

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF THE LICENSE OF	:	
	:	FINAL DECISION AND ORDER
AI K. NGUYEN, R.PH.,	:	FOR REMEDIAL EDUCATION
LICENSEE.	:	<b>ORDER 0006455</b>

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Division of Legal Services and Compliance Case No. 17 PHM 112

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Ai K. Nguyen, R.Ph.  
808 East Scenic Road  
Oak Creek, WI 53154

Wisconsin Pharmacy Examining Board  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Pharmacy Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Licensee Ai K. Nguyen, R.Ph., (DOB January 1, 1983) is licensed in the state of Wisconsin to practice pharmacy, having license number 15698-40, first issued on August 5, 2009, and current through May 31, 2020. Licensee's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 808 East Scenic Road, Oak Creek, Wisconsin 53154.

2. At all times relevant to this proceeding, Licensee was employed as the managing pharmacist at a pharmacy (Pharmacy) located in Milwaukee, Wisconsin.

3. On July 12, 2017, at approximately 12:40 p.m., Patient's son dropped off Patient's prescription for hydrocodone with Pharmacist B at the Pharmacy.

4. At approximately 2:15 p.m., Pharmacy Technician assisted a customer at the drive-thru window. The customer gave Patient's name and date of birth. Pharmacy Technician gave the hydrocodone prescription for Patient to the customer without a pharmacist consult. He utilized Pharmacist B's barcode to complete the transaction without permission.

5. Patient's son returned the next day and was told that the prescription was already picked up. Patient confirmed that she did not receive this prescription, nor did she know the individual that picked up the prescription.

6. Pharmacy operates under the following policies:

- a. "Drive Thru Best Practices. . . [A]sk the customer if they would like to speak to the pharmacist about their medication." Such "practice" pertains to the technician.
- b. "Release to Patient (RTP) Best Practices" provides that counseling is a required step in the process of releasing or selling a prescription.

7. The practices and/or policies in paragraph 6 are contradictory and/or inconsistent.

8. Licensee, as managing pharmacist was responsible for the professional operations of Pharmacy and should have taken measures to correct the contradictory and/or inconsistent practices and/or policies outlined in paragraph 6.

9. In resolution of this matter, Licensee consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 450.10(1), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

#### ORDER

1. The attached Stipulation is accepted.

2. Within NINETY (90) days of the date of this Order, Licensee shall, at her own expense, take and successfully complete two (2) hours of education related to the topics of consultation and/or pharmacy management, or another topic approved by the Board or its designee.

- a. Each course attended in satisfaction of this Order must be pre-approved by the Board or its designee. The following courses are pre-approved: *Organizing Your time and Priorities*; *Learning from Mistakes: A Root Cause Analysis Case Study (Home Study)*; and, *Keeping Your Pharmacy Safe and Secure (Home Study)* provided by American Pharmacists Association.

- b. Licensee shall be responsible for locating course(s) satisfactory to the Board and for obtaining the required approval of the courses from the Board or its designee. Licensee must take and pass any exam offered for the course(s).
- c. The Board or its designee may approve a course(s) for less than two (2) hours of education as satisfaction of this Order.
- d. Licensee shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below.
- e. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department.

3. Request for approval of courses and proof of successful course completion shall be sent by Licensee to the Department Monitor at the address below:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

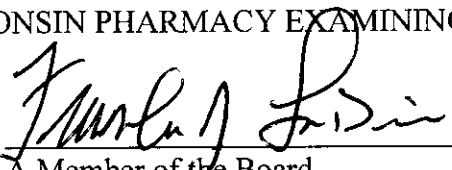
You may also submit this information online via DSPS' Monitoring Case Management System here:

<https://app.wi.gov/DSPSMonitoring>

4. This Order is effective on the date of its signing.

WISCONSIN PHARMACY EXAMINING BOARD

by:

  
A Member of the Board

9/25/19  
Date

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF THE LICENSE OF

AI K. NGUYEN, R.Ph.,  
LICENSEE.

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:  
STIPULATION

**ORDER 0006455**

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Division of Legal Services and Compliance Case No. 17 PHM 112

Licensee Ai K. Nguyen, R.Ph., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Licensee consents to the resolution of this investigation by Stipulation.

2. Licensee understands that by signing this Stipulation, Licensee voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Licensee, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Licensee;
- the right to call witnesses on Licensee's behalf and to compel their attendance by subpoena;
- the right to testify on Licensee's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Licensee under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Licensee is aware of Licensee's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Licensee agrees to the adoption of the attached Final Decision and Order by the Wisconsin Pharmacy Examining (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Licensee waives all rights to any appeal of the Board's order, if adopted in the form as attached.

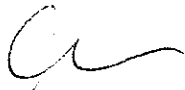
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is

not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Licensee, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Licensee is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

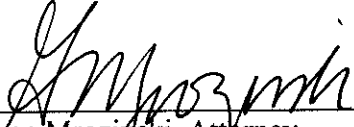
8. The Division of Legal Services and Compliance joins Licensee in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Ai K. Nguyen, R.Ph., Licensee  
808 East Scenic Road  
Oak Creek, WI 53154  
License no. 15698-40

9/19/19

Date



Gretchen Mrozinski, Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

9/19/19

Date