

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Hai Hoang Huynh)
PH24888)

Docket No. PH-07-064

POST SUSPENSION CONSENT AGREEMENT FOR PROBATION

The Massachusetts Board of Registration in Pharmacy ("Board") and Hai Hoang Huynh ("Registrant"), a Pharmacist licensed by the Board, Registration No. PH17893, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Registrant's record maintained by the Board:

1. The Registrant agrees that this Post-Suspension Consent Agreement for Probation ("Agreement") supersedes any and all previous agreements and/or orders that Registrant entered into with the Board. Further, the Registrant agrees that this Agreement has been executed as a result of the Board's:
 - a. receipt and investigation of a complaint against Registrant's pharmacist license, Docket PH-07-064, which resulted in the suspension of his pharmacy license, pursuant to a Final Decision and Order for Suspension effective December 3, 2009 in resolution of the complaint; and
 - b. consideration of the Registrant's request for license reinstatement and documentation he submitted pursuant to the requirements of the Final Decision and Order referenced in the subparagraph immediately above.
2. The Board found that the Registrant diverted controlled substances from the pharmacy where he worked and supplied said controlled substances to friends and relatives in Vietnam without prescriptions. Specifically, the Registrant diverted pain relievers, antibiotics, analgesics, topical antifungal medication, and two medications for diabetes, Glucophage (metformin) and Glucotorl (glipizide) from 2003 through November 2006. The Registrant acknowledges that the foregoing facts warranted disciplinary action by the Board under M.G.L. c. 112, §§ 42A & 61 and 247 CMR 9.01.
3. The Registrant agrees that his Pharmacist registration shall be placed on PROBATION for an indefinite period commencing with the date on which the Board signs this Agreement (Effective Date).
4. During the Probationary Period, the Registrant further agrees that he shall comply with all of the following requirements to the Board's satisfaction:
 - a. Comply with all laws and regulations governing the practice of pharmacy, and not engage in any continued or further conduct such as that set forth in Paragraph 2.

- b. Notify the Board in writing within ten (10) days of each change in his name and/or address.
 - c. Timely renew his registration.
 - d. Work under direct supervision of a Registered Pharmacist for at least 500 hours.
 - i. The Registered Pharmacist supervising the Registrant must be registered as a pharmacist in Massachusetts and his or her registration must be in good standing;
 - ii. The Registrant must arrange for the supervising pharmacist to submit a letter directly to the Board within 90 days of the Effective Date. The supervising pharmacist must verify that he or she (1) holds a registration as a pharmacist in Massachusetts that is in good standing, (2) that he or she has read this Agreement, and (3) that he or she agrees to supervise the Registrant's practice as specified in this Agreement.
 - iii. The Registrant must arrange for the supervising pharmacist to submit a second letter directly to the Board within 100 days of the date of the letter provided pursuant to paragraph 4(d)(ii). In the second letter, the supervising pharmacist must describe the Registrants' practice during the supervisory period, including any violations of standards of practice that may have occurred during that time.
 - iv. The Registrant must arrange for the supervising pharmacist to submit a letter and documentation directly to the Board demonstrating that Registrant completed at least 500 hours of supervised practice.
5. If and when the Board determines that the Registrant has complied to the Board's satisfaction with all the requirements contained in this Agreement and has completed at least 500 hours of supervised practice, as evidenced by a letter and documentation from the supervising pharmacist, the Probation Period will terminate upon written notice to the Registrant from the Board¹.
6. If the Registrant does not comply with each requirement of this Agreement, or if the Board opens a Subsequent Complaint² during the Probation Period, the Registrant agrees to the following:
- a. The Board may upon written notice to the Registrant, as warranted to protect the public health, safety, or welfare:
 - i. EXTEND the Probationary Period; and/or

¹ In all instances where this Agreement specifies written notice to the Registrant from the Board, such notice shall be sent to the Registrant's address of record.

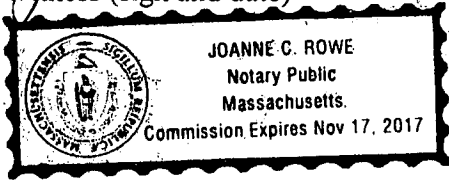
² The term "Subsequent Complaint" applies to a complaint opened after the Effective Date, which (1) alleges that the Registrant engaged in conduct that violates Board statutes or regulations, and (2) is substantiated by evidence, as determined following the complaint investigation during which the Registrant shall have an opportunity to respond.

- ii. MODIFY the Probation Agreement requirements; and/or
 - iii. IMMEDIATELY SUSPEND the Registrant's registration.
 - b. If the Board suspends the Registrant's registration pursuant to Paragraph 6(a)(iii), the suspension shall remain in effect until:
 - i. the Board gives the Registrant written notice that the Probationary Period is to be resumed and under what terms; or
 - ii. the Board and the Registrant sign a subsequent agreement; or
 - iii. the Board issues a written Final Decision and Order following adjudication of the allegations (1) of noncompliance with this Agreement, and/ or (2) contained in the Subsequent Complaint.
7. The Registrant agrees that if the Board suspends his registration in accordance with Paragraph 6, he will immediately return his current Massachusetts registration to practice as Pharmacist to the Board, by hand or certified mail. The Registrant further agrees that upon suspension, he will no longer be authorized to engage in practice as a Pharmacist in the Commonwealth of Massachusetts and shall not in any way represent himself as a Pharmacist until such time as the Board reinstates his registration³.
8. The Registrant acknowledges and agrees that when the Board issued the Final Decision and Order in final resolution of the above-captioned complaint, Docket No. PH-07-064 effective on December 3, 2009, he had formal adjudication concerning the allegations against him. The Licensee further understands and agrees that in executing this document entitled "Post-Suspension Consent Agreement for Probation," he is knowingly and voluntarily waiving any rights he has to a formal adjudication concerning the Board's action on his request for termination of his suspension of his pharmacy license in connection with the above-captioned complaint.
9. The Registrant acknowledges and agrees that he has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.
10. The Registrant acknowledges that after the Effective Date, the Agreement constitutes a public record subject to the Commonwealth of Massachusetts' Public Records Law, M.G.L. c. 4, § 7.
11. The Registrant certifies that he has read this Agreement. The Registrant understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal or judicial review.

³Any evidence of unlicensed practice or misrepresentation as a Pharmacist after the Board has notified the Registrant of his registration suspension shall be grounds for further disciplinary action by the Board and the Board's referral of the matter to the appropriate law enforcement authorities for prosecution.

11/13/14

Joanne C Rowe
Witness (sign and date)



[Signature] 11-13-14

Hai Hoang Huynh
Registrant (sign and date)

[Signature]
David Sencabaugh, R.Ph.
Executive Director
Board of Registration in Pharmacy

November 17, 2014
Effective Date of Probation Agreement

Fully Signed Agreement Sent to Registrant on November 19, 2014 by Certified Mail
No. 7614 0510 0001 6375 1063