



WECARE PHARMACY  
516 Fletcher Drive  
Warrenton, VA 20186

October 4, 2022

**VIA EMAIL**

New Hampshire Board of Pharmacy  
Office of Professional Licensure & Certification  
7 Eagle Square  
Concord, NH 03301  
[customersupport@opl.nh.gov](mailto:customersupport@opl.nh.gov)

**RE: WeCare Pharmacy – NR1970  
Notification of Pennsylvania Consent Agreement and Order**

Dear Pharmacy Board Personnel:

This letter serves as notification that WeCare Pharmacy (“WeCare”) entered into a Consent Agreement and Order with the Pennsylvania Board of Pharmacy (“Pennsylvania Board”). WeCare understands that the Pennsylvania Board considered and approved the Consent Agreement and Order on September 27, 2022. WeCare received notification from the Pennsylvania Board by letter dated September 27, 2022, that the Consent Agreement and Order had been fully executed. A copy of the Consent Agreement and Order is attached as **Exhibit A**.

This Consent Agreement and Order derive from WeCare’s inadvertent failure to timely notify the Pennsylvania Board regarding a disciplinary action taken by the Virginia Board of Pharmacy (“Virginia Board”). On September 17, 2020, the Virginia Board entered an Order against WeCare’s permit requiring WeCare to pay a civil penalty and meet several terms and conditions. By letter dated December 1, 2020, the Virginia Board informed WeCare that all terms and conditions of the Order had been completed and that the case was closed. A copy of the Virginia Board’s Order and December 1, 2020, letter are attached as **Exhibit B** and **C**. WeCare reported this action to the Pennsylvania Board in its July 27, 2021, Renewal Application. However, under Pennsylvania code and regulation, WeCare was required to report this action to Pennsylvania within 30 days. WeCare was unaware of this requirement. Accordingly, it agreed to enter into this Consent Agreement and Order with the Pennsylvania Board and pay a civil penalty.

Please contact me if you have any questions or require additional information regarding the Consent Agreement and Order with the Pennsylvania Board. Thank you for the opportunity to provide this notice.

Sincerely,

*/s/Xuan Huynh*

Xuan Huynh, Pharm D  
Pharmacist-In-Charge  
WeCare Pharmacy  
(540) 428-7002

## **EXHIBIT A**

WeCare Pharmacy  
516 Fletcher Drive  
Warrenton, VA 20186

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF PHARMACY**

**Commonwealth of Pennsylvania  
Bureau of Professional and  
Occupational Affairs**

Case No.                   **21-54-013383**

**vs.  
WeCare Pharmacy, I  
Respondent**

**CONSENT AGREEMENT AND ORDER**

**PARTIES**

The Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs ("Commonwealth") and WeCare Pharmacy ("Respondent") stipulate and agree as follows in settlement of the above-captioned case:

**APPLICABLE LAW**

1. This matter is before the State Board of Pharmacy ("Board") pursuant to the Pharmacy Act, act of September 27, 1961, P.L. 1700, No. 699 ("Act"), *as amended*, 63 P.S. §§ 390-1 to 390-13; and/or 63 Pa.C.S. Chapter 31 ("Chapter 31").

**LICENSURE STATUS**

2. At all relevant and material times, Respondent held the following registration to practice as a nonresident pharmacy in the Commonwealth of Pennsylvania: permit no. NP001376, which was originally issued on May 14, 2019, and is current through August 31, 2023.

**STIPULATED FACTS**

3. Respondent admits that the following allegations are true:
- a. Absent further Board action, Respondent's registration may be continually reactivated, renewed, or reinstated upon the filing of the appropriate documentation and payment of the necessary fees.

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Department of State

b. Respondent's last known address on file with the Board is: 516 Fletcher Drive, Warrenton, Virginia 20186.

c. At all relevant and material times, Respondent was authorized to conduct a pharmacy in the Commonwealth of Virginia: permit no. 0201-004566.

d. Following an inspection of Respondent's facility, on September 17, 2020, the Virginia Board of Pharmacy ("Virginia Board") entered an Order finding the following deficiencies:

(1) Respondent failed to ensure that the facility was in compliance with the USP-NF standards for both sterile and non-sterile compounding, in violation of Virginia Code §§ 54.1-3316(7) and 54.1-3410.2(E). Specifically, two pharmacy technicians performed high risk sterile compounding prior to completely passing their initial media testing;

(2) For the biennial inventory performed on April 29, 2018, the Schedule II controlled substances were not recorded separately from the Schedule III-V controlled substances, in violation of Virginia Code § 54.1-3316(7) and 18 VAC 110-20-240(A)(1) of the Regulations Governing the Practice of Pharmacy ("Regulations");

(3) Respondent was engaged in alternate delivery of patient-specific sterile compounds of Tri-Mix solution (C-VI) to a provider's office for the initial administration, where

the patients were provided the remainder of the solution for home use, despite the fact that the provider was not permitted as a physician dispensing location, in violation of Virginia Code § 54.1-3316(7) and 18 V AC 110-20-275(A) of the Regulations; and

(4) For the reports of dispensing errors and analysis of such errors that were submitted to a patient safety organization between September 2018 and August 2019, Respondent failed to maintain zero reports for the months without errors, in violation of Virginia Code §§ 54.1-3316(7) and 54.1-3434.03 and 18 V AC 110-20-418(A) of the Regulations.

e. A true and correct copy of the Virginia Board's September 17, 2020 Order, is attached as EXHIBIT A and is incorporated by reference.

f. Pursuant to the September 17, 2020 Order, Respondent was ordered to pay a \$5,000.00 monetary penalty, secure external training from a Virginia Board-approved subject matter expert in sterile compounding, cease sterile compounding until such time as its policies, procedures, and training practices can demonstrate compliance with the USP-NF, and comply with all laws and regulations governing the practice of pharmacy in the Commonwealth of Virginia.

g. Respondent did not report the Virginia disciplinary action within 30 days and instead reported it on their July 27, 2021 Renewal Application.

**ALLEGED VIOLATIONS**

4. The Commonwealth alleges that the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license, permit, and/or registration under section 4.1(e) of the Act, 63 P.S. §§ 390-4.1(e); or impose a civil penalty under section 63 Pa.C.S. § 3108(b)(4), and/or impose the costs of investigation under 63 Pa.C.S. § 3108(b)(5) because:

a. Respondent violated the Act at section 4.1(g), 63 P.S. § 390-4.1(g), when Respondent had a permit to conduct a pharmacy suspended or revoked or the nonresident pharmacy was otherwise disciplined by the proper licensing authority of another state; and

b. Respondent violated the Act at section 4.1(c), 63 P.S. § 390-4.1(c), when Respondent failed to report to the Board, within thirty days of final disposition, any disciplinary action taken by the regulatory or licensing agency of the state in which the nonresident pharmacy is located.

**PROPOSED ORDER**

5. The parties, intending to be legally bound, consent to the issuance of the following Order in settlement of this matter:

a. The Board finds that it authorized to suspend or revoke, or otherwise restrict Respondent's license, permit, and/or registration under section 4.1(e) of the Act, 63 P.S. §§ 390-4.1(e); or impose a civil penalty under section 63 Pa.C.S. § 3108(b)(4), and/or impose the costs of investigation under 63 Pa.C.S. § 3108(b)(5), because:

(1) Respondent violated the Act at section 4.1(g), 63 P.S. § 390-4.1(g), when Respondent had a permit to conduct a pharmacy suspended or revoked or the nonresident

pharmacy was otherwise disciplined by the proper licensing authority of another state; and

(2) Respondent violated the Act at section 4.1(c), 63 P.S. § 390-4.1(c), when Respondent failed to report to the Board, within thirty days of final disposition, any disciplinary action taken by the regulatory or licensing agency of the state in which the nonresident pharmacy is located.

**CIVIL PENALTY**

b. Respondent shall pay a civil penalty of two thousand and five hundred dollars (\$2,500.00).

c. Respondent shall tender the sum of two thousand and five hundred dollars (\$2,500.00) as payment of the **CIVIL PENALTY** with this executed Consent Agreement.

d. All payments shall be paid by certified check, cashier's check, attorney's check, or money order issued by a usual, customary, and reputable issuer (e.g. U.S. Postal Money Order, Western Union Money Order, etc.).

e. Payment shall be valid for a period of at least 180 days and shall be made payable to the "Commonwealth of Pennsylvania."

f. Respondent agrees that payment shall only be made by one of the methods indicated above and shall not be made by uncertified personal or corporate check.

g. Respondent shall bear the responsibility of all costs incurred by Respondent in complying with the terms of this Order, including production of records.

h. This Order constitutes disciplinary action by the Commission and shall be reported to other licensing authorities and any applicable national licensing databank as a disciplinary action by the Commission.

i. This case shall be deemed settled and discontinued upon the Commission issuing an Order adopting this Consent Agreement.

**ADMISSIBILITY OF CONSENT AGREEMENT IN FUTURE PROCEEDINGS**

6. Respondent agrees that if Respondent is charged with a violation of an Act enforced by this Board in the future, this Consent Agreement and Order shall be admitted into evidence without objection in that proceeding.

**ACKNOWLEDGMENT OF NOTICE AND WAIVER OF HEARING**

7. Respondent acknowledges receipt of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and knowingly and voluntarily waives the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

**ACKNOWLEDGMENT OF RIGHT TO ATTORNEY**

8. Respondent acknowledges that it is aware that it has the right to consult with, and/or be represented by, private legal counsel of Respondent's choosing and at Respondent's expense when reviewing, considering and accepting the terms of this Consent Agreement. To the extent

that Respondent is not represented by legal counsel, Respondent has knowingly elected to proceed without the assistance of legal counsel.

**WAIVER OF CLAIM OF COMMINGLING AND OTHER CONSTITUTIONAL CLAIMS**

9. Respondent expressly waives any constitutional rights and issues, such as commingling of prosecutorial and adjudicative functions by the Board or its counsel, which may arise or have arisen during the negotiation, preparation and/or presentation of this Consent Agreement. Respondent specifically agrees that if the Board rejects this agreement, it may assume that the facts and averments as alleged in this Consent Agreement are true and correct for the limited purpose of recommending a sanction, based on those assumed facts, that would be acceptable to the Board before hearing the case. In the event that the Board does assume the facts and averments as alleged in this Consent Agreement are true for purposes of making a recommendation as to an acceptable sanction, such action shall not constitute commingling of prosecutorial and adjudicative functions by the Board or its counsel, and the Respondent expressly waives any constitutional rights and issues related to alleged commingling, bias, or violation of due process rights to have an unbiased and impartial adjudicator in any subsequent hearing. If a hearing is subsequently held, neither this Consent Agreement nor the proposed terms of settlement may be admitted into evidence and any facts, averments, and allegations contained in the Consent Agreement must be proven at hearing unless otherwise separately stipulated. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

**NO MODIFICATION OF ORDER**

10. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the Stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.

**AGREEMENT NOT BINDING ON OTHER PARTIES**

11. The Office of General Counsel has approved this Consent Agreement as to form and legality; however, this Consent Agreement shall have no legal effect unless and until the Board issues the stipulated Order.

**EFFECT OF BOARD'S REJECTION OF CONSENT AGREEMENT**

12. Should the Board not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

**ENTIRE AGREEMENT**

13. This agreement contains the whole agreement between the participants; provided however, that the captions printed in the various provisions of this agreement are for ease of reading only and are not to be interpreted as forming any part of this agreement. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

**AGREEMENT DOES NOT PREVENT ADDITIONAL DISCIPLINE BASED ON OTHER COMPLAINTS**

14. Nothing in this Order shall preclude the Prosecution Division for the Commonwealth from filing charges or the Board from imposing disciplinary or corrective measures for violations or facts not contained in this Consent Agreement.

**VERIFICATION OF FACTS AND STATEMENTS**

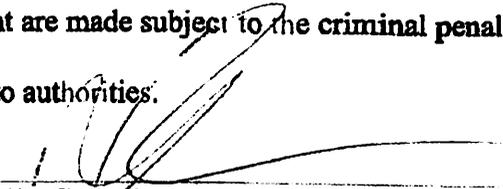
15. Respondent verifies that the facts and statements set forth in this Consent Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent

understands that statements in this Consent Agreement are made subject to the criminal penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Alice R. Glasser

Alice R. Glasser  
Prosecuting Attorney

DATED:



WeCare Pharmacy  
Authorized Representative

DATED: 8/14/22

Xuan Huynh, LLC

**BEFORE THE VIRGINIA BOARD OF PHARMACY**

**IN RE: WE CARE PHARMACY**  
**Permit Number: 0201-004566**  
**Case Number: 199024**

**ORDER**

**JURISDICTION AND PROCEDURAL HISTORY**

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee ("Committee") of the Virginia Board of Pharmacy ("Board") held an informal conference on September 8, 2020, in Henrico County, Virginia, to inquire into evidence that We Care Pharmacy may have violated certain laws and regulations governing its permit to conduct a pharmacy in the Commonwealth of Virginia.

Xuan Kim Huynh, Owner and Pharmacist-in-Charge, and Jennifer L. Bruckhart, Director of Operations/Compliance, appeared as representatives of We Care Pharmacy at this proceeding and We Care Pharmacy was not represented by legal counsel.

**NOTICE**

By letter dated February 3, 2020, the Board sent a Notice of Informal Conference ("Notice") to We Care Pharmacy notifying it that an informal conference would be held on April 1, 2020. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1 On April 8, 2014, the Board issued Permit Number 0201-004566 to We Care Pharmacy, Warrenton, Virginia, to conduct a pharmacy in the Commonwealth of Virginia. Said permit is scheduled

**EXHIBIT A**

to expire on April 30, 2021. At all times relevant to the findings herein, said permit was in full force and effect.

2. On September 9, 2019, an inspector from the Virginia Department of Health Professions performed an inspection of We Care Pharmacy and found the following deficiencies:

a. We Care Pharmacy failed to ensure that the facility was in compliance with the USP-NF standards for both sterile and non-sterile compounding, in violation of Virginia Code §§ 54.1-3316(7) and 54.1-3410.2(E). Specifically, two pharmacy technicians performed high risk sterile compounding prior to completely passing their initial media testing.

b. For the biennial inventory performed on April 29, 2018, the Schedule II controlled substances were not recorded separately from the Schedule III-V controlled substances, in violation of Virginia Code § 54.1-3316(7) and 18 VAC 110-20-240(A)(1) of the Regulations Governing the Practice of Pharmacy ("Regulations"). Ms. Huynh stated to the Committee that the facility has corrected this deficiency.

c. We Care Pharmacy was engaged in alternate delivery of patient-specific sterile compounds of Tri-Mix solution (C-VI) to a provider's office for the initial administration, where the patients were provided the remainder of the solution for home use, despite the fact that the provider was not permitted as a physician dispensing location, in violation of Virginia Code § 54.1-3316(7) and 18 VAC 110-20-275(A) of the Regulations. Ms. Huynh stated to the Committee that the facility has corrected this deficiency.

d. For the reports of dispensing errors and analysis of such errors that were submitted to a patient safety organization between September 2018 and August 2019, We Care Pharmacy failed to maintain zero reports for the months without errors, in violation of Virginia Code §§ 54.1-3316(7) and

54.1-3434.03 and 18 VAC 110-20-418(A) of the Regulations. Ms. Huynh stated to the Committee that the facility has corrected this deficiency.

3. At the informal conference, Ms. Huynh and Ms. Bruckhart submitted to the Committee a Plan of Correction Form, detailing the steps that We Care Pharmacy has taken to address the deficiencies cited in the September 9, 2019 inspection report. While Ms. Bruckhart and Ms. Huynh stated to the Committee that We Care Pharmacy has updated its training procedures to ensure that compounders have successfully passed their media fill testing prior to performing high-risk sterile compounding, they no longer engage external consultants to ensure that they are fully in compliance with the terms of the USP-NF.

### **ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Pharmacy hereby ORDERS as follows:

1. We Care Pharmacy is assessed a MONETARY PENALTY of \$5,000.00. This penalty shall be paid to the Board by certified check or money order made payable to the Treasurer of Virginia within 60 days from the date of entry of this Order. Failure to pay the full monetary penalty by the due date may cause the matter to be sent for collection and constitutes grounds for an administrative proceeding and further discipline.

2. We Care Pharmacy shall secure external training from a Board-approved subject matter expert in sterile compounding and it shall cease sterile compounding until such time as its policies, procedures, and training practices can demonstrate compliance with the USP-NF

3. We Care Pharmacy shall comply with all laws and regulations governing the practice of pharmacy in the Commonwealth of Virginia.

4. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of pharmacy shall constitute grounds for further disciplinary action.

Pursuant to Virginia Code § 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD



Caroline D. Juran  
Executive Director  
Virginia Board of Pharmacy

ENTERED AND MAILED ON:

9/17/2020

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Virginia Code § 54.1-2400(10), We Care Pharmacy may, not later than 5:00 p.m., on October 20, 2020, notify Caroline D. Juran, Executive Director, Board of Pharmacy, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that it desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated. This Order shall become final on October 20, 2020, unless a request for a formal administrative hearing is received as described above.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF PHARMACY

Commonwealth of Pennsylvania  
Bureau of Professional and  
Occupational Affairs

Case No. 21-54-013383

vs.  
WeCare Pharmacy, Inc.  
Respondent

**ORDER**

AND NOW, this 27<sup>th</sup> day of September 2022, the STATE BOARD OF PHARMACY ("Board") approves and adopts the foregoing Consent Agreement and incorporates the terms of Paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

BUREAU OF PROFESSIONAL AND  
OCCUPATIONAL AFFAIRS

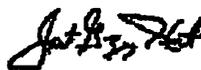


Arion R. Claggett  
Acting Commissioner

For the Commonwealth:

For the Respondent:

BY ORDER:  
STATE BOARD OF PHARMACY



Janet Getzey Hart, R.Ph.  
Chairperson

Alice R. Glasser, Esquire  
2601 North Third Street  
P.O. Box 69521  
Harrisburg, PA 17106-9521

WeCare Pharmacy  
c/o Lindsay W. Sessa, Esquire  
Lindsay@macjamlaw.com  
Mccaulay Jamerson & Sessa, P.C.  
Two James Center  
1021 E. Cary St., Ste. 1002  
Richmond, VA 23219

Date of Mailing 9/27/2022

## **EXHIBIT B**

WeCare Pharmacy  
516 Fletcher Drive  
Warrenton, VA 20186

**BEFORE THE VIRGINIA BOARD OF PHARMACY**

**IN RE: WE CARE PHARMACY**  
**Permit Number: 0201-004566**  
**Case Number: 199024**

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**ORDER**

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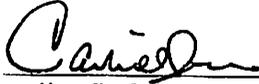
2. We Care Pharmacy shall secure external training from a Board-approved subject matter expert in sterile compounding and it shall cease sterile compounding until such time as its policies, procedures, and training practices can demonstrate compliance with the USP-NF

3. We Care Pharmacy shall comply with all laws and regulations governing the practice of pharmacy in the Commonwealth of Virginia.

4. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of pharmacy shall constitute grounds for further disciplinary action.

Pursuant to Virginia Code § 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

  
\_\_\_\_\_  
Caroline D. Juran  
Executive Director  
Virginia Board of Pharmacy

ENTERED AND MAILED ON:

9/17/2020

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## **EXHIBIT C**

WeCare Pharmacy  
516 Fletcher Drive  
Warrenton, VA 20186



# COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
Director

## Department of Health Professions

Perimeter Center  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

www.dhp.virginia.gov  
TEL (804) 367- 4400  
FAX (804) 527- 4475

*Board of Pharmacy*  
804/367-4456  
804/799-7906 (fax)

December 1, 2020

We Care Pharmacy  
Xuan Huynh, Pharmacist-in-Charge  
*Mailed to the Legal Address of Record  
with the Virginia Board of Pharmacy*

Re: Permit Number: 0201004566  
Case # 199024

Dear Xuan Huynh:

This confirms that all terms of the Board Order entered on September 17, 2020, have been completed. As all requirements have been satisfied, the case is now closed.

Should you have any questions, please do not hesitate to contact the Board at (804) 367-4456.

Sincerely,

Rose E. DeMatteo  
Compliance Case Manager