



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

MONICA BHAREL, MD, MPH
Commissioner

Tel: 617-624-6000
www.mass.gov/dph

December 24, 2020

**BY FIRST CLASS AND CERTIFIED MAIL
NO. 7019 2970 0002 0027 2642**

Kathy S. Chin
173 Mechanic Street
Canton, MA 02021-3183

RE: *In the Matter of Kathy S. Chin*, License No. PH23360
Board of Registration in Pharmacy, Docket No. PHA-2020-0001

Dear Ms. Chin:

This letter acknowledges receipt by the Board of Registration in Pharmacy (Board) of two (2) signed original Consent Agreement for Probation (Agreement) between you and the Board in resolution of the above-referenced Complaint. The Board has now signed the Agreement and an original fully executed Agreement is enclosed with this certified mailing for your records; a copy is also being sent to you by First Class Mail.

A copy of this letter and the other fully executed original Agreement will remain in the Complaint file of the above-referenced docket number. This information will also be retained in your permanent file with the Board.

Please note carefully that the **effective date of the Agreement is December 21, 2020**, as is stated on the signature page of the Agreement. As of the effective date, your license to practice as a Pharmacist, and right to renew said license, is on a probationary status for no less than three (3) years. You must comply with all of the requirements of the Agreement as of its effective date. It is your responsibility to ensure that the Board receives all required documentation and information by all due dates specified in the Agreement. The Agreement will remain in effect until you fulfill all of its conditions *and* the Board gives you written confirmation that the Probationary Period has ended.

All correspondence and any questions in connection with the Agreement should be directed to Pharmacy Board Counsel.

Thank you for your cooperation in resolving this matter.

Sincerely,

/s/ Patricia M. Blackburn
Prosecuting Counsel
For Jaclyn Gagne
Chief Prosecuting Counsel

Encl: Consent Agreement for Probation

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Kathy Chin)
PH23360)
Expires 12/31/2020)

PHA-2020-0001

CONSENT AGREEMENT FOR PROBATION

The Massachusetts Board of Registration in Pharmacy (“Board”) and Kathy Chin (“Licensee”), PH23360, 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 the Board opened a complaint against her Massachusetts pharmacist license related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2020-0001.¹
2. The Board and Licensee acknowledge and agree to the following facts:
 - a. From approximately November 2010 until October 2012, Licensee worked as a pharmacist at New England Compounding Center (“NECC”), a pharmacy located in Framingham, Massachusetts.
 - b. On or about May 2, 2019, in the matter of *United States of America v. Kathy Chin*, Case Number 1:14CR10363-11 (D. Mass), Licensee was convicted on criminal charges with respect to conduct he engaged in while practicing as a pharmacist at NECC. Specifically, Licensee was convicted on four counts of violating the federal Food, Drug & Cosmetics Act.
 - c. As a result, on or about January 2, 2020, Licensee was sentenced to two years of probation.

¹ The term “license” applies to both a current license and the right to renew an expired license.

3. The Board and Licensee acknowledge and agree that the facts described in Paragraph 2 warrant disciplinary action by the Board under M.G.L. c. 112, §§ 42A & 61 and 247 CMR 10.03(1)(b), (k), (l), (n), (u), (v), (w) & (x).
4. Licensee agrees that her pharmacist license shall be placed on PROBATION for at least three (3) years ("Probationary Period"), commencing with the date on which the Board signs this Agreement ("Effective Date").
5. During the Probationary Period, the Licensee agrees that she shall comply in all material respects with all laws and regulations governing the practice of pharmacy and the United States Pharmacopeia.
6. During the Probationary Period, the Licensee further agrees to the following:
 - a. Licensee will not practice as a pharmacist until she achieves a passing score on the MPJE examination.
 - b. Licensee's practice as a pharmacist must be supervised by a Massachusetts licensed pharmacist. Licensee's supervisor must submit quarterly reports regarding Licensee's job performance to the Board.
 - c. Licensee may not serve as Manager of Record of any pharmacy.
 - d. Licensee may not supervise pharmacy interns.
 - e. Licensee may not engage in sterile compounding, without express, written approval from the Board.
7. 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.
8. If the Licensee has complied to the Board's satisfaction with all the requirements contained in this Agreement, the Probationary Period will terminate three (3) years after Licensee submits documentation demonstrating she achieved a passing score on the MPJE examination.

9. If the Licensee does not materially comply with each requirement of this Agreement, or if the Board opens a Subsequent Complaint² 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:
 - i. EXTEND the Probationary Period; and/or
 - ii. MODIFY the Probation Agreement requirements; and/or
 - iii. IMMEDIATELY SUSPEND the Licensee's pharmacist license.
 - b. If the Board suspends the Licensee's pharmacy license pursuant to Paragraph 9(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.
10. Licensee agrees that if the Board suspends her pharmacist license in accordance with Paragraph 9, she will immediately return her current Massachusetts pharmacist 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 herself as a pharmacist until such time as the Board reinstates her pharmacist license or right to renew such license.
11. Licensee understands that she has a right to formal adjudicatory hearing concerning the Complaint and that during said adjudication

² 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.

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.

12. 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.
13. 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.
14. 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.

M. Chin 12/5/2020
Witness (sign and date)

Kathy Chin 12/5/20
Kathy Chin (sign and date)

David Sencabaugh 12/24/20
David Sencabaugh, R. Ph.
Executive Director
Board of Registration in Pharmacy

Effective Date of Probation Agreement

Fully Signed Agreement Sent to Licensee on 12/24/2020 by
Certified
Mail No. 7019 2970 0002 0027 2642