



DEPT. OF COMMERCE
AND CONSUMER AFFAIRS

2012 APR 23 P 12:39

HEALTH CARE OFFICE

BOARD OF PHARMACY
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII

In the Matter of the)	PHA 2010-28-L
Pharmacist's License of)	
)	BOARD'S FINAL ORDER
HUONG NGUYEN TRAN,)	
)	
Respondent.)	
_____)	

BOARD'S FINAL ORDER

I. INTRODUCTION

At its regularly scheduled meeting on February 16, 2012, the Board of Pharmacy (Board) reviewed materials submitted to it by the Petitioner, Regulated Industries Complaints Office (RICO), dated January 23, 2012, alleging that Respondent Huong Nguyen Tran failed to comply with the terms of the Board's Final Order (Final Order) dated November 17, 2011.


The Final Order mandated that Respondent pay a \$1,000.00 fine, within sixty (60) days of its entry, for having violated HRS §§ 436B-19(15) and 436B-19(17). Pursuant to the Final Order, if the fine was not paid within the specified time period, the Respondent would be subject to an automatic license suspension.

In an affidavit submitted to the Board on February 16, 2012, RICO attorney, Tammy Kaneshiro, supported RICO's allegation of non-compliance by declaring under penalty of law that Respondent had failed to pay her fine.


II. FINAL ORDER

As a result of failing to fully comply with the Final Order, and failing to pay her fine, the Board hereby orders that Respondent's Hawaii pharmacist license be immediately suspended and that full payment of the outstanding fine in the amount of \$1,000.00 be made a condition for reinstatement and/or relicensure.

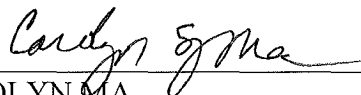
DATED: Honolulu, Hawaii, April 19, 2012.



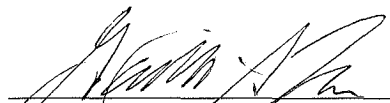
MARK E. BROWN
Chairperson



PATRICK ADAMS
Vice Chairperson



CAROLYN MA
Board Member



GARRETT A. LAU
Board Member



TODD INAFUKU
Board Member



JILL OLIVEIRA GRAY
Board Member

LYDIA KUMASAKA
Board Member

BOARD OF PHARMACY
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII

In the Matter of the)	PHA 2010-28-L
Pharmacist's License of)	
)	NOTICE OF BOARD'S
HUONG NGUYEN TRAN,)	PROPOSED AMENDED
)	FINAL ORDER
Respondent.)	
_____)	

NOTICE OF BOARD'S PROPOSED AMENDED FINAL ORDER

TO: PETITIONER:

TAMMY KANESHIRO, ESQ.
Regulated Industries Complaints Office
Department of Commerce and Consumer Affairs
Leiopapa A Kamehameha Building
235 S. Beretania Street, 9th Floor
Honolulu, Hawaii 96813

RESPONDENT:

HUONG NGUYEN TRAN


YOU ARE HEREBY NOTIFIED that the Board of Pharmacy ("Board") proposes to adopt an Amended Final Order that will immediately suspend the Respondent's Hawaii pharmacist license for failing to pay the fine of \$1,000.00 previously ordered by the Board in its Final Order, dated November 17, 2011.

YOU ARE FURTHER NOTIFIED that any party adversely affected by the Board's Proposed Amended Final Order may file written exceptions to the whole or any part of the Board's Proposed Amended Final Order and request review thereof by the Board. The written

exceptions must specify the portions of the record and the authorities relied upon to sustain each point. The exceptions must be filed with the Executive Officer of the Board and copies must also be served on all opposing parties, no later than 4:30 p.m. of the 15th calendar day after receipt of the Board's Proposed Final Order. You must also specify in your written exceptions whether or not you wish to present oral argument on the exceptions before the Board.

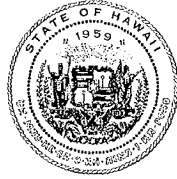
Any party may file a Statement in Support of the Board's Proposed Amended Final Order. The Statement in Support must be filed with the Executive Officer of the Board and copies must be served on all other parties, no later than 4:30 p.m. of the 15th calendar day after you receive your copy of the written exceptions.

YOU ARE FURTHER NOTIFIED that the Board will be taking final action on the Board's Proposed Amended Final Order at the Board's April 2012 meeting, which is scheduled for April 19, 2012 at 9:00 a.m., in the King Kalakaua Room (1st Floor), Department of Commerce and Consumer Affairs, 335 Merchant Street, Honolulu, Hawaii.

DATED: Honolulu, Hawaii, March 15, 2012.



LEE ANN TESHIMA
Executive Officer



BOARD OF PHARMACY
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII

In the Matter of the)	PHA 2010-28-L
Pharmacist's License of)	
)	BOARD'S PROPOSED AMENDED
HUONG NGUYEN TRAN,)	FINAL ORDER
)	
Respondent.)	
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BOARD'S PROPOSED AMENDED FINAL ORDER

I. INTRODUCTION

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The Final Order mandated that Respondent pay a \$1,000.00 fine, within sixty (60) days of its entry, for having violated HRS §§ 436B-19(15) and 436B-19(17). Pursuant to the Final Order, if the fine was not paid within the specified time period, the Respondent would be subject to an automatic license suspension.

In an affidavit submitted to the Board on February 16, 2012, RICO attorney, Tammy Kaneshiro, supported RICO's allegation of non-compliance by declaring under penalty of law that Respondent had failed to pay her fine.

II. PROPOSED AMENDED FINAL ORDER

As a result of failing to fully comply with the Final Order, and failing to pay her fine, the Board hereby orders that Respondent's Hawaii pharmacist license be immediately suspended and that full payment of the outstanding fine in the amount of \$1,000.00 be made a condition for reinstatement and/or relicensure.

DATED: Honolulu, Hawaii, _____.

MARK E. BROWN
Chairperson

PATRICK ADAMS
Vice Chairperson

CAROLYN MA
Board Member

GARRETT A. LAU
Board Member

TODD INAFUKU
Board Member

JILL OLIVEIRA GRAY
Board Member

LYDIA KUMASAKA
Board Member

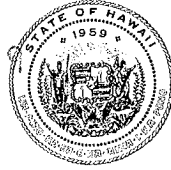
DEPT. OF COMMERCE
AND CONSUMER AFFAIRS

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DEPT. OF COMMERCE
& CONSUMER AFFAIRS
STATE OF HAWAII

BOARD OF PHARMACY
OFFICE OF ADMINISTRATIVE HEARINGS
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII

In the Matter of the)	PHA 2010-28-L
Pharmacist's License of)	
)	BOARD'S FINAL ORDER
HUONG NGUYEN TRAN,)	
)	
Respondent.)	

BOARD'S FINAL ORDER

On October 3, 2011, the duly appointed Hearings Officer submitted her proposed Findings of Fact, Conclusions of Law and Recommended Order in the above-entitled matter to the parties. The parties were given an opportunity to file written exceptions, however no exceptions were filed.

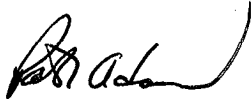
Upon review of the entire record of this proceeding, the Board of Pharmacy ("Board") adopts the Hearings Officer's recommended decision as the Board's Final Order and finds and concludes that Respondent violated HRS §§ 436B-19(15) and 436B-19(17).

For the violations found, the Board orders Respondent to pay a \$1,000.00 fine within sixty (60) days of the Board's Final Order. If the fine is not paid within the specified time, upon filing of a declaration by Petitioner attesting to such failure, Respondent's license shall be automatically suspended. At that time, Respondent will be required to return all indicia of licensure to the Hawai'i Board. Upon filing of a declaration by Petitioner attesting that Respondent has complied with the Board's Final Order, Respondent's license shall be reinstated pursuant to the procedures set forth in HRS § 92-17(c)(3).

DATED: Honolulu, Hawaii, November 17, 2011



MARK E. BROWN
Chairperson



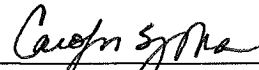
PATRICK ADAMS
Vice Chairperson



TODD INAFUKU
Board Member



GARRETT A. LAU
Board Member



CAROLYN S.J. MA
Board Member

JILL OLIVEIRA GRAY
Board Member



LYDIA KUMASAKA
Board Member

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DEPT OF COMMERCE
& CONSUMER AFFAIRS
STATE OF HAWAII



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HEARINGS OFFICER

BOARD OF PHARMACY
OFFICE OF ADMINISTRATIVE HEARINGS
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII

In the Matter of the) PHA 2010-28-L
Pharmacist's License of)
)
HUONG NGUYEN TRAN,) HEARINGS OFFICER'S FINDINGS OF
) FACT, CONCLUSIONS OF LAW AND
) RECOMMENDED ORDER
)
Respondent.)
_____)

HEARINGS OFFICER'S FINDINGS OF FACT,
CONCLUSIONS OF LAW AND RECOMMENDED ORDER

I. INTRODUCTION

On February 28, 2011, the Department of Commerce and Consumer Affairs, through its Regulated Industries Complaints Office ("Petitioner") filed a petition for disciplinary action against the pharmacist's license of Huong Nguyen Tran ("Respondent"). The matter was set for hearing pursuant to Hawaii Revised Statutes ("HRS") Chapters 91, 92 and 461, and the Notice of Hearing and Prehearing Conference ("Notice") was transmitted to the parties. Respondent received the Petition and Notice by certified mail on April 14, 2011.

On April 11, 2011, Petitioner filed a Motion for Summary Judgment ("Motion"). The Motion was scheduled for a hearing on June 9, 2011.

On June 9, 2011, the hearing on the Motion was held by the undersigned Hearings Officer. Tammy Y. Kaneshiro, Esq. represented Petitioner. Respondent failed to enter an appearance. The matter was taken under advisement.

By a letter dated June 13, 2011, the Hearings Officer informed the parties that Petitioner's Motion was granted and accordingly, that the hearing set for June 30, 2011

would only involve evidence regarding mitigating/aggravating circumstances relating to the sanctions to be imposed for the violations of law as alleged in the Petition. Respondent received this letter on June 15, 2011.

On June 30, 2011, the hearing was conducted by the undersigned Hearings Officer. Ms. Kaneshiro represented Petitioner. Respondent failed to enter an appearance. Notice having properly been given, the hearing proceeded as scheduled.

Having reviewed and considered the evidence and arguments presented at the hearing, together with the entire record of this proceeding, the Hearings Officer hereby renders the following findings of fact, conclusions of law and recommended order.

II. FINDINGS OF FACT

1. The Board of Pharmacy (“Hawaii Board”) licensed Respondent as a pharmacist on March 18, 2008, License No. PH 2751. Respondent’s license expires on December 31, 2011.

2. Respondent entered into an Agreed Board Order on September 17, 2008 which included a reprimand against her pharmacist’s license in the State of Texas.

3. Respondent did not report the Texas disciplinary action to the Hawai’i Board within thirty days of the order.

III. CONCLUSIONS OF LAW

Petitioner has charged Respondent with violating HRS §§ 436B-19(15) and 436B-19(17).

Based on the evidence presented, the Hearings Officer concludes that Respondent violated HRS § 436B-19(15) by failing to report the action taken by the Texas Board to the Hawaii Board within thirty days of the disciplinary decision.

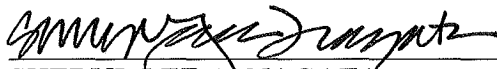
For the violation found, the Hearings Officer finds that Respondent violated HRS § 436B-19(17).

IV. RECOMMENDED ORDER

Based on the above, the Hearings Officer recommends that the Hawaii Board find and conclude that Respondent violated HRS §§ 436B-19(15) and 436B-19(17).

For the violations found, the Hearings Officer recommends that Respondent be required to pay a \$1,000.00 fine within sixty (60) days of the Board's Final Order. If the fine is not paid within the specified time, upon filing of a declaration by Petitioner attesting to such failure, Respondent's license shall be automatically suspended. At that time, Respondent will be required to return all indicia of licensure to the Hawai'i Board. Upon filing of a declaration by Petitioner attesting that Respondent has complied with the Board's Final Order, Respondent's license shall be reinstated pursuant to the procedures set forth in HRS § 92-17(c)(3).

DATED: Honolulu, Hawaii, OCT 03 2011.



SHERYL LEE A. NAGATA
Administrative Hearings Officer
Department of Commerce
and Consumer Affairs