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Executive Office of Health and Human Services
Department of Public Health
Division of Health Professions Licensure
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MONICA BHAREL, MD, MPH
Commissioner

April 8, 2016

VIA FIRST CLASS AND CERTIFIED MAIL RETURN
RECEIPT REQUESTED NO. 7015 3010 0001 6944 5406

Lauren Lang
[REDACTED]

VIA FIRST CLASS AND CERTIFIED MAIL RETURN
RECEIPT REQUESTED NO. 7015 3010 0001 6944 5413

Lauren Lang
[REDACTED]

RE: In the Matter of Lauren Lang, PT License No. 10480
Board of Registration in Pharmacy Docket No. PHA-2014-0242

Dear Ms. Lang:

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 4 of the *Final Order* ("Date Issued"). Your appeal rights are noted on page 4 of the *Final Order*.

Sincerely,

David Sencabaugh, R. Ph.
Executive Director

Enc.

cc: Sean Casey, Esq.
Prosecuting Counsel

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
LAUREN LANG)
License No. PT10480)
PT License expired 12/09/2015)
_____)

Docket No. PHA-2014-0242

FINAL DECISION AND ORDER BY DEFAULT

On August 12, 2015, the Board of Registration in Pharmacy (“Board”) issued and duly served on Lauren Lang, License No. PT10480 (“Respondent”) an Order to Show Cause (“Show Cause Order”) related to a complaint filed regarding Respondent’s Pharmacy Technician license.¹ In addition to stating the allegations against the Respondent, the Show Cause Order notified Respondent that an Answer to the Show Cause Order (“Answer”) was to be submitted within twenty one (21) days of receipt of the Show Cause Order.²

The Show Cause Order further notified the Respondent of the Right to Request a Hearing on the allegations and that any Hearing request (“Request for Hearing”) was also to be submitted within twenty one (21) days of receipt of the Show Cause Order.³

Respondent was further notified that failure to submit an Answer within twenty one (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 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 to practice as a Licensed Pharmacy Technician in

¹ Pursuant to 801 CMR 1.01(6)(a).

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

³ Pursuant to G.L. c. 112, §61.

the Commonwealth of Massachusetts, including any Right to Renew [Respondent's] license.”

On February 23, 2016, the Board sent the Respondent notice that it had not received an Answer or a Request for a Hearing and that the Respondent had until March 7, 2016 to submit same or the matter would be brought before the next Board meeting where the Board may enter a Final Decision and Order that assumed the truth of the allegations in the Show Cause Order and may revoke, suspend or take other disciplinary action against her license to practice as a Pharmacy Technician, including her Right to Renew same.

A copy of the Show Cause Order and the February 23, 2016 notice is attached to this Final Decision and Order by Default and is 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 twenty one (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 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 April 5, 2016, 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 registration (No.10480), effective ten days from the Date Issued, by the following vote:

| | |
|------------|--|
| In favor: | Ed Taglieri; Michael Godek; Catherine Basile; Andrew Stein; Phillippe Bouvier; Susan Cornacchio; Timothy Fensky |
| Opposed: | None |
| Abstained: | None |
| Recused: | Garret Cavanaugh; William Cox |
| Absent: | Richard Tinsley; Karen Conley; Patrick Gannon; Ali Raja |

The Board will not review any petition for reinstatement of Respondent's pharmacy technician license prior to May 1, 2021.

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 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.

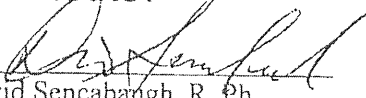
EFFECTIVE DATE OF ORDER

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.

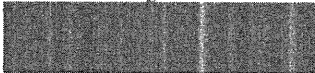
BOARD OF REGISTRATION
IN PHARMACY


David Sencabaugh, R. Ph.
Executive Director

Date Issued: 4/8/16

Notice to:

BY FIRST CLASS MAIL AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lauren Lang


Lauren Lang


BY HAND

Sean Casey, Esq.
Office of Prosecutions
Department of Public Health
Division of Health Professions Licensure
239 Causeway Street
Boston, MA 02114

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

_____)
In the Matter of)
Lauren Lang)
License No. PT10480)
License Expires 12/9/15)
_____)

Docket No. PHA-2014-0242

ORDER TO SHOW CAUSE

Lauren Lang, 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 Pharmacy Technician in the Commonwealth of Massachusetts, License No. PT10480, or your right to renew such license, pursuant to Massachusetts General Laws (G.L.) chapter 112, § 61 and Board regulation 247 CMR 9.00, based upon the following facts and allegations:

FACTUAL ALLEGATIONS

1. On or about November 28, 2008, you completed and submitted a Pharmacy Technician Registration Application ("Application") to the Massachusetts Board of Registration in Pharmacy. You completed and signed the Application under the pains and penalties of perjury and submitted same. Additionally, your Application was notarized and you provided picture identification.
2. In the Application, you were asked specifically in question number 5:

"Have you ever been arrested, charged, arraigned, indicted, prosecuted, convicted or been the subject of an investigation or any court proceeding in relation to any felony or misdemeanor charge? If YES, please attach typewritten 8½" by 11" sheet(s) of paper which provides dates and details describing the circumstances related to the matter(s); provide certified copies of court documents of any convictions (defined as any pleas that is accepted by a court; and complete a Criminal Offender Record Information (CORI) Form (available at pcshq.com)."
3. You answered in the negative, to the above Application question, failed to submit any information relative to any criminal cases, failed to provide records from any court, and failed to submit a completed CORI Form.
4. In fact, the Natick Police sought criminal complaints against you on March 31, 2003, as a result of offenses which took place on January 3, 2003. Thereafter, you were arraigned in the Natick District Court (Docket No. [REDACTED]) on two counts of Larceny by Check Under \$250 (misdemeanors and violations of G.L. c. 266, § 37). On

April 29, 2003, you agreed to pay \$50.23 and \$51.17 in restitution, respectively, whereby your cases were dismissed.

5. Unaware of these allegations, and based upon the Application you submitted, the Board issued you a license to practice as a Pharmacy Technician on December 13, 2008 in the Commonwealth of Massachusetts, License No. PT10480. Your license is current and is due to expire on December 9, 2015.

6. You worked as a Pharmacy Technician for Rite Aid Pharmacy, located at 233 Broad Street, Bridgewater, Massachusetts from June 16, 2005 until September 5, 2014, when you were terminated.

7. On June 19, 2014 Rite Aid's corporate office was notified of suspected drug losses at the Rite Aid Pharmacy at 233 Broad Street, Bridgewater, Massachusetts. It referred the matter to Rite Aid Pharmacy Investigators ("Investigators"), who opened an investigation. Initial reported losses included Alprazolam tablets (0.5mg and 1mg).¹

8. By comparing on hand amounts to dispenses, receipts and cycle counts, Investigators confirmed the initial reported losses. During subsequent weeks, hand counts of both Alprazolam and Suboxone (buprenorphine and naloxone) sublingual films (8mg/2mg films) revealed additional ongoing significant losses of each.² You were working at that Rite Aid Pharmacy as a Pharmacy Technician at all such relevant times.

9. On July 31, 2014, two covert cameras were installed at the Rite Aid Pharmacy at 233 Broad Street in Bridgewater. They were situated on the Suboxone sublingual films (8mg/2mg) bay. They ran for approximately two weeks during which time losses of Suboxone sublingual films (8mg/2mg) continued to be reported. Thereafter, the film was removed and reviewed. You were seen taking Suboxone sublingual films (8mg/2mg) and concealing them in your pants.

10. On August 25, 2014 Rite Aid's Loss Prevention staff met with you at 233 Broad Street, Bridgewater and you admitted that while you were working as a Pharmacy Technician for the pharmacy, you took multiple prescription drugs (including prescription inhalers) from the pharmacy, without a prescription, including:³

- a. Alprazolam tablets (2mg) over the previous six (6) to twelve (12) month period. You admitted taking four (4) to five (5) tablets at a time and estimated taking approximately thirty (30) tablets total.

¹ Alprazolam (also referred to as "Xanax") is a Schedule IV controlled substance.

² Suboxone is a Schedule III controlled substance. The initial hand counts were limited to Alprazolam and Suboxone at that time.

³ You admitted taking Xanax and Valium from the pharmacy without a prescription and ingested same to calm your nerves as well as to help you sleep. Valium is a Scheduled IV controlled substance. You also admitted giving a family member Xanax and Valium to calm him down. You indicated that you also gave this family member Suboxone to get him off heroin.

- b. Alprazolam tablets (1mg) over the previous twelve months. You admitted taking multiple tablets one (1) or two (2) times every week. You estimated taking between ten (10) and twenty (20) tablets.
 - c. Alprazolam tablets (5mg) over the previous six (6) month period. You admittedly took four (4) to five (5) tablets at a time. You estimated taking approximately thirty (30) tablets total.
 - d. Valium for an undisclosed period of time.
 - e. Suboxone sublingual films (8mg/2mg) over the previous year, approximately two (2) times per week. You admitted taking four (4) to five (5) films at a time. You also added that this happened much more frequently over the previous two months.
 - f. Gabapentin tablets for the previous one (1) month. You admitted taking thirty (30) tablets.
 - g. Vicodin (hydrocodone/acetamenaphin) tablets (5mg/325mg and 5mg/500mg) for the past year.⁴ You admitted taking approximately ten (10) tablets one (1) or two (2) times per week.
 - h. Vicodin tablets (7mg/325mg) for a shorter time than you took the Vicodin tablets (5mg/325mg and 5/500mg). You admitted taking thirty (30) to forty (40) tablets a month.
 - i. Diazepam tablets (10mg) for the past six (6) months. You admitted taking approximately ten (10) tablets each week.
 - j. Venlafaxine extended relief tablets (75mg) for the past three (3) months. You admitted taking three (3) full bottles containing approximately ninety-eight (98) tablets.
 - k. Proair inhalers over the past year. You admitted taking eight (8) or nine (9) boxes of Proair inhalers.
 - l. Ondanstron tablets (4mg) for an undisclosed period of time. You admitted taking approximately ten (10) tablets of Ondanstron.
11. On that same day, Rite Aid Investigators recovered from your purse:⁵
- a. Suboxone (8mg/2mg) – eight (8) sublingual films

⁴ Vicodin is a Schedule II controlled substance.

⁵ You did not have a prescription for any of these prescription drugs. The drugs mentioned in Paragraphs 11(b)-(f) were contained in a Rite-Aid vial.

- b. Alprazolam (2mg) – two (2) tablets.
- c. Alprazolam (1mg) – thirty-eight (38) tablets.
- d. Diazepam (10mg) – six (6) tablets.
- e. Diazepam (5mg) – five (5) tablets.
- f. Vicodin (7.5mg) – nine (9) tablets.

12. On August 25, 2014, you were arrested and subsequently arraigned at the Brockton District Court (Docket No. [REDACTED]) for Count 1: Possession of Class E (Alprazolam (2mg)), a violation of G.L. c. 94C § 34I; Count 2: Possession of Class C (Diazepam (10mg and 5mg)), a violation of G.L. c. 94C, § 34E; Count 3: Possession of Class C (Vicodin (7.5,g)), a violation of G.L. c. 94C, § 34E; Count 4: Larceny of a Controlled Substance, a violation of G.L. c. 94C, § 37, which was subsequently amended to Larceny under \$250, a violation of G.L. c. 266, § 30; and Count 5: and Possession of Class B (Suboxone sublingual film (8mg/2mg)), a violation of G.L. c. 94C, § 34I.⁶

13. On November 28, 2014, you admitted to sufficient facts relative to all counts and the Court Ordered your criminal case (Docket No. [REDACTED]) to be Continued Without a Finding. You were placed on administrative Probation for one year. The Probation Department was authorized to visit your residence, conduct urinalysis and other testing as deemed necessary and you were ordered not to possess illicit drugs and/or marijuana.

14. To date, you have never notified the Board of any of the above criminal cases nor have you provided the Board with any information, despite your obligation to do so in accordance with Pharmacy Board regulations.

GROUND FOR DISCIPLINE

A. Your conduct as alleged warrants discipline in that you failed to comply with 247 CMR 10.03(1)(e) by engaging in misconduct in the practice of the profession.

B. Your conduct as alleged warrants discipline in that you failed to comply with 247 CMR 10.03(1)(f) by engaging in conduct beyond the authorized scope of a pharmacist, pharmacy intern or pharmacy technician.

C. Your conduct as alleged warrants discipline in that you failed to comply with 247 CMR 10.03(1)(h) by engaging in abuse or illegal use of prescription drugs or controlled substances.

⁶ The Counts, as amended, are all misdemeanors.

- D. Your conduct as alleged warrants discipline in that you failed to comply with 247 CMR 10.03(1)(k) by engaging in conduct that has the capacity or potential to place the public health, safety or welfare at risk.
- E. Your conduct as alleged warrants discipline in that you failed to comply with 247 CMR 10.03(1)(l) by engaging in conduct that has the capacity or potential to deceive or defraud.
- F. Your conduct as alleged warrants discipline in that you failed to comply with 247 CMR 10.03(1)(n) by being convicted of crime(s), entering plea(s) of guilty to any crime(s), entering plea(s) of *nolo contendere* to any crime(s), or admitting to sufficient facts to warrant finding(s) of guilt of any crime(s).
- G. Your conduct as alleged warrants discipline in that you failed to comply with 247 CMR 10.03(1)(o) by fraudulently procuring a license of registration or its renewal.
- H. Your conduct as alleged warrants discipline in that you failed to comply with 247 CMR 10.03(1)(p) by providing false information on an application for a license or registration or its renewal.
- I. Your conduct as alleged warrants discipline in that you failed to comply with 247 CMR 10.03(1)(q) by failing without cause to cooperate with any request by the Board to appear before it or to provide requested information; failing to respond to a Board subpoena or failing to furnish the Board, its investigators or representatives with records, documents, information or testimony to which the Board is legally entitled.
- J. Your conduct as alleged warrants discipline in that you failed to comply with 247 CMR 10.03(1)(r) by engaging in conduct that demonstrates a lack of good moral character.
- K. Your conduct as alleged warrants discipline in that you failed to comply with 247 CMR 10.03(1)(u) by engaging in conduct which undermines public confidence in the integrity of the profession.
- L. Your conduct as alleged warrants discipline in that you failed to comply with 247 CMR 10.03(1)(w) by failing to comply with recognized ethical standards of the profession.
- M. Your conduct as alleged warrants discipline in that you failed to comply with 247 CMR 10.03(1)(x) by violation of G.L. c. 94C or any rules or regulations promulgated thereunder.
- N. Your conduct as alleged warrants discipline in that you failed to comply with 247 CMR 10.03(1)(aa) by failing to report to the Board, in writing, within 30 days, any pending criminal charge or conviction, as defined in 247 CMR 10.02, of a registrant or licensee, in Massachusetts or any other jurisdiction.

O. Your conduct as alleged warrants disciplinary action by the Board against your license to practice as a Pharmacy Technician pursuant to G.L. c. 112, § 61 for deceit, malpractice, gross misconduct in the practice of the profession, or for any offense against the laws of the Commonwealth relating thereto.

P. Your conduct as alleged constitutes 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); *Kvitka v. Board of Registration in Medicine*, 407 Mass. 140, 143-44, 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 above-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.

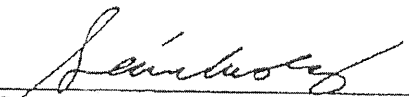
If you are defaulted, the Board may enter a Final Decision and Order that assumes the truth of the allegations in this Order to Show Cause, and may revoke, suspend, or take other disciplinary action against your license to practice as a Pharmacy Technician in the Commonwealth of Massachusetts, including any right to renew your license.

Your Answer to the Order to Show Cause and Request for a Hearing must be filed with the undersigned at the address below.

BOARD OF REGISTRATION IN PHARMACY
Patrick M. Gannon, R.Ph., MS, FABC

August 12, 2015

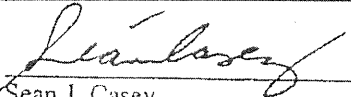
By:


Sean J. Casey
Prosecuting Counsel
Department of Public Health
Office of the General Counsel, 5th Floor
239 Causeway Street
Boston, MA 02114

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Order to Show Cause was served upon the Respondent, Ms. Laren Lang at [REDACTED] by first class mail, postage pre-paid, and by Certified Mail, Return Receipt Requested, Article No. 7014 2120 0002 1353 5459 and to [REDACTED] by first class mail, postage pre-paid.

August 12, 2015


Sean J. Casey
Prosecuting Counsel