

BEFORE THE IOWA BOARD OF PHARMACY

<p>RE: Pharmacy Support Registration of</p> <p>THIEN-LAM PHAM Registration No. 7714 Respondent</p>	<p>CASE NO. 2022-0204</p> <p>SETTLEMENT AGREEMENT AND FINAL ORDER</p>
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Pursuant to Iowa Code sections 17A.12(5) and 272C.3(4), and 657 Iowa Administrative Code (IAC) 35.24, the Iowa Board of Pharmacy (“Board”) and Thien-Lam Pham (“Respondent”) enter into the following Settlement Agreement and Final Order (“Order”) to settle a contested case currently pending before the Board. The allegations contained in the Statement of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. The Board filed a Notice of Hearing and Statement of Charges on February 28, 2023.
2. The Board has jurisdiction over Respondent and the subject matter of this proceeding.
3. The Factual Circumstances contained in the Notice of Hearing and Statement of Charges are hereby incorporated into this Order. Respondent acknowledges that the allegations contained in the Factual Circumstances in the Notice of Hearing and Statement of Charges, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order. Respondent further acknowledges that the Factual Circumstances contained in the Notice of Hearing and Statement of Charges, by virtue of their incorporation into this Order, are now public and are available for inspection and copying in accordance with Iowa Code chapters 22 and 272C.
4. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to a hearing before the Board on the charges, but Respondent waives the right to a hearing and all attendant rights, including the right to appeal or seek judicial review of the Board’s actions, by freely and voluntarily entering into this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.
5. Respondent acknowledges that she has the right to be represented by counsel on this matter.
6. Respondent agrees that the State’s counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.
7. This Order is subject to approval by a majority of the full Board. If the Board does not approve this Order, it shall be of no force or effect to either party, and shall not be admissible for

any purpose in further proceedings in this matter. If the Board approves this Order, it shall be the full and final resolution of this matter.

8. This Order is disciplinary action and shall be reported as discipline.

9. This Order shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

10. Respondent understands the Board is required by federal law to report any adverse action to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank.

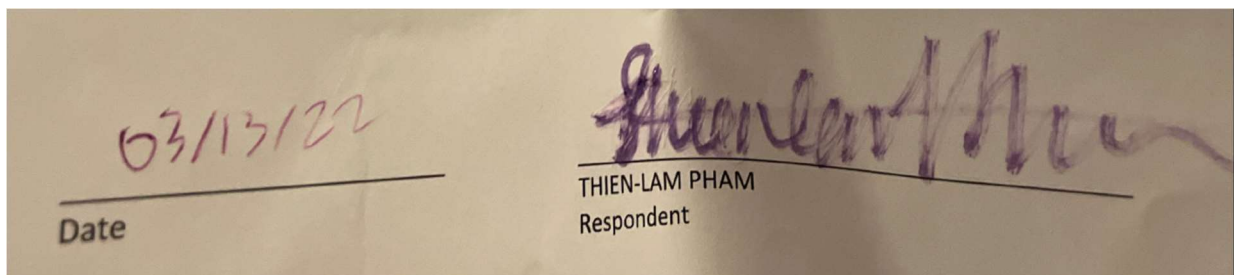
11. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.

12. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

13. Respondent agrees to **VOLUNTARILY SURRENDER** her pharmacy support registration to resolve this matter. This voluntary surrender is considered discipline and, when accepted by the Board, has the same force and effect as an order of revocation pursuant to 657 IAC 36.8. This voluntary surrender shall be permanent; Respondent is not eligible to apply for reinstatement of her registration in the future. Respondent understands that, by virtue of this permanent voluntary surrender of her registration, she cannot apply for any other type of license or registration with the Board in the future. Respondent is prohibited from working in an Iowa-licensed pharmacy in the future.

14. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 155A and 272C and 657 IAC 36.



03/13/22
Date

Thien-Lam Pham
THIEN-LAM PHAM
Respondent

This Settlement Agreement and Final Order is approved by the Iowa Board of Pharmacy on

May 2, 2023.

Kathryn Stone

Chairperson
Iowa Board of Pharmacy

BEFORE THE IOWA BOARD OF PHARMACY

<p>RE: Pharmacy Support Registration of</p> <p>THIEN-LAM PHAM Registration No. 7714 Respondent</p>	<p>CASE NO. 2022-0204</p> <p>NOTICE OF HEARING AND STATEMENT OF CHARGES</p>
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COMES NOW the Iowa Board of Pharmacy (“Board”) and files this Notice of Hearing and Statement of Charges against Thien-Lam Pham (“Respondent”), Clive, pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 272C.3(1)(e), and 657 Iowa Administrative Code (IAC) 35.6 and 35.7.

A. TIME, PLACE, AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on May 3, 2023, before the Board. The hearing shall begin at 1:00 p.m. and will be held in the Board conference room located at the Iowa Board of Pharmacy Office, 400 SW 8th St, Ste E, Des Moines, IA 50309. You may choose to attend the hearing in-person at the Board office or may attend electronically through the Zoom platform. Contact the Board office to obtain participation instructions if you wish to attend electronically.

2. Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges, you may file an Answer pursuant to 657 IAC 35.16. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges.

3. Filing of Pleadings. Pleadings shall be filed with the Board either by e-mail, if done in compliance with 657 IAC 35.17(2), to Amanda.Woltz@iowa.gov, or by mail/delivery to the following address: Iowa Board of Pharmacy, 400 SW 8th St, Ste E, Des Moines IA 50309, or electronically using the Administrative Electronic Document Management System (adminhearings.iowa.gov/efile/).

4. Presiding Officer. The Board shall serve as presiding officer at the contested case hearing, but the Board hereby delegates to an Administrative Law Judge from the Department of Inspections and Appeals the authority to make initial rulings on prehearing matters and requests the administrative law judge be present to assist and advise the Board at the contested case hearing.

5. Hearing Procedures. The procedural rules governing the conduct of the contested case hearing, including prehearing matters, are found at 657 IAC 35. At the hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the

opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at the hearing. The hearing may be open to the public or closed to the public at your discretion, pursuant to Iowa Code section 272C.6(1) and 657 IAC 35.25(10).

6. Prosecution. The Office of Attorney General of Iowa is responsible for representing the public interest (the State) in this proceeding. Counsel for the State in this matter is Assistant Attorney General Laura Steffensmeier. Ms. Steffensmeier can be reached by phone at (515) 281-6690. Copies of pleadings should be provided to counsel for the State either by email to Laura.Steffensmeier@ag.iowa.gov, or by mail/delivery to the following address:

Laura Steffensmeier
Assistant Attorney General
Hoover State Office Building—2nd Floor
1305 E Walnut St
Des Moines IA 50319

7. Communications. You may not contact individual Board members in any manner, including by phone, letter, or e-mail, regarding this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and the opportunity to participate, such as at the hearing or in pleadings you file and serve upon all parties in the case.

B. LEGAL AUTHORITY AND JURISDICTION

8. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 155A, and 272C.

9. Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you pursuant to Iowa Code sections 155A.6B(5) and 272C.3, and 657 IAC 36.

10. Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 IAC 35.27.

C. STATEMENT OF CHARGES

COUNTS I-II

11. Respondent is charged under 657 IAC 36.6(5) with being convicted of an offense that directly relates to the duties and responsibilities of the profession.

COUNT III

12. Respondent is charged under 657 IAC 36.6(1) with fraud in procuring a license.

D. FACTUAL CIRCUMSTANCES

13. Respondent's pharmacy support registration number 7714 is currently active through August 31, 2024.

14. On January 5, 2023, Respondent pled guilty to theft in the fifth degree and unlawful possession of a prescription drug in the Iowa District Court for Polk County. The criminal charges stemmed from Respondent stealing a prescription for oxycodone from the pharmacy where Respondent was employed.

15. On July 6, 2022, Respondent pled guilty to possession of a controlled substance in the Iowa District Court for Polk County.

16. On August 30, 2022, Respondent submitted a renewal application to the Board in which Respondent answered no to the question regarding criminal convictions, including deferred judgments.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 IAC 35.24. To cancel a scheduled hearing, an executed settlement agreement must be received by the Board at least three (3) business days prior to the scheduled hearing. If you are interested in pursuing settlement in this matter, please contact the Assistant Attorney General identified above.

F. FINDING OF PROBABLE CAUSE

On February 28, 2023, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



Chairperson
Iowa Board of Pharmacy

PLEASE NOTE: If you require the assistance of auxiliary aids or services to participate in this matter because of a disability, immediately call 515-281-5944. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).