

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

In the Matter of the Accusation Against:

Case No. 4238

**TRISHA THUC NGUYEN**  
19566 Grandview Circle  
Huntington Beach, CA 92648

Pharmacist License No. RPH 47287

Respondents.

**DECISION AND ORDER**

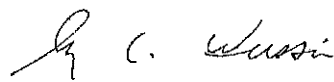
The attached Stipulated Surrender of Pharmacist License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on July 8, 2013.

It is so ORDERED on June 7, 2013.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 GEOFFREY WARD  
Deputy Attorney General  
4 State Bar No. 246437  
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4238

12 **TRISHA THUC NGUYEN**  
2275 Huntington Drive 46  
13 San Marino, CA 91108  
Pharmacist License No. RPH 47287

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

14 Respondent.

15  
16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
18 proceeding that the following matters are true:

19 PARTIES

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.  
21 She brought this action solely in her official capacity and is represented in this matter by Kamala  
22 D. Harris, Attorney General of the State of California, by Geoffrey Ward, Deputy Attorney  
23 General.

24 2. Trisha Thuc Nguyen (Respondent) is representing herself in this proceeding and has  
25 chosen not to exercise her right to be represented by counsel.

26 3. On or about August 4, 1994, the Board of Pharmacy issued Pharmacist License No.  
27 RPH 47287 to Trisha Thuc Nguyen (Respondent). The Pharmacist License expired on April 30,  
28 2012 and has not been renewed.





1 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing  
2 executed by an authorized representative of each of the parties.

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

5 ORDER

6 IT IS HEREBY ORDERED that Pharmacist License No. RPH 47287, issued to Respondent  
7 Trisha Thuc Nguyen, is surrendered and accepted by the Board of Pharmacy.

8 1. The surrender of Respondent's Pharmacist License and the acceptance of the  
9 surrendered license by the Board shall constitute the imposition of discipline against Respondent.  
10 This stipulation constitutes a record of the discipline and shall become a part of Respondent's  
11 license history with the Board of Pharmacy.

12 2. Respondent shall lose all rights and privileges as a pharmacist in California as of the  
13 effective date of the Board's Decision and Order.

14 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was  
15 issued, her wall certificate on or before the effective date of the Decision and Order.

16 4. If she ever applies for licensure or petitions for reinstatement in the State of  
17 California, the Board shall treat it as a new application for licensure. Respondent may not apply  
18 for licensure with the Board until 3 years have elapsed since the effective date of this order.  
19 Respondent must comply with all the laws, regulations and procedures for licensure in effect at  
20 the time the application or petition is filed, and all of the charges and allegations contained in  
21 Accusation No. 4238 shall be deemed to be true, correct and admitted by Respondent when the  
22 Board determines whether to grant or deny the application or petition.

23 5. Respondent shall pay the agency its costs of investigation and enforcement in the  
24 amount of \$ 1,172.50 prior to issuance of a new or reinstated license.


25 6. If Respondent should ever apply or reapply for a new license or certification, or  
26 petition for reinstatement of a license, by any other health care licensing agency in the State of  
27 California, all of the charges and allegations contained in Accusation, No. 4238 shall be deemed  
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1 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
2 other proceeding seeking to deny or restrict licensure.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 10/31/12   
TRISHA THUC NGUYEN  
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 4/18/13 Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
  
GEOFFREY WARD  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 4238**

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 GEOFF WARD  
Deputy Attorney General  
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4238

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

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

14 Pharmacist License No. RPH 47287

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about August 4, 1994, the Board issued Pharmacist License No. RPH 47287 to  
22 Trisha Thuc Nguyen (Respondent). The Pharmacist License expired on April 30, 2012 and has  
23 not been renewed.

24 **JURISDICTION**

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

28 4. Section 118, subdivision (b), provides that the suspension, expiration, surrender,



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

#### 4 STATUTES

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

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

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

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

15 ...  
16 "(f) The commission of any act involving moral turpitude,  
17 dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of  
18 relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or  
19 not.

20 ...  
21 "(I) The conviction of a crime substantially related to the qualifications,  
22 functions, and duties of a licensee under this chapter. The record of conviction of a  
23 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
24 States Code regulating controlled substances or of a violation of the statutes of this  
25 state regulating controlled substances or dangerous drugs shall be conclusive  
26 evidence of unprofessional conduct. In all other cases, the record of conviction shall  
27 be conclusive evidence only of the fact that the conviction occurred. The board may  
28 inquire into the circumstances surrounding the commission of the crime, in order to  
fix the degree of discipline or, in the case of a conviction not involving controlled  
substances or dangerous drugs, to determine if the conviction is of an offense  
substantially related to the qualifications, functions, and duties of a licensee under this  
chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
contendere is deemed to be a conviction within the meaning of this provision. The  
board may take action when the time for appeal has elapsed, or the judgment of  
conviction has been affirmed on appeal or when an order granting probation is made  
suspending the imposition of sentence, irrespective of a subsequent order under  
Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
dismissing the accusation, information, or indictment."

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1 **REGULATIONS**

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

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

8 **COST RECOVERY**

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

13 **FIRST CAUSE FOR DISCIPLINE**

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

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

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

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

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

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Acts Involving Moral Turpitude, Dishonesty, Fraud,**  
3 **Deceit and/or Corruption)**

4 11. Respondent is subject to disciplinary action under section 4301, subdivision (f), in  
5 that Respondent was convicted of a crime involving moral turpitude, dishonesty, deceit, and  
6 corruption. Complainant refers to, and by this reference incorporates, the allegations set forth  
7 above in paragraph 10 and its subdivisions as though set forth fully.  
8

9 **PRAYER**

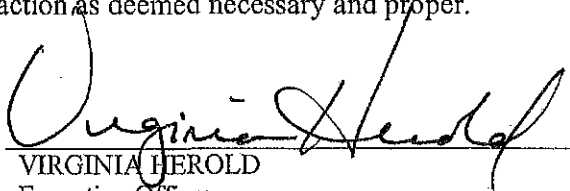
10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
11 and that following the hearing, the Board issue a decision:

12 1. Revoking or suspending Pharmacist License No. RPH 47287, issued to Trisha Thuc  
13 Nguyen;

14 2. Ordering Trisha Thuc Nguyen to pay the Board the reasonable costs of the  
15 investigation and enforcement of this case, pursuant to Business and Professions Code section  
16 125.3; and

17 3. Taking such other and further action as deemed necessary and proper.  
18

19 DATED: 8/18/12

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

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