

October 11, 2023

Phuong Ho
1578 S Dakota Sky Ct
Tucson AZ 85748

RE: Case No. 23-285

Dear Phuong Ho:

Enclosed you will find a Summary Order issued by the Kansas Board of Pharmacy (Board) in the above-referenced matter. Please read the order in its entirety.

If you disagree with the findings of fact, you have the right to request a hearing. Instructions for filing a written request are included under the "Notices" section of the order. Hearings are held before the full Board during their regularly scheduled quarterly meetings.

According to KSA 65-1627h, the Board is required to recoup the costs of administrative hearings when the decision is adverse to the licensee. These costs may include charges for services rendered by the Board's disciplinary counsel, an administrative law judge, and, if applicable, a court reporter.

If you have any questions, feel free to contact the Board at Pharmacy.Compliance@ks.gov.

Sincerely,

Kansas Board of Pharmacy

Enclosure

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
Phuong Ho)
)
License No. 1-15603)

Case No. 23-285

SUMMARY ORDER

NOW, on this 11th day of October, 2023, comes before the Kansas Board of Pharmacy (the “Board”), through its Executive Secretary, the matter of Phuong Ho, (“Respondent”).

Pursuant to the authority granted to the Board by the Kansas Pharmacy Act, K.S.A. 65-1625, *et seq.*, and in accordance with the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board’s Executive Secretary enters this Summary Order in the above-captioned matter. After reviewing the investigation materials and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order.

FINDINGS OF FACT

1. The Board has issued Respondent Pharmacist License Number 1-15603 authorizing Respondent to practice as a pharmacist in the State of Kansas (“Respondent’s Registration”).

2. On October 12, 2022, the Board received notification from an attorney representing Respondent of his client’s interim order of license suspension with the Arizona Board of Pharmacy (“ABOP”).

3. According to the Interim Consent Agreement dated September 8, 2022, Respondent reported himself to the ABOP on or about July 27, 2022 “for writing a cough

medication (Robitussin AC) prescription under a doctor's name that was not authorized by the doctor.”

4. On or about July 28, 2022, the ABOP received notice that Respondent's employment with Fry's Pharmacy (the "Pharmacy") had been terminated "due to alleged prescription forgery, fraudulent activity, and theft" because the Pharmacy was notified by a doctor that a prescription for guaifenesin-codeine was written using his credentials without his authorization and an investigation determined that Respondent had written numerous prescriptions under the doctor's name for himself and a pharmacy technician.

5. Respondent admitted the aforementioned actions and listed fexofenadine, azithromycin, amoxicillin, albuterol inhaler, omeprazole, and Paxlovid as additional medications he had written for himself and others without the prescriber's authorization. Respondent wrote a letter to the ABOP, dated July 29, 2022, and did not dispute the allegations.

6. On June 16, 2023, the ABOP issued a Consent Agreement suspending Respondent's Arizona pharmacist license for a minimum period of six months, retroactive to September 8, 2022, and placing it on a minimum two-year probationary period. Respondent was also required to pay a fine and complete additional continuing education.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1627(a)(12), the Board may place in a probationary status the license of any pharmacist upon a finding that the licensee has had a license to practice pharmacy revoked, suspended or limited, has been censured or has had other disciplinary action taken by the proper licensing authority of another state.

2. Respondent's ABOP Consent Agreement and resulting suspension, probation, and other disciplinary action are bases to place Respondent's registration in a probationary status pursuant to K.S.A. 65-1627(a)(12).

ORDER

Based upon the foregoing findings of fact and conclusions of law, Respondent's License is hereby placed on a 3-year probationary status. The terms of Respondent's probation are as follows:

- Respondent must notify the Board of any arrest or criminal charge within 10 days of the date of the arrest or charge;
- Respondent must notify the Board of any disciplinary action against any professional or occupations license within 10 days of the date of the action;
- Respondent must notify the Board of any change in employment within 10 days of the change;
- Respondent must notify the Board of any change in mailing address, email, or phone number within 10 days of the change;
- Respondent must respond to the Board's regular check-in requests;
- Respondent must inform employers of the probationary status of Respondent's License; and
- Respondent must comply with all rules and regulations of the Pharmacy Practice Act.

NOTICES

Respondent is hereby notified as follows:

1. Respondent may request a hearing pursuant to the Kansas Administrative Procedure Act by filing a written request with the Kansas Board of Pharmacy, 800 SW Jackson, Suite 1414, Topeka, KS 66612-1231 within fifteen (15) days after service of this order.

2. If a hearing is not requested as described above, the Order shall become a final order of the Board, effective upon the expiration of the time to request a hearing.

3. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

4. Within the time limits established in K.S.A. 77-613, either party may seek judicial review of a final agency order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is

Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy
800 SW Jackson, Suite 1414
Topeka, KS 66612

IT IS SO ORDERED.

10/11/2023
Date

Alex Blasi
Alexandra Blasi, JD, MBA
Executive Secretary
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 11th day of October, 2023, deposit in business mail a copy of the foregoing Summary Order, which is then placed in the United States Mail, postage prepaid, properly addressed to the following:

Phuong Ho
1578 S Dakota Sky Ct
Tucson AZ 85748



Kansas Board of Pharmacy Staff