

**CHARLES D. BAKER**

**Governor**

**KARYN E. POLITO**

**Lieutenant Governor**

Commonwealth of Massachusetts

# Executive Office of Health and Human Services Department of Public Health

Bureau of Health Professions Licensure Board of Registration in Pharmacy

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**MARYLOU SUOOERS**

**Secretary**

**MONICA BHAREL, MD, MPH**

**Commissioner**

January 11, 2017

**VIA FIRST CLASS AND CERTIFIED MAIL NO. 7015 1660 0001 1911 0755, RETURN RECEIPT REQUESTED**

Wendy Lee Reed

**VIA FIRST CLASS AND CERTIFIED MAIL NO. 7015 1660 00011911 0762, RETURN RECEIPT REQUESTED**

Wendy Lee

RE: In the Matter of Wendy Lee Reed, Docket No. PHA-2016-0032

License No. PTl5095

Dear Ms. Reed:

Please find enclosed the Final Decision and Order by Default issued by the Board of Registration in Pharmacy on January 11, 2017 and effective January 21, 2017. This constitutes full and final disposition of the above-referenced complaint, as well as the final agency action of the Board.

Your appeal rights are noted on page 3.

Please note that as of the effective date, your license status will change to Revoked; Expired. It will remain in revocation status until the Board notifies you of a change in license status in accordance with the terms of the order.

Please direct all questions, correspondence and documentation relating to licensure reinstatement to the attention of Traci Westgate at the address above. You may also contact Ms. Westgate at (617) 973 - 0894

You may contact Heather Engman, Board Counsel at (617) 973 - 0950 with any questions that you may have concerning this matter.

 Sincerely

 David Sencabaugh, R.Ph

 Executive Director,

Board of Registration in Pharmacy

Encl.

cc: Eugene Langner, Esq., Prosecuting Counsel

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY BOARD OF REGISTRATION IN PHARMACY

In the Matter of

Wendy Lee Reed

Registration No. PT15095

Registration Expired 9/14/16

Docket No. PHA-2016-0032

FINAL DECISION AND ORDER BY DEFAULT

On November 9, 2016, the Board of Registration in Pharmacy (Board) issued and duly served on Wendy Lee Reed (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 allegations 3, 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 to

1 Pursuant to 801 CMR l.01(6)(a).

2 In accordance with 801 CMR l.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.

this Final Decision and Order by Default and 1s incorporated herein by reference.

On December 6, 2016, Prosecuting Counsel sent notice to Respondent to file an Answer and a Request for Hearing by December 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 Massachusetts General Laws (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 G.L. c. 30A, s. 11(1). The Board has also notified Respondent of the obligation under 801 CMR l.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 m 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 5, 2017, 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, PT15095, effective ten days from the Date Issued, by the following vote:

In favor: Catherine Basile; Philippe Bouvier; Garrett Cavanaugh; Susan Cornacchio; Timothy Fensky; Patrick Gannon; Michael Godek; Andrew Stein; Edmud Taglieri; Richard Tinsley

Opposed:

Abstained: Recused: Absent:

None None None

Karen Conley; William Cox; Ali Raja

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 Sencabaug, R.PH

Executive Director

Date Issued: 1/11/2017

Notice to:

BY FIRST CLASS MAIL AND CERTIFIED MAIL RETURN RECEIPT REQUESTED

 Wendy Lee Road

BY HAND

 Wendy Lee Reed

Eugene Langner

Office of Prosecutions

Department of Public Health

Division of Health Professions Licensure 239 Causeway Street

Boston, MA 02114