hamdy
P.O. Box 301
Pittsfield, MA 01202

VIA FIRST CLASS & CERTIFIED MAIL NO. 7019 0700 0000 1934 5475,
RETURN RECEIPT REQUESTED

Kareem Nagaty Mohamed
a/k/a Kareem Hamdy
1515 Chain Bridge Rd., #103
McLean, VA 22101

VIA FIRST CLASS & CERTIFIED MAIL NO. 7019 0700 0000 1934 5482,
RETURN RECEIPT REQUESTED

Kareem Nagaty Mohamed
a/k/a Kareem Hamdy
12513 Branner Way, #201
Chester, VA 23836

RE: In the Matter of Kareem Nagaty Mohamed a/k/a Kareem Hamdy,
Docket No. PHA-2019-0018
License No. PH232374 (Expired 12/31/2014)

Dear Mr. Mohamed:

Please find enclosed the **Final Decision and Order by Default** issued by the Board of Registration in Pharmacy on February 7, 2020 and **effective February 17, 2020**. This constitutes full and final disposition of the above-referenced complaint, as well as the final agency action of the Board. Your appeal rights are noted on page 3.

Please note that as of the effective date, your license status will change to **Revoked; Expired**. It will remain in **revocation** status until the Board notifies you of a change in license status in accordance with the terms of the order.

Please direct all questions, correspondence and documentation relating to licensure reinstatement to the attention of Lisa Ferguson at the address above. You may also contact Ms. Ferguson at (617) 973 – 0950.

You may contact Heather Engman, Esq., Board Counsel at (617) 973 – 0950 with any questions that you may have concerning this matter.

Sincerely



David Sencabaugh, R. Ph.
Executive Director,
Board of Registration in Pharmacy

Encl.

cc: Jaclyn Gagne, Esq., Prosecuting Counsel

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

)
Board of Registration in Pharmacy,)
Petitioner,)

v.)

Docket No. PHA-2019-0018

)
Kareem Nagaty Mohamed)
(a.k.a Kareem Hamdy))
License No. PH232374)
License Expired 12/31/2014)
Respondent)
_____)

FINAL DECISION AND ORDER BY DEFAULT

On November 6, 2019, the Board of Registration in Pharmacy (“Board”) issued and duly served on Kareem Nagaty Mohamed also known as Kareem Hamdy (“Respondent”), an Order to Show Cause (“Show Cause Order”) related to a complaint filed regarding Respondent’s license.¹ In addition to stating the allegations against Respondent, the Show Cause Order notified Respondent that an Answer to the Show Cause Order 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 allegations,³ 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 above-captioned matter” and, if defaulted, “the Board may enter a Final Decision and

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.

Kareem Nagaty Mohamed
PH232374
PHA-2019-0018
Final Decision and Order by Default

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." Copies of the Show Cause Order are attached to this Final Decision and Order by Default and are incorporated herein by reference.

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 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 G.L. c. 30A, § 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 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).

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 February 6, 2020, 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 license, PH232374, effective ten days from the Date Issued, by the following vote:

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

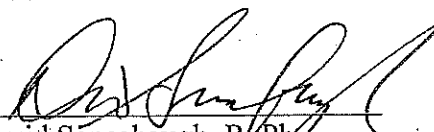
EFFECTIVE DATE OF ORDER

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:

2-7-2020

Kareem Nagaty Mohamed
PH232374
PHA-2019-0018
Final Decision and Order by Default

Notice to:

**BY FIRST CLASS & CERTIFIED MAIL NO. 7019 0700 0000 1934 5161,
RETURN RECEIPT REQUESTED**

Kareem Nagaty Mohamed
P.O. Box 301
Pittsfield, MA 01202

**BY FIRST CLASS & CERTIFIED MAIL NO. 7019 0700 0000 1934 5475,
RETURN RECEIPT REQUESTED**

Kareem Nagaty Mohamed
1515 Chain Bridge road # 103
McLean, VA 22101

**BY FIRST CLASS & CERTIFIED MAIL NO. 7019 0700 0000 1934 5482,
RETURN RECEIPT REQUESTED**

Kareem Nagaty Mohamed
12513 Branner Way, Apartment 201
Chester, VA 23836

BY HAND

Jaclyn K. Gagne
Prosecuting Counsel
Massachusetts Department of Public Health
Office of the General Counsel
250 Washington Street
Boston, MA 02108

Kareem Nagaty Mohamed
PH232374
PHA-2019-0018
Final Decision and Order by Default

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

Board of Registration in Pharmacy,
Petitioner,

v.

Docket No. PHA-2019-0018

Kareem Nagaty Mohamed
(a.k.a Kareem Hamdy)
License No. PH232374
License Expired 12/31/2014
Respondent

ORDER TO SHOW CAUSE

Kareem Nagaty Mohamed (a.k.a. Kareem Hamdy) ("You"), 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 license to practice as a pharmacist in the Commonwealth of Massachusetts, License No. PH232374, or your right to renew such license, pursuant to Massachusetts General Laws ("G.L.") chapter 112, §§ 42A and 61 and Code of Massachusetts Regulations ("CMR"), Title 247, §10.03, based upon the following facts and allegations:

Factual Allegations

1. The Board issued to you a license to practice as a pharmacist in the Commonwealth of Massachusetts, License No. PH232374, on or about December 3, 2008. Your license is currently expired.
2. In the United States District Court for the District of Maryland Case No. MJG-1-15-CR-00284-002 you plead guilty to one (1) count of "Conspiracy to Distribute and Possess with Intent to Distribute Oxycodone" in violation of 21 USC 846 and were sentenced to time served on June 29, 2016. See attached *Exhibit A*.
3. Your conviction as described in paragraph 2 above was reported to the Board by the Federal Department of Health & Human Services Office of the Inspector General ("HHS-OIG") at which time it was also conveyed to the Board that you used multiple aliases including Kareem Hamdy.
4. The indictment filed against you associated with Case No. MJG-1-15-CR-00284-002 described that you owned and operated Family Pharmacy, Inc. in McLean, VA. In May 2014, you used your pharmacy to conspire with another individual who operated

a "pill mill clinic," to illegally distribute large quantities of oxycodone. The other individual created false prescriptions for Oxycodone using false patient profiles. She would send "runners" to your pharmacy and you would fill dozens of false prescriptions in bulk on the same day. The other individual then illegally distributed the oxycodone for a profit. You deposited approximately \$200,000.00 in cash into your PNC Industry Solutions account between May and October 2014 attributed to your part in the conspiracy.

5. As a result of your actions as described in paragraphs 2 and 4 above, the Virginia Board of Pharmacy suspended your license to practice as a pharmacist in Virginia, License No. 0202210464 in Case No. 163874) on October 12, 2016. See attached *Exhibit B*.

Legal Basis for Discipline¹

- A. Your conduct as alleged in Paragraphs 1 through 5 above, and any other evidence that may be adduced at hearing, warrant disciplinary action by the Board against your license to practice as a pharmacist 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.
- B. Your conduct as alleged, without limitation, in Paragraphs 1 through 5 above, and any other evidence that may be adduced at hearing, warrant disciplinary action by the Board against your registration to practice as a pharmacist pursuant to 247 CMR 10.03(1)(h) for engaging in abuse or illegal use of prescription drugs or controlled substances.
- C. Your conduct as alleged, without limitation, in Paragraphs 1 through 5 above, and any other evidence that may be adduced at hearing, warrant disciplinary action by the Board against your registration to practice as a pharmacist pursuant to 247 CMR 10.03(1)(n) for being convicted of any crime, entering a plea of guilty to any crime, entering a plea of *nolo contendere* to any crime, or admitting to sufficient facts to warrant a finding of guilty of any crime.
- D. Your conduct as alleged in paragraphs 1 through 5; and any other evidence that may be adduced at hearing, warrant disciplinary action by the Board against your registration to practice as a pharmacist in the Commonwealth of Massachusetts.

¹ It is well-settled administrative law that due process requires that "notice must be given that is reasonably calculated to apprise an interested party of the proceeding and to afford him an opportunity to present his case," and does not require Prosecuting Counsel to provide a detailed description of evidence he intends to introduce at a disciplinary hearing. *Langlitz v. Board of Registration of Chiropractors*, 396 Mass. 374, 376-377 (1985). See *Lapointe v. License Board of Worcester*, 389 Mass. 454, 458 (1983) ("Due process requires notice of the grounds on which the board might act rather than the evidentiary support for those grounds"). Certainly, notice pleadings do not require Prosecuting Counsel to match factual allegations to grounds for discipline. Accordingly, where, as here, there exists significant overlap between factual allegations and grounds for discipline contained within the Order to Show Cause, Prosecuting Counsel's matching of factual allegations to grounds for discipline are offered as suggestions, and not as an exhaustive characterization of the evidence to be adduced at a hearing.

pursuant to Massachusetts case law. See *Anusavice v. Board of Registration in Dentistry*, 451 Mass. 786 (2008).

- E. Your conduct as alleged in Paragraphs 1 through 5 above, and any other evidence that may be adduced at hearing, also constitute 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).

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 license. 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 operate as a pharmacy and your controlled substances permit in the Commonwealth of Massachusetts, including any right to renew your license.

Your Answer to the Order to Show Cause and your written request for a hearing must be filed with Jaclyn K. Gagné, Prosecuting Counsel, at the following address:

Jaclyn K. Gagné, Esq.
Prosecuting Counsel
Department of Public Health
Office of the General Counsel, 2nd Floor
250 Washington Street
Boston, MA 02108

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) 624-5249 to schedule a time that is mutually convenient.

BOARD OF REGISTRATION IN PHARMACY
David Sencabaugh, R.Ph. President

By: 

Jaclyn K. Gagné, Esq.
Prosecuting Counsel
Department of Public Health
Jaclyn.K.Gagne@massmail.state.ma.us
(617) 624-5249

Date: November 6, 2019

CERTIFICATE OF SERVICE

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

Kareem Nagaty Mohamed
P.O. Box 301
Pittsfield, MA 01202

by first class mail, postage prepaid, and by Certified Mail No. 7017 1450 0002 2341 9013

Kareem Nagaty Mohamed
1515 Chain Bridge Road #103
McLean, VA 22101

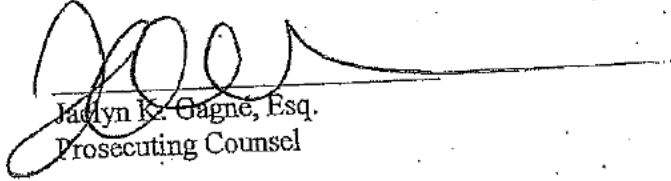
by first class mail, postage prepaid, and by Certified Mail No. 7017 1450 0002 2341 9020

Kareem Nagaty Mohamed
12513 Branner Way, Apt. 201
Chester, VA 23836

by first class mail, postage prepaid, and by Certified Mail No. 7017 1450 0002 2341 9037

Redacted

This 6th day of November, 2019.


Jody K. Gagne, Esq.
Prosecuting Counsel