



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

CHARLES D. BAKER  
Governor

KARYN E. POLITO  
Lieutenant Governor

Tel: 617-973-0800  
TTY : 617-973-0988  
[www.mass.gov/dph/boards](http://www.mass.gov/dph/boards)

MARYLOU SUDDERS  
Secretary  
MONICA BHAREL, MD, MPH  
Commissioner

October 29, 2015

**VIA FIRST CLASS AND CERTIFIED MAIL RETURN**  
**RECEIPT REQUESTED NO. 7015 1660 0001 1911 0038**

Tara Lynn Kilburn  
[REDACTED]

**VIA FIRST CLASS AND CERTIFIED MAIL RETURN**  
**RECEIPT REQUESTED NO. 7015 1660 0001 1911 0045**

Tara Lynn Kilburn  
[REDACTED]

**RE: In the Matter of Tara Lynn Kilburn PT License No. 16811**  
**Board of Registration in Pharmacy Docket No. PHA-2014-0183**

Dear Ms. Kilburn:

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, R. Ph.  
Executive Director

Enc.

cc: Michelle Fentress, Prosecuting Counsel

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

\_\_\_\_\_  
)  
In the Matter of  
)  
TARA LYNN KILBURN  
)  
PT Registration No. 16811  
)  
Registration Expires 9/9/2015  
)  
\_\_\_\_\_

Docket No. PHA-2014-0183

FINAL DECISION AND ORDER BY DEFAULT

On May 15, 2015 and again on May 29, 2015, the Board of Registration in Pharmacy (“Board”) issued and duly served on Tara Lynn Kilburn (“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 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] registration...including any right to renew [Respondent’s] registration.” 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 G.L. c. 30A, §10, and sufficient

<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

<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

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 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:

#### ORDER BY DEFAULT

On October 6, 2015, 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 (No. PT16811) effective ten days from the Date Issued, by the following vote:

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

The Board will not review any petition for reinstatement of Respondent's pharmacy technician license prior to October 30, 2020.


#### 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: 10/29/2015

Notice to:

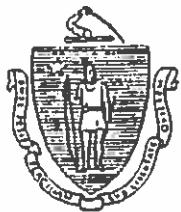
BY FIRST CLASS MAIL AND CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Tara Lynn Kilburn  


Tara Lynn Kilburn  


BY HAND

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



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Executive Office of Health and Human Services  
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MARYLOU SUDDERS  
Secretary  
MONICA BHAREL, MD, MPH  
Commissioner

May 15, 2015

**BY FIRST CLASS AND CERTIFIED MAIL**  
7012 3460 0003 3582 3100

Ms. Tara Lynn Kilburn  
[REDACTED]

RE: In the Matter of Tara Lynn Kilburn. PT License No. 16811  
Board of Registration in Pharmacy. Docket No. P11A-2014-0183

Dear Ms. Kilburn:

The Massachusetts Board of Registration in Pharmacy ("Board") within the Department of Public Health, Division of Health Professions Licensure ("Division"), has completed its investigation of the above-listed complaint against your license 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 license as a Pharmacy Technician (PT License No. 16811).

The Order to Show Cause and any subsequent hearing are governed by G.L. c. 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, 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 a Pharmacy Technician in the Commonwealth of Massachusetts, including any right to renew your registration.


The request for a hearing and your Answer must be filed with Michelle D. Fentress, Prosecuting Counsel at the following address:

Michelle D. Fentress  
Prosecuting Counsel  
Department of Public Health  
Office of the General Counsel  
239 Causeway Street, Suite 500  
Boston, Massachusetts 02114

If you are represented by an attorney in this matter, all communications should be made through your attorney.

You may contact me at (617) 973-0979 if you have any questions regarding this matter.

Sincerely,



Michelle D. Fentress  
Prosecuting Counsel

Encl: Order to Show Cause  
Certificate of Service

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。请将其译成中文。  
នេះគឺជាជំពូកដ៏សំខាន់ 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 )  
TARA LYNN KILBURN )  
PT Registration No. 16811 )  
Registration Expires 09/09/2015 )  
\_\_\_\_\_)

Docket No. PHA-2014-0183

**ORDER TO SHOW CAUSE**

TARA LYNN KILBURN 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 in the Commonwealth of Massachusetts, Registration No. 16811 or your right to renew such registration, pursuant to G.L. c. 112, §§42A and 61, and Board regulations 247 CMR 2.00 *et seq.*, based upon the following facts and allegations:

**Factual Allegations**

1. On or about June 14, 2013, the Board issued to you a Pharmacy Technician ("PT") registration, Registration No. 16811.
2. You were employed as a Pharmacy Technician at CVS pharmacy #920 ("CVS") located at 792 Main Street, Clinton, Massachusetts, from April 23, 2012 through June 5, 2014.
3. On diverse dates from August 2013 through April 2014, during your shifts at CVS, you took pills that had fallen to the ground in the pharmacy, put them into your pockets, and you either consumed the pills, or you sold them for financial gain.
4. On June 5, 2014, while being questioned about the pills referenced in Paragraph No. 3, you voluntarily informed a CVS investigator that during the course of your employment as a Pharmacy Technician for CVS, you took from CVS, on approximately five (5) separate occasions, one (1) tablet of Lisinopril, one (1) tablet of Levothyroxine; one (1) tablet of Hydrocodone 5/325 (Schedule II Controlled Substance); five (5) tablets of Hydrocodone 7.5/325 (Schedule II Controlled Substance); five (5) tablets of Hydrocodone 10/325 (Schedule II Controlled Substance); and one (1) tablet of Oxycodone 30 mg (Schedule II Controlled Substance).
5. You informed the CVS investigator that you took the tablets referenced in Paragraph No. 4 for your own "personal use and financial benefit."



6. You did not have a prescription for the tablets referred to in Paragraph No. 4.
7. On June 5, 2014, you signed a voluntary statement, which you offered as true and to the best of your knowledge, and within the statement, you acknowledged your involvement in the conduct referred to in Paragraph Nos. 4-6.
8. In the signed statement referred to in Paragraph No. 7, you further acknowledged that you had not been threatened, coerced, or promised any leniency by any agent of CVS/pharmacy to compel you to submit the statement.

#### Grounds for Discipline

- A. 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, §§24D and 42A.
- B. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as an Pharmacy Technician pursuant to G.L. c. 112, §61 for deceit, malpractice, and gross misconduct in the practice of the profession and for any offense against the laws of the Commonwealth relating thereto.
- C. Your conduct as alleged, warrants disciplinary action by the Board against your registration to practice as a Pharmacy Technician pursuant to Board regulation 247 CMR 10.03(1)(e) because you engaged in misconduct in the practice of the profession.
- D. Your conduct as alleged, warrants disciplinary action by the Board against your registration to practice as a Pharmacy Technician pursuant to Board regulation 247 CMR 10.03(1)(h) because you engaged in abuse or illegal use of prescription drugs or controlled substances.
- E. Your conduct as alleged, warrants disciplinary action by the Board against your registration to practice as a Pharmacy Technician pursuant to Board regulation 247 CMR 10.03(1)(l) because you engaged in conduct that has the capacity or potential to deceive or defraud.
- F. Your conduct as alleged, warrants disciplinary action by the Board against your registration to practice as a Pharmacy Technician pursuant to Board regulation 247 CMR 10.03(1)(r) because you engaged in conduct that demonstrates lack of good moral character.
- G. Your conduct as alleged, warrants disciplinary action by the Board against your registration to practice as a Pharmacy Technician pursuant to Board regulation 247 CMR 10.03(1)(u) because you engaged in conduct which undermines public confidence in the integrity of the profession.

- II. Your conduct as alleged, warrants disciplinary action by the Board against your registration to practice as a Pharmacy Technician pursuant to Board regulation 247 CMR 10.03(1)(v) because you committed an act that violates recognized standards of pharmacy practice.
- I. Your conduct as alleged, warrants disciplinary action by the Board against your registration to practice as a Pharmacy Technician pursuant to Board regulation 247 CMR 10.03(1)(w) because you failed to comply with recognized ethical standards of the profession, including, but not limited to, the standards of practice of pharmacists, pharmacy interns, pharmacies and pharmacy departments set forth in 247 CMR 9.01 *Code for Conduct for Registered Pharmacists, Pharmacies and Pharmacy Departments*.
- J. Your conduct as alleged, warrants disciplinary action by the Board against your registration to practice as a Pharmacy Technician pursuant to Board regulation 247 CMR 10.03(1)(x) because you violated G.L. c. 94C or any rules and regulations promulgated thereunder.
- K. Your conduct as alleged also constitutes unprofessional conduct and conduct that undermines public confidence in the integrity of the nursing 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 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 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 offered 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 an Answer to the Order to Show Cause within 21 days of receipt of the Order to Show Cause *shall result in the entry of default* in the above-captioned matter. Your failure to submit a written request for a hearing within 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.

Notwithstanding the earlier filing of an Answer and/or request for a hearing, your failure to respond to notices or correspondence, 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 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 Michelle Fentress, Prosecutor at the following address:

Michelle D. Fentress, Esq.  
Prosecuting Counsel  
Department of Public Health  
Office of the General Counsel  
239 Causeway Street, Suite 500  
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 Prosecutor. If you elect to undertake such an examination, then please contact Prosecuting Counsel in advance at (617) 973-0979 to schedule a time that is mutually convenient.

BOARD OF REGISTRATION  
IN PHARMACY,  
Kareem M. Ryle, MS RPh, President

By:



Michelle D. Fentress, Esq.  
Prosecuting Counsel  
Department of Public Health

Date: May 15, 2015

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Cover Letter, Order to Show Cause and Certificate of Service were served upon the Respondent, Tara Lynn Kilburn at the following address of record with the Board:

Tara Lynn Kilburn  


by first class mail, postage prepaid, and certified mail no. 7012 3460 0003 3582 3100

This 15<sup>th</sup> day of May, 20 15.

And by certified mail no. 7012 3460 0003 3582 3117 to the following address:

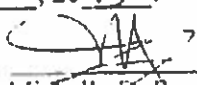
Tara Lynn Kilburn  


This 15<sup>th</sup> day of May, 20 15.

And by certified mail no. 7012 3460 0003 3582 3124 to the following address:

Tara Lynn Kilburn  


This 15<sup>th</sup> day of May, 20 15.

  
Michelle D. Pentress, Esq.  
Prosecuting Counsel



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Executive Office of Health and Human Services  
Department of Public Health  
Division of Health Professions Licensure  
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MARYLOU SUDDERS  
Secretary

MONICA BHAREL, MD, MPH  
Commissioner

May 29, 2015

**BY FIRST CLASS AND CERTIFIED MAIL**

7012 3460 0002 3703 0460

Ms. Tara Lynn Kilburn  
[REDACTED]

RE: In the Matter of Tara Lynn Kilburn, PT License No. 16811  
Board of Registration in Pharmacy, Docket No. PHA-2014-0183

Dear Ms. Kilburn:

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The Order to Show Cause and any subsequent hearing are governed by G.L. c. 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.

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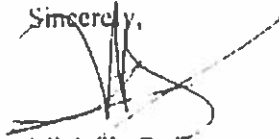
If you are defaulted, the Board may enter a Final Decision and Order that assumes the truth of the allegations in this Order to Show Cause, and may revoke, suspend, or take other disciplinary action against your registration to practice as a Pharmacy Technician in the Commonwealth of Massachusetts, including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

The request for a hearing and your Answer must be filed with Michelle D. Fentress, Prosecuting Counsel at the following address:

Michelle D. Fentress  
Prosecuting Counsel  
Department of Public Health  
Office of the General Counsel  
239 Causeway Street, Suite 500  
Boston, Massachusetts 02114

If you are represented by an attorney in this matter, all communications should be made through your attorney.

You may contact me at (617) 973-0979 if you have any questions regarding this matter.

Sincerely,  
  
Michelle D. Fentress  
Prosecuting Counsel

Encl: Order to Show Cause  
Certificate of Service

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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。请将其译成中文。  
នេះគឺជាជំនាញសំខាន់ សូមមេត្តាបកប្រែជូនផង  
ΠΡΟΣΟΧΗ, ΑΥΤΟ ΕΙΝΑΙ ΣΗΜΑΝΤΙΚΟ. ΠΑΡΑΚΑΛΩ ΜΕΤΑΦΡΑΣΤΕ  
Questo è un 'avviso importante. Si preghi di farlo tradurre.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

In the Matter of )  
TARA LYNN KILBURN )  
PT Registration No. 16811 )  
Registration Expires 09/09/2015 )

Docket No. P11A-2014-0183

**ORDER TO SHOW CAUSE**

TARA LYNN KILBURN 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 in the Commonwealth of Massachusetts, Registration No. 16811 or your right to renew such registration, pursuant to G.L. c. 112, §§42A and 61, and Board regulations 247 CMR 2.00 *et seq.*, based upon the following facts and allegations:

**Factual Allegations**

1. On or about June 14, 2013, the Board issued to you a Pharmacy Technician ("PT") registration, Registration No. 16811.
2. You were employed as a Pharmacy Technician at CVS pharmacy #920 ("CVS") located at 792 Main Street, Clinton, Massachusetts, from April 23, 2012 through June 5, 2014.
3. On diverse dates from August 2013 through April 2014, during your shifts at CVS, you took pills that had fallen to the ground in the pharmacy, put them into your pockets, and you either consumed the pills, or you sold them for financial gain.
4. On June 5, 2014, while being questioned about the pills referenced in Paragraph No. 3, you voluntarily informed a CVS investigator that during the course of your employment as a Pharmacy Technician for CVS, you took from CVS, on approximately five (5) separate occasions, one (1) tablet of Lisinopril, one (1) tablet of Levothyroxine; one (1) tablet of Hydrocodone 5/325 (Schedule II Controlled Substance); five (5) tablets of Hydrocodone 7.5/325 (Schedule II Controlled Substance); five (5) tablets of Hydrocodone 10/325 (Schedule II Controlled Substance); and one (1) tablet of Oxycodone 30 mg (Schedule II Controlled Substance).
5. You informed the CVS investigator that you took the tablets referenced in Paragraph No. 4 for your own "personal use and financial benefit."



6. You did not have a prescription for the tablets referred to in Paragraph No. 4.
7. On June 5, 2014, you signed a voluntary statement, which you offered as true and to the best of your knowledge, and within the statement, you acknowledged your involvement in the conduct referred to in Paragraph Nos. 4-6.
8. In the signed statement referred to in Paragraph No. 7, you further acknowledged that you had not been threatened, coerced, or promised any leniency by any agent of CVS/pharmacy to compel you to submit the statement.

#### Grounds for Discipline

- A. 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, §§24D and 42A.
- B. Your conduct as alleged warrants disciplinary action by the Board against your registration to practice as an Pharmacy Technician pursuant to G.L. c. 112, §61 for deceit, malpractice, and gross misconduct in the practice of the profession and for any offense against the laws of the Commonwealth relating thereto.
- C. Your conduct as alleged, warrants disciplinary action by the Board against your registration to practice as a Pharmacy Technician pursuant to Board regulation 247 CMR 10.03(1)(c) because you engaged in misconduct in the practice of the profession.
- D. Your conduct as alleged, warrants disciplinary action by the Board against your registration to practice as a Pharmacy Technician pursuant to Board regulation 247 CMR 10.03(1)(h) because you engaged in abuse or illegal use of prescription drugs or controlled substances.
- E. Your conduct as alleged, warrants disciplinary action by the Board against your registration to practice as a Pharmacy Technician pursuant to Board regulation 247 CMR 10.03(1)(l) because you engaged in conduct that has the capacity or potential to deceive or defraud.
- F. Your conduct as alleged, warrants disciplinary action by the Board against your registration to practice as a Pharmacy Technician pursuant to Board regulation 247 CMR 10.03(1)(r) because you engaged in conduct that demonstrates lack of good moral character.
- G. Your conduct as alleged, warrants disciplinary action by the Board against your registration to practice as a Pharmacy Technician pursuant to Board regulation 247 CMR 10.03(1)(u) because you engaged in conduct which undermines public confidence in the integrity of the profession.

- II. Your conduct as alleged, warrants disciplinary action by the Board against your registration to practice as a Pharmacy Technician pursuant to Board regulation 247 CMR 10.03(1)(v) because you committed an act that violates recognized standards of pharmacy practice.
  - I. Your conduct as alleged, warrants disciplinary action by the Board against your registration to practice as a Pharmacy Technician pursuant to Board regulation 247 CMR 10.03(1)(w) because you failed to comply with recognized ethical standards of the profession, including, but not limited to, the standards of practice of pharmacists, pharmacy interns, pharmacies and pharmacy departments set forth in 247 CMR 9.01 *Code for Conduct for Registered Pharmacists, Pharmacies and Pharmacy Departments*.
  - J. Your conduct as alleged, warrants disciplinary action by the Board against your registration to practice as a Pharmacy Technician pursuant to Board regulation 247 CMR 10.03(1)(x) because you violated G.L. c. 94C or any rules and regulations promulgated thereunder.
  - K. Your conduct as alleged also constitutes unprofessional conduct and conduct that undermines public confidence in the integrity of the nursing 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).

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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 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 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 offered 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 an Answer to the Order to Show Cause within 21 days of receipt of the Order to Show Cause *shall result in the entry of default* in the above-captioned matter. Your failure to submit a written request for a hearing within 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.

Notwithstanding the earlier filing of an Answer and/or request for a hearing, your failure to respond to notices or correspondence, 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 a Pharmacy Technician in the Commonwealth of Massachusetts, including any right to renew your registration.**

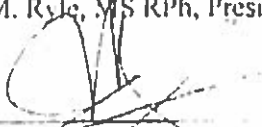
Your Answer to the Order to Show Cause and your written request for a hearing must be filed with Michelle Fentress, Prosecutor at the following address:

Michelle D. Fentress, Esq.  
Prosecuting Counsel  
Department of Public Health  
Office of the General Counsel  
239 Causeway Street, Suite 500  
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 Prosecutor. If you elect to undertake such an examination, then please contact Prosecuting Counsel in advance at (617) 973-0979 to schedule a time that is mutually convenient.

BOARD OF REGISTRATION  
IN PHARMACY,  
Karen M. Ryle, MS RPh, President

By:

  
Michelle D. Fentress, Esq.  
Prosecuting Counsel  
Department of Public Health

Date: May 29, 2015

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Cover Letter, Order to Show Cause and Certificate of Service were served upon the Respondent, Tara Lynn Kilburn at the following address of record with the Board:

Tara Lynn Kilburn  
[REDACTED]

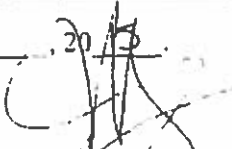
by first class mail, postage prepaid, and certified mail no. 7012 3460 0003 3582 3100

on May 15 .2015 .

And by first class mail, postage prepaid, and certified mail no. 7012 3460 0002 3703 0460 to the following address:

Ms. Tara Lynn Kilburn  
[REDACTED]

This 29<sup>th</sup> day of May .2015 .

  
\_\_\_\_\_  
Michelle D. Fentress, Esq.  
Prosecuting Counsel