



**California State Board of Pharmacy**  
 1625 N. Market Blvd, N219, Sacramento, CA 95834  
 Phone: (916) 574-7900  
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BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY  
 DEPARTMENT OF CONSUMER AFFAIRS  
 GOVERNOR EDMUND G. BROWN JR.

**APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACIST / INTERN LICENSE**

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

Name: <u>CAN VUONG</u>	Case No. <u>AC 4971</u>
Address of Record: <u>12081 JENNIFER LN.</u> <u>GARDEN GROVE CA 92840</u>	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. AC 4971, I hereby request to surrender my license, License No. RPE 44286. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, I will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of my license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my pocket and wall license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I may not reapply for any license from the board for three (3) years from the effective date of the surrender. I further understand that I shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board, including any outstanding costs.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

*Can Vuong*  
 Applicant's Signature

8-10-2015  
 Date

*U. Herald*  
 Executive Officer's Approval

8/13/15  
 Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 574-7900, 1625 N. Market Blvd., Suite N-219, Sacramento, CA 95834. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

**BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**THANH TAM PHARMACY, INC.  
DBA PACIFIC PHARMACY**

and

**LINDA OANH NGUYEN**

and

**CAN VINH VOUNG  
12081 Jennifer Lane  
Garden Grove, CA 92640**

**Pharmacist License No. RPH 44286**

Respondents.

Case No. 4971

OAH No. 2014100518

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER AS TO  
CAN VINH VOUNG ONLY**

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on July 2, 2015.

It is so ORDERED on June 18, 2015.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Amarylis Gutierrez  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 NICOLE R. TRAMA  
Deputy Attorney General  
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5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
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7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

12 **THANH TAM PHARMACY, INC.**  
13 **DBA PACIFIC PHARMACY**

14 **and**

15 **LINDA OANH NGUYEN**

16 **and**

17 **CAN VINH VOUNG**  
18 **12081 Jennifer Lane**  
**Garden Grove, CA 92640**

19 **Pharmacist License No. RPH 44286**

20 Respondents.  
21

Case No. 4971

OAH No. 2014100518

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER AS TO CAN  
VINH VOUNG ONLY**

22 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
23 entitled proceedings that the following matters are true:

24 PARTIES

25 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.  
26 She brought this action solely in her official capacity and is represented in this matter by Kamala  
27

1 D. Harris, Attorney General of the State of California, by Nicole R. Trama, Deputy Attorney  
2 General.

3 2. Respondent Can Vinh Young ("Respondent") is represented in this proceeding by  
4 attorney Tony J. Park, Esq., whose address is: California Pharmacy Lawyers, 2855 Michelle  
5 Drive, Suite 180, Irvine, CA 92606-1027.

6 3. On or about June 21, 1991, the Board of Pharmacy issued Pharmacist License No.  
7 RPH 44286 to Can Vinh Vuong (Respondent). The Pharmacist License was in full force and  
8 effect at all times relevant to the charges brought in Accusation No. 4971 and will expire on June  
9 30, 2015, unless renewed.

#### 10 JURISDICTION

11 4. Accusation No. 4971 was filed before the Board of Pharmacy (Board), Department of  
12 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other  
13 statutorily required documents were properly served on Respondent on August 27, 2014.  
14 Respondent timely filed his Notice of Defense contesting the Accusation.

15 5. A copy of Accusation No. 4971 is attached as Exhibit A and incorporated herein by  
16 reference.

#### 17 ADVISEMENT AND WAIVERS

18 6. Respondent has carefully read, fully discussed with counsel, and understands the  
19 charges and allegations in Accusation No. 4971. Respondent has also carefully read, fully  
20 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
21 Order.

22 7. Respondent is fully aware of his legal rights in this matter, including the right to a  
23 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
24 the witnesses against him; the right to present evidence and to testify on his own behalf; the right  
25 to the issuance of subpoenas to compel the attendance of witnesses and the production of  
26 documents; the right to reconsideration and court review of an adverse Decision; and all of other  
27 rights accorded by the California Administrative Procedure Act and other applicable laws.  
28

1 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
2 every right set forth above.

3 CULPABILITY

4 9. Respondent understands and agrees that the charges and allegations in Accusation  
5 No. 4971, if proven at a hearing, constitute cause for imposing discipline upon his Pharmacist  
6 License.

7 10. For the purpose of resolving the Accusation without the expense and uncertainty of  
8 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
9 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest  
10 those charges.

11 11. Respondent agrees that his Pharmacist License is subject to discipline and he agrees  
12 to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

13 CONTINGENCY

14 12. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent  
15 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may  
16 communicate directly with the Board regarding this stipulation and settlement, without notice to  
17 or participation by Respondent or his counsel. By signing the stipulation, Respondent  
18 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation  
19 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation  
20 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or  
21 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
22 and the Board shall not be disqualified from further action by having considered this matter.

23 13. The parties understand and agree that Portable Document Format (PDF) and facsimile  
24 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
25 signatures thereto, shall have the same force and effect as the originals.

26 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
27 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
28 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,

1 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
2 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
3 writing executed by an authorized representative of each of the parties.

4 15. In consideration of the foregoing admissions and stipulations, the parties agree that  
5 the Board may, without further notice or formal proceeding, issue and enter the following  
6 Disciplinary Order:

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Pharmacist License No. RPH 44286 issued to Respondent  
9 Can Vinh Vuong (Respondent) is revoked. However, the revocation is stayed and Respondent is  
10 placed on probation for five (5) years on the following terms and conditions.

11 **1. Suspension**

12 As part of probation, Respondent is suspended from the practice of pharmacy until he  
13 provides proof of completion of either of the following: (1) a minimum 6-hour continuing  
14 education course on the topic of corresponding responsibility presented by the Drug Enforcement  
15 Agency; or, (2) a minimum 6-hour, in-person, pre-approved, continuing education course on the  
16 topic of corresponding responsibility.

17 During suspension, Respondent shall not enter any pharmacy area or any portion of the  
18 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
19 drugs which is licensed by the Board, or any manufacturer, or where dangerous drugs and devices  
20 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act  
21 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient  
22 consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the  
23 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
24 and devices or controlled substances.

25 Respondent shall not engage in any activity that requires the professional judgment of a  
26 pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy.  
27 Respondent shall not perform the duties of a pharmacy technician or a designated representative  
28 for any entity licensed by the Board.

1 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
2 licensed premises in which they holds an interest at the time this decision becomes effective  
3 unless otherwise specified in this order.

4 Failure to comply with this suspension shall be considered a violation of probation.

5 **2. Obey All Laws**

6 Respondent shall obey all state and federal laws and regulations.

7 Respondent shall report any of the following occurrences to the Board, in writing, within  
8 seventy-two (72) hours of such occurrence:

- 9 • an arrest or issuance of a criminal complaint for violation of any provision of the  
10 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
11 substances laws
- 12 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
13 criminal complaint, information or indictment
- 14 • a conviction of any crime
- 15 • discipline, citation, or other administrative action filed by any state or federal agency  
16 which involves Respondent's pharmacist license or which is related to the practice of  
17 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging  
18 for any drug, device or controlled substance.

19 Failure to timely report such occurrence shall be considered a violation of probation.

20 **3. Report to the Board**

21 Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its  
22 designee. The report shall be made either in person or in writing, as directed. Among other  
23 requirements, Respondent shall state in each report under penalty of perjury whether there has  
24 been compliance with all the terms and conditions of probation. Failure to submit timely reports  
25 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency  
26 in submission of reports as directed may be added to the total period of probation. Moreover, if  
27 the final probation report is not made as directed, probation shall be automatically extended until  
28 such time as the final report is made and accepted by the Board.

1           4.     **Interview with the Board**

2           Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews  
3 with the Board or its designee, at such intervals and locations as are determined by the Board or  
4 its designee. Failure to appear for any scheduled interview without prior notification to Board  
5 staff, or failure to appear for two (2) or more scheduled interviews with the Board or its designee  
6 during the period of probation, shall be considered a violation of probation.

7           5.     **Cooperate with Board Staff**

8           Respondent shall cooperate with the Board's inspection program and with the Board's  
9 monitoring and investigation of Respondent's compliance with the terms and conditions of his  
10 probation. Failure to cooperate shall be considered a violation of probation.

11          6.     **Continuing Education**

12          Respondent shall provide evidence of efforts to maintain skill and knowledge as a  
13 pharmacist as directed by the Board or its designee.

14          7.     **Notice to Employers**

15          During the period of probation, Respondent shall notify all present and prospective  
16 employers of the Decision in case number 4971 and the terms, conditions and restrictions  
17 imposed on Respondent by the Decision, as follows:

18                 Within thirty (30) days of the effective date of this Decision, and within fifteen (15) days of  
19 Respondent undertaking any new employment, Respondent shall cause his direct supervisor,  
20 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's  
21 tenure of employment) and owner to report to the Board in writing acknowledging that the listed  
22 individual(s) has/have read the Decision in case number 4971, and terms and conditions imposed  
23 thereby. It shall be Respondent's responsibility to ensure that his employer(s) and/or  
24 supervisor(s) submit timely acknowledgment(s) to the Board.

25                 If Respondent works for or is employed by or through a pharmacy employment service,  
26 Respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity  
27 licensed by the Board of the terms and conditions of the Decision in case number 4971 in advance  
28



1 of the Respondent commencing work at each licensed entity. A record of this notification must  
2 be provided to the Board upon request.

3 Furthermore, within thirty (30) days of the effective date of this Decision, and within fifteen  
4 (15) days of Respondent undertaking any new employment by or through a pharmacy  
5 employment service, Respondent shall cause his direct supervisor with the pharmacy employment  
6 service to report to the Board in writing acknowledging that he has read the Decision in case  
7 number 4971 and the terms and conditions imposed thereby. It shall be Respondent's  
8 responsibility to ensure that his employer(s) and/or supervisor(s) submit timely  
9 acknowledgment(s) to the Board.

10 Failure to timely notify present or prospective employer(s) or to cause that/those  
11 employer(s) to submit timely acknowledgments to the Board shall be considered a violation of  
12 probation.

13 "Employment" within the meaning of this provision shall include any full-time,  
14 part-time, temporary, relief or pharmacy management service as a pharmacist or any  
15 position for which a pharmacist license is a requirement or criterion for employment,  
16 whether the Respondent is an employee, independent contractor or volunteer.

17 **8. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**  
18 **Designated Representative-in-Charge, or Serving as a Consultant**

19 During the period of probation, Respondent shall not supervise any intern pharmacist, be  
20 the pharmacist-in-charge or designated representative-in-charge of any entity licensed by the  
21 Board nor serve as a consultant unless otherwise specified in this order. Assumption of any such  
22 unauthorized supervision responsibilities shall be considered a violation of probation.

23 **9. Probation Monitoring Costs**

24 Respondent shall pay any costs associated with probation monitoring as determined by the  
25 Board each and every year of probation. Such costs shall be payable to the Board on a schedule  
26 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed  
27 shall be considered a violation of probation.

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1           **10. Status of License**

2           Respondent shall, at all times while on probation, maintain an active, current license with  
3 the Board, including any period during which suspension or probation is tolled. Failure to  
4 maintain an active, current license shall be considered a violation of probation.

5           If Respondent's license expires or is cancelled by operation of law or otherwise at any time  
6 during the period of probation, including any extensions thereof due to tolling or otherwise, upon  
7 renewal or reapplication Respondent's license shall be subject to all terms and conditions of this  
8 probation not previously satisfied.

9           **11. License Surrender While on Probation/Suspension**

10          Following the effective date of this Decision, should Respondent cease practice due to  
11 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
12 Respondent may tender his license to the Board for surrender. The Board or its designee shall  
13 have the discretion whether to grant the request for surrender or take any other action it deems  
14 appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent  
15 will no longer be subject to the terms and conditions of probation. This surrender constitutes a  
16 record of discipline and shall become a part of the Respondent's license history with the Board.

17          Upon acceptance of the surrender, Respondent shall relinquish his pocket and wall license  
18 to the Board within ten (10) days of notification by the Board that the surrender is accepted.  
19 Respondent may not reapply for any license from the Board for three (3) years from the effective  
20 date of the surrender. Respondent shall meet all requirements applicable to the license sought as  
21 of the date the application for that license is submitted to the Board, including any outstanding  
22 costs.

23           **12. Notification of a Change in Name, Residence Address, Mailing Address or**  
24 **Employment**

25          Respondent shall notify the Board in writing within ten (10) days of any change of  
26 employment. Said notification shall include the reasons for leaving, the address of the new  
27 employer, the name of the supervisor and owner, and the work schedule if known. Respondent  
28

1 shall further notify the Board in writing within ten (10) days of a change in name, residence  
2 address, mailing address, or phone number.

3 Failure to timely notify the Board of any change in employer(s), name(s), address(es), or  
4 phone number(s) shall be considered a violation of probation.

### 5 13. Tolling of Probation

6 Except during periods of suspension, Respondent shall, at all times while on probation, be  
7 employed as a pharmacist in California for a minimum of thirty (30) hours per calendar month.  
8 Any month during which this minimum is not met shall toll the period of probation, i.e., the  
9 period of probation shall be extended by one month for each month during which this minimum is  
10 not met. During any such period of tolling of probation, Respondent must nonetheless comply  
11 with all terms and conditions of probation.

12 Should Respondent, regardless of residency, for any reason (including vacation) cease  
13 practicing as a pharmacist for a minimum of thirty (30) hours per calendar month in California,  
14 Respondent must notify the Board in writing within ten (10) days of the cessation of practice, and  
15 must further notify the Board in writing within ten (10) days of the resumption of practice. Any  
16 failure to provide such notification(s) shall be considered a violation of probation.

17 It is a violation of probation for Respondent's probation to remain tolled pursuant to the  
18 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
19 exceeding thirty-six (36) months.

20 "Cessation of practice" means any calendar month during which Respondent is  
21 not practicing as a pharmacist for at least thirty (30) hours, as defined by Business  
22 and Professions Code section 4000 et seq. "Resumption of practice" means any  
23 calendar month during which Respondent is practicing as a pharmacist for at least  
24 thirty (30) hours as a pharmacist as defined by Business and Professions Code section  
25 4000 et seq.

### 26 14. Violation of Probation

27 If a Respondent has not complied with any term or condition of probation, the Board shall  
28 have continuing jurisdiction over Respondent, and probation shall automatically be extended,

1 until all terms and conditions have been satisfied or the Board has taken other action as deemed  
2 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and  
3 to impose the penalty that was stayed.

4 If Respondent violates probation in any respect, the Board, after giving Respondent notice  
5 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
6 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
7 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If  
8 a petition to revoke probation or an accusation is filed against Respondent during probation, the  
9 Board shall have continuing jurisdiction and the period of probation shall be automatically  
10 extended until the petition to revoke probation or accusation is heard and decided.

#### 11 **15. Completion of Probation**

12 Upon written notice by the Board or its designee indicating successful completion of  
13 probation, Respondent's license will be fully restored.

#### 14 **16. Community Services Program**

15 Within sixty (60) days of the effective date of this Decision, Respondent shall submit to the  
16 Board or its designee, for prior approval, a community service program in which Respondent  
17 shall provide free health-care related services on a regular basis to a community or charitable  
18 facility or agency for at least one hundred (100) hours during the period of probation. Within  
19 thirty (30) days of Board approval thereof, Respondent shall submit documentation to the Board  
20 demonstrating commencement of the community service program. A record of this notification  
21 must be provided to the Board upon request. Respondent shall report on progress with the  
22 community service program in the quarterly reports. Failure to timely submit, commence, or  
23 comply with the program shall be considered a violation of probation.

#### 24 **17. Remedial Education**

25 Within sixty (60) days of the effective date of this Decision, Respondent shall submit to the  
26 Board or its designee, for prior approval, an appropriate program of remedial education related to  
27 corresponding responsibility, pharmacy law, and pharmacy operations. The program of remedial  
28 education shall be in addition to the education required under Term 1 of this Stipulated Settlement

1 and Disciplinary Order and shall consist of at least six (6) hours per year, at least 50% of which  
2 shall be in person, for each year of the five (5) years of probation, and shall be completed at  
3 Respondent's own expense. All remedial education shall be in addition to, and shall not be  
4 credited toward, continuing education (CE) courses used for license renewal purposes.

5 Failure to timely submit or complete the approved remedial education shall be considered a  
6 violation of probation. The period of probation will be automatically extended until such  
7 remedial education is successfully completed and written proof, in a form acceptable to the  
8 Board, is provided to the Board or its designee.

9 Following the completion of each course, the Board or its designee may require the  
10 Respondent, at his own expense, to take an approved examination to test the Respondent's  
11 knowledge of the course. If the Respondent does not achieve a passing score on the examination,  
12 this failure shall be considered a violation of probation. Any such examination failure shall  
13 require Respondent to take another course approved by the Board in the same subject area.

#### 14 18. **Supervised Practice**

15 During the period of probation, Respondent shall practice only under the supervision of a  
16 licensed pharmacist not on probation with the Board. Upon and after the effective date of this  
17 Decision, Respondent shall not practice pharmacy and his license shall be automatically  
18 suspended until a supervisor is approved by the Board or its designee. The supervision shall be,  
19 as required by the Board or its designee, either:

20 Continuous – At least 75% of a work week

21 Substantial - At least 50% of a work week

22 Partial - At least 25% of a work week

23 Daily Review - Supervisor's review of probationer's daily activities within 24 hours

24 Within thirty (30) days of the effective date of this Decision, Respondent shall have his  
25 supervisor submit notification to the Board in writing stating that the supervisor has read the  
26 Decision in case number 4971 and is familiar with the required level of supervision as determined  
27 by the Board or its designee. It shall be the Respondent's responsibility to ensure that his  
28 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the

1 Board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely  
2 acknowledgements to the Board shall be considered a violation of probation.

3 If Respondent changes employment, it shall be the Respondent's responsibility to ensure  
4 that his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely  
5 acknowledgement(s) to the Board. Respondent shall have his new supervisor, within fifteen (15)  
6 days after employment commences, submit notification to the Board in writing stating the direct  
7 supervisor and pharmacist-in-charge have read the Decision in case number 4971 and is familiar  
8 with the level of supervision as determined by the Board. Respondent shall not practice  
9 pharmacy and his license shall be automatically suspended until the Board or its designee  
10 approves a new supervisor. Failure to cause the direct supervisor and the pharmacist-in-charge to  
11 submit timely acknowledgements to the Board shall be considered a violation of probation.

12 Within ten (10) days of leaving employment, Respondent shall notify the Board in writing.

13 During suspension, Respondent shall not enter any pharmacy area or any portion of the  
14 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
15 drugs which is licensed by the Board, or any manufacturer, or where dangerous drugs and devices  
16 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act  
17 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient  
18 consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the  
19 Board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
20 and controlled substances. Respondent shall not resume practice until notified by the Board.

21 During suspension, Respondent shall not engage in any activity that requires the  
22 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
23 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
24 designated representative for any entity licensed by the Board.

25 Subject to the above restrictions, Respondent may continue to own or hold an interest in  
26 any licensed premises in which he holds an interest at the time this Decision becomes effective  
27 unless otherwise specified in this order.

28 Failure to comply with this suspension shall be considered a violation of probation.

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**19. No Ownership of Licensed Premises**

Respondent shall not own, have any legal or beneficial interest in, or serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed by the Board within ninety (90) days following the effective date of this Decision and shall immediately thereafter provide written proof thereof to the Board. Failure to timely divest any legal or beneficial interest(s) or provide documentation thereof shall be considered a violation of probation.

**20. Ethics Course**

Within sixty (60) calendar days of the effective date of this Decision, Respondent shall enroll in a course in ethics, at Respondent's expense, approved in advance by the Board or its designee. Failure to initiate the course during the first year of probation, and complete it within the second year of probation, is a violation of probation.

Respondent shall submit a certificate of completion to the Board or its designee within five days after completing the course.

**21. Enroll in PDMP**

Within thirty (30) calendar days of the effective date of this Decision, Respondent shall register in the California Prescription Drug Monitoring Program (PDMP).

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Tony J. Park, Esq.. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: \_\_\_\_\_  
CAN VINH VUONG  
Respondent

13 No Ownership of Licensed Premises

14 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,  
15 shareholder, member, officer, director, trustee, associate, or partner of any business, firm,  
16 partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell  
17 or divest any legal or beneficial interest in any entity licensed by the Board within ninety (90)  
18 days following the effective date of this Decision and shall immediately thereafter provide written  
19 notification to the Board. Failure to timely divest any legal or beneficial interest(s) or provide  
20 notification shall be considered a violation of probation.

21 Public Charge

22 Within thirty (30) calendar days of the effective date of this Decision, Respondent shall  
23 complete and pay in full any public charge, approved in advance by the Board or its  
24 designee, and complete the course during the first year of probation, and complete it within  
25 the period of probation. Failure to do so shall be considered a violation of probation.

26 Respondent shall submit certificate of completion to the Board or its designee within five  
27 days of the completion of the course.

28 Recall in PDMP

29 Within thirty (30) calendar days of the effective date of this Decision, Respondent shall  
30 comply with the Oklahoma Prescription Drug Monitoring Program (PDMP).

31 ACCEPTANCE

32 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
33 understood with my attorney, Tony J. Park, Esq., I understand the stipulation and the effect it  
34 will have on my Pharmacy License. I enter into this Stipulated Settlement and Disciplinary  
35 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order  
36 of the Board of Pharmacy.

37 DATED: 5-31-15

38 

39 CAN VINH VUONG  
40 Respondent



1 I have read and fully discussed with Respondent Can Vinh Voung, RPH the terms and  
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
3 I approve its form and content.

4 DATED: 06/01/2015

  
5 Tony J. Park, Esq.  
6 Attorney for Respondent

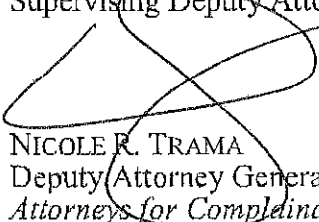
7 ENDORSEMENT

8 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
9 submitted for consideration by the Board of Pharmacy.

10 Dated: 6/2/15

11 Respectfully submitted,

12 KAMALA D. HARRIS  
13 Attorney General of California  
14 GREGORY J. SALUTE  
15 Supervising Deputy Attorney General

  
16 NICOLE R. TRAMA  
17 Deputy Attorney General  
18 Attorneys for Complainant

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**Exhibit A**

**Accusation No. 4971**

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 DESIREE I. KELLOGG  
Deputy Attorney General  
4 State Bar No. 126461  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2996  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4971

12 **THANH TAM PHARMACY, INC.,**  
13 **DBA PACIFIC PHARMACY**  
9898 Bolsa Avenue  
14 Westminster, CA 92683

**ACCUSATION**

15 Pharmacy Permit No. PHY 50504

16 **LINDA OANH NGUYEN**  
9246 Gardenia Avenue  
17 Fountain Valley, CA 92708

18 Pharmacist License No. RPH 92708

19 **CAN VINH VOUNG**  
12081 Jennifer Lane  
20 Garden Grove, CA 92640

21 Pharmacist License No. RPH 44286

22 Respondents.

1 Complainant alleges:

2 **PARTIES**

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

5 2. On or about October 21, 2009, the Board issued Pharmacy Permit Number PHY  
6 48979 to Thanh Tam Pharmacy, Inc., dba Pacific Pharmacy with Kimdzung Nguyen designated as  
7 the Pharmacist-in-Charge. On or about January 24, 2011, there was a change in ownership of that  
8 pharmacy which resulted in the Board issuing Pharmacy Permit Number PHY 50504 to Thanh  
9 Tam Pharmacy, Inc., dba Pacific Pharmacy (Respondent Pacific Pharmacy). The Pharmacy  
10 Permit was in full force and effect at all times relevant to the charges brought herein and will  
11 expire on January 1, 2015, unless renewed.

12 3. On or about March 8, 1996, the Board of Pharmacy issued Pharmacist License  
13 Number RPH 48563 to Linda Oanh Nguyen (Respondent Linda Nguyen). The Pharmacist  
14 License was in full force and effect at all times relevant to the charges brought herein and will  
15 expire on August 31, 2015, unless renewed.

16 4. On or about June 21, 1991, the Board of Pharmacy issued Pharmacist License  
17 Number RPH 44286 to Can Vinh Young (Respondent Can Vuong). The Pharmacist License was  
18 in full force and effect at all times relevant to the charges brought herein and will expire on June  
19 30, 2015, unless renewed.

20 **JURISDICTION**

21 5. This Accusation is brought before the Board of Pharmacy (Board), Department of  
22 Consumer Affairs, under the authority of the following laws. All section references are to the  
23 Business and Professions Code unless otherwise indicated.

24 6. Section 4011 of the Code provides that the Board shall administer and enforce both  
25 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances  
26 Act [Health & Safety Code, § 11000 et seq.].

27 7. Section 4300(a) of the Code provides that every license issued by the Board may be  
28 suspended or revoked.

1 8. Section 4300.1 of the Code states:

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

### 8 STATUTORY AND REGULATORY PROVISIONS

9 9. Section 4301 of the Code states in pertinent part:

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

14 ...  
15 (j) The violation of any of the statutes of this state, or any other state, or of the  
16 United States regulating controlled substances and dangerous drugs...

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

23 ...  
24 (q) Engaging in any conduct that subverts or attempts to subvert an  
25 investigation of the board.

26 10. Section 4113(c) of the Code states:

27 The pharmacist-in-charge shall be responsible for a pharmacy's compliance  
28 with all state and federal laws and regulations pertaining to the practice of pharmacy.

11. Section 4125(a) of the Code states:

Every pharmacy shall establish a quality assurance program that shall, at a  
minimum, document medication errors attributable, in whole or part, to the pharmacy  
or its personnel. The purpose of the quality assurance program shall be to assess  
errors that occur in the pharmacy in dispensing or furnishing prescription medications  
so that the pharmacy may take appropriate action to prevent a reoccurrence.

12. Section 4306.5 of the Code states, in pertinent part:

Unprofessional conduct for a pharmacist may include any of the following:

1 Acts or omissions that involve, in whole or in part, the inappropriate exercise of  
2 his or her education, training, or experience as a pharmacist, whether or not the act  
3 or omission arises in the course of the practice of pharmacy or the ownership,  
4 management, administration, or operation of a pharmacy or other entity licensed by  
5 the board.

6 Acts or omissions that involve, in whole or in part, the failure to consult  
7 appropriate patient, prescription, and other records pertaining to the performance of  
8 any pharmacy function.

9 ...  
10 13. Health and Safety Code section 11153(a) states:

11 A prescription for a controlled substance shall only be issued for a legitimate  
12 medical purpose by an individual practitioner acting in the usual course of his or her  
13 professional practice. The responsibility for the proper prescribing and dispensing of  
14 controlled substances is upon the prescribing practitioner, but a corresponding  
15 responsibility rests with the pharmacist who fills the prescription. Except as  
16 authorized by this division, the following are not legal prescriptions: (1) an order  
17 purporting to be a prescription which is issued not in the usual course of  
18 professional treatment or in legitimate and authorized research; or (2) an order for an  
19 addict or habitual user of controlled substances, which is issued not in the course of  
20 professional treatment or as part of an authorized narcotic treatment program, for the  
21 purpose of providing the user with controlled substances, sufficient to keep him or  
22 her comfortable by maintaining customary use.

23 ...  
24 14. Health and Safety Code section 11165(d) states, in pertinent part:

25 To assist law enforcement and regulatory agencies in their efforts to control the  
26 diversion and resultant abuse of Schedule II, Schedule III, and Schedule IV controlled  
27 substances, and for statistical analysis, education, and research, the Department of  
28 Justice shall, contingent upon the availability of adequate funds from the Contingent  
Fund of the Medical Board of California, the Pharmacy Board Contingent Fund, the  
State Dentistry Fund, the Board of Registered Nursing Fund, and the Osteopathic  
Medical Board of California Contingent Fund, maintain the Controlled Substance  
Utilization Review and Evaluation System (CURES) for the electronic monitoring of,  
and Internet access to information regarding, the prescribing and dispensing of  
Schedule II, Schedule III and Schedule IV controlled substances by all practitioners  
authorized to prescribe or dispense these controlled substances.

29 ...  
30 For each prescription for a Schedule II, Schedule III, or Schedule IV controlled  
31 substance, as defined in the controlled substances schedule in federal law and  
32 regulations, specifically Sections 1308.12, 1308.13, and 1308.14, respectively, of  
33 Title 21 of the Code of Federal Regulations, the dispensing pharmacy or clinic shall  
34 provide the following information to the Department of Justice on a weekly basis and  
35 in a format specified by the Department of Justice:

1  
2 15. Section 1715(a) of title 16, California Code of Regulations states:

3 The pharmacist-in-charge of each pharmacy as defined under section 4029 or  
4 section 4037 of the Business and Professions Code shall complete a self-assessment  
5 of the pharmacy's compliance with federal and state pharmacy law. The assessment  
6 shall be performed before July 1 of every odd-numbered year. The primary purpose  
7 of the self-assessment is to promote compliance through self-examination and  
8 education.

9  
10 16. Section 1761 of title 16, California Code of Regulations states:

11 (a) No pharmacist shall compound or dispense any prescription which contains  
12 any significant error, omission, irregularity, uncertainty, ambiguity or alteration.  
13 Upon receipt of any such prescription, the pharmacist shall contact the prescriber to  
14 obtain the information needed to validate the prescription.

15 (b) Even after conferring with the prescriber, a pharmacist shall not compound  
16 or dispense a controlled substance prescription where the pharmacist knows or has  
17 objective reason to know that said prescription was not issued for a legitimate  
18 medical purpose.

19  
20 17. Section 1707.3 of title 16, California Code of Regulations states:

21 Prior to consultation as set forth in section 1707.2, a pharmacist shall review a  
22 patient's drug therapy and medication record before each prescription drug is  
23 delivered. The review shall include screening for severe potential drug therapy  
24 problems.

25  
26 18. Section 1304.04 of title 21, Code of Federal Regulations states in pertinent part:

27 (f) Each registered manufacturer, distributor, importer, exporter, narcotic  
28 treatment program and compounder for narcotic treatment program shall maintain  
inventories and records of controlled substances as follows:

...  
29 Inventories and records of controlled substances listed in Schedules III, IV and  
30 V shall be maintained either separately from all other records of the registrant or in  
31 such form that the information required is readily retrievable from the ordinary  
32 business records of the registrant.  
33 ...

34 19. Section 1304.11(a) of title 21, Code of Federal Regulations states:

35 General requirements. Each inventory shall contain a complete and accurate  
36 record of all controlled substances on hand on the date the inventory is taken, and  
37 shall be maintained in written, typewritten, or printed form at the registered location.  
38 An inventory taken by use of an oral recording device must be promptly transcribed.  
Controlled substances shall be deemed to be "on hand" if they are in the possession of  
or under the control of the registrant, including substances returned by a customer;  
ordered by a customer but not yet invoiced, stored in a warehouse on behalf of the  
registrant, and substances in the possession of employees or the registrant and

1 intended for distribution as complimentary samples. A separate inventory shall be  
2 made for each registered location and each independent activity registered, except as  
3 provided in paragraph (e)(4) of this section. In the event controlled substance is in the  
4 possession or under the control of the registrant are stored at a location of which  
5 he/she is not registered, the substances shall be included in the inventory of the  
6 registered location to which they are subject to control or to which the person  
7 possessing the substance is responsible. The inventory may be taken either as of  
8 opening of business or as of the close of business on the inventory date and it shall be  
9 indicated on the inventory.

10 ...  
11  
12 **COST RECOVERY**

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

17 **DRUG**

18 21. Phenergan with Codeine is the brand name for promethazine with codeine, a Schedule  
19 V controlled substance pursuant to Health and Safety Code section 111058(c)(1) and is a  
20 dangerous drug pursuant to Business and Professions Code section 4022.

21 **FACTUAL ALLEGATIONS**

22 22. From March 26, 2011 through May 26, 2012, Respondent Linda Nguyen was the  
23 Pharmacist-in-Charge (PIC) of Respondent Pacific Pharmacy. From July 1, 2012 and at all times  
24 thereafter, Respondent Can Vuong was the PIC of Respondent Pacific Pharmacy.

25 23. In 2011, Respondents Pacific Pharmacy and Linda Nguyen co-mingled records and  
26 inventories for Schedule III, Schedule IV and Schedule V controlled substances with the records  
27 for other dangerous drugs.

28 24. In 2013, Respondents Pacific Pharmacy and Can Vuong did not fully complete a self-  
assessment detailing Respondent Pacific Pharmacy's compliance with federal and state pharmacy  
law. Respondent Pacific Pharmacy and Can Vuong also did not have a quality assurance program  
which documented and assessed medication errors to determine the cause and to make an  
appropriate response. Respondent Can Vuong admitted to the Board inspector that they had  
failed to implement this program.



1           25. From 2011 through 2013, Respondents did not provide any information for each  
2 prescription dispensed for a Schedule II, Schedule III or Schedule IV controlled substance to the  
3 Department of Justice on a weekly basis for inclusion in the Controlled Substance Utilization  
4 Review and Evaluation System ("CURES").

5           26. On or about September 19, 2012, Respondents Pacific Pharmacy and Can Vuong did  
6 not accurately document their biennial inventory of the pharmacy's controlled substances in that  
7 they did not indicate if the inventory was taken at the opening or close of business on the  
8 inventory date.

9           27. In 2013, Respondents Pacific Pharmacy and Can Vuong did not provide requested  
10 records to the Board on multiple occasions, including patient profiles and physician profiles or  
11 only provided incomplete records.

12           28. Respondents carried only the generic promethazine with codeine which tastes better  
13 than other brands, and ordered promethazine with codeine from multiple wholesalers. The  
14 volume of promethazine with codeine dispensed by Respondents was much higher than the  
15 volume dispensed from neighboring pharmacies.

16           29. From March 26, 2011 to June 6, 2011, Respondents Pacific Pharmacy and Linda  
17 Nguyen dispensed 308 prescriptions for approximately 308 pints (145,684mls) of promethazine  
18 with codeine after the receipt of prescriptions issued by Dr. T.R., who subsequently surrendered  
19 his DEA registration on July 8, 2011 for cause.

20           30. Patients with prescriptions ordered by Dr. T.R., paid for the above-referenced  
21 prescriptions in cash, without seeking reimbursement from their insurance carriers. Most of the  
22 prescriptions had the patient's names handwritten on the back of the prescriptions. The majority  
23 of these prescriptions were written for the same large quantity (one pint) with the same directions  
24 for use (one teaspoon, four times a day) and the same estimated days' supply (twenty four). The  
25 patients' residences were located far away from Dr. T.R.'s office and an average of twenty six  
26 miles from Respondent Pacific Pharmacy. Patients received prescriptions from Dr. T.R. for the  
27 same duplicative drug therapy, promethazine with codeine, during successive months.

28

1 Respondents Pacific Pharmacy and Linda Nguyen did not contact Dr. T.R. or review CURES  
2 prior to filling the prescriptions.

3 31. From January 24, 2012 through May 13, 2013, Respondents Pacific Pharmacy and  
4 Can Vuong or Linda Nguyen dispensed 299 prescriptions of approximately 141,328mls of  
5 promethazine with codeine after the receipt of prescriptions issued by Dr. H.S. or his physician  
6 assistant, H.T.M. Some of these patients were former patients of Dr. T.R. Patients received  
7 prescriptions for duplicative drug therapies consisting of promethazine with codeine and  
8 antibiotics during successive months.

9 32. Patients paid for the above-referenced prescriptions in cash ordered by Dr. H.S. or his  
10 physician assistant, H.T.M. without seeking reimbursement from their insurance carriers. The  
11 patients' residences were located far away from Dr. H.S. or his physician assistant, H.T.M.'s  
12 office and an average of twenty eight miles away from Respondent Pacific Pharmacy.  
13 Respondents Pacific Pharmacy and Can Vuong did not contact Dr. H.S. or his physician assistant,  
14 H.T.M. or review CURES prior to filling the prescriptions.

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Failure to Report Dispensing of Controlled Prescriptions to CURES against Respondents)**

17 33. Respondents are subject to disciplinary action under Code section 4301(j), for  
18 violating Health and Safety Code section 11165(d), in that they failed to provide any information  
19 for each prescription dispensed of a Schedule II, Schedule III or Schedule IV controlled substance  
20 to the Department of Justice on a weekly basis for inclusion in CURES, as set forth in paragraphs  
21 22 through 32 above, which are incorporated herein by reference.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Failure to Properly Conduct Biennial Inventory of Controlled Substances against**  
24 **Respondent Pacific Pharmacy and Can Vuong)**

25 34. Respondents Pacific Pharmacy and Can Vuong are subject to disciplinary action  
26 under Code section 4301(o), for violating title 21, Code of Federal Regulations, section  
27 1304.11(a), in that they failed to indicate whether the biennial inventory of controlled substances  
28

1 conducted on September 19, 2012, had been done at either the opening or closing of business, as  
2 set forth in paragraphs 22 through 32 above, which are incorporated herein by reference.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Failure to Complete a Self-Assessment of Compliance with Federal and State Pharmacy  
5 Law against Respondents Pacific Pharmacy and Can Vuong)**

6 35. Respondents Pacific Pharmacy and Can Vuong are subject to disciplinary action  
7 under Code section 4301(o), for violating title 16, California Code of Regulations, section  
8 1715(a) in that they failed to have or fully complete a self-assessment of Respondent Pacific  
9 Pharmacy's compliance with federal and state pharmacy laws, as set forth in paragraphs 22  
10 through 32 above, which are incorporated herein by reference.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 **(Failure to Institute a Quality Assurance Program against Respondents Pacific Pharmacy  
13 and Can Vuong)**

14 36. Respondents Pacific Pharmacy and Can Vuong are subject to disciplinary action  
15 under Code section 4301(o), for violating Business and Professions Code section 4125(a), in that  
16 they failed to institute a quality assurance program designed to assess medication errors, as set  
17 forth in paragraphs 22 through 32 above, which are incorporated herein by reference.

18 **FIFTH CAUSE FOR DISCIPLINE**

19 **(Failure to Maintain Segregated Records of Controlled Substances against Respondents  
20 Pacific Pharmacy and Linda Nguyen)**

21 37. Respondents Pacific Pharmacy and Linda Nguyen are subject to disciplinary action  
22 under Code section 4301(o), for violating title 21, Code of Federal Regulations, section 1304.4(f),  
23 in that they co-mingled the inventories and records for Schedule III, Schedule IV and Schedule V  
24 controlled substances with the records for other dangerous drugs, as set forth in paragraphs 22  
25 through 32 above, which are incorporated herein by reference.

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**SIXTH CAUSE FOR DISCIPLINE**

**(Subverting Investigation of Board against Respondent Pacific Pharmacy and Can Vuong)**

38. Respondents Pacific Pharmacy and Can Vuong are subject to disciplinary action under Code section 4301(q), for unprofessional conduct in that they subverted an investigation of the Board by failing to produce requested records in a timely manner, produced incomplete records or did not produce the requested records at all, as set forth in paragraphs 22 through 32 above, which are incorporated herein by reference.

**SEVENTH CAUSE FOR DISCIPLINE**

**(Failing to Comply with Corresponding Responsibility**

**for Legitimate Controlled Substance Prescriptions against Respondents)**

39. Respondents are subject to disciplinary action under Code section 4301(j), for violating Health and Safety Code section 11153(a), in that they failed to comply with their corresponding responsibility to ensure that controlled substances were dispensed for a legitimate medical purpose when Respondents furnished prescriptions for controlled substances even though "red flags" were present, as set forth in paragraphs 22 through 32 above, which are incorporated herein by reference.

**EIGHTH CAUSE FOR DISCIPLINE**

**(Dispensing Controlled Substance Prescriptions with Significant Errors, Omissions,**

**Irregularities, Uncertainties, Ambiguities or Alterations against Respondents)**

40. Respondents are subject to disciplinary action under Code section 4301(o), for violating title 16, California Code of Regulations, sections 1761(a) and (b) in that they dispensed prescriptions for a controlled substance, promethazine with codeine, which contained significant errors, omissions, irregularities, uncertainties, ambiguities or alterations, as set forth in paragraphs 22 through 32 above, which are incorporated herein by reference.

1 **NINTH CAUSE FOR DISCIPLINE**

2 **(Failure to Review Patients' Medication Record Before Prescription Drugs Delivered**  
3 **against Respondents)**

4 41. Respondents are subject to disciplinary action under Code section 4301(o), for  
5 violating title 16, California Code of Regulations, section 1707.3, in that they dispensed  
6 prescriptions for drugs, without review of patients' medication records before each prescription  
7 drug was delivered. Such a review would have revealed numerous "red flags," as set forth in  
8 paragraphs 22 through 32 above, which are incorporated herein by reference.

9  
10 **TENTH CAUSE FOR DISCIPLINE**

11 **(Failure to Exercise or Implement Best Professional Judgment or Corresponding**  
12 **Responsibility when Dispensing Controlled Substances**  
13 **against Respondents Linda Nguyen and Can Vuong)**

14 42. Respondents Linda Nguyen and Can Vuong are subject to disciplinary action under  
15 Code section 4301(o), for violating Business and Professions Code section 4306.5(a) and (b), in  
16 that they failed to exercise or implement his or her best professional judgment or corresponding  
17 responsibility when dispensing controlled substances, as set forth in paragraphs 22 through 32  
18 above, which are incorporated herein by reference.

19 **ELEVENTH CAUSE FOR DISCIPLINE**

20 **(Unprofessional Conduct against Respondents Linda Nguyen and Can Vuong)**

21 43. Respondents are subject to disciplinary action under Code section 4301 for  
22 unprofessional conduct in that they engaged in the activities described in paragraphs 22 through  
23 32 above, which are incorporated herein by reference.

24 **PRAYER**

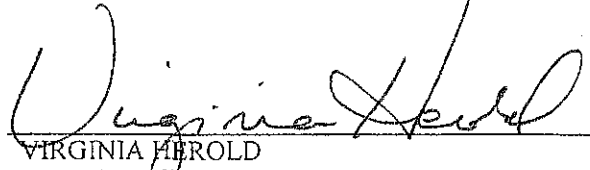
25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
26 and that following the hearing, the Board of Pharmacy issue a decision:

27 1. Revoking or suspending Pharmacy Permit Number PHY 50504, issued to Thanh Tam  
28 Pharmacy, Inc. dba Pacific Pharmacy;

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- 2. Revoking or suspending Pharmacist License Number RPH 48563, issued to Linda Oanh Nguyen;
- 3. Revoking or suspending Pharmacist License Number RPH 44286, issued to Can Vinh Vuong;
- 4. Ordering Thanh Tam Pharmacy, Inc., Linda Oanh Nguyen and Can Vinh Vuong 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;
- 5. Taking such other and further action as deemed necessary and proper.

DATED: 8/27/14



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

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