

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

)
In the Matter of)
Judith E. Van Der Linden, R.Ph.)
License No. PH26223)
Expires December 31, 2016)
_____)

Docket No. PHA-2016-0051

CONSENT AGREEMENT FOR PROBATION

The Massachusetts Board of Registration in Pharmacy ("Board") and Judith E. Van Der Linden, R.Ph. ("Licensee"), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board:

1. Licensee acknowledges that a complaint has been opened by the Board against her Massachusetts pharmacist license, PH26223 ("Licensee")¹ related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2016-0051.
2. The Board and Licensee acknowledge and agree to the following facts:
 - a. At all times relevant to the conduct in paragraph 2, Licensee was employed as a pharmacist at Walgreens #12399 ("Pharmacy"), located at 226 Broadway in Taunton, Massachusetts.
 - b. On or about February 22, 2016, Licensee diverted approximately 100 tablets of a Schedule II controlled substance from the Pharmacy.
 - c. The foregoing facts warrant discipline by the Board under M.G.L. c. 112, §§ 42A & 61 and 247 CMR 10.03(r).

¹ The term "license", "Licensee" or "registration" applies to both a current license and the right to renew an expired license.

3. Licensee agrees that her License shall be placed on PROBATION for one (1) year ("Probationary Period"), commencing with the date on which the Board signs this Agreement ("Effective Date").
4. During the Probationary Period, the Licensee further agrees that she shall comply with all the following requirements to the Board's satisfaction:
 - a. Comply in all material respects with all laws and regulations governing the practice of pharmacy and the United States Pharmacopeia.
 - b. Within 30 days of Effective Date, submit a letter to the Board from a health care provider that, based on health care provider's evaluation and professional judgment, the Licensee is fit to practice as a pharmacist in a safe manner.
 - c. Within 180 days of Effective Date, obtain a mental health evaluation consistent with the requirements set forth in Attachment B 2, appended hereto and incorporated into this Agreement.
5. The Board agrees that in return for Licensee's execution and successful compliance with the requirements of this Agreement it will not prosecute the Complaint.
6. If the Licensee has complied to the Board's satisfaction with all the requirements contained in this Agreement, the Probationary Period will terminate 1 year after the Effective Date upon written notice to the Licensee from the Board².
7. If the Licensee does not materially comply with each requirement of this Agreement, or if the Board opens a Subsequent Complaint³ during the Probationary Period, the Licensee agrees to the following:
 - a. The Board may upon written notice to the Licensee, as warranted to protect the public health, safety, or welfare:

² In all instances where this Agreement specifies written notice to the Licensee from the Board, such notice shall be sent to the Licensee's address of record.

³ The term "Subsequent Complaint" applies to a complaint opened after the Effective Date concerning acts, omissions, or events occurring after the Effective Date, which (1) alleges that the Licensee engaged in conduct that violates Board statutes or regulations, and (2) is substantiated by evidence, as determined following the complaint investigation during which the Licensee shall have an opportunity to respond.

- i. EXTEND the Probationary Period; and/or
 - ii. MODIFY the Probation Agreement requirements; and/or
 - iii. IMMEDIATELY SUSPEND the Licensee's License.
 - b. If the Board suspends the Licensee's License pursuant to Paragraph 7(a)(iii), the suspension shall remain in effect until:
 - i. the Board provides Licensee written notice that the Probationary Period is to be resumed and under what terms; or
 - ii. the Board and Licensee sign a subsequent agreement; or
 - iii. the Board issues a written final decision and order following adjudication of the allegations (1) of noncompliance with this Agreement, and/or (2) contained in the Subsequent Complaint.
8. Licensee agrees that if the Board suspends her License in accordance with Paragraph 7, she will immediately return her current License to the Board, by hand or certified mail. Licensee further agrees that upon said suspension, she will no longer be authorized to practice as a pharmacist in the Commonwealth of Massachusetts and shall not in any way represent himself as a pharmacist until such time as the Board reinstates her License or right to renew her License.
9. Licensee understands that she has a right to formal adjudicatory hearing concerning the Complaint and that during said adjudication she would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her own behalf, to contest the allegations, to present oral argument, to appeal to the courts, and all other rights as set forth in the Massachusetts Administrative Procedures Act, M.G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.* The Licensee further understands that by executing this Agreement she is knowingly and voluntarily waiving her right to a formal adjudication of the Complaints.
10. The Licensee acknowledges that she has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.

11. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board. The Board may forward a copy of this Agreement to other licensing boards, law enforcement entities, and other individuals or entities as required or permitted by law.
12. The Licensee certifies that she has read this Agreement. The Licensee understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal or judicial review.

Drum M. [Signature] 7/15/16
Witness (sign and date)

Judith E. Van Der Linden 7/15/16
Judith E. Van Der Linden (sign and date)

[Signature]
David Sencabaugh, R.Ph.
Executive Director
Board of Registration in Pharmacy

7-21-2016
Effective Date of Probation Agreement

Fully Signed Agreement Sent to Licensee on 7/25/16
by Certified Mail No. 7015 1660 0001 1911 4418