

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

In the Matter of the Accusation Against:

LIEN NGOC NGUYEN, Respondent

Pharmacy Technician Registration No. TCH 57227

Agency Case No. 7447

OAH No. 2024010810

DECISION AND ORDER

The attached Stipulated Surrender of License 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 18, 2024.

It is so ORDERED on June 18, 2024.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh", is written over a light gray rectangular background.

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 CHAR SACHSON
Supervising Deputy Attorney General
3 HOWARD SKEBE
Deputy Attorney General
4 State Bar No. 191407
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-4437
6 Facsimile: (415) 703-5480
E-mail: Howard.Skebe@doj.ca.gov
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7447

13 **LIEN NGOC NGUYEN**
14 **1376 Crailford Ct**
San Jose, CA 95121

OAH No. 2024010810

15 **Pharmacy Technician License No. TCH**
16 **57227**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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 Executive Officer of the Board of Pharmacy
23 (Board). She brought this action solely in her official capacity and is represented in this matter by
24 Rob Bonta, Attorney General of the State of California, by Howard Skebe, Deputy Attorney
25 General.

26 2. Lien Ngoc Nguyen (Respondent) is representing herself in this proceeding and has
27 chosen not to exercise her right to be represented by counsel.
28

3. On or about July 2, 2004, the Board issued Pharmacy Technician License No. TCH 57227 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 7447 and will expire on December 31, 2025, unless renewed.

JURISDICTION

4. Accusation No. 7447 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on September 14, 2023. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 7447 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 7447. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 7447, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician License No. TCH 57227 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Pharmacy Technician License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her 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 Surrender 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.

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

12. This Stipulated Surrender of License and 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 Surrender of License and 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.

13. 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 Order:

ORDER

IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 57227, issued to Respondent Lien Ngoc Nguyen, is surrendered and accepted by the Board.

1. The surrender of Respondent's Pharmacy Technician License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against

1 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
2 Respondent's license history with the Board.

3 2. Respondent shall lose all rights and privileges as a Pharmacy Technician in California
4 as of the effective date of the Board's Decision and Order.

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

7 4. If Respondent seeks licensure in the State of California, Respondent shall re-apply.
8 Respondent may not seek licensure by way of a petition for reinstatement. Respondent shall not
9 re-apply for licensure for three (3) years from the effective date of the Board's Decision and
10 Order.

11 5. If Respondent ever re-applies for licensure in the State of California, the Board shall
12 treat it as a new application for licensure. Respondent must comply with all the laws, regulations
13 and procedures for licensure in effect at the time the application is filed, and all of the charges and
14 allegations contained in Accusation No. 7447 shall be deemed to be true, correct, and admitted by
15 Respondent when the Board determines whether to grant or deny the application.

16 6. If Respondent should ever apply or reapply for a new license or certification, or
17 petition for reinstatement of a license, by any other health care licensing agency in the State of
18 California, all of the charges and allegations contained in Accusation, No. 7447 shall be deemed
19 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
20 other proceeding seeking to deny or restrict licensure.

21 7. Respondent shall pay the agency its costs of investigation and enforcement in the
22 amount of \$7,000.00 prior to filing a new application for licensure and the issuance of a new
23 license.

24 ///

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician 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: _____
LIEN NGOC 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: _____
Respectfully submitted,
ROB BONTA
Attorney General of California
CHAR SACHSON
Supervising Deputy Attorney General

HOWARD SKEBE
Deputy Attorney General
Attorneys for Complainant

SF2023400108
44156390.docx

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician 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: 05/13/24 
LIEN NGOC 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: May 15, 2024

Respectfully submitted,


ACHSON

/s/ Howard Skebe

HOWARD SKEBE
Deputy Attorney General
Attorneys for Complainant

SF2023400108
44156390.docx

Exhibit A

Accusation No. 7447

1 ROB BONTA
Attorney General of California
2 CHAR SACHSON
Supervising Deputy Attorney General
3 MARETTA WARD
Deputy Attorney General
4 State Bar No. 176470
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3545
6 Facsimile: (415) 703-5480
E-mail: maretta.ward@doj.ca.gov
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7447

13 **LIEN NGOC NGUYEN**
14 **1376 Crailford Ct**
San Jose, CA 95121

ACCUSATION

15 **Pharmacy Technician License No. TCH**
16 **57227**

17 Respondent.

18
19
20 **PARTIES**

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

23 2. On or about July 2, 2004, the Board of Pharmacy issued Pharmacy Technician
24 License Number TCH 57227 to Lien Ngoc Nguyen (Respondent). The Pharmacy Technician
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on December 31, 2023, unless renewed.

27 / /

28 / /

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

3. This Accusation is brought before the Board of Pharmacy (Board) under the authority

4. Code section 4300, subdivision (a), states, “Every license issued may be suspended or

5. Code section 4300.1 states:

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

• •

6. Section 4301 of the Code states:

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

(a) Procurement of a license by fraud or misrepresentation.

(b) Incompetence.

(c) Gross negligence.

(d) The clearly excessive furnishing of controlled substances in violation of subdivision (a) of Section 11153 of the Health and Safety Code.

(e) The clearly excessive furnishing of controlled substances in violation of subdivision (a) of Section 11153.5 of the Health and Safety Code. Factors to be considered in determining whether the furnishing of controlled substances is clearly excessive shall include, but not be limited to, the amount of controlled substances furnished, the previous ordering pattern of the customer (including size and frequency of orders), the type and size of the customer, and where and to whom the customer distributes its product.

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

(g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be

1 dangerous or injurious to oneself, to a person holding a license under this chapter, or
2 to any other person or to the public, or to the extent that the use impairs the ability of
3 the person to conduct with safety to the public the practice authorized by the license.

4 (i) Except as otherwise authorized by law, knowingly selling, furnishing, giving
5 away, or administering, or offering to sell, furnish, give away, or administer, any
6 controlled substance to an addict.

7 (j) The violation of any of the statutes of this state, of any other state, or of the
8 United States regulating controlled substances and dangerous drugs.

9 (k) The conviction of more than one misdemeanor or any felony involving the
10 use, consumption, or self-administration of any dangerous drug or alcoholic beverage,
11 or any combination of those substances.

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

(m) The cash compromise of a charge of violation of Chapter 13 (commencing
with Section 801) of Title 21 of the United States Code regulating controlled
substances or of Chapter 7 (commencing with Section 14000) of Part 3 of Division 9
of the Welfare and Institutions Code relating to the Medi-Cal program.

(n) The revocation, suspension, or other discipline by another state of a license
to practice pharmacy, operate a pharmacy, or do any other act for which a license is
required by this chapter that would be grounds for revocation, suspension, or other
discipline under this chapter. Any disciplinary action taken by the board pursuant to
this section shall be coterminous with action taken by another state, except that the
term of any discipline taken by the board may exceed that of another state, consistent
with the board's enforcement guidelines. The evidence of discipline by another state
is conclusive proof of unprofessional conduct.

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

(p) Actions or conduct that would have warranted denial of a license.

1 (q) Engaging in any conduct that subverts or attempts to subvert an
investigation of the board.

2 (r) The selling, trading, transferring, or furnishing of drugs obtained pursuant to
3 Section 256b of Title 42 of the United States Code to any person a licensee knows or
reasonably should have known, not to be a patient of a covered entity, as defined in
4 paragraph (4) of subsection (a) of Section 256b of Title 42 of the United States Code.

5 (s) The clearly excessive furnishing of dangerous drugs by a wholesaler to a
6 pharmacy that primarily or solely dispenses prescription drugs to patients of long-
term care facilities. Factors to be considered in determining whether the furnishing of
7 dangerous drugs is clearly excessive shall include, but not be limited to, the amount
of dangerous drugs furnished to a pharmacy that primarily or solely dispenses
8 prescription drugs to patients of long-term care facilities, the previous ordering
pattern of the pharmacy, and the general patient population to whom the pharmacy
9 distributes the dangerous drugs. That a wholesaler has established, and employs, a
tracking system that complies with the requirements of subdivision (b) of Section
10 4164 shall be considered in determining whether there has been a violation of this
subdivision. This provision shall not be interpreted to require a wholesaler to obtain
11 personal medical information or be authorized to permit a wholesaler to have access
to personal medical information except as otherwise authorized by Section 56 and
12 following of the Civil Code. For purposes of this section, long-term care facility shall
have the same meaning given the term in Section 1418 of the Health and Safety Code.

13
14 7. Section 4115 of the Code states, in pertinent part:

15 “(c) This section does not authorize a pharmacy technician to perform any act requiring
the exercise of professional judgment by a pharmacist.”

16
17 **COST RECOVERY**

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

22 / /

23 / /

24 / /

25 / /

26 / /

27 / /

28 / /

FACTUAL ALLEGATIONS

9. The Board received a notification from Good Samaritan Hospital stating that on June 25, 2022, Respondent forged pharmacists' initials during compounded medication preparation. The sterile compounded prescriptions were identified and removed from stock. Respondent was suspended and terminated from employment.

10. During the Board's investigation of the notification from Good Samaritan Hospital, Respondent admitted to the Board that she forged pharmacists' initials on that day for 19 medications (see chart below). Respondent also admitted she had forged pharmacists' initials on other occasions over three to four years involving non-sterile compounds.

DRUG	DOSAGE STRENGTH & FORM	QUANTITY
Regular Insulin	100 Units in 100ml Normal Saline IV piggyback	3
Epinephrine	5mg in 250 ml DSW IV piggyback	6
Dexmedetomidine	1000mcg in 250 ml NS piggyback	5
Bupivacaine with epinephrine	Bupivacaine 0.5% with epinephrine 1:200,000 30 ml syringes	5

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Moral Turpitude/Dishonesty/Fraud)

11. Respondent is subject to disciplinary action under Code section 4301, subdivision (f), in that Respondent committed acts of moral turpitude, dishonesty and fraud on June 25, 2022, as she admitted to forging pharmacist initials on nineteen (19) sterile compounded products she had prepared as alleged above in paragraph 9 through 10.

//

//

//

//

//

1 **SECOND CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct – Signing False Certificate)

3 12. Respondent is subject to disciplinary action under Code section 4301, subdivision (g),
4 in that Respondent falsified documents when on June 25, 2022, she admitted to forging
5 pharmacist initials on 19 sterile compounded products she had prepared as alleged above in
6 paragraph 9 through 10.

7
8 **THIRD CAUSE FOR DISCIPLINE**

9 (Acts of a Pharmacist)

10 13. Respondent is subject to disciplinary action under Code section 4115, subdivision (c),
11 in that Respondent acted as a pharmacist when she admitted to forging pharmacist initials on 19
12 sterile compounded products she had prepared requiring the judgement of a licensed pharmacist
13 as alleged above in paragraph 9 thru 10.

14
15 **PRAYER**

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

18 1. Revoking or suspending Pharmacy Technician License Number TCH 57227, issued
19 to Lien Ngoc Nguyen;

20 2. Ordering Lien Ngoc Nguyen to pay the Board of Pharmacy the reasonable costs of
21 the investigation and enforcement of this case, pursuant to Business and Professions Code section
22 125.3; and,

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

24 DATED: 9/7/2023

25 Sodergren,
Anne@DCA

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

Digitally signed by Sodergren,
Anne@DCA
Date: 2023.09.07 19:57:02
-07'00'

28 SF2023400108

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28