



California State Board of Pharmacy
 1625 N. Market Blvd, N219, Sacramento, CA 95834
 Phone: (916) 574-7900
 Fax: (916) 574-8618
 www.pharmacy.ca.gov

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
 DEPARTMENT OF CONSUMER AFFAIRS
 GOVERNOR EDMUND G. BROWN JR.

RECEIVED BY CALIF
 BOARD OF PHARMACY

2011 NOV 1

APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN LICENSE

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

Name: <u>HOANG PHAM</u>	Case No. <u>5033</u>
Address of Record: <u>645 KIRK AVE.</u> <u>VENTURA, CA 93003</u>	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. 5033, I hereby request to surrender my pharmacy technician license, License No. 128792. 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 pharmacy technician 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, permit, or registration 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.

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.

[Signature]
 Applicant's Signature

11/3/14
 Date

[Signature]
 Executive Officer's Approval

11/6/14
 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:

Case No. 5033

HOANG MINH PHAM

2708 Sargent Ave.
San Pablo, CA 94806

Pharmacy Technician Registration No.
TCH 128792

Respondent.

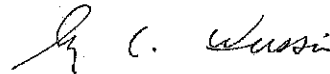
DECISION AND ORDER

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 October 8, 2014.

It is so ORDERED on October 1, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 CHAR SACHSON
Deputy Attorney General
4 State Bar No. 161032
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5558
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:
12 **HOANG MINH PHAM**
13 **2708 Sargent Ave.**
San Pablo, CA 94806
14 **Pharmacy Technician Registration No. TCH**
15 **128792**
16 Respondent.

Case No. 5033
OAH No. 2014061033
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

17
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public
19 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,
20 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will
21 be submitted to the Board for approval and adoption as the final disposition of the Accusation.

22 PARTIES

23 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.
24 She brought this action solely in her official capacity and is represented in this matter by Kamala
25 D. Harris, Attorney General of the State of California, by Char Sachson, Deputy Attorney
26 General.

1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 5033, if proven at a hearing, constitute cause for imposing discipline upon his Pharmacy
4 Technician Registration.

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

9 11. Respondent agrees that his Pharmacy Technician Registration is subject to discipline
10 and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
11 below.

12 RESERVATION

13 12. The admissions made by Respondent herein are only for the purposes of this
14 proceeding, or any other proceedings in which the Board of Pharmacy or other professional
15 licensing agency is involved, and shall not be admissible in any other criminal or civil
16 proceeding.

17 CONTINGENCY

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

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

4 15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
5 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
6 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
7 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
8 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
9 writing executed by an authorized representative of each of the parties.

10 16. In consideration of the foregoing admissions and stipulations, the parties agree that
11 the Board may, without further notice or formal proceeding, issue and enter the following
12 Disciplinary Order:

13 **DISCIPLINARY ORDER**

14 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 128792
15 issued to Respondent Hoang Minh Pham (Respondent) is revoked. However, the revocation is
16 stayed and Respondent is placed on probation for three (3) years on the following terms and
17 conditions.

18 **1. Certification Prior to Resuming Work**

19 Respondent shall be automatically suspended from working as a pharmacy technician until
20 he is certified as defined by Business and Professions Code section 4202(a)(4) and provides
21 satisfactory proof of certification to the board. Respondent shall not resume working as a
22 pharmacy technician until notified by the board. Failure to achieve certification within one (1)
23 year shall be considered a violation of probation.

24 During suspension, respondent shall not enter any pharmacy area or any portion of any
25 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
26 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
27 devices or controlled substances are maintained. Respondent shall not do any act involving drug
28 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent

1 manage, administer, or assist any licensee of the board. Respondent shall not have access to or
2 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
3 substances. Respondent shall not resume work until notified by the board.

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 pharmacy technician license or which is related to the
17 practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing,
18 or charging for any drug, device or controlled substance.

19 Failure to timely report any 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 its
4 designee. Failure to appear for any scheduled interview without prior notification to board staff,
5 or failure to appear at two (2) or more scheduled interviews with the board or its designee during
6 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. Notice to Employers**

12 During the period of probation, respondent shall notify all present and prospective
13 employers of the decision in case number 5033 and the terms, conditions and restrictions imposed
14 on respondent by the decision, as follows:

15 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
16 respondent undertaking any new employment, respondent shall cause his direct supervisor,
17 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
18 tenure of employment) and owner to report to the board in writing acknowledging that the listed
19 individual(s) has/have read the decision in case number 5033 and the terms and conditions
20 imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or
21 supervisor(s) submit timely acknowledgement(s) to the board.

22 If respondent works for or is employed by or through a pharmacy employment service,
23 respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy
24 of the terms and conditions of the decision in case number 5033 in advance of the respondent
25 commencing work at each pharmacy. A record of this notification must be provided to the board
26 upon request.

27 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
28 (15) days of respondent undertaking any new employment by or through a pharmacy employment

1 service, respondent shall cause his direct supervisor with the pharmacy employment service to
2 report to the board in writing acknowledging that he has read the decision in case number 5033
3 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
4 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

5 Failure to timely notify present or prospective employer(s) or to cause that/those
6 employer(s) to submit timely acknowledgements to the board shall be considered a violation of
7 probation.

8 "Employment" within the meaning of this provision shall include any full-time,
9 part-time, temporary or relief service or pharmacy management service as a pharmacy
10 technician or in any position for which a pharmacy technician license is a requirement
11 or criterion for employment, whether the respondent is considered an employee,
12 independent contractor or volunteer.

13 **7. Reimbursement of Board Costs**

14 As a condition precedent to successful completion of probation, respondent shall pay to the
15 board its costs of investigation and prosecution in the amount of \$2,879.00. Respondent shall
16 make payments pursuant to a payment plan approved by the Board. There shall be no deviation
17 from this schedule absent prior written approval by the board or its designee. Failure to pay costs
18 by the deadline(s) as directed shall be considered a violation of probation.

19 The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to
20 reimburse the board its costs of investigation and prosecution.

21 **8. Probation Monitoring Costs**

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

26 **9. Status of License**

27 Respondent shall, at all times while on probation, maintain an active, current pharmacy
28 technician license with the board, including any period during which suspension or probation is

1 tolled. Failure to maintain an active, current license shall be considered a violation of probation.

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

6 **10. License Surrender While on Probation/Suspension**

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

15 Upon acceptance of the surrender, respondent shall relinquish his pharmacy technician
16 license to the board within ten (10) days of notification by the board that the surrender is
17 accepted. Respondent may not reapply for any license, permit, or registration from the board for
18 three (3) years from the effective date of the surrender. Respondent shall meet all requirements
19 applicable to the license sought as of the date the application for that license is submitted to the
20 board.

21 **11. Notification of a Change in Name, Residence Address, Mailing Address or**
22 **Employment**

23 Respondent shall notify the board in writing within ten (10) days of any change of
24 employment. Said notification shall include the reasons for leaving, the address of the new
25 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
26 shall further notify the board in writing within ten (10) days of a change in name, residence
27 address and mailing address, or phone number.

28 Failure to timely notify the board of any change in employer(s), name(s), address(es), or

1 phone number(s) shall be considered a violation of probation.

2 **12. Tolling of Probation**

3 Except during periods of suspension, respondent shall, at all times while on probation, be
4 employed as a pharmacy technician in California for a minimum of 15 hours per calendar month.
5 Any month during which this minimum is not met shall toll the period of probation, i.e., the
6 period of probation shall be extended by one month for each month during which this minimum is
7 not met. During any such period of tolling of probation, respondent must nonetheless comply
8 with all terms and conditions of probation.

9 Should respondent, regardless of residency, for any reason (including vacation) cease
10 working as a pharmacy technician for a minimum of 15 hours per calendar month in California,
11 respondent must notify the board in writing within ten (10) days of cessation of work and must
12 further notify the board in writing within ten (10) days of the resumption of the work. Any
13 failure to provide such notification(s) shall be considered a violation of probation.

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

17 "Cessation of work" means calendar month during which respondent is not
18 working for at least 15 hours as a pharmacy technician, as defined in Business and
19 Professions Code section 4115. "Resumption of work" means any calendar month
20 during which respondent is working as a pharmacy technician for at least 15 hours as
21 defined by Business and Professions Code section 4115.

22 **13. Violation of Probation**

23 If respondent has not complied with any term or condition of probation, the board shall
24 have continuing jurisdiction over respondent, and probation shall automatically be extended, until
25 all terms and conditions have been satisfied or the board has taken other action as deemed
26 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
27 to impose the penalty that was stayed.

28 If respondent violates probation in any respect, the board, after giving respondent notice

1 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
2 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
3 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
4 a petition to revoke probation or an accusation is filed against respondent during probation, the
5 board shall have continuing jurisdiction, and the period of probation shall be automatically
6 extended until the petition to revoke probation or accusation is heard and decided.

7 **14. Completion of Probation**

8 Upon written notice by the board indicating successful completion of probation,
9 respondent's pharmacy technician license will be fully restored.

10 **15. No Ownership of Licensed Premises**

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

18 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a
19 manager, administrator, member, officer, director, trustee, associate, or partner of any additional
20 business, firm, partnership, or corporation licensed by the board. If respondent currently owns or
21 has any legal or beneficial interest in, or serve as a manager, administrator, member, officer,
22 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently
23 or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold
24 that interest, but only to the extent of that position or interest as of the effective of this decision.
25 Violation of this restriction shall be considered a violation of probation.

26 **16. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

27 If respondent has a confirmed positive test for alcohol or any drug not lawfully prescribed
28 by a licensed practitioner as part of a documented medical treatment, within five (5) days of

1 notification thereof respondent shall begin regular attendance at a recognized and established
2 substance abuse recovery support group in California, (e.g. Alcoholics Anonymous, Narcotics
3 Anonymous, etc.) that has been approved by the board or its designee, attending at least one
4 group meeting per week unless otherwise directed by the board or its designee. Thereafter,
5 respondent shall continue regular attendance and submit signed and dated documentation
6 confirming attendance with each quarterly report for the duration of probation. Failure to attend
7 or submit documentation thereof shall be considered a violation of probation.

8 **17. Random Drug Screening**

9 Respondent, at his own expense, shall participate in random testing, including but not
10 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
11 screening program as directed by the board or its designee. Respondent may be required to
12 participate in testing for the entire probation period and the frequency of testing will be
13 determined by the board or its designee. At all times respondent shall fully cooperate with the
14 board or its designee, and shall, when directed, submit to such tests and samples for the detection
15 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its
16 designee may direct. Failure to timely submit to testing as directed shall be considered a violation
17 of probation. Upon request of the board or its designee, respondent shall provide documentation
18 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is
19 a necessary part of the treatment of the respondent. Failure to timely provide such documentation
20 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any
21 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment
22 shall be considered a violation of probation and shall result in the automatic suspension of work
23 by respondent. Respondent may not resume work as a pharmacy technician until notified by the
24 board in writing.

25 During suspension, respondent shall not enter any pharmacy area or any portion of or any
26 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
27 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
28 devices or controlled substances are maintained. Respondent shall not do any act involving drug

1 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent
2 manage, administer, or assist any licensee of the board. Respondent shall not have access to or
3 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
4 substances. Respondent shall not resume work until notified by the board.

5 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.
6 Subject to the above restrictions, respondent may continue to own or hold an interest in any
7 licensed premises in which he holds an interest at the time this decision becomes effective unless
8 otherwise specified in this order.

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

10 **18. Work Site Monitor**

11 Within ten (10) days of the effective date of this decision, respondent shall identify a work
12 site monitor, for prior approval by the board, who shall be responsible for supervising respondent
13 during working hours. Respondent shall be responsible for ensuring that the work site monitor
14 reports in writing to the board quarterly. Should the designated work site monitor determine at
15 any time during the probationary period that respondent has not maintained sobriety, he shall
16 notify the board immediately, either orally or in writing as directed. Should respondent change
17 employment, a new work site monitor must be designated, for prior approval by the board, within
18 ten (10) days of commencing new employment. Failure to identify an acceptable initial or
19 replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be
20 considered a violation of probation.

21 **19. Notification of Departure**

22 Prior to leaving the probationary geographic area designated by the board or its designee for
23 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in
24 writing of the dates of departure and return. Failure to comply with this provision shall be
25 considered a violation of probation.

26 **20. Abstain from Drugs and Alcohol Use**

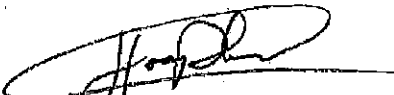
27 Respondent shall completely abstain from the possession or use of alcohol, controlled
28 substances, dangerous drugs and their associated paraphernalia except when the drugs are

1 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
2 request of the board or its designee, respondent shall provide documentation from the licensed
3 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
4 treatment of the respondent. Failure to timely provide such documentation shall be considered a
5 violation of probation. Respondent shall ensure that he is not in the same physical location as
6 individuals who are using illicit substances even if respondent is not personally ingesting the
7 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
8 not supported by the documentation timely provided, and/or any physical proximity to persons
9 using illicit substances, shall be considered a violation of probation.

10
11 ACCEPTANCE


12 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
13 discussed it with my attorney, Marta R. Vanegas. I understand the stipulation and the effect it
14 will have on my Pharmacy Technician Registration. I enter into this Stipulated Settlement and
15 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
16 Decision and Order of the Board of Pharmacy.

17
18 DATED: 9/6/14


HOANG MINH PHAM
Respondent

19
20 I have read and fully discussed with Respondent Hoang Minh Pham the terms and
21 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
22 I approve its form and content.

23 DATED: 9/8/14


MARTA R. VANEGAS
Attorney for Respondent

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ENDORSEMENT

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

Dated: 9/9/14

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
FRANK H. PACOE
Supervising Deputy Attorney General



CHAR SACHSON
Deputy Attorney General
Attorneys for Complainant

SF2013406692
41048751.doc

Exhibit A

Accusation No. 5033

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 CHAR SACHSON
Deputy Attorney General
4 State Bar No. 161032
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5558
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 5033

11 **HOANG MINH PHAM**
12 **2708 Sargent Ave.**
13 **San Pablo, CA 94806**

ACCUSATION

14 **Pharmacy Technician Registration No. TCH**
15 **128792**

16 Respondent.

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.

21 2. On or about December 14, 2012, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 128792 to Hoang Minh Pham (Respondent). The Pharmacy
23 Technician Registration was in full force and effect at all times relevant to the charges brought
24 herein and will expire on January 31, 2016, unless renewed.

25 **JURISDICTION**

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

1 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
2 labeled with the name and address of the supplier or producer.

3 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a
4 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and
5 devices."

6 9. Health and Safety Code section 11170 provides that no person shall prescribe,
7 administer, or furnish a controlled substance for himself or herself.

8 COST RECOVERY

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

13 DRUGS

14 11. Marijuana is a Schedule I controlled substance as designated by Health and Safety
15 Code section 11054(d)(13), and a dangerous drug as designated by Business and Professions
16 Code section 4022. It is a hallucinogenic drug.

17 FIRST CAUSE FOR DISCIPLINE

18 (POSSESSION OF MARIJUANA)

19 12. Respondent is subject to disciplinary action under sections 4301(j) and 4060 in that
20 Respondent illegally possessed marijuana, a controlled substance. The circumstances are as
21 follows:

22 13. On or about February 7, 2013, while working as a Pharmacy Technician at Walgreens
23 in El Sobrante, California, Respondent's coworker smelled marijuana coming from Respondent's
24 jacket which was hanging in the employee locker area. Respondent's coworker found a small bag
25 of marijuana in the jacket.

26 ///

27 ///

28 ///

1 SECOND CAUSE FOR DISCIPLINE

2 (UNLAWFUL SELF-ADMINISTRATION OF MARIJUANA)

3 14. Respondent is subject to disciplinary action under sections 4301(h), 4301(j) and
4 Health and Safety Code section 11170 in that Respondent unlawfully self-administered marijuana,
5 a controlled substance. The circumstances are as follows:

6 15. On or about February 7, 2013, Respondent admitted that he had smoked marijuana at
7 a party on the weekend prior, and that three weeks prior to that, he had consumed a brownie
8 containing marijuana.

9 PRAYER

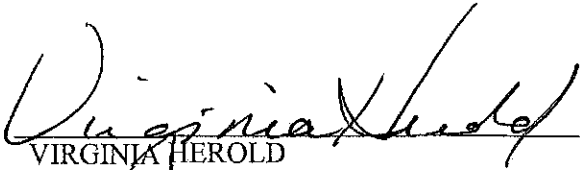
10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Pharmacy issue a decision:

12 1. Revoking or suspending Pharmacy Technician Registration Number TCH 128792,
13 issued to Hoang Minh Pham;

14 2. Ordering Hoang Minh Pham to pay the Board of Pharmacy the reasonable costs of the
15 investigation and enforcement of this case, pursuant to Business and Professions Code section
16 125.3;

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

18
19
20 DATED: 5/8/14


21 VIRGINIA HEROLD
22 Executive Officer
23 Board of Pharmacy
24 Department of Consumer Affairs
25 State of California
26 Complainant

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