



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

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Secretary
MONICA BHAREL, MD, MPH
Commissioner

June 21, 2016

VIA FIRST CLASS AND CERTIFIED MAIL NO. 7015 1660 0001 1911 3909,
RETURN RECEIPT REQUESTED

Mandy Christian
[REDACTED]

VIA FIRST CLASS AND CERTIFIED MAIL NO. 7015 1660 0001 1911 3916,
RETURN RECEIPT REQUESTED

Mandy Christian
[REDACTED]

VIA FIRST CLASS AND CERTIFIED MAIL NO. 7015 1660 0001 1911 3923,
RETURN RECEIPT REQUESTED

Mandy Christian
[REDACTED]

RE: In the Matter of Mandy Christian, PT License No. 11275
Board of Registration in Pharmacy Docket No. PHA-2012-0221

Dear Ms. Christian:

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 3 of the *Final Order*.

Sincerely,

A handwritten signature in black ink, appearing to read "David Sencabaugh". The signature is fluid and cursive, with the first name being the most prominent.

David Sencabaugh, R. Ph.
Executive Director

Enc.

cc: Eugene Langner, Prosecuting Counsel

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Mandy Christian)
PT Registration No. 11275)
Registration Expired 11/7/13)
_____)

Docket No. PHA-2012-0221

FINAL DECISION AND ORDER BY DEFAULT

On April 14, 2016, the Board of Registration in Pharmacy (Board) issued and duly served on Mandy Christian (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 [Respondent's] registration...including any right to renew [Respondent's] registration." A copy of the Show Cause Order is attached

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.

Final Decision and Order by Default
Mandy Christian
PT11275
PHA-2012-0221

to this Final Decision and Order by Default and is incorporated herein by reference.

On May 9, 2016, Prosecuting Counsel sent notice to Respondent to file an Answer and a Request for Hearing by May 16, 2016. The notice again advised Respondent that if defaulted, the Board might enter a Final Decision and Order that assumes the truth of the allegations stated in the Show Cause Order and impose registration discipline, including discipline on any right to renew.

As of the date of this Final Decision and Order by Default, Respondent has failed to file an Answer or 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, § 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 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).

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:

On June 7, 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. 11275, effective ten days from the Date Issued, by the following vote:

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

The Board will not review any petition for reinstatement of Respondent's pharmacy technician license prior to June 7, 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.

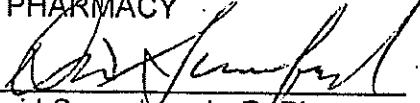
RIGHT TO APPEAL

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.

Final Decision and Order by Default
Mandy Christian
PT11275
PHA-2012-0221

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: 6/21/2016

Notice to:

BY FIRST CLASS MAIL AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mandy Christian


Mandy Christian


Mandy Christian


BY HAND

Eugene Langner
Office of Prosecutions
Department of Public Health
Division of Health Professions Licensure
239 Causeway Street
Boston, MA 02114

Final Decision and Order by Default
Mandy Christian
PT11275
PHA-2012-0221

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Mandy Christian)
PT Registration No. 11275)
Registration Expired 11/7/13)
_____)

Docket No. PHA-2012-0221

ORDER TO SHOW CAUSE

Mandy Christian, 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 registration to practice as a pharmacy technician in the Commonwealth of Massachusetts, PT Registration No. 11275, or your right to renew such registration, 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 August 5, 2009, the Board issued you a registration to practice as a pharmacy technician in the Commonwealth of Massachusetts, PT Registration No. 11275. Your registration expired on November 7, 2013, and has not been renewed to date.

Theft of Controlled Substances

2. On or about October 2, 2012, while you were employed as a pharmacy technician at CVS Pharmacy # 498, located at 112 E. Main Street, Webster, Massachusetts ("CVS"), a count revealed that thirty (30) tablets of hydrocodone 10/325 mg, then a Schedule III controlled substance, were missing.¹
3. A CVS pharmacist subsequently located your purse in the pharmacy area, in violation of store policy.
4. In the purse identified in the preceding paragraph, the pharmacist referenced in the preceding paragraph found an unlabeled prescription bottle containing thirty (30) pills.
5. On or about October 3, 2012, when confronted by CVS's regional loss prevention manager regarding the matters described in Paragraphs 2 through 4 above, you

¹ Hydrocodone was rescheduled as a Schedule II Controlled Substance effective October 6, 2014.

acknowledged, in writing, that, between May and October of 2012, you had diverted approximately five hundred (500) hydrocodone 10/325 tablets for your own personal use.

6. The value of the controlled substances identified in the preceding paragraph was three hundred forty-nine and 50/100 dollars (\$349.50).
7. As a result of your conduct as alleged in Paragraphs 2 through 5 above, your employment at CVS was terminated on or about October 3, 2013.
8. On or about October 4, 2012, as a result of your conduct as alleged in Paragraphs 2 through 5 above, in Dudley District Court [REDACTED] you were charged with theft of a controlled substance, in violation of G.L. c. 94C, § 37, and larceny of property exceeding two hundred fifty dollars (\$250.00) in value, in violation of G.L. c. 266, § 30.
9. In connection with the second charge referenced in the preceding paragraph, you were ordered to pay three hundred forty-nine and 50/100 dollars (\$349.50) in restitution, and to remain drug free for one (1) year, with random drug screens and attendance at three (3) narcotics anonymous/alcoholics anonymous meetings per week.
10. You failed to report the matters referenced in Paragraphs 8 and 9 above to the Board.

Failure to Disclose Criminal History

11. On or about February 4, 2009, you admitted to sufficient facts to warrant a finding on a charge of assault and battery, in violation of G.L. c. 265, § 13A, in Dudley District Court [REDACTED]
12. In connection with the charge referenced in the preceding paragraph, you were ordered to remain drug and alcohol free for a period of one (1) year, with testing, to undergo an alcohol evaluation, and to comply with treatment.
13. On or about December 19, 2005, you admitted to sufficient facts to warrant a finding on a charge of operating while under the influence of liquor (OUI), in violation of G.L. c. 90, § 24(1)(a)(1), in Worcester District Court [REDACTED]
14. In connection with the charge referenced in the preceding paragraph, you were ordered to enter and successfully complete a driver alcohol education program as provided in G.L. c. 90, § 24D, and to comply with any after care, and your driver's license was suspended for forty-five (45) days.

15. On or about April 20, 2000, you admitted to sufficient facts to warrant a finding on a charge of operating a motor vehicle with a suspended license, in violation of G. L. c. 90, § 23, in Dudley District Court [REDACTED]
16. In connection with the charge referenced in the preceding paragraph, you were ordered to pay court costs of sixty-five dollars (\$65.00) and a victim witness assessment of thirty-five dollars (\$35.00)
17. On or about August 20, 1997, you were charged in Dudley District Court [REDACTED] with being a minor in possession of alcoholic beverages, in violation of G.L. c. 138, § 34C.
18. In connection with the charge referenced in the preceding paragraph, you were ordered to pay two hundred seventy-six and 87/100 dollars (\$276.87), and to attend a youth offender program.
19. On or about July 20, 2009, you submitted an application for licensure as a pharmacy technician as described in Paragraph 1 above.
20. On the application referenced in the preceding paragraph, you were asked, *inter alia*, "I have you ever been arrested, charged, arraigned, indicted, prosecuted, convicted or been the subject of any investigation or any court proceeding in relation to any felony or misdemeanor charge?"
21. Notwithstanding the matters set forth in Paragraphs 11 through 18 above, you answered "No" to the question referenced in the preceding paragraph.

Legal Basis for Discipline

- A. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician for violation of G.L. c. 94C, § 34.
- B. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to G.L. c. 112, § 42A for violation of the rules and regulations established by the Board.
- C. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician 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.
- D. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 9.01(1) for failing to conduct professional activities in conformity with federal, state and

municipal laws, ordinances and/or regulations, including the regulations of the Board.

- E. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 9.01(2) for dispensing drugs in a manner which is intended, either directly or indirectly, to circumvent the law.
- F. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 9.01(6) for engaging in any fraudulent or deceptive act.
- G. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(a) for violating any of the duties and standards set out in Board regulations, 247 CMR 2.00 *et seq.*, or any rule or written policy adopted by the Board.
- H. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(b) for violating any provision of G.L. c. 112, §§ 24 through 42A or any provision of state or federal statutes or rules or regulations promulgated thereunder related to the practice of the profession.
- I. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(e) for engaging in misconduct in the practice of the profession.
- J. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(f) for engaging in conduct beyond the authorized scope of a pharmacy technician.
- K. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(h) for engaging in abuse or illegal use of prescription drugs or controlled substances.
- L. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(k) for engaging in conduct that has the capacity or potential to place the public health, safety or welfare at risk.
- M. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(l) for engaging in conduct that has the capacity or potential to deceive or defraud.

- N. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician 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.
- O. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(p) for providing false information on an application for a license or registration or its renewal.
- P. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(r) for engaging in conduct that demonstrates a lack of good moral character.
- Q. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(u) for engaging in conduct which undermines public confidence in the integrity of the profession.
- R. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(w) for failing to comply with recognized ethical standards of the profession, including, but not limited to, the standards of practice for pharmacists, pharmacy interns, pharmacies and pharmacy departments set forth in 247 CMR 9.01; *Code of Conduct for Registered Pharmacists, Pharmacies and Pharmacy Departments*.
- S. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(x) for violating G.L. c. 94C or any rules or regulations promulgated thereunder.
- T. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(aa) for failing to report to the Board, in writing, within thirty (30) days, any pending criminal charge or conviction, as defined in 247 CMR 10.02, in Massachusetts or any other jurisdiction.
- U. Your conduct as alleged also 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); *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 registration. 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.

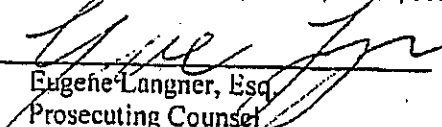
If you are defaulted, the Board may enter a Final Decision and Order that assumes the truth of the allegations in this Order to Show Cause, and may revoke, suspend, or take other disciplinary action against your registration to practice as a pharmacy technician in the Commonwealth of Massachusetts, including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

Your Answer to the Order to Show Cause and your written request for a hearing must be filed with Eugene Langner, Prosecuting Counsel; at the following address:

Eugene Langner, Esq.
Prosecuting Counsel
Department of Public Health
Office of the General Counsel, 5th Floor
239 Causeway Street
Boston, MA 02114

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) 973-0838 to schedule a time that is mutually convenient.

BOARD OF REGISTRATION IN PHARMACY
Edmund J. Taglieri, R.Ph., MSM, NHA, President

By: 
Eugene Langner, Esq.
Prosecuting Counsel
Department of Public Health

Date: April 14, 2016

CERTIFICATE OF SERVICE

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

Mandy Christian.
[REDACTED]

by first class mail, postage prepaid, and by Certified Mail No. 7015 1520 0002 8254 5685

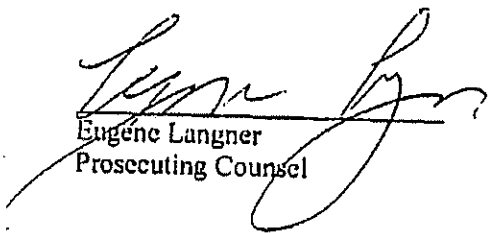
Mandy Christian
[REDACTED]

by first class mail, postage prepaid, and by Certified Mail No. 7015 1520 0002 8254 5692

Mandy Christian
[REDACTED]

by first class mail, postage prepaid, and by Certified Mail No. 7015 1520 0002 8254 5708

This 17th day of April, 2016.


Eugene Langner
Prosecuting Counsel