

1 THOMAS C. HORNE
Attorney General
2 (Firm State Bar No. 14000)

2013 APR 5 AM 11 15

3 MONTGOMERY LEE
Assistant Attorney General
4 State Bar No. 005658
1275 W. Washington, CIV/LES
5 Phoenix, Arizona 85007-2997
Tel: (602) 542-7980
6 Fax: (602) 364-3202

7 Attorneys for the Arizona State Board of Pharmacy

8 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

9
10 In the Matter of

11 **Khang Nguyen**

12 Holder of License No. S013435
As a Pharmacist
13 In the State of Arizona

Board Case No. 13-0006-PHR

**CONSENT AGREEMENT
FOR CIVIL PENALTY AND
CONTINUING EDUCATION**

14
15 In the interest of a prompt and judicious settlement of this case, consistent with the
16 public interest, statutory requirements and the responsibilities of the Arizona State Board
17 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Knag Nguyen ("Respondent"),
18 holder of Pharmacist License No. S013435 in the State of Arizona and the Board enter
19 into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent
20 Agreement") as a final disposition of this matter.

21 **RECITALS**

22 1. Respondent has read and understands this Consent Agreement and has had
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
24 opportunity to discuss this Consent Agreement with an attorney.
25
26

1 2. Respondent understands that he has a right to a public administrative
2 hearing concerning this matter at which hearing he could present evidence and cross
3 examine witnesses. By entering into this Consent Agreement, Respondent knowingly
4 and voluntarily relinquishes all right to such an administrative hearing, as well as rights
5 of rehearing, review, reconsideration, appeal, judicial review or any other administrative
6 and/or judicial action, concerning the matters set forth herein.

7 3. Respondent affirmatively agrees that this Consent Agreement shall be
8 irrevocable.

9 4. Respondent understands that this Consent Agreement or any part of the
10 agreement may be considered in any future disciplinary action by the Board against him.

11 5. Respondent understands this Consent Agreement deals with Board
12 Complaint No. 4147 involving allegations of unprofessional conduct against Respondent.
13 The investigation into these allegations against Respondent shall be concluded upon the
14 Board's adoption of this Consent Agreement.

15 6. Respondent understands that this Consent Agreement does not constitute a
16 dismissal or resolution of any other matters currently pending before the Board, if any,
17 and does not constitute any waiver, express or implied, of the Board's statutory authority
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19 7. Respondent also understands that acceptance of this Consent Agreement
20 does not preclude any other agency, subdivision, or officer of this State from instituting
21 any other civil or criminal proceedings with respect to the conduct that is the subject of
22 this Consent Agreement.

23 8. Respondent acknowledges and agrees that, upon signing this Consent
24 Agreement and returning this document to the Board's Executive Director, he may not
25 revoke his acceptance of the Consent Agreement or make any modifications to the
26

1 document regardless of whether the Consent Agreement has been signed by the
2 Executive Director. Any modification to this original document is ineffective and void
3 unless mutually agreed by the parties in writing.

4 9. This Consent Agreement is subject to the approval of the Board and is
5 effective only when accepted by the Board and signed by the Executive Director. In the
6 event that the Board does not approve this Consent Agreement, it is withdrawn and shall
7 be of no evidentiary value and shall not be relied upon nor introduced in any action by
8 any party, except that the parties agree that should the Board reject this Consent
9 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the
10 Board was prejudiced by its review and discussion of this document or any records
11 relating thereto.

12 10. If a court of competent jurisdiction rules that any part of this Consent
13 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
14 shall remain in full force and effect.

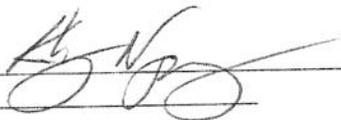
15 11. Respondent understands that this Consent Agreement is a public record that
16 may be publicly disseminated as a formal action of the Board and may be reported as
17 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
18 Protection Data Bank.

19 12. Respondent understands that any violation of this Consent Agreement
20 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
21 1901.01(B) (20) and A.R.S. § - 1927(A) (1).

22 13. Respondent agrees that the Board will adopt the following Findings of Fact,
23 Conclusions of Law and Order.

24 ...
25 ...
26 ...

1 ACCEPTED AND AGREED BY RESPONDENT

2
3 

Dated: 4/1/13

4 Khang Nguyen

5 Subscribed and sworn to before me in the County of Maricopa, State of Arizona,
6 this 1 day of April, 2013 by Khang Nguyen.

7
8 
NOTARY PUBLIC



9 My Commission expires: Aug 29, 2014

10 **FINDINGS OF FACT**

11
12 1. The Board is the duly constituted authority for licensing and regulating the
13 practice of pharmacy in the State of Arizona.

14 2. Respondent is the holder of license number S013435 to practice as a
15 pharmacist in the State of Arizona.

16 3. During all relevant times to these findings, Respondent worked as a
17 pharmacist at Favor Rexali Drugs (Park Central Pharmacy) (the "Pharmacy") located at
18 4207 N. 19th Avenue, Phoenix, Arizona.

19 4. On or about June 22, 2012 patient M.D. had a prescription for caffeine
20 citrate 20 ml. oral solution incorrectly filled with caffeine citrate 20 ml. IV solution at the
21 Pharmacy.
22

23 5. Respondent was the pharmacist on duty at the Pharmacy when the medication was
24 dispensed and did not recognize the error during verification.
25
26

1 Board staff, and shall be in addition to the requirements of A.R.S. § 32-1936 and A.A.C.
2 R4-23-204.

3 3. Respondent shall pay all costs associated with complying with this Consent
4 Agreement.

5 4. If Respondent violates this Order in any way or fails to fulfill the
6 requirements of this Order, the Board, after giving the Respondent notice and the
7 opportunity to be heard, may revoke, suspend or take other disciplinary actions against
8 Respondent's license. The issue at such a hearing will be limited solely to whether this
9 Order has been violated.

10 DATED this 10 day of May, 2012.

12 ARIZONA STATE BOARD OF PHARMACY

13 (Seal)

14 

15 By: _____
16 HAL WAND, R.Ph.
17 Executive Director

18 ORIGINAL OF THE FORGOING FILED
19 this 10 day of May, 2012, with:

20 Arizona State Board of Pharmacy
21 1616 W. Adams Street
22 Phoenix, Arizona 85007

23 EXECUTED COPY OF THE FOREGOING MAILED
24 BY CERTIFIED MAIL
25 this 10 day of May, 2012, to:

26 Khang Nguyen
4207 N. 19th Avenue
Phoenix, Arizona 85015
Respondent

1 EXECUTED COPY OF THE FOREGOING MAILED
2 this 10 day of May, 2012, to:

3 Montgomery Lee
4 Assistant Attorney General
5 1275 W. Washington Street, CIV/LES
6 Phoenix, Arizona 85007
7 Attorney for the Board

8 _____
9 Doc #2949568

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26