

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION IN
PHARMACY

In the Matter of
JUDITH EVELYN HERNANDEZ
License No. PT18891
Expires: June 13, 2017

Docket No. PHA-2015-0117

CONSENT AGREEMENT FOR VOLUNTARY SURRENDER

The Massachusetts Board of Registration in Pharmacy ("Board") and Judith Evelyn Hernandez ("Licensee"), a pharmacy technician licensed by the Board, PT18891 ("License" or "registration"), 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:

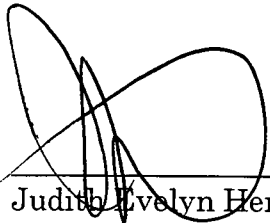
1. The Licensee acknowledges that the Board opened a complaint against her License related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2015-0117 ("Complaint").¹
2. The Board and Licensee acknowledge and agree to the following facts:
 - a. Licensee was employed as a pharmacy technician at Walgreens #2716, located at 21 Joyce Street in Lynn, Massachusetts ("Pharmacy") at all time relevant to the conduct described in paragraph 2(b).
 - b. On or about June 26, 2015, Licensee admitted to diverting Alprazolam 2 mg on several occasions from the Pharmacy. She admitted to diverting about 50 tablets of diazepam 10 mg.
 - c. On December 8, 2015, in connection to criminal docket no. 1513CR003240, Licensee admitted to sufficient facts as to one count under M.G.L. 94C, §37 and the matter was Continued without a Finding until December 8, 2016.
 - d. Licensee did not have a valid prescription for these controlled substances.
3. The Board and Licensee acknowledge and agree that Licensee's conduct described in Paragraph 2 constitutes a violation M.G.L. c. 94C, § 37 and 247

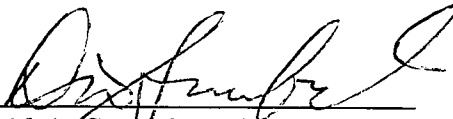
¹ The term "License", "license" and "registration" applies to both a current license and the right to renew an expired license.

CMR 10.03(1)(x) and is grounds for discipline by the Board pursuant to M.G.L. c. 112, § 61 and 247 CMR 10.03(1)(r).

4. The Licensee agrees to SURRENDER her License for an indefinite period of time and refrain from practicing as a pharmacy technician and from working in any pharmacy-related setting in Massachusetts, commencing with the date on which the Board signs this Agreement ("Effective Date"). The Licensee further agrees to immediately return her original Massachusetts pharmacy technician registration to the Board.
5. The Board agrees that in return for the Licensee's execution and successful compliance with all the requirements of this Agreement, the Board will not prosecute the Complaint.
6. The 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 Complaint.
7. 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.
8. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board subject to the Commonwealth of Massachusetts' Public Records Law, M.G.L. c. 4, §7. 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.
9. 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.

Suleyma Chapman 05-16-16
Witness (sign and date)

5/16/16
Judith Evelyn Hernandez (sign and date)


David A. Sencabaugh, R. Ph.
Executive Director
Board of Registration in Pharmacy

MAY 20, 2016
Effective Date of Agreement

Fully Signed Agreement Sent to Registrant on 5/23/16 by

Certified Mail No. 7015 3010 0001 6944 5628

I destroyed my technician license before the agreement.