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

12 In the Matter of the Accusation Against:

Case No. 5382

13 **THUY NGOC NGUYEN TRAN**
511 S. Park View St., #308
Los Angeles, CA 90057

A C C U S A T I O N

14 Pharmacist License No. RPH 68523

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as
20 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about December 20, 2012, the Board of Pharmacy (Board) issued Pharmacist
22 License No. RPH 68523 to Thuy Ngoc Nguyen Tran (Respondent). The Pharmacist License was
23 in full force and effect at all times relevant to the charges brought herein and will expire on
24 November 30, 2016, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 STATUTORY PROVISIONS

2 4. Section 4300 provides, in pertinent part, that every license issued by the Board is
3 subject to discipline, including suspension or revocation.

4 5. Section 4300.1 states:

5 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of
6 law or by order or decision of the board or a court of law, the placement of a license on a retired
7 status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to
8 commence or proceed with any investigation of, or action or disciplinary proceeding against, the
9 licensee or to render a decision suspending or revoking the license."

10 6. Section 4301 states, in pertinent part:

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

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15 "(n) The revocation, suspension, or other discipline by another state of a license to practice
16 pharmacy, operate a pharmacy, or do any other act for which a license is required by this chapter.

17 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
18 violation of or conspiring to violate any provision or term of this chapter or of the applicable
19 federal and state laws and regulations governing pharmacy, including regulations established by the
20 board or by any other state or federal regulatory agency."

21 COST RECOVERY

22 7. Section 125.3 states, in pertinent part, that the Board may request the administrative
23 law judge to direct a licentiate found to have committed a violation or violations of the licensing
24 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
25 case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Disciplinary Action by the Alabama State Board of Pharmacy)**

3 8. Respondent is subject to disciplinary action under section 4301, subdivision (n), on the
4 grounds of unprofessional conduct, in that Respondent was disciplined by the Alabama State
5 Board of Pharmacy ("Alabama Board"), as follows:

6 9. On or about May 14, 2013, the Alabama Board issued a Consent Order, placing
7 Respondent's Pharmacist License on probation for a period of five (5) years, with terms and
8 conditions in the disciplinary matter entitled *In the Matter of: Thuy Ngoc Nguyen Tran aka*
9 *Isabelle Tran*, License No. 15583. The circumstances underlying the disciplinary action by the
10 Alabama Board are, as follows:

11 a. Respondent received, and in some cases, dispensed medications to herself knowing
12 there was not a valid patient-physician relationship justifying the dispensing of the referenced
13 medication, in violation of the Code of Alabama (1975), section 34-23-33(6).

14 b. Respondent violated Alabama State Board of Pharmacy Rule 680-X-2.13 relating to
15 the prescriptions she filled or dispensed, in that they failed to include the prescriber's directions for
16 use, in violation of the Code of Alabama (1975), section 34-23-33(12).

17 c. Respondent dispensed controlled substances included in Schedule IV of the Alabama
18 Uniform Controlled Substance Act, without a written or oral prescription of a practitioner, by
19 selling, furnishing, giving away, delivering or distributing unknown amounts of Ambien to O.C., in
20 violation of the Code of Alabama (1975), sections 34-23-33(2), 20-2-58(e), and 20-2-71(a)(1).

21 d. Respondent failed to maintain inventories and records of controlled substances listed in
22 Schedule IV of the Alabama Uniform Controlled Substance Act, in violation of the Code of
23 Alabama (1975), sections 34-23-33(2), 20-2-58(d)(1), 20-2-58(d)(2), and 20-2-71(a)(3).

24 e. Respondent unlawfully sold, furnished, gave away, delivered or distributed unknown
25 amounts of controlled substances to O.C., which are controlled substances included in Schedule
26 IV of the Alabama Uniform Controlled Substance Act, in violation of the Code of Alabama
27 (1975), sections 34-23-33(2) and 13A-12-211.

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1 f. Respondent dispensed unknown amounts of controlled substances without a
2 prescription from a licensed practitioner authorized to prescribe such a drug, or dispensed the
3 same as a refilled prescription without the expressed authorization of the prescriber, in violation of
4 the Code of Alabama (1975), sections 34-23-33(2) and 34-23-70(1).

5 g. Respondent violated the Code of Alabama (1975), section 34-23-33(6), based on any
6 or all of the allegations listed as Counts Two, Three, Four and/or Five on the Statement of
7 Charges and Notice of Hearing.

8 h. Respondent assisted or enabled an unlicensed person to practice pharmacy, by
9 allowing T.T. to perform duties, to include compounding and dispensing prescriptions, as an
10 Extern/Intern knowing he did not have a license or valid permit to do so, in violation of the Code
11 of Alabama (1975), section 34-23-33(8).

12 i. Respondent violated the Code of Alabama (1975), sections 34-23-33(7) and 34-23-50,
13 based on the allegations of the preceding Count in the Statement of Charges and Notice of
14 Hearing.

15 j. Respondent violated Alabama State Board of Pharmacy Rule 680-X-2.12, by failing as
16 the supervising pharmacist of Wal-Mart 866, to insure that the prescription department of Wal-
17 Mart was operating with good pharmaceutical practices and by failing to insure compliance with
18 the provisions of the Pharmacy Practice Act, Code of Alabama (1975), and the Alabama Uniform
19 Controlled Substance Act.

20 k. Respondent violated Alabama State Board of Pharmacy Rule 680-X-2.22(2)(d), based
21 on any or all of the allegations of the preceding Counts, in violation of the Code of Alabama
22 (1975), section 34-23-33(13).

23 l. Respondent violated the provisions of the Code of Alabama, based on the allegations
24 contained in any or all of the preceding Counts of the Statement of Charges and Notice of
25 Hearing, in violation of the Code of Alabama (1975), sections 20-2-54(a)(4) and 34-23-1 et seq.

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SECOND CAUSE FOR DISCIPLINE

(Violating Provisions of the Pharmacy Act)

10. Respondent is subject to disciplinary action under section 4301, subdivision (o), in that Respondent violated provisions of the Pharmacy Practice Act. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 8 and 9, inclusive, as though set forth fully.

DISCIPLINARY CONSIDERATIONS

11. In order to determine the degree of discipline, if any to be imposed on Respondent, Complainant alleges that on or about December 3, 2009, Respondent was charged with one misdemeanor count of violating Alabama Code section 32-5A-191, subdivision (a)(2) [driving under the influence of alcohol] in the criminal proceeding entitled *The State of Alabama v. Thuy Ngoc Nguyen Tran* (Muni. Ct. Mobile County, 2009, No. TR200930591). The Court ordered Respondent to complete a 12 month driving under the influence program and ordered her to pay fines and restitution. The circumstances surrounding the charges are that on or about July 8, 2009, Respondent drove a vehicle while having a blood-alcohol content level of 0.13%.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacist License No. RPH 68523, issued to Thuy Ngoc Nguyen Tran;
2. Ordering Thuy Ngoc Nguyen Tran to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

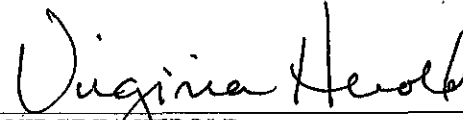
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3. Taking such other and further action as deemed necessary and proper.

DATED:

8/17/15



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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