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8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 4238

12 **TRISHA THUC NGUYEN**  
2275 Huntington Drive 46  
13 San Marino, CA 91108

**A C C U S A T I O N**

14 Pharmacist License No. RPH 47287

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board).
- 21 2. On or about August 4, 1994, the Board issued Pharmacist License No. RPH 47287 to  
22 Trisha Thuc Nguyen (Respondent). The Pharmacist License expired on April 30, 2012 and has  
23 not been renewed.

24 **JURISDICTION**

- 25 3. This Accusation is brought before the Board of Pharmacy (Board), under the  
26 authority of the following laws. All section references are to the Business and Professions Code  
27 unless otherwise indicated.
- 28 4. Section 118, subdivision (b), provides that the suspension, expiration, surrender,

1 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary  
2 action during the period within which the license may be renewed, restored, reissued or  
3 reinstated.

#### 4 STATUTES

5 5. Section 490 authorizes the Board to discipline licensees for criminal convictions that  
6 are substantially related to the licensed profession.

7 6. Section 4300 provides, in pertinent part, that every license issued by the Board is  
8 subject to discipline, including suspension or revocation.

9 7. Section 4301 authorizes the Board to discipline licensees for unprofessional conduct  
10 and defines certain categories of unprofessional conduct:

11 "The board shall take action against any holder of a license who is guilty  
12 of unprofessional conduct or whose license has been procured by fraud or  
13 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is  
14 not limited to, any of the following:

15 ...

16 "(f) The commission of any act involving moral turpitude,  
17 dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of  
18 relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or  
19 not.

20 ...

21 "(l) The conviction of a crime substantially related to the qualifications,  
22 functions, and duties of a licensee under this chapter. The record of conviction of a  
23 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
24 States Code regulating controlled substances or of a violation of the statutes of this  
25 state regulating controlled substances or dangerous drugs shall be conclusive  
26 evidence of unprofessional conduct. In all other cases, the record of conviction shall  
27 be conclusive evidence only of the fact that the conviction occurred. The board may  
28 inquire into the circumstances surrounding the commission of the crime, in order to  
fix the degree of discipline or, in the case of a conviction not involving controlled  
substances or dangerous drugs, to determine if the conviction is of an offense  
substantially related to the qualifications, functions, and duties of a licensee under this  
chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
contendere is deemed to be a conviction within the meaning of this provision. The  
board may take action when the time for appeal has elapsed, or the judgment of  
conviction has been affirmed on appeal or when an order granting probation is made  
suspending the imposition of sentence, irrespective of a subsequent order under  
Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
dismissing the accusation, information, or indictment."

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1 **REGULATIONS**

2 8. California Code of Regulations, title 16, section 1770, provides criteria for  
3 determining when a crime is substantially related to the practice of pharmacy:

4 "For the purpose of denial, suspension, or revocation of a personal or  
5 facility license pursuant to Division 1.5 (commencing with Section 475) of the  
6 Business and Professions Code, a crime or act shall be considered substantially  
7 related to the qualifications, functions or duties of a licensee or registrant if to a  
8 substantial degree it evidences present or potential unfitness of a licensee or registrant  
9 to perform the functions authorized by his license or registration in a manner  
10 consistent with the public health, safety, or welfare."

11 **COST RECOVERY**

12 9. Section 125.3 states, in pertinent part, that the Board may request the administrative  
13 law judge to direct a licentiate found to have committed a violation or violations of the licensing  
14 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
15 case.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Conviction of a Substantially-Related Crime)**

18 10. Respondent is subject to disciplinary action under sections 490, and 4301, subdivision  
19 (l), in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent  
20 was convicted of a crime substantially related to the qualifications, functions or duties of a  
21 pharmacist, as follows:

22 a. On or about December 2, 2010, after pleading guilty, Respondent was convicted of  
23 one felony count of violating Title 18, United States Code section 2314 [interstate transportation  
24 of more than \$5,000 in stolen property], in the criminal proceeding entitled *United States v.*  
25 *Trisha Thuc Nguyen* (U.S. District Ct. Central District, 2010, No. CR10-1304). The court placed  
26 Respondent on probation for a period of three years, and fined her.

27 b. In her plea agreement, Respondent admitted that from May 2005 to January 2010 she  
28 stole over \$180,000 in insulin test strips from her employer, the Department of Veteran Affairs  
and shipped them to individuals in other states, who paid her over \$180,000 in return.

c. In her plea agreement, Respondent agreed to pay restitution and to surrender her  
pharmacist license to the Board.

