



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 SUDDERS
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
[REDACTED]

VIA FIRST CLASS AND CERTIFIED MAIL NO. 7015 1660 0001 1911 0762,
RETURN RECEIPT REQUESTED

Wendy Lee Reed
[REDACTED]

RE: In the Matter of Wendy Lee Reed, Docket No. PHA-2016-0032
License No. PT15095

Dear Ms. Reed:

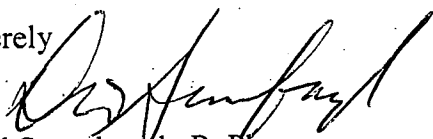
Please find enclosed the Final Decision and Order by Default issued by the Board of Registration in Pharmacy on January 11, 2017 and effective January 21, 2017. This constitutes full and final disposition of the above-referenced complaint, as well as the final agency action of the Board. Your appeal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

A handwritten signature in cursive script, appearing to read "David Sencabaugh".

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 allegations³, 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 1.01(6)(a).

² In accordance with 801 CMR 1.01(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.

Wendy Lee Reed
PT15095
PHA-2016-0032

this Final Decision and Order by Default and is 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 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 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:

Wendy Lee Reed
PT15095
PHA-2016-0032

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: None
Abstained: None
Recused: None
Absent: Karen Conley; William Cox; Ali Raja

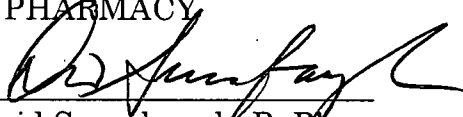
EFFECTIVE DATE OF ORDER

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 Sencabaugh, R. Ph.
Executive Director

Wendy Lee Reed
PT15095
PHA-2016-0032

Date Issued: 1/11/2017

Notice to:

BY FIRST CLASS MAIL AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Wendy Lee Reed

Redacted

Wendy Lee Reed

Redacted

BY HAND

Eugene Langner
Office of Prosecutions
Department of Public Health
Division of Health Professions Licensure
239 Causeway Street
Boston, MA 02114

Wendy Lee Reed
PT15095
PHA-2016-0032

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

ORDER TO SHOW CAUSE

Wendy Lee Reed, 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 registration to practice as a pharmacy technician in the Commonwealth of Massachusetts, Registration No. 15095, or your right to renew such registration, pursuant to Massachusetts General Laws (G.L.) chapter 112, § 61 and Code of Massachusetts Regulations (CMR), Title 247, §§ 9.01 and 10.03, based upon the following facts and allegations:

Factual Allegations

1. On or about March 19, 2012, the Board issued to you a registration to practice as a pharmacy technician in the Commonwealth of Massachusetts, Registration No. 15095. Your registration expired on September 14, 2016 and has not been renewed to date.

Diversion of Controlled Substances

2. On or about December 19, 2015, while you were employed as a pharmacy technician at Walgreens # 1847 in Dorchester, Massachusetts, (Walgreens), Walgreens experienced a loss of controlled substances, including, but not limited to, the following
 - a. one thousand two hundred (1,200) 2 mg tablets of clonazepam, a Schedule IV Controlled Substance; and
 - b. three hundred (300) 800 mg tablets of gabapentin, a non-scheduled Controlled Substance.
3. On or about December 19, 2015, you were recorded by a Walgreens surveillance camera removing medication from a shelf and putting it in your pocket.

4. On or about December 20, 2016, you met with Walgreens's Loss Prevention District Manager (LPDM) regarding the losses of controlled substances described in Paragraphs 2 and 3 above.
5. During the meeting described in the preceding paragraph, you acknowledged in writing that you had diverted the controlled substances identified in Paragraph 2 above.
6. On or about May 24, 2016, in connection with the matters referenced in Paragraphs 2 through 5 above, in Boston Municipal Court, Dorchester Division, [REDACTED] you admitted to sufficient facts to support the following charges:
 - a. two (2) counts of larceny of property exceeding two hundred fifty dollars (\$250.00) in value, in violation of G.L. c. 266, § 30(1);
 - b. one (1) count of possession of a Class C Drug, in violation of G.L. c. 94C, § 32B(a); and
 - c. one (1) count of possession of a Class E Drug, in violation of G.L. c. 94C, § 34

Failure to Disclose Criminal History

7. On or about July 30, 1998, you pled guilty to, and were found guilty of, a charge of Possession of a Class B Substance with Intent to Distribute, in violation of G.L. c. 94C, in Boston Municipal Court, West Roxbury Division, [REDACTED]
8. In connection with the charge referenced in the preceding paragraph, you were placed on probation until July 30, 2000.
9. On or about January 23, 2012, you submitted an application for registration as a pharmacy technician as described in Paragraph 1 above.
10. On the application referenced in the preceding paragraph, you were asked, *inter alia*, "Have you been arrested, charged, arraigned, indicted, prosecuted, convicted or been the subject of any investigation or any court proceeding in relation to any felony or misdemeanor charge?"
11. Notwithstanding the matters set forth in Paragraphs 7 and 8 above, you answered "No" to the question referenced in the preceding paragraph.

Legal Basis for Discipline

- A. Your conduct as alleged in Paragraphs 2 through 11 above, and any other evidence that may be adduced at hearing, warrant disciplinary action by the Board

against your registration to practice as a pharmacy technician pursuant to G.L. c. 112, § 42A for violation of the rules and regulations established by the Board.

- B. Your conduct as alleged in Paragraphs 2 through 11 above, and any other evidence that may be adduced at hearing, warrant disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to G.L. c. 112, § 61 for being guilty of deceit, malpractice, gross misconduct in the practice of the profession, or of any offense against the laws of the Commonwealth relating thereto.
- C. Your conduct as alleged in Paragraphs 2 through 11 above, and any other evidence that may be adduced at hearing, warrant disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 9.01(1) for failing to conduct professional activities in conformity with federal, state and municipal laws, ordinances and/or regulations, including the regulations of the Board.
- D. Your conduct as alleged in Paragraphs 2 through 6 above, and any other evidence that may be adduced at hearing, warrant disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 9.01(2) for dispensing drugs in a manner which is intended, either directly or indirectly, to circumvent the law.
- E. Your conduct as alleged in Paragraphs 2 through 11 above, and any other evidence that may be adduced at hearing, warrant disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 9.01(6) for engaging in any fraudulent or deceptive act.
- F. Your conduct as alleged in Paragraphs 2 through 11 above, and any other evidence that may be adduced at hearing, warrant disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(a) for violating any of the duties and standards set out in Board regulations, 247 CMR 2.00 *et seq.*, or any rule or written policy adopted by the Board.
- G. Your conduct as alleged in Paragraphs 2 through 11 above, and any other evidence that may be adduced at hearing, warrant disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(b) for violating any provision of G.L. c. 112, §§ 24 through 42A or any provision of state or federal statutes or rules or regulations promulgated thereunder related to the practice of the profession.
- H. Your conduct as alleged in Paragraphs 2 through 11 above, and any other evidence that may be adduced at hearing, warrant disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(e) for engaging in misconduct in the practice of the profession.

- I. Your conduct as alleged in Paragraphs 2 through 6 above, and any other evidence that may be adduced at hearing, warrant disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(f) for engaging in conduct beyond the authorized scope of a pharmacy technician.
- J. Your conduct as alleged in Paragraphs 2 through 8 above, and any other evidence that may be adduced at hearing, warrant disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(h) for engaging in abuse or illegal use of prescription drugs or controlled substances.
- K. Your conduct as alleged in Paragraphs 2 through 11 above, and any other evidence that may be adduced at hearing, warrant disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(k) for engaging in conduct that has the capacity or potential to place the public health, safety or welfare at risk.
- L. Your conduct as alleged in Paragraphs 2 through 11 above, and any other evidence that may be adduced at hearing, warrant disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(l) for engaging in conduct that has the capacity or potential to deceive or defraud.
- M. Your conduct as alleged in Paragraphs 6 through 8 above, and any other evidence that may be adduced at hearing, warrant disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(n) for being convicted of any crime, entering a plea of guilty to any crime, entering a plea of *nolo contendere* to any crime, or admitting to sufficient facts to warrant a finding of guilty of any crime.
- N. Your conduct as alleged in Paragraphs 7 through 11 above, and any other evidence that may be adduced at hearing, warrant disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(p) for providing false information on an application for a license or registration or its renewal.
- O. Your conduct as alleged in Paragraphs 2 through 11 above, and any other evidence that may be adduced at hearing, warrant disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(r) for engaging in conduct that demonstrates a lack of good moral character.
- P. Your conduct as alleged in Paragraphs 2 through 11 above, and any other evidence that may be adduced at hearing, warrant disciplinary action by the Board

against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(u) for engaging in conduct which undermines public confidence in the integrity of the profession.

- Q. Your conduct as alleged in Paragraphs 2 through 11 above, and any other evidence that may be adduced at hearing, warrant disciplinary action by the Board against your registration to practice as a pharmacy technician pursuant to 247 CMR 10.03(1)(w) for failing to comply with recognized ethical standards of the profession, including, but not limited to, the standards of practice for pharmacists, pharmacy interns, pharmacies and pharmacy departments set forth in 247 CMR 9.01: *Code of Conduct for Registered Pharmacists, Pharmacies and Pharmacy Departments*.
- R. Your conduct as alleged in Paragraphs 2 through 11 above, and any other evidence that may be adduced at hearing, also constitute 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); *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 other discipline against your registration. 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 ordered by the Presiding Officer." Those terms may include a requirement that any copy of the transcript produced must be sent immediately 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 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 your written request for a hearing must be filed with Eugene Langner, Prosecuting Counsel, at the following address:

Eugene Langner, Esq.
Prosecuting Counsel
Department of Public Health
Office of the General Counsel, 5th Floor
239 Causeway Street
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 Prosecuting

Counsel. If you elect to undertake such an examination, then please contact Prosecuting Counsel in advance at (617) 973-0838 to schedule a time that is mutually convenient.

BOARD OF REGISTRATION IN PHARMACY
Edmund J. Taglieri, R.Ph., MSM, NHA, President

By: 
Eugene Langner, Esq
Prosecuting Counsel
Department of Public Health

Date: November 9, 2016

CERTIFICATE OF SERVICE

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

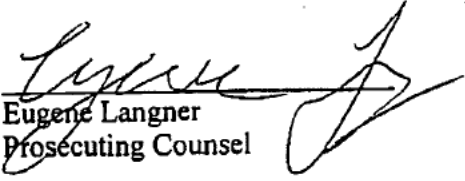
Wendy Lee Reed
[REDACTED]

by first class mail, postage prepaid, and by Certified Mail No. 7016 1370 0001 4117 6605

Wendy Lee Reed
[REDACTED]

by first class mail, postage prepaid, and by Certified Mail No. 7016 1370 0001 4117 6612

This 9th day of November, 2016.


Eugene Langner
Prosecuting Counsel