

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

**In the Matter of the Petition for Early Termination of
Probation:**

CHI LIEU NGUYEN, Petitioner

Agency Case No. 6877

OAH No. 2022070591

DECISION

This matter was heard by videoconference before a quorum of the Board of Pharmacy (Board) on July 28, 2022. Administrative Law Judge Erin Koch-Goodman, Office of Administrative Hearings, presided from Sacramento, California.

Kristina Jarvis, Deputy Attorney General, appeared pursuant to Government Code section 11522.

Chi Lieu Nguyen, petitioner, appeared and represented herself.

Evidence was received, the record closed, and the matter was submitted for decision on July 28, 2022.

FACTUAL FINDINGS

License History

1. On March 11, 1994, the Board issued Pharmacist License No. RPH 46977 (license) to petitioner. The license will expire on September 30, 2023, unless renewed.¹

2. On August 27, 2012, the Board issued Pharmacy Permit No. PHY 51051 (permit) to Chi Lieu Nguyen, doing business as (dba) Kim Pharmacy #3 (Pharmacy). The Permit will expire on August 1, 2023, unless renewed. At all times, petitioner was the pharmacist-in-charge (PIC) of the Pharmacy.

3. On April 30, 2020, the Board filed an Accusation against petitioner and the Pharmacy, alleging unprofessional conduct, including moral turpitude, dishonesty, fraud, deceit, or corruption and failure to maintain accurate inventory records, comply with prescription labeling requirements, and maintain operational standards and security. More specifically, the Board alleged petitioner and the Pharmacy filled and billed prescriptions, then kept the same in pending status waiting for pick up past the 14 day limit; had variances of different medications, with an overage of 857 doses and a shortage of approximately 8,804 doses; dispensed a generic equivalent when the brand name was entered on the prescription label and billed to the patient's insurance, and mixed two tablets that were the same medication, but visually different and from

¹ Petitioner also has an unencumbered pharmacist license in Nevada, issued November 19, 1993, and expiring on October 31, 2023.

two different manufacturers, in the same prescription bottle with the label only describing one; and had a sink with no hot water.

4. On October 26, 2020, petitioner signed a Stipulated Settlement and Disciplinary Order (Stipulated Settlement), admitting to the truth of the allegations contained in the Accusation, and agreeing to the revocation of petitioner's license, staying the revocation, and placing petitioner's license on two years of probation with terms and conditions. The terms and conditions include requirements to complete remedial education along with an ethics course; provide notice of license discipline to employers, intern pharmacists, and pharmacy technicians; not consult for a Board-licensed entity; employ a compliance monitor; reimburse the Board's costs; and practice 80 hours per calendar month. On January 12, 2021, the Board adopted the Stipulated Settlement as its Decision and Order, effective February 11, 2021.²

Conduct Underlying Accusation

5. On July 31, 2019, Board Inspectors conducted an inspection of the Pharmacy. The Inspectors toured the Pharmacy and audited the Pharmacy's records. While at the Pharmacy, the Inspectors identified multiple violations of the Pharmacy Law and detailed the same to petitioner. More specifically, inspectors found approximately 300 prescriptions sitting on the "will call" shelves. The prescriptions had been filled more than 14 days before, some dating back as far as October 2018, and insurance companies had been billed approximately \$8,166.30. In addition, many of the prescriptions had been filled more than once (i.e., several months of the same

² Petitioner also signed a Stipulated Settlement on behalf of the Pharmacy for a Public Reprimand, also effective February 11, 2021.

prescription for the same patient had been filled and were sitting on the shelf). Second, the Pharmacy's records revealed a shortage of 8,804 doses of nine medications and a surplus of 857 doses of five medications. Third, one prescription was entered and billed under the brand name, but filled with a generic, and one prescription was filled with two visibly different manufacturer's tablets, in the same bottle, with the label describing only one of the two tablets. Fourth, the Pharmacy sink was covered with plywood and the faucet only ran brown water and the only other sink at the Pharmacy was in the bathroom and had no hot water.

Petition for Reduction of Penalty

6. On March 16, 2022, petitioner filed a Petition for Early Termination of Probation (Petition). Effective February 11, 2021, petitioner was placed on two years of probation. Petitioner has completed 17 of 24 months of probation. To date, petitioner has met all terms and conditions of probation, including paying all costs to the Board. Petitioner believes the Petition should be granted because she has fully accepted her errors and fixed her mistakes, educated herself, and implemented new policies and procedures at the Pharmacy. This is the first petition she has filed with the Board.

Rehabilitation Evidence

7. Petitioner has been a licensed pharmacist for almost 30 years. Since 2012, she has been the PIC and owner of the Pharmacy. Petitioner admitted her failures and accepted full responsibility for her violations of the Pharmacy Law. In July 2019, petitioner was struggling. She was focused almost solely on caring for her ill father but was also trying to run the Pharmacy. She was relying on pharmacist friends to keep the Pharmacy going. Now, petitioner has found help to care for her father

from her husband, children, and sister, and she is able to focus on the Pharmacy again and be present every day.

8. Petitioner has addressed and corrected each violation in the Accusation. She has added new signage at the Pharmacy to education staff and customers and she has implemented multiple new policies and procedures to safeguard against the same errors. Specifically, she has signs posted for "will call" prescriptions, notifying patients to pick up prescriptions in 10 to 14 days, a sign for staff to review "will call" prescriptions after 10 days, and a log for staff to document the review of "will call" prescription three times per week. In addition, "will call" prescriptions filled more than 13 days before are returned to the stock shelves and charges to the insurance companies are reversed. Second, petitioner has implemented monthly inventories for Schedule III, IV, and V controlled substances, and bi-annual inventories for all other drugs. Third, petitioner has posted two signs for staff regarding partial refills (i.e., "For partial refills, place medications in two different bottles and bill insurance with two different National Drug Code (NDC) numbers"). Finally, both sinks in the Pharmacy are checked daily for potable hot and cold running water and cleaned twice daily.

9. Petitioner has also completed her remedial education requirements, including an ethics course, and a maintenance and accountability seminar, an advanced class recommended in addition to the ethics course. In total, petitioner has completed 106 hours of continuing education since being placed on probation.

10. Petitioner is seeking to terminate her probation to supplement her income and possibly sell the Pharmacy. The Pharmacy serves a poor population in south Sacramento, and petitioner is being forced out of business by Pharmacy Benefit Managers (PBM) (e.g., CVS, Caremark, UnitedHealth OptumRx, etc.). The Pharmacy sales are being stifled by PBMs. Today, she needs additional income to assist her

children with college costs and support her elderly parents. As such, she may have to sell the Pharmacy and she has been forced to look for supplemental work. However, on probation, her outside employment opportunities are limited and potential buyers will undoubtedly pay very little for a pharmacy owned and operated by a licensee on probation. In addition, petitioner has had her application denied for an Advanced Practice Pharmacy program because of her probationary status. Notwithstanding, petitioner has remained active and invested in the community around the Pharmacy, specifically volunteering her time for local Vietnamese groups and precepting pharmacy students at multiple universities.

11. Finally, petitioner submitted four letters of recommendation to support her Petition. She submitted letters from Jacqueline Truong, Pharm.D., Pharmacy Consultant, dated April 4, 2022; Terry Cater, R.Ph., M.B.A., dated March 4, 2022; and citizens, Susan Webster, Executive Director, Pacific Pharmacy Alumni Association, University of the Pacific, dated March 8, 2022, and Paul J. Brookhouzen, undated. Dr. Truong reports petitioner “has been in compliance with pharmacy rules and regulations based on my monthly observations.” Dr. Truong believes petitioner “has shown acknowledgement and awareness of her violations and progressively worked on [s/c] to remediate those specific points.” In addition, petitioner is “demonstrating competence and compliance . . . and has also been proactive in self-improvement professionally with CE programs and courses.” Finally, petitioner “has been diligent in asking questions on how to better the flow and process of her pharmacy.” Mr. Cater describes petitioner as a “caring pharmacist” and a “respected preceptor of pharmacy students at four schools of pharmacy.” Moreover, to him, “[petitioner] has expressed regret and deep remorse for the disciplinary actions related to the Accusation and Settlement.” Mr. Cater indicates “[petitioner] has fully complied with all terms of probation” and “worked hard to correct all causes of discipline.”

12. Ms. Webster toured the Pharmacy on March 7, 2022 and found it to be a “highly organized and well-lit facility” with clear signage for customers and staff about “will call” and partial fill prescriptions. Ms. Webster also found hot water in both sinks at the Pharmacy. In addition, Ms. Webster has “observed [petitioner] care for patients and witnessed the compassion [petitioner] has for her community. [Petitioner] has expertise in geriatrics and her passion for serving the elderly in her community is unmistakable.” Mr. Brookhouzen attests to petitioner’s professional and diligent manner when filling prescriptions and counseling customers, as well as her personal involvement and instrumental assistance to “ethnic minorities in the south Sacramento neighborhood community.”

Analysis

13. In considering modification of penalty, the Board may consider factors including, but not limited to: all activities since the disciplinary action was taken; the offense underlying the discipline; activities while the registration was in good standing; documented rehabilitative efforts; and the petitioner’s general reputation for truth and professional ability. (Bus & Prof. Code, § 4309, subd. (d).)

14. To evaluate rehabilitation, courts look with favor on those who have achieved “reformation and regeneration” and possess a changed “state of mind.” (*Pacheco v. State Bar* (1987) 43 Cal.3d 1041, 1058.) Moreover, fully acknowledging the wrongfulness of past actions is an essential step towards rehabilitation. (*Seide v. Committee of Bar Examiners* (1989) 49 Cal.3d 933, 940.) While a candid admission of misconduct and full acknowledgment of wrongdoing are necessary steps in the rehabilitation process, they are only first steps. A truer indication of rehabilitation is presented when a licensee demonstrates by sustained conduct over an extended

period of time that she is once again safe to practice without oversight. (*In re Trebilcock* (1981) 30 Cal.3d 312, 315-316.)

15. Following the Board inspection and audit on July 31, 2019, petitioner admitted to filling and billing prescriptions and leaving them in "will call" for extended periods, longer than 14 days; failing to maintain an accurate inventory for medications, leaving overages and shortages; filling one prescription with a generic medication when a brand was prescribed and billed to the insurance and mixing manufacturer's medications in the same bottle and only describing one on the label; and having a sink with no hot water. Since then, petitioner has posted new signage for customers and staff and implemented new policies and procedures at the Pharmacy addressing each failure. She has also found assistance to help care for her ill father. In addition, petitioner has pushed herself beyond the requirements of probation with additional educational coursework and continues to be involved in her personal and professional communities. Considering the factors above, petitioner has established rehabilitation and has demonstrated that she can be trusted to operate without continued oversight from the Board.

LEGAL CONCLUSIONS

1. Business and Professions Code section 4309 allows for a petition to be filed for the early termination of probation. In considering whether to terminate probation, the Board shall consider petitioner's documented rehabilitative efforts. (subd. (d).)

2. The burden rests on the petitioner to prove that she has been rehabilitated and is entitled to have an unencumbered license. (*Flanzer v. Board of*

Dental Examiners (1990) 220 Cal.App.3d 1392, 1398.) The standard of proof is clear and convincing evidence to a reasonable certainty, which is proof so clear as to leave no substantial doubt and sufficiently strong to command the unhesitating assent of every reasonable mind. (*In re Marriage of Weaver* (1990) 224 Cal.App.3d 478, 487.)

3. As set forth in the Factual Findings, when all the evidence is considered, petitioner has shown sufficient evidence of rehabilitation to establish that it would not be contrary to the public interest, safety, or welfare to terminate her probation at this time.

ORDER

The petition for early termination of probation filed by petitioner Chi Nguyen, License No. RPH 46977 is GRANTED, and her license is fully restored.

This Decision shall become effective at 5:00 p.m. on November 2, 2022.

It is so ORDERED on October 3, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.
Board President

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

In the Matter of the Accusation Against:

**CHI LIEU NGUYEN, DBA KIM PHARMACY #3, CHI LIEU NGUYEN,
OWNER and PIC,**

Pharmacy Permit No. PHY 51051;

CHI LIEU NGUYEN,

Pharmacist License No. RPH 46977;

Respondents

Agency Case No. 6877

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 February 11, 2021.

It is so ORDERED on January 12, 2021.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg M. Lippe".

By

Greg Lippe
Board President

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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 **CHI LIEU NGUYEN**
DBA KIM PHARMACY #3,
15 **CHI LIEU NGUYEN, OWNER and PIC**
5026 Fruitridge Road, Ste. 3
16 **Sacramento, CA 95820**
17 **Pharmacy Permit No. PHY 51051,**
18 **and**
19 **CHI LIEU NGUYEN**
5026 Fruitridge Road, Ste. 3
20 **Sacramento, CA 95820**
21 **Pharmacist License No. RPH 46977**
22 Respondent.

Case No. 6877

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

[As to Respondent Nguyen Only]

23
24 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
25 entitled proceedings that the following matters are true:

26 **PARTIES**

27 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
28 (Board). She brought this action solely in her official capacity and is represented in this matter by

1 Xavier Becerra, Attorney General of the State of California, by Kristina T. Jarvis, Deputy
2 Attorney General.

3 2. Respondent Chi Lieu Nguyen (Respondent)¹ is representing herself in this proceeding
4 and has chosen not to exercise her right to be represented by counsel.

5 3. On or about August 27, 2012, the Board of Pharmacy issued Pharmacy Permit
6 Number PHY 51051 to Chi Lieu Nguyen, doing business as (dba) Kim Pharmacy #3, Chi Lieu
7 Nguyen, owner (Respondent Pharmacy). Chi Lieu Nguyen is and has been the Pharmacist-in-
8 Charge (PIC) of Respondent Pharmacy since August 27, 2012. The Pharmacy Permit was in full
9 force and effect at all times relevant to the charges brought herein and will expire on August 1,
10 2020, unless renewed.

11 4. On or about March 11, 1994, the Board of Pharmacy issued Pharmacist License
12 Number RPH 46977 to Chi Lieu Nguyen (Respondent). The Pharmacist License was in full force
13 and effect at all times relevant to the charges brought herein and will expire on September 30,
14 2021, unless renewed.

15 **JURISDICTION**

16 5. Accusation No. 6877 was filed before the Board, and is currently pending against
17 Respondent. The Accusation and all other statutorily required documents were properly served
18 on Respondent on May 5, 2020. Respondent timely filed her Notice of Defense contesting the
19 Accusation.

20 6. A copy of Accusation No. 6877 is attached as exhibit A and incorporated herein by
21 reference.

22 **ADVISEMENT AND WAIVERS**

23 7. Respondent has carefully read, and understands the charges and allegations in
24 Accusation No. 6877. Respondent has also carefully read, and understands the effects of this
25 Stipulated Settlement and Disciplinary Order.

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27 _____
28 ¹ Since this stipulation is solely for Respondent Nguyen's pharmacist license, all
references to "Respondent" indicate her pharmacist license.

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

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

10 **DISCIPLINARY ORDER**

11 IT IS HEREBY ORDERED that Pharmacist License No. RPH 46977 issued to Respondent
12 Chi Lieu Nguyen is revoked. However, the revocation is stayed and Respondent is placed on
13 probation for two (2) years on the following terms and conditions:

14 1. **Obey All Laws**

15 Respondent shall obey all state and federal laws and regulations.

16 Respondent shall report any of the following occurrences to the board, in writing, within
17 seventy- two (72) hours of such occurrence:

- 18 • an arrest or issuance of a criminal complaint for violation of any provision of the
19 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
20 substances laws
- 21 • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal
22 criminal proceeding to any criminal complaint, information or indictment
- 23 • a conviction of any crime
- 24 • the filing of a disciplinary pleading, issuance of a citation, or initiation of another
25 administrative action filed by any state or federal agency which involves
26 respondent's license or which is related to the practice of pharmacy or the
27 manufacturing, obtaining, handling, distributing, billing, or charging for any drug,
28 device or controlled substance.

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

2 **2. Report to the Board**

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

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

12 **3. Interview with the Board**

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

18 **4. Cooperate with Board Staff**

19 Respondent shall timely cooperate with the board's inspection program and with the board's
20 monitoring and investigation of respondent's compliance with the terms and conditions of her
21 probation, including but not limited to: timely responses to requests for information by board
22 staff; timely compliance with directives from board staff regarding requirements of any term or
23 condition of probation; and timely completion of documentation pertaining to a term or condition
24 of probation. Failure to timely cooperate shall be considered a violation of probation.

25 **5. Continuing Education**

26 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
27 pharmacist as directed by the board or its designee.

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

2 During the period of probation, respondent shall notify all present and prospective
3 employers of the decision in case number 6877 and the terms, conditions and restrictions imposed
4 on respondent by the decision, as follows:

5 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
6 undertaking any new employment, respondent shall report to the board in writing the name,
7 physical address, and mailing address of each of her employer(s), and the name(s) and telephone
8 number(s) of all of her direct supervisor(s), as well as any pharmacist(s)-in-charge, designated
9 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work
10 schedule, if known. Respondent shall also include the reason(s) for leaving the prior
11 employment. Respondent shall sign and return to the board a written consent authorizing the
12 board or its designee to communicate with all of respondent's employer(s) and supervisor(s), and
13 authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,
14 concerning respondent's work status, performance, and monitoring. Failure to comply with the
15 requirements or deadlines of this condition shall be considered a violation of probation.

16 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
17 respondent undertaking any new employment, respondent shall cause (a) her direct supervisor, (b)
18 her pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
19 compliance supervisor, and (c) the owner or owner representative of her employer, to report to the
20 board in writing acknowledging that the listed individual(s) has/have read the decision in case
21 number 6877, and terms and conditions imposed thereby. If one person serves in more than one
22 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the respondent's
23 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the
24 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term
25 of probation, respondent shall cause the person(s) taking over the role(s) to report to the board in
26 writing within fifteen (15) days of the change acknowledging that he or she has read the decision
27 in case number 6877, and the terms and conditions imposed thereby.

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1 If respondent works for or is employed by or through an employment service, respondent
2 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board
3 of the decision in case number 6877, and the terms and conditions imposed thereby in advance of
4 respondent commencing work at such licensed entity. A record of this notification must be
5 provided to the board upon request.

6 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
7 (15) days of respondent undertaking any new employment by or through an employment service,
8 respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service
9 to report to the board in writing acknowledging that he or she has read the decision in case
10 number, and the terms and conditions imposed thereby. It shall be respondent's responsibility to
11 ensure that these acknowledgment(s) are timely submitted to the board.

12 Failure to timely notify present or prospective employer(s) or failure to cause the identified
13 person(s) with that/those employer(s) to submit timely written acknowledgments to the board
14 shall be considered a violation of probation.

15 "Employment" within the meaning of this provision includes any full-time, part-time,
16 temporary, relief, or employment/management service position as a pharmacist, or any position
17 for which a pharmacist is a requirement or criterion for employment, whether the respondent is an
18 employee, independent contractor or volunteer.

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

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

22 Failure to timely notify the board of any change in employer, name, address, or phone
23 number shall be considered a violation of probation.

24 **8. Restrictions on Supervision and Oversight of Licensed Facilities**

25 During the period of probation, respondent shall not serve as a consultant to any entity
26 licensed by the board. Respondent may supervise intern pharmacists and pharmacy technicians
27 only after providing said interns and technicians with a copy of this decision and order.

28 Respondent may be a pharmacist-in-charge, designated representative-in-charge, responsible

1 manager or other compliance supervisor of any single entity licensed by the board, but only if
2 respondent or that entity retains, at her expense, an independent consultant who shall be
3 responsible for reviewing the operations of the entity for compliance by respondent and the entity
4 with state and federal laws and regulations governing the practice of the entity, and compliance
5 by respondent with the obligations of her supervisory position. Respondent may serve in such a
6 position at only one entity licensed by the board, only upon approval by the board or its designee.
7 Any such approval shall be site specific. The consultant shall review the entity at a frequency
8 (monthly, quarterly, annual, etc) as set by the Board or its designee. The consultant shall be a
9 pharmacist licensed by and not on probation with the board, who has been approved by the board
10 or its designee to serve in this position. Respondent shall submit the name of the proposed
11 consultant to the board or its designee for approval within thirty (30) days of the effective date of
12 the decision or prior to assumption of duties allowed in this term. Assumption of any
13 unauthorized supervision responsibilities shall be considered a violation of probation. In addition,
14 failure to timely seek approval for, timely retain, or ensure timely reporting by the consultant
15 shall be considered a violation of probation.

16 **9. Reimbursement of Board Costs**

17 As a condition precedent to successful completion of probation, respondent shall pay to the
18 board its costs of investigation and prosecution in the amount of \$7,500.00. Respondent shall be
19 jointly and severally liable with Respondent Pharmacy for these costs.

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

23 **10. Probation Monitoring Costs**

24 Respondent shall pay any costs associated with probation monitoring as determined by the
25 board each and every year of probation. Such costs shall be payable to the board on a schedule as
26 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
27 be considered a violation of probation.

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1 **11. Status of License**

2 Respondent shall, at all times while on probation, maintain an active, current Pharmacist
3 License with the board, including any period during which suspension or probation is tolled.
4 Failure to maintain an active, current Pharmacist License shall be considered a violation of
5 probation.

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

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

11 Following the effective date of this decision, should respondent cease practice due to
12 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
13 respondent may relinquish her license, including any indicia of licensure issued by the board,
14 along with a request to surrender the license. The board or its designee shall have the discretion
15 whether to accept the surrender or take any other action it deems appropriate and reasonable.
16 Upon formal acceptance of the surrender of the license, respondent will no longer be subject to
17 the terms and conditions of probation. This surrender constitutes a record of discipline and shall
18 become a part of the respondent's license history with the board.

19 Upon acceptance of the surrender, respondent shall relinquish her pocket and/or wall
20 license, including any indicia of licensure not previously provided to the board within ten (10)
21 days of notification by the board that the surrender is accepted if not already provided.
22 Respondent may not reapply for any license from the board for three (3) years from the effective
23 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
24 of the date the application for that license is submitted to the board, including any outstanding
25 costs.

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

27 Except during periods of suspension, respondent shall, at all times while on probation, be
28 employed as a pharmacist in California for a minimum of 80 hours per calendar month. Any

1 month during which this minimum is not met shall extend the period of probation by one month.
2 During any such period of insufficient employment, respondent must nonetheless comply with all
3 terms and conditions of probation, unless respondent receives a waiver in writing from the board
4 or its designee.

5 If respondent does not practice as a pharmacist in California for the minimum number of
6 hours in any calendar month, for any reason (including vacation), respondent shall notify the
7 board in writing within ten (10) days of the conclusion of that calendar month. This notification
8 shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the
9 interruption or reduction in practice; and the anticipated date(s) on which respondent will resume
10 practice at the required level. Respondent shall further notify the board in writing within ten (10)
11 days following the next calendar month during which respondent practices as a pharmacist in
12 California for the minimum of hours. Any failure to timely provide such notification(s) shall be
13 considered a violation of probation.

14 It is a violation of probation for respondent's probation to be extended pursuant to the
15 provisions of this condition for a total period, counting consecutive and non-consecutive months,
16 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended
17 probation period on its website.

18 **14. Violation of Probation**

19 If respondent has not complied with any term or condition of probation, the board shall
20 have continuing jurisdiction over respondent, and the board shall provide notice to respondent
21 that probation shall automatically be extended, until all terms and conditions have been satisfied
22 or the board has taken other action as deemed appropriate to treat the failure to comply as a
23 violation of probation, to terminate probation, and to impose the penalty that was stayed. The
24 board or its designee may post a notice of the extended probation period on its website.

25 If respondent violates probation in any respect, the board, after giving respondent notice
26 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
27 was stayed. If a petition to revoke probation or an accusation is filed against respondent during

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1 probation, or the preparation of an accusation or petition to revoke probation is requested from
2 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of
3 probation shall be automatically extended until the petition to revoke probation or accusation is
4 heard and decided.

5 **15. Completion of Probation**

6 Upon written notice by the board or its designee indicating successful completion of
7 probation, respondent's license will be fully restored.

8 **16. Remedial Education**

9 Within sixty (60) days of the effective date of this decision, respondent shall submit to the
10 board or its designee, for prior approval, an appropriate program of remedial education related to
11 the grounds for discipline. The program of remedial education shall consist of at least 10 hours
12 per year for each year of probation, and must consist of at least 50% live webinar or in-person
13 class at respondent's own expense. All remedial education shall be in addition to, and shall not be
14 credited toward, continuing education (CE) courses used for license renewal purposes for
15 pharmacists.

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

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

25 **17. Ethics Course**

26 Within sixty (60) calendar days of the effective date of this decision, Respondent shall
27 enroll in a course in ethics, at Respondent's expense, approved in advance by the board or its
28 designee that complies with Title 16 California Code of Regulations section 1773.5. Respondent

1 shall provide proof of enrollment upon request. Within five (5) days of completion, Respondent
2 shall provide submit a copy of the certificate of completion to the board or its designee. Failure
3 to timely enroll in an approved ethics course, to initiate the course during the first year of
4 probation, to successfully complete it before the second year or probation, or to timely submit
5 proof of completion to the board or its designee, shall be considered a violation of probation.

6 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a

7 **18. No New Ownership or Management of Licensed Premises**

8 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a
9 manager, administrator, member, officer, director, trustee, associate, or partner of any additional
10 business, firm, partnership, or corporation licensed by the board. If respondent currently owns or
11 has any legal or beneficial interest in, or serves as a manager, administrator, member, officer,
12 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently
13 or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold
14 that interest, but only to the extent of that position or interest as of the effective date of this
15 decision. Violation of this restriction shall be considered a violation of probation.

16 **ACCEPTANCE**

17 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
18 stipulation and the effect it will have on my Pharmacy Permit. I enter into this Stipulated
19 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
20 bound by the Decision and Order of the Board of Pharmacy.

21
22 DATED: _____

_____ CHI LIEU NGUYEN
Respondent

23
24
25 ///

26 ///

27 ///

28 ///

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4 probation, to successfully complete it before the second year or probation, or to timely submit
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11 has any legal or beneficial interest in, or serves as a manager, administrator, member, officer,
12 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently
13 or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold
14 that interest, but only to the extent of that position or interest as of the effective date of this
15 decision. Violation of this restriction shall be considered a violation of probation.

16 **ACCEPTANCE**

17 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
18 stipulation and the effect it will have on my Pharmacy Permit. I enter into this Stipulated
19 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
20 bound by the Decision and Order of the Board of Pharmacy.

21
22 DATED: 10/26/2020



CHI LIEU NGUYEN
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: 11/24/2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
KAREN R. DENVIR
Supervising Deputy Attorney General

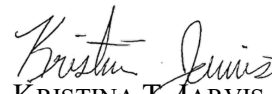

KRISTINA T. JARVIS
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 6877

1 XAVIER BECERRA
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 KRISTINA T. JARVIS
Deputy Attorney General
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6 Telephone: (916) 210-6088
Facsimile: (916) 327-8643
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. 6877

13 **CHI LIEU NGUYEN, dba**
14 **KIM PHARMACY #3**
15 **CHI LIEU NGUYEN, OWNER and PIC**
16 **5026 Fruitridge Road, Ste. 3**
17 **Sacramento, CA 95820**

ACCUSATION

18 **Pharmacy Permit No. PHY 51051,**

19 **and**

20 **CHI LIEU NGUYEN**
21 **5026 Fruitridge Road, Ste. 3**
22 **Sacramento, CA 95820**

Pharmacist License No. RPH 46977

Respondent.

23 **PARTIES**

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

26 2. On or about August 27, 2012, the Board of Pharmacy issued Pharmacy Permit
27 Number PHY 51051 to Chi Lieu Nguyen, doing business as (dba) Kim Pharmacy #3, Chi Lieu
28 Nguyen, owner (Respondent Pharmacy). Chi Lieu Nguyen is and has been the Pharmacist-in-

1 Charge (PIC) of Respondent Pharmacy since August 27, 2012. The Pharmacy Permit was in full
2 force and effect at all times relevant to the charges brought herein and will expire on August 1,
3 2020, unless renewed.

4 3. On or about March 11, 1994, the Board of Pharmacy issued Pharmacist License
5 Number RPH 46977 to Chi Lieu Nguyen (Respondent Nguyen). The Pharmacist License was in
6 full force and effect at all times relevant to the charges brought herein and will expire on
7 September 30, 2021, unless renewed.

8 **JURISDICTION**

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

12 5. Section 4300 of the Code states:

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

14 (b) The board shall discipline the holder of any license issued by the board,
15 whose default has been entered or whose case has been heard by the board and found
guilty, by any of the following methods:

16 (1) Suspending judgment.

17 (2) Placing him or her upon probation.

18 (3) Suspending his or her right to practice for a period not exceeding one year.

19 (4) Revoking his or her license.

20 (5) Taking any other action in relation to disciplining him or her as the board in
21 its discretion may deem proper.

22 ...

23 (e) The proceedings under this article shall be conducted in accordance with
24 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the
25 Government Code, and the board shall have all the powers granted therein. The
26 action shall be final, except that the propriety of the action is subject to review by the
27 superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

28 6. Section 4300.1 of the Code 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

1 investigation of, or action or disciplinary proceeding against, the licensee or to
2 render a decision suspending or revoking the license.

3 **STATUTORY PROVISIONS**

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

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

8 ...

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

12 ...

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

15 ...

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

21 ...

22 8. Section 4307 of the Code states:

23 “(a) Any person who has been denied a license or whose license has been revoked
24 or is under suspension, or who has failed to renew his or her license while it was under
25 suspension, or who has been a manager, administrator, owner, member, officer,
26 director, associate, partner, or any other person with management or control of any
27 partnership, corporation, trust, firm, or association whose application for a license has
28 been denied or revoked, is under suspension or has been placed on probation, and while
acting as the manager, administrator, owner, member, officer, director, associate,
partner, or any other person with management or control had knowledge of or
knowingly participated in any conduct for which the license was denied, revoked,
suspended, or placed on probation, shall be prohibited from serving as a manager,
administrator, owner, member, officer, director, associate, partner, or in any other
position with management or control of a licensee as follows:

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

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

1 (b) "Manager, administrator, owner, member, officer, director, associate, partner,
2 or any other person with management or control of a license" as used in this section and
3 Section 4308, may refer to a pharmacist or to any other person who serves in such
4 capacity in or for a licensee.

5 (c) The provisions of subdivision (a) may be alleged in any pleading filed
6 pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the
7 Government Code. However, no order may be issued in that case except as to a person
8 who is named in the caption, as to whom the pleading alleges the applicability of this
9 section, and where the person has been given notice of the proceeding as required by
10 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government
11 Code. The authority to proceed as provided by this subdivision shall be in addition to
12 the board's authority to proceed under Section 4339 or any other provision of law."

13 9. Section 4076 of the Code states in pertinent part:

14 (a) A pharmacist shall not dispense any prescription except in a container that
15 meets the requirements of state and federal law and is correctly labeled with all of the
16 following:

17 (1) Except where the prescriber or the certified nurse-midwife who functions
18 pursuant to a standardized procedure or protocol described in Section 2746.51, the
19 nurse practitioner who functions pursuant to a standardized procedure described in
20 Section 2836.1, or protocol, or the physician assistant who functions pursuant to
21 Section 3502.1, the naturopathic doctor who functions pursuant to a standardized
22 procedure or protocol described in Section 3640.5, or the pharmacist who functions
23 pursuant to a policy, procedure, or protocol pursuant to either subparagraph (D) of
24 paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision
25 (a) of Section 4052 orders otherwise, either the manufacturer's trade name of the drug
26 or the generic name and the name of the manufacturer. Commonly used
27 abbreviations may be used. Preparations containing two or more active ingredients
28 may be identified by the manufacturer's trade name or the commonly used name or
the principal active ingredients.

...

(11)(A) Commencing January 1, 2006, the physical description of the
dispensed medication, including its color, shape, and any identification code that
appears on the tablets or capsules...

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

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

...

1 11. Section 4022 of the Code states

2 Dangerous drug or dangerous device means any drug or device unsafe for
3 self-use in humans or animals, and includes the following:

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

6 (b) Any device that bears the statement: Caution: federal law restricts this
7 device to sale by or on the order of a _____, Rx only, or words of similar
8 import, the blank to be filled in with the designation of the practitioner licensed to use
9 or order use of the device.

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

12 **REGULATORY PROVISIONS**

13 12. California Code of Regulations, title 16 (Regulations), section 1714 states in pertinent
14 part:

15 ...

16 (c) The pharmacy and fixtures and equipment shall be maintained in a clean
17 and orderly condition. The pharmacy shall be dry, well-ventilated, free from rodents
18 and insects, and properly lighted. The pharmacy shall be equipped with a sink with
19 hot and cold running water for pharmaceutical purposes.

20 ...

21 13. Regulations section 1718 states:

22 “Current Inventory” as used in Sections 4081 and 4332 of the Business and
23 Professions Code shall be considered to include complete accountability for all
24 dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332.

25 The controlled substances inventories required by Title 21, CFR, Section 1304
26 shall be available for inspection upon request for at least 3 years after the date of the
27 inventory.

28 **COST RECOVERY**

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

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1 **DRUGS**

2 15. *Voltaren 1% gel* is the brand name for diclofenac topical gel. It is a nonsteroidal anti-
3 inflammatory drug (NSAID) used to treat arthritic joint pain. It is a dangerous drug pursuant to
4 Business and Profession Code section 4022.

5 16. *Allopurinol 300mg* is the generic name for brand names Zyloprim, Lopurin, and
6 Aloprim, among others, it reduces the production of uric acid in the body. It is a dangerous drug
7 pursuant to Business and Professions Code section 4022.

8 **FACTUAL ALLEGATIONS**

9 17. Respondent Nguyen is the sole owner and Pharmacist-in-Charge of Respondent
10 Pharmacy. Respondent Nguyen is also the only pharmacist who works at Respondent pharmacy.

11 18. On or about July 31, 2019, Board Inspector S.M. (S.M.) and Board Inspector J.K.
12 (J.K.) conducted an inspection at Respondent Pharmacy.

13 19. S.M. inspected the “will call” area, where prescriptions are kept for patients to come
14 in and pick up after being filled and billed to the patients’ insurance. On the shelves were
15 approximately 300 prescriptions that had been filled and billed more than fourteen (14) days
16 previously, some as far back as October 2018. The total amount billed to the insurance
17 companies for these prescriptions was approximately \$8,166.30.

18 20. Many of the prescriptions older than fourteen (14) days, had been filled more than
19 once for the same patient, for example prescription number 182816 for gabapentin 300mg was
20 filled on August 24, 2018, and again on October 5, 2018. Neither of these prescriptions had been
21 picked up by the patient as of July 31, 2019.

22 21. Several of the prescriptions had notes handwritten on them. Respondent Nguyen
23 explained these notes were to record that the patients had been called on the telephone and told
24 that their prescriptions were ready and they should come pick them up.

25 22. Having prescriptions on the shelf for more than fourteen (14) days indicates that the
26 patients’ insurance companies have paid for the prescriptions. It is standard practice in the
27 industry to hold prescriptions for ten (10) to fourteen (14) days and if the prescriptions have not
28 been picked up to reverse the charges. It usually takes insurance companies about fourteen (14)

1 days to pay for the prescriptions, so this eliminates unnecessary “charge-backs” where the
2 charges have to be reversed first by the pharmacy and then by the insurance company.

3 23. S.M. performed an audit of acquisition and disposition data for Respondent
4 Pharmacy. The acquisition totals less disposition totals equal the variance. A positive variance
5 indicates a shortage (purchases/acquisitions greater than sales/disposition). A negative variance
6 indicates an overage (sold more than purchased). Variances in the amount of drug inventory that
7 should have been in the pharmacy versus what was in the pharmacy are shown in the table¹
8 below:

9 Advair 250/50 mcg inhaler	-20
10 Invokana 300 mg tablet	452
11 Jardiance 10 mg tablet	125
12 Jardiance 25 mg tablet	1590
13 Januvia 100 mg tablet	2760
14 Januvia 50 mg tablet	510
15 Januvia 25 mg tablet	-90
16 Apidra Solostar insulin pen (ml)	-48
17 Novolog insulin Flexpen (ml)	-297
18 Lantus Solostar insulin pen (ml)	-402
19 Vimpat 200 mg tablet	120
20 Vimpat 100 mg tablet	660
21 Vimpat 50 mg tablet	67
22 Vimpat 300 mg tablet	2520

23
24 24. S.M. observed that prescription number 229174 was entered and billed as brand name
25 Voltaren 1% gel, but filled with generic diclofenac topical gel.

26 25. S.M. observed that prescription number 217919 for allopurinol 300 mg tablets was
27 dispensed with two (2) different tablets inside the same prescription bottle. The prescription label

28 ¹ All of the drugs listed in this table are dangerous drugs pursuant to Business and Professions Code section 4022.

1 stated the tablets should be round, orange, and stamped with “1,2” on one side and “10” on the
2 other. Some of the tablets in the prescription bottle matched that prescription, but there were also
3 round, white tablets with “AX” stamped on them. Both of the tablets were in fact allopurinol 300
4 mg.

5 26. S.M. observed a sink in the pharmacy covered with a piece of plywood. S.M. turned
6 on the sink and only brown water came out. The only remaining sink was in a bathroom. J.K.
7 went into the bathroom and turned on the hot water and let the water run for several minutes. The
8 water remained cold.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Moral Turpitude, Dishonesty, Fraud, Deceit, Or Corruption)**

11 27. Respondent Pharmacy and Respondent Nguyen are subject to disciplinary action for
12 unprofessional conduct pursuant to Code section 4301, subdivision (f), in that Respondents filled
13 prescriptions and billed the prescriptions to the patients’ insurance plans, then kept the
14 prescriptions in pending status waiting to be picked up past the fourteen (14) day limit. The
15 circumstances are as set forth in paragraphs 18-21, above.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Failure to Maintain Accurate Inventory Records)**

18 28. Respondent Pharmacy and Respondent Nguyen are subject to disciplinary action for
19 unprofessional conduct pursuant to Code section 4301, subdivisions (j) and (o), for failure to
20 comply with Code section 4081, subdivision (a), and Regulations section 1718, subdivision (a).
21 The circumstances are that Respondents had variances of different medications with
22 approximately 857 doses of certain medications more than the pharmacy should have had, and
23 with approximately 8,804 doses lost. Respondents therefore failed to maintain an accurate
24 inventory as set forth in paragraph 22, above.

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THIRD CAUSE FOR DISCIPLINE

(Failure to Comply with Prescription Label Requirements)

29. Respondent Pharmacy and Respondent Nguyen are subject to disciplinary action for unprofessional conduct pursuant to Code section 4301, subdivisions (j) and (o), for failing to comply with Code section 4076, subdivision (a)(a), and (a)(11)(A). The circumstances are that Respondents dispensed a generic equivalent when the brand name was entered on the prescription label and billed to the patient's insurance, and mixed two tablets that were the same medication from different manufacturers with distinct visually differences in the same prescription bottle, as set forth in paragraphs 23 and 24, above.

FOURTH CAUSE FOR DISCIPLINE

(Failure to Maintain Operational Standards and Security)

30. Respondent Pharmacy and Respondent Nguyen are subject to disciplinary action for unprofessional conduct pursuant to Code section 4301, subdivision (o), for failing to comply with Regulations section 1714, subdivision (c), and have a sink with hot and cold running water, as set forth in paragraph 25, above.

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 Pharmacy Permit Number PHY 51051, issued to Chi Lieu Nguyen, dba Kim Pharmacy #3, Chi Lieu Nguyen, owner;
2. Revoking or suspending Pharmacist License Number RPH 46977, issued to Chi Lieu Nguyen;
3. Prohibiting Chi Lieu Nguyen from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any other position with management or control of any Pharmacy licensee;
4. Ordering Chi Lieu Nguyen dba Kim Pharmacy #3 and Chi Lieu Nguyen 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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5. Taking such other and further action as deemed necessary and proper.

DATED: April 30, 2020



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

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