



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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MARYLOU SUDDERS  
Secretary  
MONICA BHAREL, MD, MPH  
Commissioner

April 8, 2016

VIA FIRST CLASS AND CERTIFIED MAIL RETURN  
RECEIPT REQUESTED NO. 7015 3010 0001 6944 5444  
Seingerry Eng

RE: **In the Matter of Seingerry Eng, PT License No. 17112**  
**Board of Registration in Pharmacy Docket No. PHA-2014-0086**

Dear Ms. Eng:

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 )  
SEINGTERRY ENG )  
License No. PT17112 )  
PT License expires 09/15/2017 )  
\_\_\_\_\_ )

Docket No. PHA-2014-0086

FINAL DECISION AND ORDER BY DEFAULT

On July 8, 2015, the Board of Registration in Pharmacy (“Board”) issued and duly served on Seingterry Eng, License No. PT17112 (“Respondent”) an Order to Show Cause (“Show Cause Order”) related to a complaint filed regarding Respondent’s Pharmacy Technician license.<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup>

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

<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 G.L. c. 112, §61

Seingterry Eng

PT17112

PHA-2014-0086

Final Decision and Order by Default

action against [Respondent's] license to practice as a Licensed Pharmacy Technician in 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.17147), effective ten days from the Date Issued, by the following vote:

In favor:	Ed Taglieri; Michael Godek; Catherine Basile; William Cox; Andrew Stein; Phillippe Bouvier; Garret Cavanaugh; Susan Cornacchio
Opposed:	None
Abstained:	None
Recused:	Timothy Fensky
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, 2016.

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.

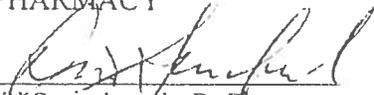
EFFECTIVE DATE OF ORDER

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

Seingterry Eng



BY HAND

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

Seingterry Eng  
PT17112  
PHA-2014-0086  
Final Decision and Order by Default



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MARYLOU SUDDERS  
Secretary  
MONICA BHAREL, MD, MPH  
Commissioner

July 8, 2015

SENT BY REGULAR AND CERTIFIED  
MAIL, RETURN RECEIPT REQUESTED  
ARTICLE NO. 7014 2120 0002 1353 5114

Ms. Seingterry Eng  


RE: In the Matter of Seingterry Eng, License No. PT17112  
Docket No. PIIA-2104-0086

Dear Ms. Eng,

As you may recall, I am prosecuting the above-referenced case. Enclosed please find an Order to Show Cause.

Thank you.

Sincerely,



Sean J. Casey  
Prosecuting Counsel

Enclosure

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

\_\_\_\_\_  
In the Matter of )  
Seingterry Eng )  
License No. PT17112 )  
License Expires 09/15/15 )  
\_\_\_\_\_ )

Docket No. PHA-2014-0086

ORDER TO SHOW CAUSE

Seingterry Eng, 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. PT17112, 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:

1. On or about September 5, 2013, the Board issued you a license to practice as a Pharmacy technician in the Commonwealth of Massachusetts. License No. PT17112. Your license is current and expires on September 15, 2015.
2. On or about March 4, 2013, Ricardo Dancel, MD of Chelmsford prescribed 60 (sixty) 1mg tablets of Benzotropine and thirty (thirty) 100mg tablets of Lamotrigine for a fifty five year old male (Patient A). He also authorized two refills of same.
3. On or about March 28, 2013, the prescription (or refill thereof) was sent to and received by Long Term Pharmacy Solutions, 225 Stedman Street, Lowell, Massachusetts 01851.
4. The prescriptions were properly entered by Long Term Pharmacy Solutions data entry technician ("Pharmacy Technician No. 1") and sent to the filling department for processing.
5. On April 2, 2013, you attempted to process the order for 60 (sixty) 1mg tablets of Benzotropine but instead filled the prescription with 60 (sixty) 100mg tablets of Lamotrigine and labeled the card with a Benzotropine 1mg label.
6. On April 2, 2013, you also processed the order for 30 (thirty) 100 mg tablets of Lamotrigine and labeled that card correctly.

7. On April 2, 2013, you failed to check or double check the National Drug Code ("NDC") numbers and manufacturer information for Benztropine before filling same.
8. On April 4, 2013, the order for Benztropine (which actually contained Lamotrigine) went out without being approved by a pharmacist. There was a verification pharmacist ("Pharmacist No. 1") on duty that day. The packing Pharmacy Technician on duty ("Pharmacy Technician No. 2") failed to notice that the Benztropine 1mg card was not approved for packing.
9. On April 4, 2013, the order for Benztropine (which actually contained Lamotrigine) was delivered to the Groton Road Group Residence in North Chelmsford.
10. On or after April 4, 2013 until April 21, 2013, Patient A took eleven (11) doses of the contents of the order for Benztropine (which actually contained Lamotrigine) until staff from the group residence noticed that the prescription for Benztropine 1mg looked like Lamotrigine 100mg tablets and brought same to the attention of the Long Term Pharmacy Solutions.
11. Long Term Pharmacy Solutions confirmed that a mistake had been made and confirmed that the wrong product was dispensed.
12. On August 20, 2013, you admitted the following, in writing:

"I was filling both meds. They are both round and white. I grabbed Lamotrigine 100mg a second time, by accident, instead of the Benztropine 1mg and filled the second card and labeled the card with the Benztropine label. Once this incident was brought to my attention, I am now re-trained to double check the NDC numbers and the manufacturers full products before filling."
13. You were employed at Long Term Pharmacy Solutions as a Pharmacy Technician during all relevant times.

#### GROUND FOR DISCIPLINE

- A. Your conduct, practices and operations, as alleged above, warrant disciplinary action by the Board, pursuant to G.L. c. 112, §§ 24 through 42A.
- B. Your conduct, practices and operations, as alleged above, warrant discipline in that you failed to comply with the duties and standards set out in Board regulations (247 CMR 2.00 Definitions) or any rule or written policy adopted by the Board.
- C. Your conduct as alleged warrants discipline in that you failed to comply with 247 CMR 10.03 (1)(c) by engaging in misconduct in the practice of the profession.

- 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)(u) by engaging in conduct that undermines public confidence in the integrity of the profession:
- F. Your conduct as alleged warrants discipline in that you failed to comply with 247 CMR 10.03 (1)(v) by committing an act that violates the recognized standards of pharmacy practice.
- G. Your conduct as alleged warrants disciplinary action by the Board against your license to practice as a pharmacist 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.
- II. 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).

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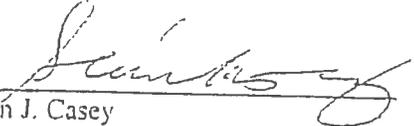
You have a right to an adjudicatory hearing (“hearing”) on the allegations contained in the Order to Show Cause before the Board determines whether to suspend, revoke, or impose other discipline against your license. G.L. c. 112, § 61. Your right to a hearing may be claimed by submitting a written request 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.

BOARD OF REGISTRATION IN PHARMACY  
Karen M. Ryle, M.S., R.Ph.

7/5/15

By:   
Sean J. Casey  
Prosecuting Counsel  
Department of Public Health  
Office of the General Counsel, 5<sup>th</sup> Floor  
239 Causeway Street  
Boston, MA 02114

CERTIFICATE OF SERVICE

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

Seingerry Eng



by first class mail, postage prepaid, and by Certified Mail, Return Receipt Requested,  
ARTICLE NO. 7014 2120 0002 1353 5114

7/5/15

  
Sean J. Casey  
Prosecuting Counsel