



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Division of Health Professions Licensure
239 Causeway Street, Suite 500, Boston, MA 02114

DEVAL L. PATRICK
GOVERNOR

JOHN W. POLANOWICZ
SECRETARY

EILEEN M. SULLIVAN
ACTING COMMISSIONER

Tel: 617-973-0900
TTY : 617-973-0988
www.mass.gov/dph/boards/rn

December 31, 2014

VIA FIRST CLASS AND CERTIFIED MAIL RETURN
RECEIPT REQUESTED NO. 7012 3460 0001 7331 4532

Malina Say
17 Court Street
Lynn, MA 01905

VIA FIRST CLASS AND CERTIFIED MAIL RETURN
RECEIPT REQUESTED NO. 7012 3460 0001 7331 4525

Malina Say
33 Rock Street
Lowell, MA 01854

VIA FIRST CLASS AND CERTIFIED MAIL RETURN
RECEIPT REQUESTED NO. 7012 3460 0001 7331 4518

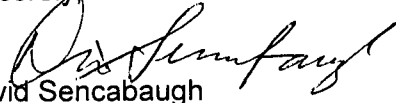
Malina Say
47 Highland Avenue, 2
Lowell, MA 01851

RE: In the Matter of Malina Say, PT License No. 8652
Board of Registration in Pharmacy Docket No. PHA-2012-0094

Dear Ms. Say:

Please find enclosed an updated Final Decision and Order by Default ("Final Order") for Malina Say (PHA-2012-0094). There was an error made in the name of the document which said "Proposed Final Decision" which was incorrect. Please use this enclosed copy of the Final Order and disregard the original.

Sincerely,


David Sencabaugh
Executive Director
Board of Registration in Pharmacy

Enc.
cc: Beth A. Oldmixon, Prosecuting Counsel

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION IN
PHARMACY

In the Matter of

MALINA SAY

PHA-2012-0094

PT Registration No. 8652

REG. EXP. DATE 04/02/2013

FINAL DECISION AND ORDER BY DEFAULT

On December 27, 2013, the Board of Registration in Pharmacy ("Board") issued and duly served on Malina Say ("Respondent"), an Order to Show Cause ("Show Cause Order")¹ related to a complaint filed regarding Respondent's license. 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 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...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.

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

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 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).

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 May 6, 2014, in accordance with the Board's authority and statutory mandate, the Board voted to issue this Final Decision and Order by Default and REVOKE Massachusetts Pharmacy Technician Registration No. 8652 (expired 04/02/13) by the following vote, effective as of the date issued: In favor: Karen Ryle; Patrick Gannon; Edmund Taglieri; James DeVita; Jane Franke; Richard Tinsley; Joanne Trifone; and Anita Young. Opposed: none.

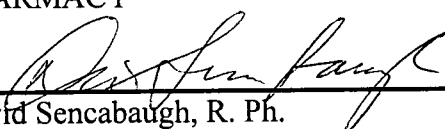
The Board will not review any petition for reinstatement of this pharmacy technician registration unless and until Respondent submits documentation demonstrating successful completion of at least two contact hours of continuing education in the area of medication error prevention. Additionally, any petition for reinstatement must comply with the Board policy 2011-02, License Reinstatement Following Surrender, Suspension, or Revocation.

EFFECTIVE DATE OF ORDER

The Order of the Board shall be effective ten days from the date issued, specified below.

Respondent is hereby notified of the right to appeal this Final Decision and Order by Default to the Supreme Judicial Court, pursuant to M.G.L. c. 112, § 64 and M.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



David Sencabaugh, R. Ph.
Executive Director

Date issued: June 13, 2014

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BY HAND DELIVERY

Beth A. Oldmixon, Esq., Prosecuting Counsel



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SECRETARY

CHERYL BARTLETT, RN
COMMISSIONER

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June 13, 2014

VIA FIRST CLASS AND CERTIFIED MAIL RETURN
RECEIPT REQUESTED NO. 7014 0510 0001 0375 1025

Malina Say
17 Court Street
Lynn, MA 01905

VIA FIRST CLASS AND CERTIFIED MAIL RETURN
RECEIPT REQUESTED NO. 7014 0510 0001 0375 1032

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VIA FIRST CLASS AND CERTIFIED MAIL RETURN
RECEIPT REQUESTED NO. 7014 0510 0001 0375 1049

Malina Say
47 Highland Avenue, 2
Lowell, MA 01851

RE: In the Matter of Malina Say, PT License No. 8652
Board of Registration in Pharmacy Docket No. PHA-2012-00094

Dear Ms. Say:

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 3 of the *Final Order* ("Date Issued"). Your appeal rights are noted on page 3 of the *Final Order*.

Sincerely,

David Sencabaugh
Executive Director
Board of Registration in Pharmacy

Enc.

cc: Beth A. Oldmixon, Prosecuting Counsel

RECEIVED

JUN 19 2014

OFF. PUBLIC PROTECTION

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION IN
PHARMACY

In the Matter of

MALINA SAY

PT Registration No. 8652

REG. EXP. DATE 04/02/2013

PHA-2012-0094

PROPOSED FINAL DECISION AND ORDER BY DEFAULT

On December 27, 2013, the Board of Registration in Pharmacy ("Board") issued and duly served on Malina Say ("Respondent"), an Order to Show Cause ("Show Cause Order")¹ related to a complaint filed regarding Respondent's license. 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 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...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.

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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

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ORDER

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The Board will not review any petition for reinstatement of this pharmacy technician registration unless and until Respondent submits documentation demonstrating successful completion of at least two contact hours of continuing education in the area of medication error prevention. Additionally, any petition for reinstatement must comply with the Board policy 2011-02, License Reinstatement Following Surrender, Suspension, or Revocation.

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BOARD OF REGISTRATION IN
PHARMACY



David Sencabaugh, R. Ph.
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