

**IN THE MATTER OF**  
**DAI NGUYEN, Pharm. D.**  
**Respondent**

**\* BEFORE THE**  
**\* STATE BOARD**  
**\* OF PHARMACY**  
**\* Case No. 20-463**

**License No.: 18143**

\* \* \* \* \*

**FINAL CONSENT ORDER**

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to Md. Code Ann., Health Occ. (Health Occ.) §§ 12-101, *et seq.* (2014 Repl. Vol. and 2020 Repl. Vol.) (the "Act"), on January 29, 2021, the Board issued a Charges against the pharmacist license of **DAI NGUYEN, Pharm. D.** (the "Respondent"). On March 10, 2021, a Case Resolution Conference was held with the Respondent, who was represented by Counsel, members of the Board, along with Board Counsel, and the Administrative Prosecutor, in order to determine whether the matter could be resolved. As a result, the following settlement was reached.

The Charges were issued pursuant to Health Occ. §12-313:

- (b) Subject to the hearing provisions of § 12-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant for a pharmacist's license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:
  - (2) Fraudulently or deceptively uses a license;
  - (8) Willfully fails to file or record any report that is required by law;
  - (15) Dispenses any drug, device, or diagnostic for which a prescription is required without a written, oral, or electronically

transmitted prescription from an authorized prescriber;

(25) Violates any rule or regulation adopted by the Board;

The Board further charged the Respondent with violating its Pharmacist, Pharmacy Intern and Pharmacy Technician Code of Conduct, COMAR § 10.34.10:

B. A pharmacist may not:

(1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist;

(3) Engage in unprofessional conduct [;].

### **FINDINGS OF FACT**

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first issued a Maryland pharmacist license on April 16, 2010. The Respondent's license expires on May 31, 2022.

2. At all times relevant herein, the Respondent was employed by a national chain retail pharmacy in Ellicott City, Howard County, Maryland, hereinafter, the "Pharmacy"<sup>1</sup>.

3. On May 6, 2020, the Board received a letter from the Pharmacy notifying the Board that the Respondent had been terminated from the Pharmacy for ingesting non-controlled prescription medication without prescriber authorization.

4. As a result of the letter, the Board began an investigation. In furtherance thereof, the Board's Investigator obtained documents from an internal investigation conducted by the Pharmacy. The Pharmacy's investigation determined that the Respondent

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<sup>1</sup> Names of individuals and facilities are confidential.

had actually been terminated on April 30, 2020 for “Gross Violation” from its location in Crofton, Anne Arundel County, Maryland.

5. The documentation indicated that the Respondent admitted, both verbally and in writing, to the theft of non-controlled medications from the pharmacy in the amount of \$23.18, including Amoxicillin<sup>2</sup>, 500 mg, #12, Colchicine<sup>3</sup>, 20 mg, #3, and Prednisone<sup>4</sup>, 6 mg, #3. Despite signing the above statement, at the CRC, the Respondent claimed that he only actually took two Amoxicillin tablets because he had a tooth infection, his face was swollen, and he was unable to get a dentist’s appointment. He also claimed that he took one Prednisone because of his gout, rather than close the Pharmacy and, in both instances, the manager gave him permission to take the medication. The Respondent further claimed to have replaced the pills once he got his prescriptions filled after he saw his provider, at the beginning of that next week.

6. A review of the documentation found that the Respondent had received “Corrective Action” on at least six other occasions as follows:

7. On April 20, 2016, it was discovered through an investigation that the Respondent accepted a phone call where he was asked to bypass safety messaging on the register to complete a false register transaction over the phone which resulted in a loss of \$416.29, which is a violation of procedures used to handle prepaid cards/Money Gram and violates the Pharmacy’s Anti-Money-Laundering Compliance Program Policy. He was

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<sup>2</sup> Amoxicillin is used to treat a wide variety of bacterial infections.

<sup>3</sup> This medication is used to prevent or treat gout attacks (flares).

required to complete a course regarding preventing money laundering and was to adhere to the anti-money laundering policy.

8. On June 15, 2016, an audit was conducted where it was discovered that safes were left open and unattended by the Respondent on the following dates/times:

5/3/16	8:56PM-10:25PM
6/1/16	4:30PM-4:50PM
6/2/16	9:36PM-9:41PM
6/3/16	11:22PM-12:16PM
6/4/16	7:51AM-8:09AM
6/4/16	10:45PM-1:23AM
6/5/16	1:24AM-6:44AM
6/5/16	11:23PM-2:20AM (6 <sup>TH</sup> )
6/6/16	12:59PM-4:01AM

The Respondent was warned that he must adhere to company policies and procedures listed.

9. February 21 and 23, 2017: The Respondent did not return C2 medication (hydrocodone/acetaminophen 5/325) back to the safe. It was left on the production counter unprotected from possible diversion against company policy and loss prevention policy. He

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<sup>4</sup> Prednisone is used to treat conditions such as arthritis, blood disorders, breathing problems, severe allergies, skin diseases, cancer, eye problems, and immune system disorders.

was required to review company policy and confirm understanding and complete a training course.

10. July 15, 2017: The Respondent did not return C2 medication, Vyvanse, 30 mg, back to the safe, but left it on the production counter unprotected from possible diversion against company and loss prevention policy, which led for the requirement for him to complete a DEA training course on documentation for pharmacists within one week.

11. November 15, 2017: The Respondent failed to plan and organize, which resulted in patient-related issues, resulting in incorrect processing of drugs; failure to file prescriptions before he left; failure to enter prescriptions for promised times, resulting in their not being ready when promised and poor customer service; and incorrect information communicated to multiple patients. Various corrective measures were instituted to try to correct these deficiencies.

12. February 23, 2018: Lock not secured on three occasions prior to this date, resulting in a Final Warning being issued.

13. As set forth above, by ingesting non-controlled medication without prescriber authorization and failure to comply with standards of professional conduct, the Respondent violated the following provisions of Health Occ. §§ 12-313(b): (2) (...deceptively uses a license); (8) (Willfully fails to file or record any report that is required by law); (15) (Dispenses any drug, device, or diagnostic for which a prescription is required without a written, oral, or electronically transmitted prescription from an authorized prescriber);and,

(25) (Violates any rule or regulation adopted by the Board). The Respondent violated the Board's regulations by violating COMAR § 10.34.10: B: A pharmacist may not: (1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist; and (3) Engage in unprofessional conduct.

### CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's actions violated §§12-213 (b) (2), (8), (15) and (25) of the Act and COMAR 10.34.10.10 (B) (1) and (3).

### ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 11<sup>th</sup> day of June 2021, by a majority of a quorum of the Board,

**ORDERED** that the Respondent's License be REPRIMANDED; and be it further

**ORDERED**, that the Respondent shall, within sixty (60) days of the effective date of the Consent Order, obtain two Continuing Credit Units (CCUs) of Law and Ethics, which shall not count toward his CCU requirements. Failure to obtain these credits in the time specified will result in further disciplinary charges based upon unprofessional conduct.

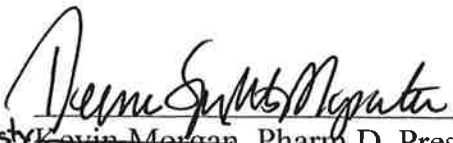
**ORDERED** that the Respondent shall bear the costs of compliance with the Order; and be it further

**ORDERED** that the Consent Order is effective as of the date of its signing by the Board; and be it further

**ORDERED** that the Respondent shall practice in accordance with the laws and regulations governing the practice pharmacy in Maryland; and be it further

**ORDERED** that, should the Board receive information that the Respondent has violated the Act or, if the Respondent violates any conditions of this Order, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order shall be on the Respondent to demonstrate compliance with the Order or conditions; and be it further

**ORDERED**, that for purposes of public disclosure, as permitted by Md. General Provisions, Code Ann. §§ 4-101, *et seq.* (Repl. Vol. 2014), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order, and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.

for Jennifer Hardesty   
Kevin Morgan, Pharm.D. President  
State Board of Pharmacy

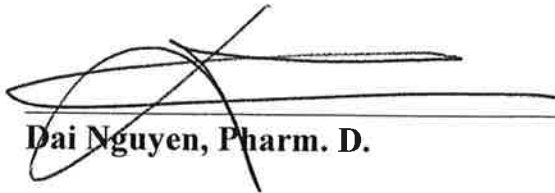
**CONSENT OF DAI NGUYEN, Pharm. D.**

I, **DAI NGUYEN, Pharm. D.**, acknowledge that I am represented by counsel, Cory Silkwood, Attorney, and have consulted with counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order, voluntarily and without reservation, after having an opportunity to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

4/20/2021  
Date

  
Dai Nguyen, Pharm. D.




STATE OF Md :

CITY/COUNTY OF Baltimore :

I HEREBY CERTIFY that on this 20<sup>th</sup> day of April 2021, before me, a Notary Public of the foregoing State and (City/County), personally appeared, **DAI NGUYEN**, Pharm. D., License No. 18143, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal

  
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Notary Public

My Commission Expires: 4/6/24

