

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

Board of Registration in Pharmacy,  
Petitioner,

v.

Michael James Kirrane Jr.  
License No. PT21470  
License Expires 07/25/2019  
Respondent

Docket No. PHA-2018-0039

**FINAL DECISION AND ORDER BY DEFAULT**

On November 19, 2018, the Board of Registration in Pharmacy ("Board") issued and duly served on Michael James Kirrane, Jr. ("Respondent"), an Order to Show Cause ("Show Cause Order") related to a complaint filed regarding Respondent's license.<sup>1</sup> 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.<sup>2</sup> The Show Cause Order also notified Respondent of the right to request a hearing on the allegations,<sup>3</sup> and that any hearing request ("Request for Hearing") was to be submitted within 21 days of receipt of the Show Cause Order.<sup>4</sup> 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." Copies of

<sup>1</sup> Pursuant to 801 CMR 1.01(6)(a).

<sup>2</sup> In accordance with 801 CMR 1.01(6)(d)(2).

<sup>3</sup> Pursuant to M.G.L. c. 112, s. 61.

<sup>4</sup> Respondent was also notified that failure to timely submit a Request for Hearing would constitute a waiver of the right to a hearing.

Michael Kirrane

PT21470

PHA-2018-0039

Final Decision and Order by Default

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 January 10, 2019, 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 license, PT21470, effective ten days from the Date Issued, by the following vote:

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

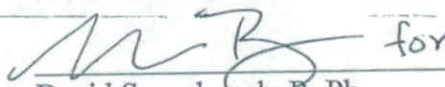
### EFFECTIVE DATE OF ORDER

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

 for  
David Sencabaugh, R. Ph.  
Executive Director

Date Issued: 1/22/19

Michael Kirrane  
PT21470  
PHA-2018-0039  
Final Decision and Order by Default

Notice to:

**BY FIRST CLASS & CERTIFIED MAIL NO. 7017 2620 0000 0142 1782,**  
**RETURN RECEIPT REQUESTED**

Michael Kirrane  
6 Carrington Way  
Haverhill, MA 01835

**BY HAND**

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

Michael Kirrane  
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