

BEFORE THE BOARD OF PHARMACY
OF THE STATE OF OREGON

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4 In the Matter of the) Case No. 2013-0160
5 Pharmacist license of)
6)
7 VAN ANH TUYET TRAN, R.Ph.) FINAL ORDER BY DEFAULT
8)
9 Licensee)
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12 This matter having come before the Board for consideration of the Notice of Proposed
13 Disciplinary Action; Answer Required, the Board makes the following Findings of Fact,
14 Conclusions of Law and Order:
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16 FINDINGS OF FACT
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- 18 1. Van Anh Tuyet Tran ("Licensee") was a pharmacist licensed by the Board.
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20 2. The Board issued a Notice of Proposed Disciplinary Action; Answer Required
21 ("Notice") on 7/15/2013.
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- 23 3. The Notice was served upon licensee by certified mail to the address licensee had
24 on file on 7/15/2013, together with a Notice of Rights that informed the licensee of her right to a
25 hearing upon her written request made to the Board within 21 days.
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- 27 4. The Notice provided that the Board file on this subject would become the
28 contested case record upon default.
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- 30 5. Licensee signed the return receipt for certified mail on 7/17/2013.
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- 32 6. The licensee did not make a written request for hearing within 21 days.
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- 34 7. On 5/13/2005, licensee entered into Case No. 2005-0048 Consent Order (2005
35 Consent Order) with the Board, admitting that the facts alleged in Case No. 2005-0048 Notice of
36 Proposed Disciplinary Action; Answer Required were true. Violations included unlawful
37 possession of prescription drugs, illegal use of drugs, theft of drugs, and habitual or excessive
38 use of intoxicants, drugs, or controlled substances. Consent Order 2005-0048 imposed sanctions
39 that included placing licensee's license on probation for a period of ten (10) years with
40 conditions that included that the licensee must comply with all laws and rules regarding
41 pharmacy practice.
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- 43 8. Licensee did not comply with her probation.
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- 45 9. Licensee used excessive amounts of prescription medications that resulted in her
46 going to the emergency room. On 4/25/2013, licensee was admitted to the Providence Hospital

47 Emergency Room in a nearly comatose status. Licensee tested positive for opiates,
48 benzodiazepines, and barbiturates. Licensee admitted to taking 5 tablets of Acetaminophen #3, 2
49 tablets of lorazepam, then added an additional 5 tablets of Acetaminophen #3, 2 more lorazepam,
50 2 zolpidem, and 4 Esgic. Licensee did not have a prescription for Esgic on file.
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53 CONCLUSIONS OF LAW
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55 1. The Board may issue a final order by default. OAR 137-003-0670(1)(a). Licensee
56 is in default for failure to make a timely written request for hearing.
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58 2. Notification by certified or registered mail is complete and effective when a
59 correctly addressed notice is deposited with the postal service after being either certified or
60 registered by the postal service.
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62 3. Licensee's conduct is unprofessional conduct as defined by OAR 855-006-
63 0005(28)(c) and (j) and her 2005 Consent Order and in violation of and grounds for discipline
64 pursuant to OAR 855-019-0310(1) and (4), ORS 689.527(6), and ORS 689.405(1)(a) and (e)(B).
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66 4. The Board finds that its file, which is the contested case record in this matter,
67 contains evidence of the facts necessary to support this order. OAR 137-003-0670(3)(a).
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70 ORDER
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72 1. The license issued to Van Anh Tuyet Tran is revoked.
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74 2. The licensee shall pay the Board a civil penalty in the amount of \$1,000. The
75 \$1,000 civil penalty shall be stayed until such time licensee petitions for reinstatement, at which
76 time it shall be due in full.
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78 3. This default order is effective when signed by the Board.
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81 IT IS SO ORDERED.
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84 BOARD OF PHARMACY
85 FOR THE STATE OF OREGON
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89 _____
90 Gary Miner, R.Ph.,
91 Compliance Director
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89 _____
90 Date
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8/16/13

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BOARD OF PHARMACY
OF THE STATE OF OREGON

In the Matter of the) Case No. 2013-0160
Pharmacist License of)
VAN ANH TUYET TRAN, R.Ph.) NOTICE OF PROPOSED
Licensee) DISCIPLINARY ACTION;
) ANSWER REQUIRED
)

The Oregon Board of Pharmacy proposes to discipline you pursuant to ORS 689.445, 689.135, 689.405, 689.490, 689.832(1) and 689.145, because you violated the Oregon Pharmacy Act and the Board of Pharmacy rules as alleged below:

On 5/13/2005 you entered into Case No. 2005-0048 Consent Order (2005 Consent Order) with the Board, admitting that the facts alleged in Case No. 2005-0048 Notice of Proposed Disciplinary Action; Answer Required were true. Violations included unlawful possession of prescription drugs, illegal use of drugs, theft of drugs, and habitual or excessive use of intoxicants, drugs, or controlled substances. Consent Order 2005-0048 imposed sanctions that included placing your license on probation for a period of ten (10) years with conditions that included that the licensee must comply with all laws and rules regarding pharmacy practice.

You did not comply with your probation.

You used excessive amounts of prescription medications that resulted in you going to the emergency room. On 4/25/2013, you were admitted to the Providence Hospital Emergency Room in a nearly comatose status. You tested positive for opiates, benzodiazepines, and barbiturates. You admitted to taking 5 tablets of Acetaminophen #3, 2 tablets of lorazepam, then added an additional 5 tablets of Acetaminophen #3, 2 more lorazepam, 2 zolpidem, and 4 Esgic. You did not have a prescription for Esgic on file.

The above conduct is unprofessional conduct as defined by OAR 855-006-0005(28)(c) and (j) and your 2005 Consent Order and in violation of and grounds for discipline pursuant to OAR 855-019-0310(1) and (4), ORS 689.527(6), and ORS 689.405(1)(a) and (e)(B).

Based upon these alleged violations, the Board proposes to revoke your license and impose a \$1,000 civil penalty per violation.

HEARING RIGHTS

You are entitled to a hearing as provided by the Administrative Procedures Act (ORS chapter 183). If you wish to have a hearing, you must file a written request for hearing with the Board within 21 days from the date this notice was mailed. You may send or deliver a request for hearing to:

Oregon Board of Pharmacy
800 NE Oregon Street, Suite 150
Portland, OR 97232
Fax: (971) 673-0002

If a request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

If you request a hearing, you will be notified of the time and place of the hearing. Before the commencement of the hearing, you will be given information on the procedures, right of representation and other rights of parties relating to the conduct of the hearing. You may be represented by legal counsel.

If you do not request a hearing within 21 days, or if you withdraw a hearing request, notify the Board or Administrative Law Judge that you will not appear, or fail to appear at a scheduled hearing, the Board may issue a final order by default imposing discipline. If the Board issues a final order by default, it designates its file on this matter as the record.

ANSWER REQUIRED

Pursuant to OAR 855-001-0010 and OAR 855-001-0015, if you request a hearing you must also provide, within 21 days from the date this document was served, a written answer to the allegations set forth in this document. Your written answer must include an admission or denial of each factual matter alleged in the notice. Except for good cause, factual matters alleged in this document and not denied in your answer will be presumed admitted.

Hearing Request and Answers: Consequences of Failure to Answer 855-001-0015

- (1) A hearing request, and answer when required, shall be made in writing to the Board by the party or his attorney and an answer shall include the following:
 - (a) An admission or denial of each factual matter alleged in the notice;
 - (b) A short and plain statement of each relevant affirmative defense the party may have.

- (2) Except for good cause;
 - (a) Factual matters alleged in the notice and not denied in the answer shall be presumed admitted;
 - (b) Failure to raise a particular defense in the answer will be considered a waiver of such defense;
 - (c) New matters alleged in the answer (affirmative defenses) shall be presumed to be denied by the agency; and
 - (d) Evidence shall not be taken on any issue not raised in the notice and the answer.

93 BOARD OF PHARMACY
94 FOR THE STATE OF OREGON

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Gary Miner, R.Ph.,
Compliance Director

7/15/13

Date

DATE OF MAILING 7/15/2013
