

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

**In the Matter of the Accusation Against:**

**BASCOM PHARMACY, LLC;  
TIN KIM HUYNH, Member;  
CLIVE ALEXANDER FULLER, Member,  
Original Permit No. PHY 47147, and**

**TIN KIM HUYNH  
Pharmacist License No. RPH 46184, and**

**CLIVE ALEXANDER FULLER,  
Pharmacist License No. RPH 43998,**

**Respondents**

**Agency Case No. 6691**

**OAH No. 2019120338**

## 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 at 5:00 p.m. on August 26, 2020.

It is so ORDERED on July 27, 2020.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg M. Lippe", is written over the printed name.

By

Greg Lippe  
Board President

1 XAVIER BECERRA  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
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8

9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**  
12

13 In the Matter of the Accusation Against:

14 **BASCOM PHARMACY, LLC;**  
15 **TIN KIM HUYNH, Member;**  
16 **CLIVE ALEXANDER FULLER, Member**  
105 N. Bascom Ave. #101  
San Jose, CA 95128

17 Original Permit No. PHY 47147,

18 **TIN KIM HUYNH**  
19 44600 Highland Place  
Fremont, CA 94539

20 Pharmacist License No. RPH 46184,

21 and

22 **CLIVE ALEXANDER FULLER**  
23 105 N. Bascom Ave. #101  
San Jose, CA 95128.

24 Pharmacist License No. RPH 43998

25 Respondents.  
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Case No. 6691

OAH No. 2019120338

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

3 **PARTIES**

4 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
5 (Board). She brought this action solely in her official capacity and is represented in this matter by  
6 Xavier Becerra, Attorney General of the State of California, by Timothy Froehle, Deputy  
7 Attorney General.

8 2. On or about July 19, 2005, the Board of Pharmacy issued Original Permit Number  
9 PHY 47147 to Bascom Pharmacy, LLC<sup>1</sup> (Respondent Bascom Pharmacy) with Tin Kim Huynh  
10 (Respondent Huynh) designated the Pharmacist in Charge since July 19, 2005, and Respondent  
11 Huynh and Clive Alexander Fuller (Respondent Fuller) listed as Members since July 19, 2005.  
12 The original permit was in full force and effect at all times relevant to the charges brought in this  
13 Accusation and will expire on July 1, 2020, unless renewed.

14 3. On or about June 10, 1993, the Board of Pharmacy issued Pharmacist License  
15 Number RPH 46184 to Respondent Huynh. The Pharmacist License was in full force and effect  
16 at all times relevant to the charges brought here and will expire on December 31, 2020, unless  
17 renewed.

18 4. On or about February 28, 1991, the Board of Pharmacy issued Pharmacist License  
19 Number RPH 43998 to Clive Alexander Fuller (Respondent Fuller). The Pharmacist License was  
20 in full force and effect at all times relevant to the charges brought here and will expire on August  
21 31, 2020, unless renewed.

22 5. Respondents are represented in this proceeding by attorney Ivan Petrzela, whose  
23 address is: 55 Cetus 1st Floor, Irvine, CA 92618.

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27 <sup>1</sup> On or about April 21, 2014, Respondent Bascom Pharmacy converted from a California  
28 limited liability company to a California stock corporation with the formal name of "Bascom  
Pharmacy." Respondent Huynh became the converted corporation's chief financial officer and  
secretary, while Respondent Fuller became chief executive officer.

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7. A copy of Accusation No. 6691 is attached as Exhibit A and incorporated here by reference.

8. Respondents have carefully read, fully discussed with counsel, and understand the charges and allegations in Accusation No. 6691. Respondents have also carefully read, fully discussed with counsel, and understand the effects of this Stipulated Settlement and Disciplinary Order.

10. Respondents voluntarily, knowingly, and intelligently waive and give up each and every right set forth above.

11. Respondents understand and agree that the charges and allegations in Accusation No. 6691, if proven at a hearing, constitute cause for imposing discipline upon their respective licenses and permits.

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13. Respondents agree that their Original Permit and Pharmacist Licenses, respectively, are subject to discipline and they agree to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

## CONTINGENCY

14. This stipulation shall be subject to approval by the Board of Pharmacy. Respondents understand and agree that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondents or their counsel. By signing the stipulation, Respondents understand and agree that they may not withdraw their agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

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

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

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

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**DISCIPLINARY ORDER**

**HUYNH RPH 46184**

IT IS HEREBY ORDERED that Pharmacist License No. RPH 46184, issued to Respondent Tin Kim Huynh, shall be publicly reprovved by the Board of Pharmacy under Business and Professions Code section 495 based on the allegations set forth in Accusation No. 6691.

IT IS FURTHER ORDERED that Respondent Huynh shall comply with the terms and conditions as set forth below. Any violation of the terms and conditions shall constitute unprofessional conduct and grounds for further disciplinary action.

IT IS FURTHER ORDERED that within 60 days of the effective date of this decision, Respondent Huynh shall submit to the Board or its designee, for prior approval, an appropriate program of remedial education related to pharmacy inventory, record keeping, role of pharmacist in charge, and non-sterile compounding. The program of remedial education shall consist of at least 10 hours, of which 50 percent must be live webinar or in-person, and shall be completed within 12 months at Respondent Huynh's own expense. All remedial education shall be in addition to, and shall not be credited toward, continuing education (CE) courses used for license renewal purposes for pharmacists.

Failure to timely submit for approval or complete the approved remedial education shall be considered a violation of the terms of this stipulation and shall constitute unprofessional conduct and grounds for further disciplinary action.

Following the completion of each course, the Board or its designee may require Respondent Huynh, at his own expense, to take an approved examination to test the respondent's knowledge of the course. If the respondent does not achieve a passing score on the examination that course shall not count towards satisfaction of this term. Respondent Huynh shall take another course approved by the Board in the same subject area.

IT IS FURTHER ORDERED that within one year of the effective date of this decision, Respondent Huynh shall enroll in the Board's diversion training program, "Prescription Drug Abuse and Diversion What a Pharmacist Needs to Know," at Respondent Huynh's expense. Respondent Huynh shall provide proof of enrollment upon request. Within five (5) days of

1 completion, Respondent Huynh shall submit a copy of the certificate of completion to the Board  
2 or its designee. Failure to timely enroll in the program, to initiate the program within one year of  
3 this decision, to successfully complete it within 18 months of the effective date of this decision,  
4 or to timely submit proof of completion to the Board or its designee, shall be considered a  
5 violation of the terms of this stipulation and shall constitute unprofessional conduct and grounds  
6 for further disciplinary action.

7 IT IS FURTHER ORDERED that Respondent Huynh shall not acquire any new ownership,  
8 legal or beneficial interest nor serve as a manager, administrator, member, officer, director,  
9 trustee, associate, or partner of any additional business, firm, partnership, or corporation licensed  
10 by the Board for a period of three (3) years from the effective date of this decision.<sup>2</sup> If  
11 Respondent Huynh currently owns or has any legal or beneficial interest in, or serves as a  
12 manager, administrator, member, officer, director, trustee, associate, or partner of any business,  
13 firm, partnership, or corporation currently or hereinafter licensed by the Board, Respondent  
14 Huynh may continue to serve in such capacity or hold that interest, but only to the extent of that  
15 position or interest as of the effective date of this decision. Violation of this restriction shall be  
16 considered a violation of the terms of this stipulation and shall constitute unprofessional conduct  
17 and grounds for further disciplinary action.

18 IT IS FURTHER ORDERED that Respondents Huynh, Fuller, and Bascom Pharmacy shall  
19 pay the total of \$10,000.00 to the Board for its costs associated with the investigation and  
20 enforcement of this matter. Respondents shall be responsible for payment of these costs both  
21 jointly and severally. Respondents shall be permitted to pay these costs in a payment plan  
22 approved by the Board. If Respondents fail to pay the Board the costs as ordered, Respondent  
23 Huynh shall not be allowed to renew his Pharmacist license until paid in full.

24 **FULLER RPH 43998**

25 IT IS FURTHER ORDERED that Pharmacist License No. RPH 43998, issued to

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26 <sup>2</sup> Respondents Huynh and Fuller have applied for a new Original Permit for Respondent  
27 Bascom Pharmacy as a result of their conversion of Respondent Bascom Pharmacy from a  
28 California limited liability company to a California corporation. The parties agree that issuance  
of a new Original Permit number based upon this conversion of business form shall not constitute  
a violation of the terms of this stipulation.



1 Respondent Clive Alexander Fuller, shall be publicly reprovved by the Board of Pharmacy under  
2 Business and Professions Code section 495 based on the allegations set forth in Accusation No.  
3 6691.

4 IT IS FURTHER ORDERED that Respondent Fuller shall comply with the terms and  
5 conditions as set forth below. Any violation of the terms and conditions shall constitute  
6 unprofessional conduct and grounds for further disciplinary action.

7 IT IS FURTHER ORDERED that within one year of the effective date of this decision,  
8 Respondent Fuller shall enroll in the Board's diversion training program, "Prescription Drug  
9 Abuse and Diversion What a Pharmacist Needs to Know," at Respondent Fuller's expense.  
10 Respondent Fuller shall provide proof of enrollment upon request. Within five (5) days of  
11 completion, Respondent Fuller shall submit a copy of the certificate of completion to the Board or  
12 its designee. Failure to timely enroll in the program, to initiate the program within one year of  
13 this decision, to successfully complete it within 18 months of the effective date of this decision,  
14 or to timely submit proof of completion to the Board or its designee, shall be considered a  
15 violation of the terms of this stipulation and shall constitute unprofessional conduct and grounds  
16 for further disciplinary action.

17 IT IS FURTHER ORDERED that Respondent Fuller shall not acquire any new ownership,  
18 legal or beneficial interest nor serve as a manager, administrator, member, officer, director,  
19 trustee, associate, or partner of any additional business, firm, partnership, or corporation licensed  
20 by the Board for a period of three (3) years from the effective date of this decision.<sup>3</sup> If  
21 Respondent Fuller currently owns or has any legal or beneficial interest in, or serves as a  
22 manager, administrator, member, officer, director, trustee, associate, or partner of any business,  
23 firm, partnership, or corporation currently or hereinafter licensed by the Board, Respondent Fuller  
24 may continue to serve in such capacity or hold that interest, but only to the extent of that position  
25 or interest as of the effective date of this decision. Violation of this restriction shall be considered

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26 <sup>3</sup> Respondents Huynh and Fuller have applied for a new Original Permit for Respondent  
27 Bascom Pharmacy as a result of their conversion of Respondent Bascom Pharmacy from a  
28 California limited liability company to a California corporation. The parties agree that issuance  
of a new Original Permit number based upon this conversion of business form shall not constitute  
a violation of the terms of this stipulation.

1 a violation of the terms of this stipulation and shall constitute unprofessional conduct and grounds  
2 for further disciplinary action.

3 IT IS FURTHER ORDERED that Respondents Huynh, Fuller, and Bascom Pharmacy shall  
4 pay the total of \$10,000.00 to the Board for its costs associated with the investigation and  
5 enforcement of this matter. Respondents shall be responsible for payment of these costs both  
6 jointly and severally. Respondents shall be permitted to pay these costs in a payment plan  
7 approved by the Board. If Respondents fail to pay the Board the costs as ordered, Respondent  
8 Fuller shall not be allowed to renew his Pharmacist license until paid in full.

9 **BASCOM PHARMACY – PHY 47147**

10 IT IS FURTHER ORDERED that Original Permit No. PHY 47147 issued to Respondent  
11 Bascom Pharmacy, LLC. is revoked. However, the revocation is stayed and Respondent Bascom  
12 Pharmacy is placed on probation for three (3) years on the following terms and conditions.

13 **1. Definition: Respondent**

14 For the purposes of these probation terms and conditions, “Respondent” shall refer to  
15 Respondent Bascom Pharmacy. All terms and conditions stated herein shall bind and be  
16 applicable to the licensed premises and to all owners, managers, officers, administrators,  
17 members, directors, trustees, associates, or partners thereof. For purposes of compliance with any  
18 term or condition, any report, submission, filing, payment, or appearance required to be made by  
19 Respondent Bascom Pharmacy to or before the Board or its designee shall be made by an owner  
20 or executive officer with authority to act on behalf of and legally bind the licensed entity.

21 **2. Obey All Laws**

22 Respondent Bascom Pharmacy shall obey all state and federal laws and regulations.

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

- 25 • an arrest or issuance of a criminal complaint for violation of any provision of the  
26 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
27 substances laws

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- a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency which involves Respondent Bascom Pharmacy's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

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

### **3. Report to the Board**

Respondent Bascom Pharmacy shall report to the Board quarterly, on a schedule as directed by the Board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, Respondent Bascom Pharmacy shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation.

Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the Board.

### **4. Interview with the Board**

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

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1           **5. Cooperate with Board Staff**

2           Respondent Bascom Pharmacy shall timely cooperate with the Board's inspection program  
3 and with the Board's monitoring and investigation of Respondent Bascom Pharmacy's  
4 compliance with the terms and conditions of its probation, including but not limited to: timely  
5 responses to requests for information by Board staff; timely compliance with directives from  
6 Board staff regarding requirements of any term or condition of probation; and timely completion  
7 of documentation pertaining to a term or condition of probation. Failure to timely cooperate shall  
8 be considered a violation of probation.

9           **6. Reimbursement of Board Costs**

10          As a condition precedent to successful completion of probation, Respondents Huynh,  
11 Fuller, and Bascom Pharmacy shall pay the total of \$10,000.00 to the Board for its costs  
12 associated with the investigation and enforcement of this matter. Respondents shall be  
13 responsible for payment of these costs both jointly and severally. Respondents shall be permitted  
14 to pay these costs in a payment plan approved by the Board, so long as full payment is completed  
15 no later than one (1) year prior to the end date of Respondent Bascom Pharmacy's probation.

16          There shall be no deviation from this schedule absent prior written approval by the Board or  
17 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of  
18 probation.

19           **7. Probation Monitoring Costs**

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

24           **8. Status of License**

25          Respondent Bascom Pharmacy shall, at all times while on probation, maintain an active,  
26 current Original Permit with the Board, including any period during which suspension or  
27 probation is tolled. Failure to maintain an active, current Original Permit shall be considered a  
28 violation of probation.

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

5 **9. License Surrender While on Probation**

6 Following the effective date of this decision, should Respondent Bascom Pharmacy wish to  
7 discontinue business, Respondent Bascom Pharmacy may tender the premises license to the  
8 Board for surrender. The Board or its designee shall have the discretion whether to grant the  
9 request for surrender or take any other action it deems appropriate and reasonable. Upon formal  
10 acceptance of the surrender of the license, Respondent Bascom Pharmacy will no longer be  
11 subject to the terms and conditions of probation.

12 Respondent Bascom Pharmacy may not apply for any new license from the Board for three  
13 (3) years from the effective date of the surrender. Respondent Bascom Pharmacy shall meet all  
14 requirements applicable to the license sought as of the date the application for that license is  
15 submitted to the Board. Respondent Bascom Pharmacy further stipulates that it shall reimburse  
16 the Board for its costs of investigation and prosecution prior to the acceptance of the surrender.

17 **10. Sale or Discontinuance of Business**

18 During the period of probation, should Respondent Bascom Pharmacy sell, trade or transfer  
19 all or part of the ownership of the licensed entity, discontinue doing business under the license  
20 issued to Respondent Bascom Pharmacy, or should practice at that location be assumed by  
21 another full or partial owner, person, firm, business, or entity, under the same or a different  
22 premises license number, the Board or its designee shall have the sole discretion to determine  
23 whether to exercise continuing jurisdiction over the licensed location, under the current or new  
24 premises license number, and/or carry the remaining period of probation forward to be applicable  
25 to the current or new premises license number of the new owner.

26 **11. Notice to Employees**

27 Respondent shall upon or before the effective date of this decision, ensure that all  
28 employees involved in permit operations are made aware of all the terms and conditions of

1 probation, either by posting a notice of the terms and conditions, circulating such notice, or both.  
2 If the notice required by this provision is posted, it shall be posted in a prominent place and shall  
3 remain posted throughout the probation period. Respondent shall ensure that any employees  
4 hired or used after the effective date of this decision are made aware of the terms and conditions  
5 of probation by posting a notice, circulating a notice, or both. Additionally, Respondent shall  
6 submit written notification to the Board, within fifteen (15) days of the effective date of this  
7 decision, that this term has been satisfied. Failure to timely provide such notification to  
8 employees, or to timely submit such notification to the Board shall be considered a violation of  
9 probation.

10 "Employees" as used in this provision includes all full-time, part-time, volunteer, temporary  
11 and relief employees and independent contractors employed or hired at any time during  
12 probation.

#### 13 12. **Owners and Officers: Knowledge of the Law**

14 Respondent Bascom Pharmacy shall provide, within thirty (30) days after the effective date  
15 of this decision, signed and dated statements from its owners, including any owner or holder of  
16 ten percent (10%) or more of the interest in Respondent Bascom Pharmacy or Respondent  
17 Bascom Pharmacy's stock, and all of its officer, stating under penalty of perjury that said  
18 individuals have read and are familiar with state and federal laws and regulations governing the  
19 practice of pharmacy. The failure to timely provide said statements under penalty of perjury shall  
20 be considered a violation of probation.

#### 21 13. **Premises Open for Business**

22 Respondent Bascom Pharmacy shall remain open and engaged in its ordinary business as a  
23 pharmacy in California for a minimum of 120 hours per calendar month. Any month during  
24 which this minimum is not met shall toll the period of probation, i.e., the period of probation shall  
25 be extended by one month for each month during with this minimum is not met. During any such  
26 period of tolling of probation, Respondent Bascom Pharmacy must nonetheless comply with all  
27 terms and conditions of probation, unless Respondent Bascom Pharmacy is informed otherwise in  
28 writing by the Board or its designee. If Respondent Bascom Pharmacy is not open and engaged

1 in its ordinary business as a pharmacy for a minimum of 120 hours in any calendar month, for any  
2 reason (including vacation), Respondent Bascom Pharmacy shall notify the Board in writing  
3 within ten (10) days of the conclusion of that calendar month. This notification shall include at  
4 minimum all of the following: the date(s) and hours Respondent Bascom Pharmacy was open; the  
5 reason(s) for the interruption or why business was not conducted; and the anticipated date(s) on  
6 which Respondent will resume business as required. Respondent Bascom Pharmacy shall further  
7 notify the Board in writing with ten (10) days following the next calendar month during which  
8 Respondent Bascom Pharmacy is open and engaged in its ordinary business as a pharmacy in  
9 California for a minimum of hours. Any failure to timely provide such notification(s) shall be  
10 considered a violation of probation.

#### 11 **14. Posted Notice of Probation**

12 Respondent Bascom Pharmacy shall prominently post a probation notice provided by the  
13 Board or its designee in a place conspicuous to and readable by the public within two (2) days of  
14 receipt thereof from the Board or its designee. Failure to timely post such notice, or to maintain  
15 the posting during the entire period of probation, shall be considered a violation of probation.

16 Respondent Bascom Pharmacy shall not, directly or indirectly, engage in any conduct or  
17 make any statement which is intended to mislead or is likely to have the effect of misleading any  
18 patient, customer, member of the public, or other person(s) as to the nature of and reason for the  
19 probation of the licensed entity.

#### 20 **15. Violation of Probation**

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

26 If Respondent Bascom Pharmacy violates probation in any respect, the Board, after giving  
27 Respondent Bascom Pharmacy notice and an opportunity to be heard, may revoke probation and  
28 carry out the disciplinary order that was stayed. If a petition to revoke probation or an accusation

1 is filed against Respondent Bascom Pharmacy during probation, the Board shall have continuing  
2 jurisdiction and the period of probation shall be automatically extended until the petition to  
3 revoke probation or accusation is heard and decided.

#### 4 **16. Completion of Probation**

5 Upon written notice by the Board or its designee indicating a successful completion of  
6 probation, Respondent Bascom Pharmacy's license will be fully restored.

#### 7 **17. Consultant Review of Pharmacy Operations**

8 During the period of probation, Respondent Bascom Pharmacy shall retain, at its own  
9 expense, an independent consultant who shall be responsible for conducting an on-site physical  
10 inspection to review the operations of the pharmacy on a monthly basis for compliance by  
11 Respondent Bascom Pharmacy with state and federal laws and regulations governing the practice  
12 of the pharmacy, and compliance by Respondent Bascom Pharmacy. During the period of  
13 probation, the Board or its designee, retains the discretion to reduce the frequency and/or form of  
14 inspection of the pharmacist consultant's review.

15 The consultant shall be a pharmacist licensed by and not on probation with the Board, who  
16 has been approved by the Board or its designee to serve in this position. Respondent shall submit  
17 the name of the proposed consultant to the Board or its designee for approval within thirty (30)  
18 days of the effective date of the decision. Assumption of any unauthorized supervision  
19 responsibilities shall be considered a violation of probation. In addition, failure to timely seek  
20 approval for, timely retain, or ensure timely reporting by the consultant shall be considered a  
21 violation of probation.

#### 22 **18. Violation of Probation**

23 If Respondent Bascom Pharmacy has not complied with any term or condition of probation,  
24 the Board shall have continuing jurisdiction over Respondent Bascom Pharmacy, and the Board  
25 shall provide notice to Respondent Bascom Pharmacy that probation shall automatically be  
26 extended, until all terms and conditions have been satisfied or the Board has taken other action as  
27 deemed appropriate to treat the failure to comply as a violation of probation, to terminate  
28



1 probation, and to impose the penalty that was stayed. The Board or its designee may post a notice  
2 of the extended probation period on its website.

3 If Respondent Bascom Pharmacy violates probation in any respect, the Board, after giving  
4 Respondent Bascom Pharmacy notice and an opportunity to be heard, may revoke probation and  
5 carry out the disciplinary order that was stayed. If a petition to revoke probation or an accusation  
6 is filed against Respondent Bascom Pharmacy during probation, or the preparation of an  
7 accusation or petition to revoke probation is requested from the Office of the Attorney General,  
8 the Board shall have continuing jurisdiction and the period of probation shall be automatically  
9 extended until the petition to revoke probation or accusation is heard and decided, and the charges  
10 and allegations in Accusation No 6691 shall be deemed true and correct.

11 **19. Completion of Probation**

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

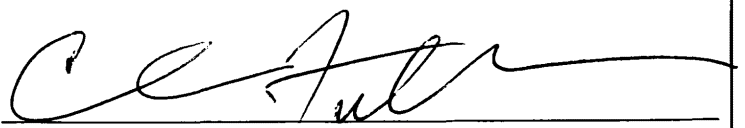
14 **20. No Ownership or Management of Licensed Premises**

15 Respondent Bascom Pharmacy shall not acquire any additional ownership, legal or  
16 beneficial interest in, nor serve as a manager, administrator, member, officer, director, associate,  
17 partner or any business, firm, partnership, or corporation currently or hereinafter licensed by the  
18 Board except as approved by the Board or its designee. Violations of this restriction shall be  
19 considered a violation of probation.


20 **ACCEPTANCE**

21 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
22 discussed it with my attorney, Ivan Petrzelka. I understand the stipulation and the effect it will  
23 have on my Original Permit. I enter into this Stipulated Settlement and Disciplinary Order  
24 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
25 Board of Pharmacy.


26  
27 DATED: 5/28/2020

28   
On behalf of BASCOM PHARMACY, LLC.  
Respondent

1 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
2 discussed it with my attorney, Ivan Petrzelka. I understand the stipulation and the effect it will  
3 have on my Pharmacist. I enter into this Stipulated Settlement and Disciplinary Order  
4 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
5 Board of Pharmacy.

6  
7 DATED: 5/28/2020   
8 TIN KIM HUYNH  
Respondent

9 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
10 discussed it with my attorney, Ivan Petrzelka. I understand the stipulation and the effect it will  
11 have on my Pharmacist. I enter into this Stipulated Settlement and Disciplinary Order  
12 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
13 Board of Pharmacy.

14  
15 DATED: 5/28/2020   
16 CLIVE ALEXANDER FULLER  
Respondent

17 I have read and fully discussed with Respondents the terms and conditions and other  
18 matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form  
19 and content.

20 DATED: May 28, 2020   
21 IVAN PETRZELKA  
Attorney for Respondents

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**ENDORSEMENT**

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

DATED: \_\_\_\_\_

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
DIANN SOKOLOFF  
Supervising Deputy Attorney General



TIMOTHY FROEHLE  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 6691**

1 XAVIER BECERRA  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 TIMOTHY FROEHLE  
Deputy Attorney General  
4 State Bar No. 279337  
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7 E-mail: Tim.Froehle@doj.ca.gov  
*Attorneys for Complainant*  
8

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

13 In the Matter of the Accusation Against:

Case No. 6691

14 **BASCOM PHARMACY, LLC;**  
15 **TIN KIM HUYNH, Member;**  
16 **CLIVE ALEXANDER FULLER, Member**  
105 N. Bascom Ave. #101  
San Jose, CA 95128

**ACCUSATION**

17 Original Permit No. PHY 47147,

18 **TIN KIM HUYNH**  
19 44600 Highland Place  
Fremont, CA 94539

20 Pharmacist License No. RPH 46184,

21 and

22 **CLIVE ALEXANDER FULLER**  
23 105 N. Bascom Ave. #101  
San Jose, CA 95128.

24 Pharmacist License No. RPH 43998

25 Respondents.  
26

1 **PARTIES**

2 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity  
3 as the Interim Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

4 2. On or about July 19, 2005, the Board of Pharmacy issued Original Permit Number  
5 PHY 47147 to Bascom Pharmacy, LLC<sup>1</sup> (Respondent Bascom Pharmacy) with Tin Kim Huynh  
6 (Respondent Huynh) designated the Pharmacist in Charge since July 19, 2005, and Respondent  
7 Huynh and Clive Alexander Fuller (Respondent Fuller) listed as Members since July 19, 2005.  
8 The original permit was in full force and effect at all times relevant to the charges brought in this  
9 Accusation and will expire on July 1, 2020, unless renewed.

10 3. On or about June 10, 1993, the Board of Pharmacy issued Pharmacist License  
11 Number RPH 46184 to Respondent Huynh. The Pharmacist License was in full force and effect  
12 at all times relevant to the charges brought here and will expire on December 31, 2020, unless  
13 renewed.

14 4. On or about February 28, 1991, the Board of Pharmacy issued Pharmacist License  
15 Number RPH 43998 to Clive Alexander Fuller (Respondent Fuller). The Pharmacist License was  
16 in full force and effect at all times relevant to the charges brought here and will expire on August  
17 31, 2020, unless renewed.

18 **JURISDICTION**

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

22 6. Section 4113, subdivision (c), of the Code, states, in pertinent part:

23 “(c) The pharmacist-in-charge shall be responsible for a pharmacy’s compliance with all  
24 state and federal laws and regulations pertaining to the practice of pharmacy.”

25 7. Section 4300.1 of the Code states:

26 \_\_\_\_\_  
27 <sup>1</sup> On or about April 21, 2014, Respondent Bascom Pharmacy converted from a California  
28 limited liability company to a California stock corporation with the formal name of “Bascom  
Pharmacy.” Respondent Huynh became the converted corporation’s chief financial officer and  
secretary, while Respondent Fuller became chief executive officer.

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

6 8. Section 4307, subdivision (a), of the Code states:

7 "Any person who has been denied a license or whose license has been revoked or is under  
8 suspension, or who has failed to renew his or her license while it was under suspension, or who  
9 has been a manager, administrator, owner, member, officer, director, associate, partner, or any  
10 other person with management or control of any partnership, corporation, trust, firm, or  
11 association whose application for a license has been denied or revoked, is under suspension or has  
12 been placed on probation, and while acting as the manager, administrator, owner, member,  
13 officer, director, associate, partner, or any other person with management or control had  
14 knowledge of or knowingly participated in any conduct for which the license was denied,  
15 revoked, suspended, or placed on probation, shall be prohibited from serving as a manager,  
16 administrator, owner, member, officer, director, associate, partner, or in any other position with  
17 management or control of a licensee as follows:

18 "(1) Where a probationary license is issued or where an existing license is placed on  
19 probation, this prohibition shall remain in effect for a period not to exceed five years.

20 "(2) Where the license is denied or revoked, the prohibition shall continue until the license  
21 is issued or reinstated."

## 22 **STATUTORY PROVISIONS**

23 9. Section 4040.5 of the Codes states:

24 "'Reverse distributor' means every person who acts as an agent for pharmacies, drug  
25 wholesalers, third-party logistics providers, manufacturers, and other entities by receiving,  
26 inventorying, warehousing, and managing the disposition of outdated or nonsaleable dangerous  
27 drugs or dangerous devices."

28 10. Section 4081 of the Code states, in pertinent part:

1 “(a) All records of manufacture and of sale, acquisition, receipt, shipment, or disposition  
2 of dangerous drugs or dangerous devices shall be at all times during business hours open to  
3 inspection by authorized officers of the law, and shall be preserved for at least three years from  
4 the date of making. A current inventory shall be kept by every manufacturer, wholesaler, third-  
5 party logistics provider, pharmacy, veterinary food-animal drug retailer, outsourcing facility,  
6 physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment  
7 holding a currently valid and unrevoked certificate, license, permit, registration, or exemption  
8 under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4  
9 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who  
10 maintains a stock of dangerous drugs or dangerous devices.

11 “(b) The owner, officer, and partner of a pharmacy, wholesaler, third-party logistics  
12 provider, or veterinary food-animal drug retailer shall be jointly responsible, with the pharmacist-  
13 in-charge, responsible manager, or designated representative-in-charge, for maintaining the  
14 records and inventory described in this section.”

15 11. Section 4105 of the Code states, in pertinent part:

16 “(a) All records or other documentation of the acquisition and disposition of dangerous  
17 drugs and dangerous devices by any entity licensed by the board shall be retained on the licensed  
18 premises in a readily retrievable form.”

19 12. Section 4126.5 of the Code states, in pertinent part:

20 “(a) A pharmacy may furnish dangerous drugs only to the following:

21 . . .

22 (3) A licensed wholesaler acting as a reverse distributor.

23 . . .”

24 13. Section 4169, subdivision (a), states, in pertinent part:

25 “(a) A person or entity shall not do any of the following:

26 “(1) Purchase, trade, sell, warehouse, distribute, or transfer dangerous drugs or dangerous  
27 devices at wholesale with a person or entity that is not licensed with the board as a wholesaler,  
28 third-party logistics provider, or pharmacy.





1 compounding of drugs, facilities and equipment cleaning, maintenance, operation, and other  
2 standard operating procedures related to compounding. Any material failure to follow the  
3 pharmacy's written policies and procedures shall constitute a basis for disciplinary action.”

4 18. California Code of Regulations, title 16, section 1735.7, states, in pertinent part:

5 “(a) A pharmacy engaged in compounding shall maintain documentation demonstrating that  
6 personnel involved in compounding have the skills and training required to properly and  
7 accurately perform their assigned responsibilities and documentation demonstrating that all  
8 personnel involved in compounding are trained in all aspects of policies and procedures. This  
9 training shall include but is not limited to support personnel (e.g. institutional environmental  
10 services, housekeeping), maintenance staff, supervising pharmacist and all others whose jobs are  
11 related to the compounding process.

12 “(b) The pharmacy shall develop and maintain an on-going competency evaluation process  
13 for pharmacy personnel involved in compounding, and shall maintain documentation of any and  
14 all training related to compounding undertaken by pharmacy personnel.

15 . . .”

16 19. California Code of Regulations, title 16, section 1735.8, states, in pertinent part:

17 “(a) Any pharmacy engaged in compounding shall maintain, as part of its written policies  
18 and procedures, a written quality assurance plan designed to monitor and ensure the integrity,  
19 potency, quality, and labeled strength of compounded drug preparations.

20 “(b) The quality assurance plan shall include written procedures for verification,  
21 monitoring, and review of the adequacy of the compounding processes and shall also include  
22 written documentation of review of those processes by qualified pharmacy personnel.

23 “(c) The quality assurance plan shall include written standards for qualitative and  
24 quantitative analysis of compounded drug preparations to ensure integrity, potency, quality, and  
25 labeled strength, including the frequency of testing. All qualitative and quantitative analysis  
26 reports for compounded drug preparations shall be retained by the pharmacy and maintained  
27 along with the compounding log and master formula document. The quality assurance plan shall  
28

1 include a schedule for routine testing and analysis of specified compounded drug preparations to  
2 ensure integrity, potency, quality, and labeled strength, on at least an annual basis.

3 . . .”

#### 4 **COST RECOVERY**

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

#### 9 **DEFINITIONS**

10 21. Alprazolam, also known by the trade name Xanax, is a Schedule IV controlled  
11 substance under Health and Safety Code section 11057, subd. (d)(1), and a dangerous drug under  
12 Code section 4022. It is used to treat anxiety.

13 22. Dextroamphetamine, also known by the brand name Dexedrine, is a potent central  
14 nervous system stimulant, a Schedule II controlled substance under Health and Safety Code  
15 section 11055, subdivision (d)(1), and a dangerous drug under Code section 4022. It is used to  
16 treat attention deficit hyperactivity disorder (ADHD) and narcolepsy.

17 23. Hydrocodone/APAP (acetaminophen), also known by the brand name Norco, is a  
18 Schedule II controlled substance under Health and Safety Code section 11055, subdivision  
19 (b)(1)(I), and Title 21 CFR, section 1308.12, subdivision (b)(1)(vi), and a dangerous drug under  
20 Code section 4022. It is used for pain.

21 24. Hydromorphone, also known by the brand name Dilaudid, is a Schedule II controlled  
22 substance under Health and Safety Code section 11055, subdivision (b)(1)(J), and a dangerous  
23 drug under Code section 4022. It is used for pain.

24 25. Methadone, also known by the brand name Dolophine, is a Schedule II controlled  
25 substance under Health and Safety Code section 11055, subdivision (c)(14), and a dangerous drug  
26 under Code section 4022. It is used for pain.

27 ///

28 ///

26. Oxycodone, also known by the brand name Percolone/Roxicodone, is a Schedule II controlled substance under Health and Safety Code section 11055, subdivision (b)(1)(M), and a dangerous drug under Code section 4022. It is used for pain.

27. Oxycodone Extended Release, also known by the brand name Oxycontin, is a Schedule II controlled substance under Health and Safety Code section 11055, subdivision (b)(1)(M), and a dangerous drug under Code section 4022. It is used for pain.

28. Promethazine is an antihistamine used to treat allergies, trouble sleeping, and nausea. When combined with codeine, it is marketed by the brand name Phenergan and used for treating cough. The combination is a Schedule V controlled substance under Health and Safety Code section 11058, subdivision (c)(1), and it is a dangerous drug under Code section 4022.

### **FIRST CAUSE FOR DISCIPLINE**

#### **(Failure to Maintain Pharmacy Records)**

29. Respondents Bascom Pharmacy, Huynh, and Fuller subjected their Original Pharmacy Permit and Pharmacist licenses to discipline, respectively, because Respondents failed to properly maintain their current inventory of dangerous drugs and devices. (Bus. & Prof. Code, §§ 4081, 4105; Cal. Code Regs., tit. 16, § 1718.) Respondent Huynh is responsible as pharmacist in charge (Bus. & Prof. Code, § 4113, subd. (c)), and Respondent Fuller is jointly responsible as co-owner of Respondent Bascom Pharmacy (Bus. & Prof. Code, § 4081, subd. (b)). The circumstances are as follows:

30. On October 16, 2018, the Board's inspector conducted a limited audit of Respondent Bascom's inventory of dangerous drugs and determined the following inventory discrepancies for the period between August 2, 2017, and October 16, 2018:

<b>Drug</b>	<b>Overage/(Shortage)</b>
<b>Methadone (10mg)</b>	(12 tablets)
<b>Oxycodone (30mg)</b>	(458 tablets)
<b>Oxycontin (80mg)</b>	(3 tablets)
<b>Promethazine with Codeine syrup</b>	(1991ml)
<b>Alprazolam (2mg)</b>	38.5 tablets

Respondents could not account for the shortages and overage found.

31. As part of her inspection, the Board's investigator also requested to see Respondent Bascom's quarterly inventory reconciliation report of Schedule II controlled substances. Respondents had not performed the required reconciliation, so the Board's investigator requested that they do so and provide it to her by October 30, 2018.

32. In the final reconciliation of the Schedule II controlled substances between June 11, 2018, and October 5, 2018, Respondents were unable to reconcile the following controlled substances:

<b>Drug</b>	<b>Overage/(Shortage)</b>
<b>Dextroamphetamine (20mg)</b>	1 tablet
<b>Dextroamphetamine ER (5mg)</b>	(10 units)
<b>Dextroamphetamine ER (15mg)</b>	(5 units)
<b>Dextroamphetamine ER (30mg)</b>	31 units
<b>Hydrocodone/APAP 5 (325mg)</b>	58 tablets
<b>Hydrocodone/APAP 7.5 (325mg)</b>	90 tablets
<b>Hydrocodone/APAP 10 (325mg)</b>	859 tablets
<b>Hydromorphone (8mg)</b>	1 tablet
<b>Mehtadone (10mg)</b>	290 tablets
<b>Morphine Sulfate ER (30mg)</b>	307 units
<b>Oxycodone (20mg) IR</b>	100 tablets
<b>Oxycodone (30mg) IR</b>	102 tablets
<b>Oxycodone (5mg/5ml)</b>	40ml
<b>Oxycodone/APAP 5 (325mg)</b>	189 tablets
<b>Oxycontin (10mg)</b>	30 tablets

Respondents either cited "clerical error" as an explanation for several of the discrepancies or else could not provide an explanation for 10 of these controlled substances.

///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Compounding Policies and Procedures)**

3 33. Respondents Bascom Pharmacy and Huynh have subjected their Original Pharmacy  
4 Permit and Pharmacist license to discipline, respectively, because Respondent Bascom Pharmacy  
5 failed to maintain written policies and procedures for compounding. (Cal. Code Regs., tit. 16,  
6 § 1735.5, subd. (a).) Respondent Huynh is responsible for this violation as pharmacist in charge.  
7 (Bus. & Prof Code, § 4113, subd. (c).) The circumstances are as follows:

8 34. At the October 16, 2018 inspection, the Board's investigator requested to see  
9 Respondent Bascom's (1) compounding policies and procedures, (2) compounding quality  
10 assurance documentation, and (3) compounding staff training documentation. Despite having  
11 completed a Compounding Self-Assessment form, signed by Respondent Huynh, which indicated  
12 full compliance, Respondents could not provide copies of any of the three requested items.

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct - Failure to Document Training of Compounding Staff)**

15 35. Respondents Bascom Pharmacy and Huynh have subjected their Original Pharmacy  
16 Permit and Pharmacist license to discipline, respectively, because Respondent Bascom Pharmacy  
17 violated applicable regulations governing pharmacy by failing to maintain documentation of  
18 training of compounding staff. (Bus. & Prof. Code, § 4301, subd. (o); Cal. Code Regs., tit. 16,  
19 § 1735.7, subds. (a) & (b).) Respondent Huynh is responsible for this violation as pharmacist in  
20 charge. (Bus. & Prof Code, § 4113, subd. (c).) The circumstances are described above in  
21 paragraph 34.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct - Failure to Comply with Compounding Quality Assurance)**

24 36. Respondents Bascom Pharmacy and Huynh have subjected their Original Pharmacy  
25 Permit and Pharmacist license to discipline, respectively, because Respondent Bascom Pharmacy  
26 violated applicable regulations governing pharmacy by failing to comply with compounding  
27 quality assurance. (Bus. & Prof. Code, § 4301, subd. (o); Cal. Code Regs., tit. 16, § 1735.8,  
28

1 subds. (a)–(c).) Respondent Huynh is responsible for this violation as pharmacist in charge.  
2 (Bus. & Prof Code, § 4113, subd. (c).) The circumstances are described above in paragraph 34.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Furnishing Dangerous Drugs)**

5 37. Respondents Bascom Pharmacy and Huynh have subjected their Original Pharmacy  
6 Permit and Pharmacist license to discipline, respectively, because Respondent Bascom Pharmacy  
7 furnished dangerous drugs to a reverse distributor not licensed by the Board. (Bus. & Prof. Code,  
8 §§ 4040.5, 4301, subd. (o), 4126.5, subd. (a)(3), 4169, subd. (a)(1).) Respondent Huynh is  
9 responsible for this violation as pharmacist in charge. (Bus. & Prof Code, § 4113, subd. (c).) The  
10 circumstances are as follows:

11 38. Between May 19, 2016, and July 3, 2018, Respondent Bascom Pharmacy primarily  
12 used a reverse distributor located in North Carolina to dispose of its outdated and unsaleable  
13 drugs and made numerous shipments to that distributor. The reverse distributor was not licensed  
14 by the Board at any time during that period.

15 **SIXTH CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct – Failure to Report Change to Board)**

17 39. Respondents Bascom Pharmacy and Huynh have subjected their Original Pharmacy  
18 Permit and Pharmacist license to discipline, respectively, because Respondent Bascom Pharmacy  
19 failed to report to the Board within 30 days a change in the form of ownership and corporate  
20 officers and failed to ensure that its permit showed the correct name of the pharmacy. (Bus. &  
21 Prof. Code, § 4301, subd. (o); Cal. Code Regs., title 16, section 1709, subd. (a).) Respondent  
22 Huynh is responsible for this violation as pharmacist in charge. (Bus. & Prof Code, § 4113, subd.  
23 (c).) The circumstances are as follows:

24 40. On or about April 21, 2014, Respondent Bascom Pharmacy filed Articles of  
25 Incorporation with Statement of Conversion with the Secretary of State of California to convert  
26 from a California limited liability company, “Bascom Pharmacy, LLC,” to a stock corporation  
27 with the name “Bascom Pharmacy.” With the conversion, Respondents Fuller and Huynh  
28 became corporate officers in the converted corporation.

41. No notice or report of the change in ownership form, name, or corporate officers was filed with the Board within 30 days of the April 21, 2014 conversion.

## OTHER MATTERS

42. Pursuant to Code section 4307, if discipline is imposed on Original Permit Number PHY 47147, issued to Bascom Pharmacy, LLC, Bascom Pharmacy LLC shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 47147 is placed on probation or until Pharmacy Permit Number PHY 47147 is reinstated if it is revoked.

43. Pursuant to Code section 4307, if discipline is imposed on Original Permit Number PHY 47147, issued to Bascom Pharmacy, LLC, while Respondent Huynh and/or Respondent Fuller have been a member and owner and had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, Respondents Huynh and Fuller shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Original Permit Number PHY 47147 is placed on probation or until Original Permit Number PHY 47147 is reinstated if it is revoked.

## DISCIPLINARY CONSIDERATIONS

44. To determine the degree of discipline, if any, to be imposed on Respondent Bascom Pharmacy, LLC, Complainant alleges that on or about February 2, 2017, in a prior action, the Board of Pharmacy issued Citation Number CI 2015 67772 and ordered Respondent to pay a fine of \$5,000.00. That Citation is now final.

45. To determine the degree of discipline, if any, to be imposed on Respondent Huynh, Complainant alleges that on or about February 2, 2017, in a prior action, the Board of Pharmacy issued Citation Number CI 2016 73706 and ordered Respondent to pay a fine of \$2,500.00. That Citation is now final.

46. To determine the degree of discipline, if any, to be imposed on Respondent Huynh, Complainant alleges that on or about January 14, 2014, in a prior action, the Board of Pharmacy issued Citation Number CI 2013 59286 and ordered Respondent to pay a fine of \$3,000.00. That Citation is now final.



47. To determine the degree of discipline, if any, to be imposed on Respondent Fuller, Complainant alleges that on or about February 2, 2017, in a prior action, the Board of Pharmacy issued Citation Number CI 2016 73707 and ordered Respondent to pay a fine of \$2,500.00. That Citation is now final.

**PRAYER**

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

1. Revoking or suspending Original Permit Number PHY 47147, issued to Bascom Pharmacy, LLC;

2. Revoking or suspending Pharmacist License Number RPH 46184, issued to Tin Kim Huynh;

3. Revoking or suspending Pharmacist License Number RPH 43998, issued to Clive Alexander Fuller;

4. Prohibiting Bascom Pharmacy, LLC, from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Original Permit Number PHY 47147 is place on probation or until Original Permit Number PHY 47147 is reinstated if Original Permit Number 47147 issued to Bascom Pharmacy, LLC, is revoked.

5. Prohibiting Tin Kim Huynh from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Original Permit Number PHY 47147 is place on probation or until Original Permit Number PHY 47147 is reinstated if Original Permit Number 47147 issued to Bascom Pharmacy, LLC, is revoked.

6. Prohibiting Clive Alexander Fuller from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Original Permit Number PHY 47147 is place on probation or until Original Permit Number PHY 47147 is reinstated if Original Permit Number 47147 issued to Bascom Pharmacy, LLC, is revoked.

7. Ordering Bascom Pharmacy, LLC, Tin Kim Huynh, and Clive Alexander Fuller to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: August 19, 2019



ANNE SODERGREN  
Interim Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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