

The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
Division of Health Professions Licensure

DEVAL L. PATRICK  
GOVERNOR

TIMOTHY P. MURRAY  
LIEUTENANT GOVERNOR

JOHN W. POLANOWICZ  
SECRETARY

LAUREN A. SMITH, MD, MPH  
INTERIM COMMISSIONER

Board of Registration in Pharmacy  
239 Causeway Street, Suite 500, 5<sup>th</sup> Floor  
Boston, MA 02114  
617-973-0954

May 13, 2013

VIA FIRST CLASS AND CERTIFIED MAIL RETURN  
RECEIPT REQUESTED NO. 7010 2780 0001 8675 9876  
Stacey N. Miles

**RE: In the Matter of Stacey M. Miles, PT License No. PT11737**  
**Board of Registration in Pharmacy Docket No. PHA-2012-0152**

Dear Ms. Miles:

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,

Margaret Cittadino  
Associate Director  
Board of Registration in Pharmacy

Enc.

cc: James Lavery, Prosecuting Counsel

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION IN  
PHARMACY

IN THE MATTER OF  
**STACY N. MILES**  
PT REGISTRATION NO.11737  
REG. EXPIRES 02/28/2014

DOCKET NO. PHA-2012-0152

FINAL DECISION AND ORDER BY DEFAULT

On September 25, 2012, the Board of Registration in Pharmacy (“Board”) issued and duly served on Stacy N. Miles (“Respondent”), an Order to Show Cause (“Show Cause Order”)<sup>1</sup> 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 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 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.

<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.

Miles, Stacy

PHA-2012-0152

PT11737

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 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).

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 7, 2013, 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. 11737 (expires 2/28/14; summarily suspended 9/14/12) by the following vote: in favor: J. DeVita, Rph; J. Franke, RN, MHA, K. Ryle, RPh, MS, E. Taglieri, RPh, MSM, NHA, J. Trifone, RPh, A. Young, RPh, EdD, P. Gannon, RPh, MS; opposed: none; abstained: none.

The Board will not review any petition for pharmacy technician registration in the Commonwealth filed sooner than five (5) years from the Effective Date of this Final Decision and Order by Default. While Respondent's pharmacy technician registration is

REVOKED, Respondent may not: (1) be employed in any capacity to provide any services 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. If at any time in the future Respondent seeks licensure or registration by the Board, Respondent will be required to meet all current requirements for licensure or registration at the time of any such application, including but not limited to, re-application, re-examination and re-training. The Respondent must also show proof of sobriety and closure of all criminal matters for at least one (1) year and any other reinstatement terms and conditions the Board may deem to be necessary and appropriate. The Board does not envision any terms or conditions pursuant to which Respondent would be considered to be appropriate for licensure or registration in the future.

#### 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 G. L. c. 112, § 64 and 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

  
Margaret Cittadino  
Associate Director

Date issued: 5/13/13

Notice to:

BY FIRST CLASS MAIL AND CERTIFIED MAIL  
RETURN RECEIPT REQUESTED 7010 2780 0001 8675 9876

Stacey N. Miles  


Miles, Stacy  
PHA-2012-0152  
PT11737

BY HAND

James Lavery, Esq.  
Office of Prosecutions

Miles, Stacy  
PHA-2012-0152  
PT11737

4 of 4



The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
Division of Health Professions Licensure  
239 Causeway Street, 4<sup>th</sup> Floor, Boston, MA 02114

DEVAL L. PATRICK  
GOVERNOR

TIMOTHY P. MURRAY  
LIEUTENANT GOVERNOR

JUDYANN BIGBY, MD  
SECRETARY

JOHN AUERBACH  
COMMISSIONER

Office of the General Counsel

(617) 973-0865  
(617) 973-0895 TTY

September 25, 2012

Stacy N. Miles  


RE: In the Matter of Stacy N. Miles, PT Reg. No. 11737  
Board of Registration in Pharmacy, Docket No. PHA-2012-0152

Dear Ms. Miles:

The Massachusetts Board of Registration in Pharmacy within the Department of Public Health, Division of Health Professions Licensure ("Division"), has completed its investigation of the above-referenced complaints against your registration to practice as a pharmacy technician. For the reasons set forth in the attached Order to Show Cause, the Board is proposing to suspend, revoke or impose other discipline against your registration (PT Reg. No. 11737).

The Order to Show Cause and any subsequent hearing are governed by Massachusetts General Laws Chapter 30A, the State Administrative Procedure Act, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 et seq. You must submit an Answer to the Order to Show Cause **and** you have a right to request a hearing by filing a written request for a hearing, as specified in the Order to Show Cause.

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 above-referenced matter. 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 therein and on any Board disciplinary action. 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

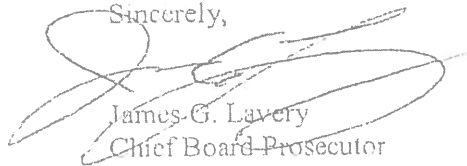
other disciplinary action against your registration to practice as a pharmacy technician in the Commonwealth of Massachusetts, including any right to renew your registration.

Your Answer to the Order to Show Cause and its request for a hearing must be filed with James G. Lavery, Prosecuting Counsel at the following address:

James G. Lavery, Esq.  
Chief Board Prosecutor  
Department of Public Health  
Office of the General Counsel  
239 Causeway Street, 4<sup>th</sup> Floor  
Boston, Massachusetts 02114

You may contact me at (617) 973-0822 if you have any questions regarding this matter.

Sincerely,



James G. Lavery  
Chief Board Prosecutor

JGL/tbm  
Encl:  
Order to Show Cause  
Certificate of Service

7011 1570 0000 8180 2797

Certified Mail No. 7011 1570 0000 8180 2797

This is an important notice. Please have it translated.

Este é um aviso importante. Queira mandá-lo traduzir.

Este es un aviso importante. Sirvase mandarlo traducir.

ĐÂY LÀ MỘT BẢN THÔNG CÁO QUAN TRỌNG  
XIN VUI LÒNG CHO DỊCH LẠI THÔNG CÁO ẤY

Ceci est important. Veuillez faire traduire.

本通知很重要。请将之译成中文。

នេះគឺជាជំនាញសំខាន់ សូមមេត្តាបកប្រែជូនផង

ΠΡΟΣΟΧΗ, ΑΥΤΟ ΕΙΝΑΙ ΣΗΜΑΝΤΙΚΟ. ΠΑΡΑΚΑΛΩ ΜΕΤΑΦΡΑΣΤΕ  
Questo è un 'avviso importante. Si pregadi farlo tradurre.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

\_\_\_\_\_  
In the Matter of )  
STACY N. MILES )  
PH-PT Registration No. 11737 )  
(Reg. Expires 2/28/2014) )  
\_\_\_\_\_ )

Docket No. PHA-2012-0152

ORDER TO SHOW CAUSE

Stacy N. Miles (hereinafter "you" or "Respondent"), 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 pharmacy technician registration, Registration No. 11737, or your right to renew such registration, pursuant to Massachusetts General Laws (G. L.) Chapter 112, §§ 42A and 61 and Board regulations 247 CMR 2.00 et seq. based upon the following facts and allegations:

1. On or about November 16, 2009, the Board issued you a pharmacy technician registration, Registration No. 11737.
2. On or about September 11, 2012, the Board issued a Temporary Order of Summary Suspension of your Registration. You failed to timely request a hearing on the necessity of a continuance of the Temporary Order of Summary Suspension and a Final Order of Summary Suspension was issued on or about September 14, 2012. Your Registration remains suspended.
3. On diverse dates during or about July 2010 to July 2012, while employed as a pharmacy technician at CVS Pharmacy #316 located at 50 Pulaski Boulevard, Bellingham, Massachusetts, you diverted numerous controlled substances for personal use including, Alprazolam .5mg (100 tablets) and Alprazolam 1mg (300 tablets).
4. You admitted to diverting the controlled substances as well as various pharmacy items to CVS Pharmacy representatives on or about July 12, 2012.
5. You failed to disclose pending West Roxbury District Court matters on your Pharmacy Technician Registration Application filed with the Board dated September 16, 2009.



6. Your conduct as alleged above warrants disciplinary action by the Board against your pharmacy technician registration pursuant to G. L. c. 112, §§ 42A and 61, and 247 CMR 2.00 et seq., for deceit, malpractice, gross misconduct in the practice of the profession, and offenses against the laws of the Commonwealth relating thereto.
7. Your conduct as described above constitutes failure to conduct professional activities in conformity with federal, state and municipal laws, ordinances and/or regulations, of the Board and therefore warrant disciplinary action by the Board pursuant to M.G.L. c. 112, §§ 27, 28, and 42A, M.G.L. c. 94C, and 247 CMR 2.00 et seq., and 10.03 (1)(a), (b), (e), (h), (l), (k); (n), (r), (u), (v), and (x).
8. Your conduct as described above also constitutes unprofessional conduct and conduct which undermines public confidence in the integrity of the pharmacy 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 acts to suspend, revoke, or impose other discipline against your registration. G.L. c. 112, §§ 42A and 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 promptly 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 appear for any scheduled status conference, pre-hearing conference or hearing dates, or 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 pharmacy technician in the Commonwealth of Massachusetts, including any right to renew your registration.

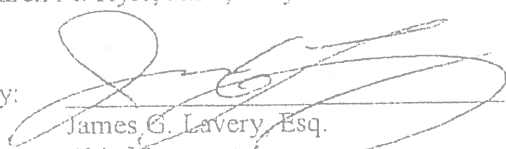
Your Answer to the Order to Show Cause and your written request for a hearing must be filed with James G. Lavery, Chief Board Prosecutor at the following address:

James G. Lavery  
Chief Board Prosecutor  
Department of Public Health  
Office of the General Counsel  
239 Causeway Street, Fourth Floor  
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 Chief Board Prosecutor. If you elect to undertake such an examination, then please contact Prosecuting Counsel in advance at (617) 973-0822 to schedule a time that is mutually convenient.

Board of Registration in Pharmacy,  
Karen M. Ryle, R.Ph, Secy.

By:

  
James G. Lavery, Esq.  
Chief Prosecutor  
Department of Public Health

Dated: September 25, 2012

CERTIFICATE OF SERVICE

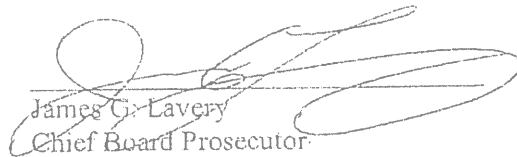
I, James G. Lavery, hereby certify that a copy of the foregoing Cover Letter, Order to Show Cause, and Certificate of Service were served upon the Respondent:

Stacy N. Miles



by first class mail, postage prepaid, and Certified Mail No. 7011 1570 0000 8180 2797,

This 25<sup>th</sup> day of September 2012.

  
James G. Lavery  
Chief Board Prosecutor