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KANSAS STATE  
Board of Pharmacy

BEFORE THE KANSAS STATE BOARD OF PHARMACY

*In the Matter of* }  
Ly Smith }  
a/k/a Ly Nguyen }  
Registration No. 1-13160 }  

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Case No.: 11-25

SUMMARY ORDER

Ly Smith, a/k/a Ly Nguyen (the "Respondent") is currently authorized to practice as a pharmacist in the State of Kansas by reason of the Kansas Board of Pharmacy (the "Board"), having issued her Registration No. 1-13160.

It has come to the attention of the Board's Investigative Member that Respondent unlawfully practiced as a pharmacy technician in the State of California without a license or registration.

After considering the foregoing, the Board's Investigation Member, in accordance with the authority granted to him by the Board, enter the following Summary Order.

FINDINGS OF FACT

For purposes of this order, the Board's Investigation Member makes the following findings of fact:

1. The Board has previously issued Respondent Registration No. 1-13160 which entitled her to function as a pharmacist in the State of Kansas ("Respondent's License").

2. On November 28, 2007, the respondent was issued Pharmacist License No. 2007035972 from the Missouri State Board of Pharmacy.

3. On August 27, 2009, the respondent was issued Pharmacist License No. 17561 from the Nevada State Board of Pharmacy.

4. On April 19, 2010, the respondent was issued Pharmacist License No. 28RIO3350100 from the New Jersey Board of Pharmacy.

5. The respondent is not licensed as a pharmacist or as a pharmacy technician in the State of California.

6. The respondent worked as a pharmacy District Manager for CVS Pharmacies in the Nevada and California area of Lake Tahoe.

7. Between May, 2009 and April, 2010, the respondent worked in numerous CVS Pharmacies in Nevada and California dispensing numerous prescriptions.

8. That on or around April 23, 2010 the California State Board of Pharmacy investigated whether the respondent was working as a pharmacy technician in CVS Pharmacy #9713, Lake Tahoe, California.

9. The California State Board of Pharmacy concluded the respondent had been working as a pharmacy technician in the State of California without a license.

10. The respondent was fined \$2,500 by the State of California for practicing as a pharmacy technician without a license.

#### CONCLUSIONS OF LAW AND FACT

For purposes of this order, the Board's Investigation member makes the following conclusions of law and fact:

11. That the Respondent was originally issued a registration number 01-13160 pursuant to K.S.A. 65-1631.

12. That pursuant to K.S.A. 65-1627(a)(12) the Board may limit, suspend, or revoke a registration or deny an application for issuance or renewal of any registration as a pharmacist upon a finding that: "(12) the licensee has had a license to practice pharmacy revoked, suspended or limited, has been censured or has had other disciplinary action taken, or voluntarily surrendered the license after formal proceedings have been commenced, or has had an application for license denied, by the proper licensing authority of another state, territory, District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

13. The respondent had disciplinary action taken against her by the California State Board of Pharmacy for practicing a pharmacy technician in California without a license.

14. The acts committed by Respondent are a basis for discipline of Respondent's Registration pursuant to the Pharmacy Act, K.S.A. 65-1625 *et seq.*

#### ORDER

Based upon the foregoing findings of fact and conclusions of law, the respondent is fined \$500.00.

#### NOTICES

The Respondent is hereby notified as follows:

15. The Respondent may request a hearing pursuant to the Kansas State Administrative Procedures 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.

16. If a hearing is not requested as described above, the Order fining the Respondent \$500 shall become a final order of the Board, effective upon the expiration of the time to request a hearing.

17. 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.

18. 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:

Debra Billingsley  
Executive Director  
Kansas Board of Pharmacy  
800 SW Jackson, Suite 1414  
Topeka, KS 66612

IT IS SO ORDERED.

08/17/11

Date



David R. Schoech  
Investigation Member  
Kansas Board of Pharmacy

#### CERTIFICATE OF SERVICE

I hereby certify that I did, on the 29<sup>th</sup> day of August, 2011, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

Ly Smith  
4349 Diamond Back Ct.  
Sparks, NV 89436.



Holly L. Fisher, Compliance Counsel  
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