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1 2 3 4 5 6 7 8	KAMALA D. HARRIS Attorney General of California LINDA K. SCHNEIDER Supervising Deputy Attorney General State Bar No. 101336 AMANDA DODDS Senior Legal Analyst 110 West "A" Street, Suite 1100 San Diego, CA 92101 P.O. Box 85266 San Diego, CA 92186-5266 Telephone: (619) 645-2141 Facsimile: (619) 645-2061 Attorneys for Complainant		
9	BEFOI	Эр тир	
10 11	BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
12	In the Matter of the Petition to Revoke	Case No. 3986	
13	Probation Against:		
14 15	CHU HUU VU 3883 Indian Way San Diego, CA 92117	PETITION TO REVOKE PROBATION	
16	Pharmacist License No. RPH 39728		
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18	Respondent.		
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	Complainant alleges:		
20	PARTIES		
21	1. Virginia Herold (Complainant) brings this Petition to Revoke Probation solely in her		
22	official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer		
23	Affairs.		
24	2. On or about August 7, 1986, the Boa	rd of Pharmacy issued Pharmacist License	
25	Number RPH 39728 to Chu Huu Vu (Respondent). The Pharmacist License was suspended on		
26	August 27, 2009, and will expire on January 31, 2013, unless otherwise renewed.		
27	3. In a prior disciplinary action entitled	In the Matter of the Petition for Reinstatement of	
28	Certificate to Practice Pharmacy of Chu Huu Vu	, Board of Pharmacy Case No. 2236-B, Office of	
		PETITION TO REVOKE PROBATION	

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1	Administrative Hearings (OAH) No. N2007040268, the Board of Pharmacy issued a decision,	
2	effective June 6, 2007, in which Respondent's Pharmacist License was reinstated and then	
3	immediately revoked. However, the revocation was stayed and Respondent's Pharmacist License	
4	was placed on probation for a period of five years with certain terms and conditions. A copy of	
5	that decision is attached as Exhibit A and is incorporated herein by reference.	
6	4. In a prior disciplinary action entitled <i>In the Matter of Accusation Against Chu Huu</i>	
7	Vu," Board of Pharmacy Case No. 2236-B, OAH No. L-2000050335, the Board of Pharmacy	
8.	issued a decision, effective March 6, 2001, in which Respondent's Pharmacist License was	
9	revoked. A copy of that decision is attached as Exhibit B and is incorporated herein by reference.	
10	JURISDICTION	
11	5. This Petition to Revoke Probation is brought before the Board of Pharmacy (Board),	
12	Department of Consumer Affairs, under the authority of the following laws. All section	
13	references are to the Business and Professions Code (Code) unless otherwise indicated.	
14	6. Section 4300, subdivision (a) of the Code states "Every license issued may be	
15	suspended or revoked."	
16	7. Section 118, subdivision (b), of the Code provides that the suspension, expiration,	
17	<sup>7</sup> surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a	
18	disciplinary action during the period within which the license may be renewed, restored, reissued	
19	or reinstated.	
20	FIRST CAUSE TO REVOKE PROBATION	
21	(Maintain Employment as a Pharmacist)	
22	8. At all times after the effective date of Respondent's probation, Condition 12 stated:	
23	Should petitioner, regardless of residency, for any reason cease practicing	
24	pharmacy for a minimum of 80 hours per calendar month in California, petitioner must notify the board in writing within 10 days of cessation of the practice of	
25	pharmacy or the resumption of the practice of pharmacy. Such periods of time shall not apply to the reduction of the probation period. It is a violation of probation for	
26	petitioner's probation to remain tolled pursuant to the provisions of this condition for a period exceeding three years. "Cessation of practice" means any period of time	
27	exceeding 30 days in which petitioner is not engaged in the practice of pharmacy as defined n Section 4052 of the business and Professions Code for at least 80 hours a	
28	calendar month.	
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	PETITION TO REVOKE PROBATION	

1	9. Respondent's probation is subject to revocation because he failed to comply with
2	Probation Condition 12, referenced above, in that as a result of the suspension of his pharmacist
3	license for failing to take and pass the California Pharmacy Jurisprudence Examination (CPJE),
4	Respondent has not practiced pharmacy during his probation term. (See paragraph 11, below.)
5	SECOND CAUSE TO REVOKE PROBATION
6	(Take and Pass the California Pharmacy Jurisprudence Examination)
7	10. At all times after the effective date of Respondent's probation, Condition 15 stated:
8	Petitioner shall take and pass the California Pharmacy Jurisprudence
9	Examination (CPJE) as scheduled by the board after the effective date of this decision at petitioner's own expense. If petitioner fails to take and pass the examination
10	within six months after the effective date of this decision, petitioner shall be suspended from practice on written notice. Petitioner shall not resume the practice of
11	pharmacy until he or she takes and passes the CPJE at a subsequent examination and is notified, in writing, that he or she has passed the examination Failure to take and pass the examination within one year of the effective date of this decision shall be
12	considered a violation of probation. Suspension and probation shall be extended until petitioner passes the examination and is notified in writing.
13	petitionel passes une examination and is notified in writing.
14	11. Respondent's probation is subject to revocation because he failed to comply with
15	Probation Condition 15, referenced above, in that Respondent failed to take and pass the
16	California Pharmacy Jurisprudence Examination within one year of the effective date of the
17	decision.
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	PETITION TO REVOKE PROBATION

1	PRAYER	
2	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
3	and that following the hearing, the Board of Pharmacy issue a decision:	
4	1. Revoking the probation that was granted by the Board of Pharmacy in Case No.	
5	2236-B, Office of Administrative Hearings No. N2007040268, and imposing the disciplinary	
6	order that was stayed thereby revoking Pharmacist License No. RPH 39728 issued to Chu Huu	
7	Vu;	
8	2. Revoking or suspending Pharmacist License No. RPH 39728, issued to Chu Huu Vu;	
9	3. Taking such other and further action as deemed necessary and proper.	
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12	DATED: 0[2]11 VIRGINIA HEROLD	
13	Executive Officer Board of Pharmacy	
14	Department of Consumer Affairs State of California	
15	Complainant	
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	PETITION TO REVOKE PROBATION	

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## Exhibit A

**Decision and Order** 

In the Matter of Accusation Against Chu Huu Vu Board of Pharmacy Case No. 2236-B

## Exhibit B

**Decision and Order** 

In the Matter of the Petition for Reinstatement of Certificate to Practice Pharmacy of Chu Huu Vu Board of Pharmacy Case No. 2236-B