

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

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

**VY HOANG BUI, Respondent**

**Pharmacist License No. RPH 70271**

**Agency Case No. 6832**

**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 July 29, 2020.

It is so ORDERED on June 29, 2020.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

Greg Lippe  
Board President

1 XAVIER BECERRA  
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7

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

12 In the Matter of the Accusation Against:

Case No. 6832

13 **VY HOANG BUI**  
14 **20215 Strathern Street**  
15 **Winnetka, CA 91306**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16 **Pharmacist License No. RPH 70271**

17 Respondent.

18  
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Anne Sodergren (Complainant) is the Interim Executive Officer of the Board of  
23 Pharmacy (Board). She brought this action solely in her official capacity and is represented in  
24 this matter by Xavier Becerra, Attorney General of the State of California, by Nancy A. Kaiser,  
25 Deputy Attorney General.

26 2. Respondent Vy Hoang Bui (Respondent) is represented in this proceeding by  
27 attorney, Jerry D. Jones.  
28





1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacist License No. RPH 70271 issued to Respondent  
3 Vy Hoang Bui is revoked. However, the revocation is stayed and Respondent is placed on  
4 probation for two (2) years on the following terms and conditions.

5 **1. 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, no contest, or similar, in any state or federal  
13 criminal proceeding to any criminal complaint, information or indictment
- 14 • a conviction of any crime
- 15 • the filing of a disciplinary pleading, issuance of a citation, or initiation of another  
16 administrative action filed by any state or federal agency which involves  
17 Respondent’s license or which is related to the practice of pharmacy or the  
18 manufacturing, obtaining, handling, distributing, billing, or charging for any drug,  
19 device or controlled substance.

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

21 **2. Report to the Board**

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

26 Failure to submit timely reports in a form as directed shall be considered a violation of  
27 probation. Any period(s) of delinquency in submission of reports as directed may be added to the  
28 total period of probation. Moreover, if the final probation report is not made as directed,

1 probation shall be automatically extended until such time as the final report is made and accepted  
2 by the Board.

3 **3. Interview with the Board**

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

9 **4. Cooperate with Board Staff**

10 Respondent shall timely cooperate with the Board's inspection program and with the  
11 Board's monitoring and investigation of Respondent's compliance with the terms and conditions  
12 of her probation, including but not limited to: timely responses to requests for information by  
13 Board staff; timely compliance with directives from Board staff regarding requirements of any  
14 term or condition of probation; and timely completion of documentation pertaining to a term or  
15 condition of probation. Failure to timely cooperate shall be considered a violation of probation.

16 **5. Continuing Education**

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

19 **6. Reporting of Employment and Notice to Employers**

20 During the period of probation, Respondent shall notify all present and prospective  
21 employers of the decision in case number 6832 and the terms, conditions and restrictions imposed  
22 on Respondent by the decision, as follows:

23 Within thirty (30) days of the effective date of this decision, and within ten (10) days of  
24 undertaking any new employment, Respondent shall report to the Board in writing the name,  
25 physical address, and mailing address of each of her employer(s), and the name(s) and telephone  
26 number(s) of all of her direct supervisor(s), as well as any pharmacist(s)-in-charge, designated  
27 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work  
28 schedule, if known. Respondent shall also include the reason(s) for leaving the prior

1 employment. Respondent shall sign and return to the Board a written consent authorizing the  
2 Board or its designee to communicate with all of Respondent's employer(s) and supervisor(s),  
3 and authorizing those employer(s) or supervisor(s) to communicate with the Board or its  
4 designee, concerning Respondent's work status, performance, and monitoring. Failure to comply  
5 with the requirements or deadlines of this condition shall be considered a violation of probation.

6       Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
7 Respondent undertaking any new employment, Respondent shall cause (a) her direct supervisor,  
8 (b) her pharmacist-in-charge, designated representative-in-charge, responsible manager, or other  
9 compliance supervisor, and (c) the owner or owner representative of her employer, to report to the  
10 Board in writing acknowledging that the listed individual(s) has/have read the decision in case  
11 number 6832, and terms and conditions imposed thereby. If one person serves in more than one  
12 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's  
13 responsibility to ensure that these acknowledgment(s) are timely submitted to the Board. In the  
14 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term  
15 of probation, Respondent shall cause the person(s) taking over the role(s) to report to the Board in  
16 writing within fifteen (15) days of the change acknowledging that he or she has read the decision  
17 in case number 6832, and the terms and conditions imposed thereby.

18       If Respondent works for or is employed by or through an employment service, Respondent  
19 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the Board  
20 of the decision in case number 6832, and the terms and conditions imposed thereby in advance of  
21 Respondent commencing work at such licensed entity. A record of this notification must be  
22 provided to the Board upon request.

23       Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
24 (15) days of Respondent undertaking any new employment by or through an employment service,  
25 Respondent shall cause the person(s) described in (a), (b), and (c) above at the employment  
26 service to report to the Board in writing acknowledging that he or she has read the decision in  
27 case number, and the terms and conditions imposed thereby. It shall be Respondent's  
28 responsibility to ensure that these acknowledgment(s) are timely submitted to the Board.

1 Failure to timely notify present or prospective employer(s) or failure to cause the identified  
2 person(s) with that/those employer(s) to submit timely written acknowledgments to the Board  
3 shall be considered a violation of probation.

4 "Employment" within the meaning of this provision includes any full-time, part-time,  
5 temporary, relief, or employment/management service position as a Pharmacist, or any position  
6 for which a Pharmacist is a requirement or criterion for employment, whether the Respondent is  
7 an employee, independent contractor or volunteer.

8 **7. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

9 Respondent shall further notify the Board in writing within ten (10) days of any change in  
10 name, residence address, mailing address, e-mail address or phone number.

11 Failure to timely notify the Board of any change in employer, name, address, or phone  
12 number shall be considered a violation of probation.

13 **8. Restrictions on Supervision and Oversight of Licensed Facilities –**

14 During the period of probation, Respondent shall not supervise any intern pharmacist, be  
15 the pharmacist-in-charge, designated representative-in-charge, responsible manager or other  
16 compliance supervisor of any entity licensed by the Board, nor serve as a consultant. Assumption  
17 of any such unauthorized supervision responsibilities shall be considered a violation of probation.  
18 Notwithstanding the foregoing, Respondent may continue to serve as the pharmacist-in-charge for  
19 CVS Pharmacy #9159 during probation.

20 **9. Reimbursement of Board Costs**

21 As a condition precedent to successful completion of probation, Respondent shall pay to the  
22 Board its costs of investigation and prosecution in the amount of \$7,041.50. Respondent shall  
23 make said payments pursuant to a Board approved payment schedule.

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

1 Respondent shall be permitted to pay these costs in a payment plan approved by the Board  
2 or its designee, so long as full payment is completed no later than one (1) year prior to the end  
3 date of probation.

4 **10. Probation Monitoring Costs**

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

9 **11. Status of License**

10 Respondent shall, at all times while on probation, maintain an active, current Pharmacist  
11 License with the Board, including any period during which suspension or probation is tolled.  
12 Failure to maintain an active, current Pharmacist License shall be considered a violation of  
13 probation.

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

18 **12. License Surrender While on Probation/Suspension**

19 Following the effective date of this decision, should Respondent cease practice due to  
20 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
21 Respondent may relinquish her license, including any indicia of licensure issued by the Board,  
22 along with a request to surrender the license. The Board or its designee shall have the discretion  
23 whether to accept the surrender or take any other action it deems appropriate and reasonable.  
24 Upon formal acceptance of the surrender of the license, Respondent will no longer be subject to  
25 the terms and conditions of probation. This surrender constitutes a record of discipline and shall  
26 become a part of the Respondent's license history with the Board.

27 Upon acceptance of the surrender, Respondent shall relinquish her pocket and/or wall  
28 license, including any indicia of licensure not previously provided to the Board within ten (10)

1 days of notification by the Board that the surrender is accepted if not already provided.

2 Respondent may not reapply for any license from the Board for three (3) years from the effective  
3 date of the surrender. Respondent shall meet all requirements applicable to the license sought as  
4 of the date the application for that license is submitted to the Board, including any outstanding  
5 costs.

6 **13. Practice Requirement – Extension of Probation**

7 Except during periods of suspension, Respondent shall, at all times while on probation, be  
8 employed as a Pharmacist in California for a minimum of 80 hours per calendar month. Any  
9 month during which this minimum is not met shall extend the period of probation by one month.  
10 During any such period of insufficient employment, Respondent must nonetheless comply with  
11 all terms and conditions of probation, unless Respondent receives a waiver in writing from the  
12 Board or its designee.

13 If Respondent does not practice as a Pharmacist in California for the minimum number of  
14 hours in any calendar month, for any reason (including vacation), Respondent shall notify the  
15 Board in writing within ten (10) days of the conclusion of that calendar month. This notification  
16 shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the  
17 interruption or reduction in practice; and the anticipated date(s) on which Respondent will resume  
18 practice at the required level. Respondent shall further notify the Board in writing within ten (10)  
19 days following the next calendar month during which Respondent practices as a Pharmacist in  
20 California for the minimum of hours. Any failure to timely provide such notification(s) shall be  
21 considered a violation of probation.

22 It is a violation of probation for Respondent's probation to be extended pursuant to the  
23 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
24 exceeding thirty-six (36) months. The Board or its designee may post a notice of the extended  
25 probation period on its website.

26 **14. Violation of Probation**

27 If Respondent has not complied with any term or condition of probation, the Board shall  
28 have continuing jurisdiction over Respondent, and the Board shall provide notice to Respondent

1 that probation shall automatically be extended, until all terms and conditions have been satisfied  
2 or the Board has taken other action as deemed appropriate to treat the failure to comply as a  
3 violation of probation, to terminate probation, and to impose the penalty that was stayed. The  
4 Board or its designee may post a notice of the extended probation period on its website.

5 If Respondent violates probation in any respect, the Board, after giving Respondent notice  
6 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
7 was stayed. If a petition to revoke probation or an accusation is filed against Respondent during  
8 probation, or the preparation of an accusation or petition to revoke probation is requested from  
9 the Office of the Attorney General, the Board shall have continuing jurisdiction and the period of  
10 probation shall be automatically extended until the petition to revoke probation or accusation is  
11 heard and decided.

#### 12 **15. Completion of Probation**

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

#### 15 **16. Remedial Education**

16 Within 30 days of the effective date of this decision, Respondent shall submit to the Board  
17 or its designee, for prior approval, an appropriate program of remedial education related to  
18 labeling requirements, medication error prevention, pharmacy operations and general pharmacy.  
19 Fifty percent (50%) of the remedial education must be live / in-person training. The program of  
20 remedial education shall consist of at least 10 hours for each year of probation, for a total of 20  
21 hours, at Respondent's own expense. All remedial education shall be in addition to, and shall not  
22 be credited toward, continuing education (CE) courses used for license renewal purposes for  
23 pharmacists.

24 Failure to timely submit for approval or complete the approved remedial education shall be  
25 considered a violation of probation. The period of probation will be automatically extended until  
26 such remedial education is successfully completed and written proof, in a form acceptable to the  
27 Board, is provided to the Board or its designee.

28

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

6 Any of the following shall be considered a violation of probation: failure to timely  
7 nominate either an initial or a replacement practice supervisor; failure to cause the practice  
8 supervisor to timely report to the Board in writing acknowledging the decision, terms and  
9 conditions, and supervision level; practicing in the absence of an approved practice supervisor  
10 after lapse of the nomination period; and/or failure to adhere to the level of supervision required  
11 by the Board or its designee. If any of these obligations or prohibitions is not met, Respondent  
12 shall be prohibited from practice as a Pharmacist and may not resume such practice until notified  
13 by the Board or its designee in writing.

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

15 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,  
16 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
17 partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell  
18 or transfer any legal or beneficial interest in any entity licensed by the Board within ninety (90)  
19 days following the effective date of this decision and shall immediately thereafter provide written  
20 proof thereof to the Board. Failure to timely divest any legal or beneficial interest(s) or provide  
21 documentation thereof shall be considered a violation of probation. Notwithstanding the  
22 foregoing, Respondent may continue to serve as the pharmacist-in-charge for CVS Pharmacy  
23 #9159 during probation.

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**ACCEPTANCE**

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

DATED: \_\_\_\_\_  
VY HOANG BUI  
*Respondent*

I have read and fully discussed with Respondent Vy Hoang Bui the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: \_\_\_\_\_  
JERRY D. JONES  
*Attorney for Respondent*


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ACCEPTANCE

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DATED: 5/17/2020   
VY HOANG BUI  
Respondent

I have read and fully discussed with Respondent Vy Hoang Bui the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 5/18/2020   
JERRY D. JONES  
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: 5/18/2020

Respectfully submitted,  
XAVIER BECERRA  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General

*Nancy Kaiser*  
NANCY A. KAISER  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 6832**

1 XAVIER BECERRA  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
4 State Bar No. 225325  
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*Attorneys for Complainant*  
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8 **BEFORE THE**  
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12 In the Matter of the Accusation Against:

Case No. 6832

13 **VY HOANG BUI**  
20215 Strathern Street  
14 Winnetka, CA 91306

**ACCUSATION**

15 **Pharmacist License No. RPH 70271**

16 Respondent.

17  
18 **PARTIES**

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

22 2. On or about December 2, 2013, the Board issued Pharmacist License Number RPH  
23 70271 to Vy Hoang Bui (Respondent). The Pharmacist License was in full force and effect at all  
24 times relevant to the charges brought herein and will expire on January 31, 2021, unless renewed.

25 **JURISDICTION**

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

1 4. Section 4300 of the Code states, in pertinent part:

2 (a) Every license issued may be suspended or revoked.

3 5. Section 4300.1 of the Code states:

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

10 **STATUTORY PROVISIONS**

11 6. Section 4073 of the Code states:

12 (a) A pharmacist filling a prescription order for a drug product prescribed by its  
13 trade or brand name may select another drug product with the same active chemical  
14 ingredients of the same strength, quantity, and dosage form, and of the same generic  
15 drug name as determined by the United States Adopted Names (USAN) and accepted  
16 by the federal Food and Drug Administration (FDA), of those drug products having  
17 the same active chemical ingredients.

18 (b) In no case shall a selection be made pursuant to this section if the prescriber  
19 personally indicates, either orally or in his or her own handwriting, "Do not  
20 substitute," or words of similar meaning. Nothing in this subdivision shall prohibit a  
21 prescriber from checking a box on a prescription marked "Do not substitute";  
22 provided that the prescriber personally initials the box or checkmark. To indicate that  
23 a selection shall not be made pursuant to this section for an electronic data  
24 transmission prescription as defined in subdivision (c) of Section 4040, a prescriber  
25 may indicate "Do not substitute," or words of similar meaning, in the prescription as  
26 transmitted by electronic data, or may check a box marked on the prescription "Do  
27 not substitute." In either instance, it shall not be required that the prohibition on  
28 substitution be manually initialed by the prescriber.

(c) Selection pursuant to this section is within the discretion of the pharmacist,  
except as provided in subdivision (b). The person who selects the drug product to be  
dispensed pursuant to this section shall assume the same responsibility for selecting  
the dispensed drug product as would be incurred in filling a prescription for a drug  
product prescribed by generic name. There shall be no liability on the prescriber for  
an act or omission by a pharmacist in selecting, preparing, or dispensing a drug  
product pursuant to this section. In no case shall the pharmacist select a drug product  
pursuant to this section unless the drug product selected costs the patient less than the  
prescribed drug product. Cost, as used in this subdivision, is defined to include any  
professional fee that may be charged by the pharmacist.

(d) This section shall apply to all prescriptions, including those presented by or  
on behalf of persons receiving assistance from the federal government or pursuant to  
the California Medical Assistance Program set forth in Chapter 7 (commencing with  
Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code.

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1 (e) When a substitution is made pursuant to this section, the use of the cost-  
2 saving drug product dispensed shall be communicated to the patient and the name of  
3 the dispensed drug product shall be indicated on the prescription label, except where  
4 the prescriber orders otherwise.

5 7. Section 4301 of the Code states, in pertinent part:

6 The board shall take action against any holder of a license who is guilty of  
7 unprofessional conduct or whose license has been issued by mistake. Unprofessional  
8 conduct shall include, but is not limited to, any of the following:

9 . . .

10 (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
11 abetting the violation of or conspiring to violate any provision or term of this chapter  
12 or of the applicable federal and state laws and regulations governing pharmacy,  
13 including regulations established by the board or by any other state or federal  
14 regulatory agency.

### 15 **REGULATORY PROVISIONS**

16 8. California Code of Regulations, title 16, section 1716 states:

17 Pharmacists shall not deviate from the requirements of a prescription except  
18 upon the prior consent of the prescriber or to select the drug product in accordance  
19 with Section 4073 of the Business and Professions Code.

20 Nothing in this regulation is intended to prohibit a pharmacist from exercising  
21 commonly-accepted pharmaceutical practice in the compounding or dispensing of a  
22 prescription.

### 23 **COST RECOVERY**

24 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
25 administrative law judge to direct a licentiate found to have committed a violation or violations of  
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
27 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
28 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
included in a stipulated settlement.

### 29 **DANGEROUS DRUGS**

30 10. Section 4022 of the Code states:

31 “Dangerous drug” or “dangerous device” means any drug or device unsafe for  
32 self-use in humans or animals, and includes the following:

33 (a) Any drug that bears the legend: “Caution: federal law prohibits dispensing  
without prescription,” “Rx only,” or words of similar import.

1 (b) Any device that bears the statement: "Caution: federal law restricts this  
2 device to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import,  
3 the blank to be filled in with the designation of the practitioner licensed to use or  
4 order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully  
dispensed only on prescription or furnished pursuant to Section 4006.

5 11. "Norepinephrine," used for hypotension, is a dangerous drug pursuant to Code  
6 section 4022.

7 12. "Azithromycin," an antibiotic, is a dangerous drug pursuant to Code section 4022.

### 8 **FACTUAL ALLEGATIONS**

9 13. On or about September 5, 2018, the Board received a notice from the California  
10 Department of Public Health regarding a self-reported medication error event at Saint Agnes  
11 Medical Center in Fresno, California. The event occurred at the Saint Agnes Medical Center  
12 Emergency Room Pharmacy. The report stated on July 12, 2018, Respondent took an in-house  
13 compounded bag of norepinephrine 8 milligrams / 250 milliliters out of an overcrowded  
14 medication refrigerator in the emergency department satellite pharmacy. The norepinephrine bag  
15 had a yellow batch label "Norepinephrine DOUBLE STRENGTH" and a neon pink auxiliary  
16 safety warning label "CENTRAL LINE ONLY." Respondent incorrectly placed a patient-  
17 specific label for "Azithromycin" on the bag and dispensed it to patient J.R. A travel nurse  
18 administered 159 milliliters of the 250 milliliter bag via an Alaris pump. Patient J.R. immediately  
19 complained of a severe headache. The infusion was stopped and restarted. A second nurse  
20 noticed the patient deteriorating (excessive heart rate in 150's), identified the mislabeling error,  
21 and stopped the infusion. The patient J.R. suffered serious injury from Respondent's medication  
22 error and required dialysis treatment for one month.

### 23 **FIRST CAUSE FOR DISCIPLINE**

#### 24 **(Medication Error - Variation from the Requirements of a Prescription)**

25 14. Respondent is subject to disciplinary action under Code section 4301(o), in  
26 conjunction with California Code of Regulations, title 16, section 1716, on the grounds of  
27 unprofessional conduct, in that Respondent deviated from the requirements of a prescription, as  
28 alleged above in paragraph 13.

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**PRAYER**

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

1. Revoking or suspending Pharmacist License Number RPH 70271, issued to Vy Hoang Bui;
2. Ordering Vy Hoang Bui 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,
3. Taking such other and further action as deemed necessary and proper.

DATED: November 13, 2019



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

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