

III.

Ms. Chang picked up her prescription from Walgreens #04855 and began taking her medication immediately. Ms. Chang took all of the medication that she obtained from Walgreens #04855, however she did not have a menstrual cycle. Ms. Chang indicated that she was having dizziness, headaches, a spinning sensation and a general feeling of being unbalanced. Ms. Chang went back to the pharmacy to discuss the problem with the pharmacist and showed the pharmacist what she had taken for 21 days and asked if that was the generic for Provera. The pharmacist that she was speaking with told her that the medication that she had been taking was the generic for prednisone, not Provera.

IV.

During the investigation of this matter it was learned that Jennifer Chan was the pharmacist responsible for this error. Ms. Chan admitted that she had selected the wrong medication and indicated that they had similar spellings, started with the same letter, they sounded similar and had similar directions. Ms. Chan has changed her pharmacy practice since this incident to triple check each step of the filling process for all similar sounding medications.

FIRST CAUSE OF ACTION

V.

In failing to strictly follow the instructions of Ms. Chang's physician by filling her prescription for #10 medroxyprogesterone acetate 10 mg. tablets with #21 methylprednisolone 4 mg. tablets, Ms. Chan violated Nevada Revised Statutes (NRS) 639.210(4) and/or Nevada Administrative Code (NAC) 639.945(1)(d) and/or (i).

SECOND CAUSE OF ACTION


VII.

In owning and operating the pharmacy in which Ms. Chan failed to notice that she filled Ms. Chang's prescription with the wrong medication, namely

methylprednisolone 4 mg. rather than the prescribed medroxyprogesterone acetate 10 mg., and failed to notice that the dosage was also incorrect, namely dispensing 21 dosage units of methylprednisolone rather than the prescribed 10 dosage units of medroxyprogesterone acetate, Walgreens #04855 violated NRS 639.210(4) and or NAC 639.945(1)(d) and/or (i) and (2).

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the certificates of registration of the Respondents.

Signed this 7th day of September, 2010.


Larry L. Pinson, Executive Secretary
Nevada State Board of Pharmacy

NOTICE TO RESPONDENT

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements regarding your certificate of registration. To do so, you must mail to the Board within 15 days of your receipt of this Notice of Intended Action and Accusation a written statement showing your compliance.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**STATEMENT TO THE RESPONDENT
NOTICE OF INTENDED ACTION
AND ACCUSATION
RIGHT TO HEARING**

**JENNIFER CHAN, R.Ph.,
Certificate of Registration #14660,**

Case No. 09-102-RPH-S

Respondent.

TO THE RESPONDENT ABOVE-NAMED: PLEASE TAKE NOTICE THAT:

I.

Pursuant to the authority and jurisdiction conferred upon the Nevada State Board of Pharmacy by NRS 639.241 to NRS 639.2576, inclusive, and NRS chapter 233B, a Notice of Intended Action and Accusation has been filed with the board by the Petitioner, Larry L. Pinson, Executive Secretary for the board, alleging grounds for imposition of disciplinary action by the board against you, as is more fully explained and set forth in the Notice of Intended Action and Accusation served herewith and hereby incorporated reference herein.

II

You have the right to a hearing before the Nevada State Board of Pharmacy to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. Should you desire a hearing, it is required that you complete two copies of the Answer and Notice of Defense documents served herewith and file said copies with the Nevada State Board of Pharmacy within fifteen (15) days of receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within.

III.

The Board has reserved Tuesday, January 11, 2011 as the date for a hearing on this matter at the Las Vegas Chamber of Commerce, 6671 Las Vegas Boulevard South, Las Vegas, Nevada. The hour of the hearing will be set by letter to follow.

IV.

Failure to complete and file your Notice of Defense with the board and thereby request a hearing within the time allowed shall constitute a waiver of your right to a hearing in this matter and give cause for the entering of your default to the Notice of Intended Action and Accusation filed herein, unless the board, in its sole discretion, elects to grant or hold a hearing nonetheless.

DATED this 7th day of September, 2010.


Larry L. Pinson, Executive Secretary
Nevada State Board of Pharmacy

1 ROBERT C. GRAHAM
Attorneys for Respondents
2 JENNIFER CHAN and WALGREENS
Nevada Bar # 4618
3 7375 W. Peak Dr., #220
Las Vegas, Nevada 89128
4 (702) 255-6161
Fax (702) 255-6161
5 Email: rgraham@lawyerswest.net

6 **BEFORE THE NEVADA STATE BOARD OF PHARMACY**
7 Erin Argue-Han @lawyerswest.net

8 **NEVADA STATE BOARD OF
PHARMACY,**

9 Petitioner,

10 v.

11 **JENNIFER CHAN, R.Ph.,** Certificate of
Registration #14660

12 **WALGREENS #04855,** Certificate of
Registration # PH01307

13 Respondents.
14

**ANSWER AND NOTICE OF
DEFENSE ON ACTION
AND ACCUSATION**

Case No. 09-102-RPH-S

Case No. 09-102-PH-S

15 COME NOW JENNIFER CHAN, Certificate of Registration #14660 and WALGREENS #04
16 Certificate of Registration #PH01307 and hereby declare by way of their counsel as follows:

- 17 1. That a hearing on the Notice of Intended Action and Accusation is requested.
18 2. That as to the First Cause of Action, Respondent CHAN does not deny that she misfilled the
19 prescription in question, but asks that the Board consider mitigating circumstances in the penalty
20 phase of the hearing.
21 3. That as to the Second Cause of Action, Walgreens denies that it failed to own and operate a
22 pharmacy wherein a pharmacist misfilled a prescription and as a result violated NRS 639.210(4)
23 and NAC 639.945 (1)(d) and (I) and (2). Walgreens has policies and procedures, as well as
24 supervisory routines against this type of incident and if these systems are followed, the result is
25 the safe dispensing of prescriptions. In the review of these policies and procedures, Walgreens
26 was not in error in providing an environment within which a pharmacist can safely and properly
27 dispense prescriptions.
28

W

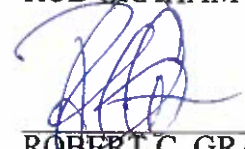
SEP 27 2009

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. Walgreens does not deny owning the facility in which the error took place or havin
responsibility for training and providing reasonable supervision for the pharmacist who mad
the error. Walgreens asserts that it was not negligent in these responsibilities.

DATED THIS 23rd day of September, 2010.

ROB GRAHAM & ASSOCIATES



ROBERT C. GRAHAM
Attorneys for Respondents
JENNIFER CHAN and WALGREENS
Nevada Bar # 4618
7375 W. Peak Dr., #220
Las Vegas, Nevada 89128
(702) 255-6161
Fax (702) 255-6161
Email: rgraham@lawyerswest.net

Blank

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

JENNIFER CHAN, RPH.,
Certificate of Registration #14660,

Case No. 09-102-RPH-S

WALGREENS #04855,
Certificate of Registration #PH01307,

Case No. 09-102-PH-S

Respondents.

COMES NOW Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, and makes the following that will serve as both a notice of intended action under Nevada Revised Statutes (NRS) 233B.127(3) and as an accusation under NRS 639.241.

I.

The Nevada State Board of Pharmacy has jurisdiction over this matter because Respondent Jennifer Chan is a pharmacist licensed by the Board and Walgreens #04855 is a pharmacy licensed by the Board, located at 6001 West Cheyenne Avenue, Las Vegas, Nevada.

FIRST CAUSE OF ACTION

II.

On or about August 28, 2009 Leilani Chang was prescribed 10 dosage units of medroxyprogesterone acetate 10 mg. tablets with directions to take one tablet daily as directed by Dr. Karen Navarro of Southwest Medical Associates. Ms. Chang was trying to get pregnant and Dr. Navarro prescribed the medroxyprogesterone acetate then instructed Ms. Chang to get some blood work after her menstrual cycle. Dr. Navarro faxed the prescription to Walgreens #04855 to be filled.

III.

Ms. Chang picked up her prescription from Walgreens #04855 and began taking her medication immediately. Ms. Chang took all of the medication that she obtained from Walgreens #04855, however she did not have a menstrual cycle. Ms. Chang indicated that she was having dizziness, headaches, a spinning sensation and a general feeling of being unbalanced. Ms. Chang went back to the pharmacy to discuss the problem with the pharmacist and showed the pharmacist what she had taken for 21 days and asked if that was the generic for Provera. The pharmacist that she was speaking with told her that the medication that she had been taking was the generic for prednisone, not Provera.

IV.

During the investigation of this matter it was learned that Jennifer Chan was the pharmacist responsible for this error. Ms. Chan admitted that she had selected the wrong medication and indicated that they had similar spellings, started with the same letter, they sounded similar and had similar directions. Ms. Chan has changed her pharmacy practice since this incident to triple check each step of the filling process for all similar sounding medications.

FIRST CAUSE OF ACTION

V.

In failing to strictly follow the instructions of Ms. Chang's physician by filling her prescription for #10 medroxyprogesterone acetate 10 mg. tablets with #21 methylprednisolone 4 mg. tablets, Ms. Chan violated Nevada Revised Statutes (NRS) 639.210(4) and/or Nevada Administrative Code (NAC) 639.945(1)(d) and/or (i).

SECOND CAUSE OF ACTION

VII.

In owning and operating the pharmacy in which Ms. Chan failed to notice that she filled Ms. Chang's prescription with the wrong medication, namely

methylprednisolone 4 mg. rather than the prescribed medroxyprogesterone acetate 10 mg., and failed to notice that the dosage was also incorrect, namely dispensing 21 dosage units of methylprednisolone rather than the prescribed 10 dosage units of medroxyprogesterone acetate, Walgreens #04855 violated NRS 639.210(4) and or NAC 639.945(1)(d) and/or (i) and (2).

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the certificates of registration of the Respondents.

Signed this 7th day of September, 2010.


Larry L. Pinson, Executive Secretary
Nevada State Board of Pharmacy

NOTICE TO RESPONDENT

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements regarding your certificate of registration. To do so, you must mail to the Board within 15 days of your receipt of this Notice of Intended Action and Accusation a written statement showing your compliance.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**STATEMENT TO THE RESPONDENT
NOTICE OF INTENDED ACTION
AND ACCUSATION
RIGHT TO HEARING**

**WALGREENS #04855,
Certificate of Registration #PH01307,**

Case No. 09-102-PH-S

Respondent.

_____ /

TO THE RESPONDENT ABOVE-NAMED: PLEASE TAKE NOTICE THAT:

I.

Pursuant to the authority and jurisdiction conferred upon the Nevada State Board of Pharmacy by NRS 639.241 to NRS 639.2576, inclusive, and NRS chapter 233B, a Notice of Intended Action and Accusation has been filed with the board by the Petitioner, Larry L. Pinson, Executive Secretary for the board, alleging grounds for imposition of disciplinary action by the board against you, as is more fully explained and set forth in the Notice of Intended Action and Accusation served herewith and hereby incorporated reference herein.

II


You have the right to a hearing before the Nevada State Board of Pharmacy to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. Should you desire a hearing, it is required that you complete two copies of the Answer and Notice of Defense documents served herewith and file said copies with the Nevada State Board of Pharmacy within fifteen (15) days of receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within.

The Board has reserved Tuesday, January 11, 2011 as the date for a hearing on this matter at the Las Vegas Chamber of Commerce, 6671 Las Vegas Boulevard South, Las Vegas, Nevada. The hour of the hearing will be set by letter to follow.

IV.

Failure to complete and file your Notice of Defense with the board and thereby request a hearing within the time allowed shall constitute a waiver of your right to a hearing in this matter and give cause for the entering of your default to the Notice of Intended Action and Accusation filed herein, unless the board, in its sole discretion, elects to grant or hold a hearing nonetheless.

DATED this 7th day of September, 2010.



Larry L. Pinson, Executive Secretary
Nevada State Board of Pharmacy

1 ROBERT C. GRAHAM
 Attorneys for Respondents
 2 JENNIFER CHAN and WALGREENS
 Nevada Bar # 4618
 3 7375 W. Peak Dr., #220
 Las Vegas, Nevada 89128
 4 (702) 255-6161
 Fax (702) 255-6161
 5 Email: rgraham@lawyerswest.net

6 **BEFORE THE NEVADA STATE BOARD OF PHARMACY**
Erin.Abbott@NevadaBoardOfPharmacy.net

8 **NEVADA STATE BOARD OF
 PHARMACY,**

9 Petitioner,

10 v.

11 **JENNIFER CHAN, R.Ph.,** Certificate of
 Registration #14660

13 **WALGREENS #04855,** Certificate of
 Registration # PH01307

14 Respondents.

**ANSWER AND NOTICE OF
 DEFENSE ON ACTION
 AND ACCUSATION**

Case No. 09-102-RPH-S

Case No. 09-102-PH-S

15 COME NOW JENNIFER CHAN, Certificate of Registration #14660 and WALGREENS #04855
 16 Certificate of Registration #PH01307 and hereby declare by way of their counsel as follows:

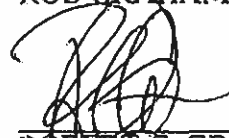
- 17 1. That a hearing on the Notice of Intended Action and Accusation is requested.
- 18 2. That as to the First Cause of Action, Respondent CHAN does not deny that she misfilled the
 19 prescription in question, but asks that the Board consider mitigating circumstances in the penalty
 20 phase of the hearing.
- 21 3. That as to the Second Cause of Action, Walgreens denies that it failed to own and operate a
 22 pharmacy wherein a pharmacist misfilled a prescription and as a result violated NRS 639.210(4)
 23 and NAC 639.945 (1)(d) and (I) and (2). Walgreens has policies and procedures, as well as
 24 supervisory routines against this type of incident and if these systems are followed, the result is
 25 the safe dispensing of prescriptions. In the review of these policies an procedures, Walgreens
 26 was not in error in providing an environment within which a pharmacist can safely and properly
 27 dispense prescriptions.

28 ≡

1 4. Walgreens does not deny owning the facility in which the error took place or having
 2 responsibility for training and providing reasonable supervision for the pharmacist who made
 3 the error. Walgreens asserts that it was not negligent in these responsibilities.

4 DATED THIS 23rd day of September, 2010.

5 ROB GRAHAM & ASSOCIATES

6 

7
 8 ROBERT C. GRAHAM
 Attorneys for Respondents
 9 JENNIFER CHAN and WALGREENS
 Nevada Bar # 4618
 10 7375 W. Peak Dr., #220
 Las Vegas, Nevada 89128
 11 (702) 255-6161
 Fax (702) 255-6161
 12 Email: rgraham@lawyerswest.net

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Blank

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**NOTICE OF INTENDED ACTION
ACCUSATION AND REFUSAL
TO RENEW CONTROLLED
SUBSTANCE REGISTRATION**

**MARYANNE D. PHILLIPS, M.D.,
Controlled Substance Registration
No: CS08110**

Case No. 10-086-CS-S

Respondent.

_____/

COMES NOW Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, and make the following that will serve as both a Notice of Intended Action under Nevada Revised Statutes (NRS) 233B.127(3) and as an Accusation under NRS 639.241, and as a notice of intent to deny under NRS 453.241(2).

I.

The Nevada State Board of Pharmacy has jurisdiction over this matter because Respondent Maryanne D. Phillips has a controlled substance registration issued by the Board.

II.

On October 31, 2010, Respondent's controlled substance registration expired. On November 16, 2010, Board Staff discovered that Respondent Phillips had not renewed her controlled substance registration and placed a telephone call alerting her to the fact. On November 17, 2010, Respondent Phillips sent her renewal application and money order in the amount of \$120.00 to the Board's Reno office. On the renewal notice there are three questions that Respondent had to answer:
Since your last renewal or recent licensure have you:

1. Been charged, arrested or convicted of a felony or misdemeanor in any state?
2. Been the subject of an administrative action whether completed or pending in any state?
3. Had your license subjected to any discipline for violation of pharmacy or drug laws in any state?

To the first question Respondent Phillips answered, "no." To the second question Respondent Phillips answered "yes" and "no" and then wrote, "Not since last renewal." To the third question Respondent Phillips answered "no." In the administrative action section of the renewal application Respondent Phillips wrote, "CA" and in the criminal action section she wrote "none". Respondent Phillips signed section 4 attestation which reads as follows:

It is a violation of Nevada Statutes to falsify this application and sanctions will be imposed for misrepresentation. I hereby certify that I have read this application. I certify that all statements made are true and correct.

III.

On April 6, 2009, Respondent Phillips entered into a Stipulated Settlement and Disciplinary Order, File No. 09-2004-161866, with the Medical Board of California. On December 21, 2009, Respondent Phillips entered into an Agreed Order with the New Mexico Medical Board. On December 23, 2009, the Nevada Board of Medical Examiners filed a formal complaint against Respondent Phillips that is still pending. None of these administrative actions were disclosed by Respondent Phillips as is required by the renewal application.

IV.

On November 18, 2010, Board Staff visited Respondent's practice location and reviewed three prescriptions for controlled substances issued by Respondent Phillips. One of the prescriptions in question was prescribed to Patient J and was written for

Xanax 2 mg. tablets, Norco 10 mg. tablets, and Tagamet 400 mg. tablets. A written statement was obtained from Respondent's Medical Assistant, Gissell Muro, who indicated that she had written Patient J's name and date on the prescription in question on November 4, 2010, for the Xanax 2 mg. tablet entry that was positioned at the top of the prescription form and left the Respondent, Patient J and the prescription in the examination room. Respondent Phillips gave Board staff a written statement that she wrote the Tagamet 400 mg. tablet entry at the bottom of the prescription form and left space in the middle of the prescription, authorizing Patient J to add the Norco entry to her own prescription. On November 23, 2010, Respondent Phillips and MA Muro recanted or corrected their written statements of November 18, 2010 and now believe that it was MA Muro who wrote in the Xanax 2 mg and Norco 10 mg. on November 4, 2010.

FIRST CAUSE OF ACTION

V.

In failing to disclose the administrative actions taken against her medical licenses in California, New Mexico and Nevada Respondent Phillips violated Nevada Revised Statutes (NRS) 453.236(1)(a) and/or (d); 453.231(1)(f) and/or (h), and/or 639.210(4), and/or (9) and/or (10) and Nevada Administrative Code (NAC) 639.945(1)(h).

SECOND CAUSE OF ACTION

In authorizing Patient "J" to prescribe their own controlled substances, namely Norco 10 mg. tablets, Respondent Phillips violated Nevada Revised Statutes 453.381(1) and/or 639.210(4) and Nevada Administrative Code (NAC) 639.945(1)(g).

THIRD CAUSE OF ACTION

In giving two different statements to Board Staff with two different explanations of events, Respondent Phillips violated Nevada Revised Statutes (NRS) 639.210(9).

WHEREFORE, it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action and/or refuse to renew with respect to the controlled substance registration of the Respondent.

Signed this 8th day of December, 2010.


Larry L. Pinson, Executive Secretary
Nevada State Board of Pharmacy

NOTICE TO RESPONDENT

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements regarding your certificate of registration. To do so, you must mail to the Board within (10) days of your receipt of this Notice of Intended Action and Accusation a written statement showing your compliance.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

STATEMENT TO THE RESPONDENT
NOTICE OF INTENDED ACTION
AND ACCUSATION AND REFUSAL
TO RENEW CONTROLLED
SUBSTANCE REGISTRATION
RIGHT TO HEARING

MARYANNE D. PHILLIPS, M.D.,
Controlled Substance Registration
No: CS08110

Case No. 10-086-CS-S

Respondent.

_____ /

TO THE RESPONDENT ABOVE-NAMED: PLEASE TAKE NOTICE THAT:

I.

Pursuant to the authority and jurisdiction conferred upon the Nevada State Board of Pharmacy by NRS 639.241 to NRS 639.2576, inclusive, and NRS chapter 233B, a Notice of Intended Action and Accusation has been filed with the board by the Petitioner, Larry L. Pinson, Executive Secretary for the board, alleging grounds for imposition of disciplinary action by the board against you, as is more fully explained and set forth in the Notice of Intended Action and Accusation served herewith and hereby incorporated reference herein.

II.

You have the right to a hearing before the Nevada State Board of Pharmacy to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. Should you desire a hearing, it is required that you complete two copies of the Answer and Notice of Defense documents served herewith and file said copies with the Nevada State Board of Pharmacy within fifteen (15) days of receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within.


III.

The Board has reserved Tuesday, January 11, 2011 as the date for a hearing on this matter at the Las Vegas Chamber of Commerce, 6671 Las Vegas Boulevard South, Las Vegas, Nevada. The hour of the hearing will be set by letter to follow.

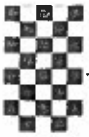
IV.

Failure to complete and file your Notice of Defense with the board and thereby request a hearing within the time allowed shall constitute a waiver of your right to a hearing in this matter and give cause for the entering of your default to the Notice of Intended Action and Accusation filed herein, unless the board, in its sole discretion, elects to grant or hold a hearing nonetheless.

DATED this 8th day of December 2010.



Larn L. Pinson, Executive Secretary
Nevada State Board of Pharmacy



ALVERSON, TAYLOR, MORTENSEN & SANDERS
LAWYERS
7401 WEST CHARLESTON BOULEVARD
LAS VEGAS, NEVADA 89117-1401
(702) 384-7000

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ALVERSON, TAYLOR,
MORTENSEN & SANDERS
KURT R. BONDS, ESQ.
Nevada Bar #6228
ALAN V. MULLINER, ESQ.
Nevada Bar #10409
7401 W. Charleston Boulevard
Las Vegas, NV 89117
(702) 384-7000
Attorney for
MARYANNE PHILLIPS, M.D.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

-.*

NEVADA STATE BOARD OF PHARMACY,)	
)	CASE NO. 10-086-CS-S
Petitioner,)	
)	
v.)	
)	
MARYANNE PHILLIPS, M.D.,)	
Controlled Substance Registration)	
No: CS08110)	
)	
Respondent.)	
)	

RESPONDENT MARYANNE PHILLIPS, M.D.'S ANSWER AND NOTICE OF DEFENSE TO THE NEVADA STATE BOARD OF PHARMACY'S NOTICE OF INTENDED ACTION ACCUSATION AND REFUSAL TO RENEW CONTROLLED SUBSTANCE REGISTRATION

COMES NOW, Respondent, MARYANNE PHILLIPS, M.D. (hereinafter "Respondent" or "Dr. Phillips"), by and through her attorneys of record, ALVERSON TAYLOR MORTENSEN & SANDERS, and hereby answers and responds to the Notice of Intended Action as follows:

1. Answering Paragraph 1 of the Notice of Intended Action on file herein, Respondent admits that the Nevada State Board of Pharmacy has jurisdiction over this matter.

///

1 Notice of Intended Action therein fails to state facts sufficient to constitute a cause of action, or
2 any action, against Respondent.

3 **SECOND AFFIRMATIVE DEFENSE**

4 As a second separate and distinct affirmative defense to the Notice of Intended Action,
5 Respondent alleges that the Notice of Intended Action and the purported claim for relief of the
6 Notice of Intended Action therein are barred in whole or in part by the applicable statute of
7 limitations.
8

9 **THIRD AFFIRMATIVE DEFENSE**

10 As a third separate and distinct affirmative defense to the Notice of Intended Action,
11 Respondent alleges that at all relevant times hereto, Respondent's license or certification in
12 California has been and continues to be intact.
13

14 **FOURTH AFFIRMATIVE DEFENSE**

15 As a fourth separate and distinct affirmative defense to the Notice of Intended Action,
16 Respondent alleges that the allegations contained in the California Accusation were the result of
17 acts of third persons who were not the agents, servants or employees of Respondent; and who
18 were not acting on behalf of Respondent in any manner or form, and as such, Respondent should
19 not be subject to discipline by the Nevada State Board of Pharmacy.
20

21 **FIFTH AFFIRMATIVE DEFENSE**

22 As a fifth separate and distinct affirmative defense to the Notice of Intended Action,
23 Respondent alleges that Respondent is not legally responsible in any fashion for the allegations
24 contained in the California Accusation; however, if this Respondent were found to be legally
25 responsible, then she provisionally alleges that her legal responsibility is not the sole cause of
26 damages, if any; and that the responsibility, if any, should be apportioned according to the
27 respective fault and legal responsibility of all parties, persons and entities, or their agents,
28

1 servants and employees who contributed to and/or caused the subject incident, according to proof
2 presented at the time of hearing. As Respondent was not legally responsible she should not be
3 subject to sanction or disciplinary action by the Nevada State Board of Pharmacy.
4

5 SIXTH AFFIRMATIVE DEFENSE

6 As a sixth separate and distinct affirmative defense to the Notice of Intended Action,
7 Respondent alleges that at all relevant times hereto, Respondent's license or certification in
8 Nevada has been and continues to be intact.

9 SEVENTH AFFIRMATIVE DEFENSE

10 As a seventh separate and distinct affirmative defense to the Notice of Intended Action,
11 Respondent alleges that the allegations contained in the Nevada Complaint were the result of acts
12 of third persons who were not the agents, servants or employees of Respondent; and who were
13 not acting on behalf of Respondent in any manner or form, and as such, Respondent should not
14 be subject to discipline by the Nevada State Board of Pharmacy.
15

16 EIGHTH AFFIRMATIVE DEFENSE

17 As an eighth separate and distinct affirmative defense to the Notice of Intended Action,
18 Respondent alleges that Respondent is not legally responsible in any fashion for the allegations
19 contained in the Nevada Complaint; however, if this Respondent were found to be legally
20 responsible, then she provisionally alleges that her legal responsibility is not the sole cause of
21 damages, if any; and that the responsibility, if any, should be apportioned according to the
22 respective fault and legal responsibility of all parties, persons and entities, or their agents,
23 servants and employees who contributed to and/or caused the subject incident, according to proof
24 presented at the time of hearing. As Respondent was not legally responsible she should not be
25 subject to sanction or disciplinary action by the Nevada State Board of Pharmacy.
26

27 ///
28

ALVERSON, TAYLOR, MORTENSEN & SANDERS
LAWYERS
7401 WEST CHARLESTON BOULEVARD
LAS VEGAS, NEVADA 89117-1401
(702) 384-7000

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NINTH AFFIRMATIVE DEFENSE

As a ninth separate and distinct affirmative defense to the Notice of Intended Action, Respondent alleges that at all relevant times hereto, Respondent's license or certification in New Mexico, if any, has been and continues to be intact.

TENTH AFFIRMATIVE DEFENSE

As a tenth separate and distinct affirmative defense to the Notice of Intended Action, Respondent alleges that the allegations contained in the New Mexico Order, if any, were the result of acts of third persons who were not the agents, servants or employces of Respondent; and who were not acting on behalf of Respondent in any manner or form, and as such, Respondent should not be subject to discipline by the Nevada State Board of Pharmacy.

ELEVENTH AFFIRMATIVE DEFENSE

As an eleventh separate and distinct affirmative defense to the Notice of Intended Action, Respondent alleges that Respondent is not legally responsible in any fashion for the allegations contained in the New Mexico Order, if any; however, if this Respondent were found to be legally responsible, then she provisionally alleges that her legal responsibility is not the sole cause of damages, if any; and that the responsibility, if any, should be apportioned according to the respective fault and legal responsibility of all parties, persons and entities, or their agents, servants and employees who contributed to and/or caused the subject incident, according to proof presented at the time of hearing. As Respondent was not legally responsible she should not be subject to sanction or disciplinary action by the Nevada State Board of Pharmacy.

TWELFTH AFFIRMATIVE DEFENSE

As a twelfth separate and distinct affirmative defense to the Notice of Intended Action, Respondent alleges that the Investigative Committee failed to bring this action within a reasonable amount of time, all to the prejudice of Respondent and as such, the Nevada State

ALVERSON, TAYLOR, MORTENSEN & SANDERS
LAWYERS
2401 WEST CHARLESTON BOULEVARD
LAS VEGAS, NEVADA 89117-1401
(702) 384-7000

1 Board of Pharmacy is estopped by the doctrine of laches from now bringing these claims and
2 pursuing sanction and/or disciplinary action against Respondent.

3 **THIRTEENTH AFFIRMATIVE DEFENSE**

4 As a thirteenth separate and distinct affirmative defense to the Notice of Intended Action,
5 Respondent alleges that any allegations contained in the Notice of Intended Action, even if true,
6 were not the result of willful, malicious or deliberate conduct on the part of Respondent.

7 **FOURTEENTH AFFIRMATIVE DEFENSE**

8 As a fourteenth separate and distinct affirmative defense to the Notice of Intended
9 Action, Respondent alleges that the Nevada State Board of Pharmacy is barred from recovering
10 any special damages for failure to specifically plead items of special damages claimed pursuant
11 to NRCP 9(g).

12 **FIFTEENTH AFFIRMATIVE DEFENSE**

13 As a fifteenth separate and distinct affirmative defense to the Notice of Intended Action,
14 Respondent alleges that pursuant to NRCP 11, Respondent reserves her right to amend this
15 Answer to add additional affirmative defenses as discovery progresses in this case.

16 **SIXTEENTH AFFIRMATIVE DEFENSE**

17 As a sixteenth separate and distinct affirmative defense to the Notice of Intended Action,
18 Respondent alleges that Respondent incorporates by reference all affirmative defenses contained
19 in NRCP 8.

20 **ATTORNEYS' FEES**

21 It has been necessary to retain the services of legal counsel and Respondent is entitled to
22 reasonable attorneys' fees and costs of suit.

23 WHEREFORE, this answering Respondent prays as follows:

- 24 1. No sanctions or discipline be taken by way of this action;


ALVERSON, TAYLOR, MORTENSEN & SANDERS
LAWYERS
7401 WEST CHARLESTON BOULEVARD
LAS VEGAS, NEVADA 89117-1401
(702) 384-7000

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 2. That the Notice of Intended Action be dismissed with prejudice as against Respondent;
- 3. That Respondent recover costs and reasonable attorneys' fees incurred herein; and
- 4. For such other and further relief as may be deemed just and proper under the circumstances.

DATED this 28th day of December, 2010.

ALVERSON, TAYLOR,
MORTENSEN & SANDERS


 KURT R. BONDS, ESQ.
 Nevada Bar #6228
 ALAN V. MULLINER, ESQ.
 Nevada Bar #10409
 7401 W. Charleston Boulevard
 Las Vegas, NV 89117
 Attorney for
 MARYANNE PHILLIPS, M.D.

CERTIFICATE OF SERVICE BY FACSIMILE TRANSMISSION


I hereby certify that on the 28th day of December, 2010, service of the forgoing **RESPONDENT MARYANNE PHILLIPS, M.D.'S ANSWER AND NOTICE OF DEFENSE TO THE NEVADA STATE BOARD OF PHARMACY'S NOTICE OF INTENDED ACTION ACCUSATION AND REFUSAL TO RENEW CONTROLLED SUBSTANCE REGISTRATION** was made by facsimile transmission only, pursuant to the amendment to the Eighth Judicial District Court Rule 7.26, this date by faxing a true and correct copy of the same to each party addressed as follows:

Nevada State Board of Pharmacy
431 W. Plumb Lane
Reno, NV 89509
Fax: 775-850-1448

///
///
///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Carolyn Cramer, Esq.
General Counsel
Nevada State Board of Pharmacy
431 W. Plumb Lane
Reno, NV 89509
Fax: 775-850-1444



An employee of ALVERSON, TAYLOR,
MORTENSEN & SANDERS

N:\kum.gryl\CLIENTS\19000119061\pleading\answer.doc

ALVERSON, TAYLOR, MORTENSEN & SANDERS
LAWYERS
7401 WEST CHARLESTON BOULEVARD
LAS VEGAS, NEVADA 89117-1401
(702) 384-7000

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**NOTICE OF INTENDED ACTION
ACCUSATION AND REFUSAL
TO ISSUE CONTROLLED
SUBSTANCE REGISTRATION**

MOHAMED O. SALEH, M.D.,
Applicant

Case No. 10-089-S

Respondent.

COMES NOW Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, and make the following that will serve as both a Notice of Intended Action under Nevada Revised Statutes (NRS) 233B.127(3) and as an Accusation under NRS 639.241, and as another of intent to deny under NRS 453.241.

I.

The Nevada State Board of Pharmacy has jurisdiction over this matter because Respondent Mohamed O. Saleh, M.D. has applied for a controlled substance registration with the Board.

II.

On November 4, 2010, Board Staff became aware that Respondent was practicing medicine in Nevada and prescribing controlled substances to patients in Nevada for primarily Suboxone, Buprenorphine and Clonazepam. Respondent was licensed to practice medicine by the Nevada State Board of Medical Examiners on March 17, 2006. Respondent applied for a controlled substance registration with the Board on July 13, 2006 but failed to complete the process because he did not complete the process for obtaining a DEA controlled substance registration. A Prescriber Rx History Report was obtained from the Nevada Controlled Substances Abuse Prevention

Task Force for the period from November 9, 2009 through November 9, 2010 showing that Respondent had written 717 controlled substances prescriptions in the past year without a controlled substance registration issued by the Board. Respondent maintains a website that states:

“In 2005 I started an outpatient detox practice in Las Vegas, Nevada, that is currently thriving by focusing on the treatment of performers, celebrities and the like.”

Respondent has never held a valid controlled substance registration during that time.

III.

On the Nevada State Board of Medical Examiners website Respondent indicates that his address is P.O. Box 10339, Jacksonville, Florida. The State of Florida Department of Health website indicates that his primary practice address is 1408 San Marco Blvd., Jacksonville, FL. 32207-8536. The website also indicates that Respondent has a pending Administrative Complaint before the Florida Department of Health. Respondent's prescriptions indicate his practice address is 2801 Valley View Blvd. South, Ste. 1, Las Vegas, 89102. Board Staff went to this address and found it was vacant. The prescription indicated that there were two telephone numbers for Respondent (702) 781-1004 and 1-888-4-LORTAB. Board Staff called the telephone number which was a call center in Houston, Texas, and left a message for Respondent to return the call. Respondent never returned the call. Board Staff located a second address for Respondent's practice in Las Vegas, Nevada, but there was no one at that location. That address was 4503 Dean Martin Drive, Ste. 100, Las Vegas, Nevada.

IV.

On November 10, 2010, Respondent was sent a letter informing him that he may not prescribe controlled substances in Nevada without having a valid controlled substance registration by certified mail to his Florida address and the two addresses in Nevada. On November 29, 2010, Respondent sent his controlled substances

application, money and transfer for his DEA registration from Florida to Nevada. On the controlled substances registration there are three questions that Respondent had to answer and if answered in the affirmative supply an explanation for questions:

2. Been charged, arrested or convicted of a felony or misdemeanor.
3. Been the subject of an administrative action whether completed or pending.
4. Had a license suspended, revoked, surrendered or otherwise disciplined, including any action against license that was not made public.

Respondent answered "no" to all three questions and provided no information regarding any Board Administrative Action. Respondent signed the attestation which reads as follows:

I have read all questions, answers and statements and know the contents thereof. I hereby certify, under penalty of perjury, that the information furnished on this application are true, accurate and correct.

V.

On September 10, 2010, the State of Florida Department of Health filed an administrative complaint against Respondent that is still pending. This administrative action was not disclosed by Respondent as is required by the application.

FIRST CAUSE OF ACTION

VI.

In failing to disclose the administrative action pending against his medical licenses in Florida, Respondent violated Nevada Revised Statutes (NRS) 453.236(1) (a) and/or (d); 453.231(1) (f) and/or (h), and/or 639.210(4), and/or (9) and/or (10) and Nevada Administrative Code (NAC) 639.945(1) (h).

SECOND CAUSE OF ACTION

In prescribing controlled substances without a controlled substance registration Respondent violated Nevada Revised Statutes 453.226(1) and/or 639.210(4) and

Nevada Administrative Code (NAC) 639.945(1)(k).

WHEREFORE, it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action and/or refusal to issue the controlled substance registration of the Respondent.

Signed this 9th day of December, 2010.


Larry L. Pinson, Executive Secretary
Nevada State Board of Pharmacy

NOTICE TO RESPONDENT

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements regarding your certificate of registration. To do so, you must mail to the Board within (10) days of your receipt of this Notice of Intended Action and Accusation a written statement showing your compliance.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

**NEVADA STATE BOARD OF PHARMACY,
Petitioner,**

v.

**STATEMENT TO THE RESPONDENT
NOTICE OF INTENDED ACTION
AND ACCUSATION AND REFUSAL
TO ISSUE CONTROLLED
SUBSTANCE REGISTRATION
RIGHT TO HEARING**

**MOHAMED O. SALEH, M.D.,
Applicant**

Case No. 10-089-S

Respondent.

_____ /

TO THE RESPONDENT ABOVE-NAMED: PLEASE TAKE NOTICE THAT:

I.

Pursuant to the authority and jurisdiction conferred upon the Nevada State Board of Pharmacy by NRS 639.241 to NRS 639.2576, inclusive, and NRS chapter 233B, a Notice of Intended Action and Accusation has been filed with the board by the Petitioner, Larry L. Pinson, Executive Secretary for the board, alleging grounds for imposition of disciplinary action by the board against you, as is more fully explained and set forth in the Notice of Intended Action and Accusation served herewith and hereby incorporated reference herein.

II.

You have the right to a hearing before the Nevada State Board of Pharmacy to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. Should you desire a hearing, it is required that you complete two copies of the Answer and Notice of Defense documents served herewith and file said copies with the Nevada State Board of Pharmacy within fifteen (15) days of receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within.

III.

The Board has reserved Tuesday, January 11, 2011 as the date for a hearing on this matter at the Las Vegas Chamber of Commerce, 6671 Las Vegas Boulevard South, Las Vegas, Nevada. The hour of the hearing will be set by letter to follow.

IV.

Failure to complete and file your Notice of Defense with the board and thereby request a hearing within the time allowed shall constitute a waiver of your right to a hearing in this matter and give cause for the entering of your default to the Notice of Intended Action and Accusation filed herein, unless the board, in its sole discretion, elects to grant or hold a hearing nonetheless.

DATED this 9th day of December 2010.



Larry L. Pinson, Executive Secretary
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**ANSWER AND NOTICE
OF DEFENSE**

**MOHAMED O. SALEH, M.D.,
Applicant**

Case No. 10-089-S

Respondent.

_____/

Respondent above named, in answer to the Notice of Intended Action and Accusation filed in the above-entitled matter before the Nevada State Board of Pharmacy, declares:

1. That his objection to the Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against him, is hereby interposed on the following grounds: (State specific objections or insert "none").

///

2. That, in answer to the Notice of Intended Action and Accusation, he admits, denies and alleges as follows:

I hereby declare, under penalty of perjury, that the foregoing Answer and Notice of Defense, and all facts therein stated, are true and correct to the best of my knowledge.

DATED this ____ day of _____, 2010.

Mohamed O. Saleh, M.D.,

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

v.

**SONYA CAMPBELL, PT
Certificate of Registration No. PT10252,**

Case No. 10-085-PT-S

Respondent.

COMES NOW Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, and makes the following that will serve as both a notice of intended action under Nevada Revised Statutes (NRS) 233B.127(3) and as an accusation under NRS 639.241.

I.

The Nevada State Board of Pharmacy has jurisdiction over this matter because Respondent Campbell is a registered pharmaceutical technician with the Board.

II.

On or about August 18, 2010, Board staff was notified that Ms. Campbell had been terminated from employment as a pharmaceutical technician at CVS/pharmacy # 5286 located at 21 West Horizon Ridge Parkway in Henderson. Along with the notice of termination, CVS also provided a DEA-106 Report of Theft or Loss of Controlled Substances form. An internal investigation was initiated and it was concluded that Ms. Campbell was responsible for the loss of approximately 3,900 2 mg. Alprazolam tablets and approximately 1,900 10/325 hydrocodone/APAP tablets. CVS loss prevention personnel provided a copy of Ms. Campbell's written statement where she confessed to the theft of 36 to 38 bottles of controlled substances. Ms. Campbell sold the drugs she stole from CVS #5286 for \$1.00 per tablet to a friend of her brothers. Ms. Campbell estimates that she profited from the sale of the tablets approximately \$3,800.00.

FIRST CAUSE OF ACTION

III.

In removing controlled substances, namely Alprazolam and hydrocodone/APAP 10/325 tablets, without a prescription therefore, Ms. Campbell violated (NRS) 453.331(1)(d), 453.336(1) and/or 639.210(1), (4), and/or (12) and/or Nevada Administrative Code (NAC) 639.945(1)(h) and/or (i).

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the certificate of registration of the Respondent.

Signed this 8th day of December, 2010.


Larry L. Pinson, Executive Secretary
Nevada State Board of Pharmacy

NOTICE TO RESPONDENT

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements regarding your certificate of registration. To do so, you must mail to the Board within 15 days of your receipt of this Notice of Intended Action and Accusation a written statement showing your compliance.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**STATEMENT TO THE RESPONDENT
NOTICE OF INTENDED ACTION
AND ACCUSATION
RIGHT TO HEARING**

**SONYA CAMPBELL, PT
Certificate of Registration No. PT10252,**

Case No. 10-085-PT-S

Respondent.

_____ /

TO THE RESPONDENT ABOVE-NAMED: PLEASE TAKE NOTICE THAT:

I.

Pursuant to the authority and jurisdiction conferred upon the Nevada State Board of Pharmacy by NRS 639.241 to NRS 639.2576, inclusive, and NRS chapter 233B, a Notice of Intended Action and Accusation has been filed with the board by the Petitioner, Larry L. Pinson, Executive Secretary for the board, alleging grounds for imposition of disciplinary action by the board against you, as is more fully explained and set forth in the Notice of Intended Action and Accusation served herewith and hereby incorporated reference herein.

II.

You have the right to a hearing before the Nevada State Board of Pharmacy to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. Should you desire a hearing, it is required that you complete two copies of the Answer and Notice of Defense documents served herewith and file said copies with the Nevada State Board of Pharmacy within fifteen (15) days of receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within.

III.

The Board has reserved Tuesday, January 11, 2011 as the date for a hearing on this matter at the Las Vegas Chamber of Commerce, 6671 Las Vegas Boulevard South, Las Vegas, Nevada. The hour of the hearing will be set by letter to follow.

IV.

Failure to complete and file your Notice of Defense with the board and thereby request a hearing within the time allowed shall constitute a waiver of your right to a hearing in this matter and give cause for the entering of your default to the Notice of Intended Action and Accusation filed herein, unless the board, in its sole discretion, elects to grant or hold a hearing nonetheless.

DATED this 8th day of December, 2010.



Larry L. Pinson, Executive Secretary
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**ANSWER AND NOTICE
OF DEFENSE**

**SONYA CAMPBELL, PT
Certificate of Registration No. PT10252,**

Case No. 10-085-PT-S

Respondent.

_____ /

Respondent above named, in answer to the Notice of Intended Action and Accusation filed in the above-entitled matter before the Nevada State Board of Pharmacy, declares:

1. That his objection to the Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against him, is hereby interposed on the following grounds: (State specific objections or insert "none").

2. That, in answer to the Notice of Intended Action and Accusation, he admits, denies and alleges as follows:

I hereby declare, under penalty of perjury, that the foregoing Answer and Notice of Defense, and all facts therein stated, are true and correct to the best of my knowledge.

DATED this _____ day of _____, 2010.

Sonya Campbell, PT

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

v.

**JONATHAN GREENOUGH, PT
Certificate of Registration No. PT11285,**

Case No. 10-084-PT-S

Respondent.

COMES NOW Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, and makes the following that will serve as both a notice of intended action under Nevada Revised Statutes (NRS) 233B.127(3) and as an accusation under NRS 639.241.

I.

The Nevada State Board of Pharmacy has jurisdiction over this matter because Respondent Greenough is a registered pharmaceutical technician with the Board.

II.

On or about November 15, 2010, Board staff was notified that Mr. Greenough had been terminated from employment as a pharmaceutical technician at Wellcare Pharmacy located at 542 Decatur Boulevard in Las Vegas. An internal investigation was initiated after a pharmaceutical technician reported that she thought Mr. Greenough was stealing medication from the pharmacy. Wellcare Pharmacy personnel reviewed the pharmacy surveillance tapes which clearly show Mr. Greenough at the beginning of his shift with empty pockets and then later in his shift with bulging pockets after removing a vial of Lortab from the stock shelf. After removing the Lortab from the stock shelf he left the pharmacy for approximately ten minutes to go to the restroom and then made a trip to his car. Pharmacy staff showed the tapes to the managing pharmacist and they determined it was time to confront Mr. Greenough.

III.

Mr. Greenough admitted in a written statement that he had taken Lortab from Wellcare Pharmacy for his personal use due to his addiction and mental health issues. Mr. Greenough forfeited his last paycheck as restitution for having stolen Lortab from Wellcare Pharmacy.

FIRST CAUSE OF ACTION

IV.

In removing controlled substances, namely Lortab tablets, without a prescription therefore, Mr. Greenough violated (NRS) 453.331(1)(d), 453.336(1) and/or 639.210(1), (4), and/or (12) and/or Nevada Administrative Code (NAC) 639.945(1)(h) and/or (i).

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the certificate of registration of the Respondent.

Signed this 8th day of December, 2010.


Larry L. Pinson, Executive Secretary
Nevada State Board of Pharmacy

NOTICE TO RESPONDENT

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements regarding your certificate of registration. To do so, you must mail to the Board within 15 days of your receipt of this Notice of Intended Action and Accusation a written statement showing your compliance.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**STATEMENT TO THE RESPONDENT
NOTICE OF INTENDED ACTION
AND ACCUSATION
RIGHT TO HEARING**

**JONATHAN GREENOUGH, PT
Certificate of Registration No. PT11285,**

Case No. 10-084-PT-S

Respondent.

_____ /

TO THE RESPONDENT ABOVE-NAMED: PLEASE TAKE NOTICE THAT:

I.

Pursuant to the authority and jurisdiction conferred upon the Nevada State Board of Pharmacy by NRS 639.241 to NRS 639.2576, inclusive, and NRS chapter 233B, a Notice of Intended Action and Accusation has been filed with the board by the Petitioner, Larry L. Pinson, Executive Secretary for the board, alleging grounds for imposition of disciplinary action by the board against you, as is more fully explained and set forth in the Notice of Intended Action and Accusation served herewith and hereby incorporated reference herein.

II.

You have the right to a hearing before the Nevada State Board of Pharmacy to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. Should you desire a hearing, it is required that you complete two copies of the Answer and Notice of Defense documents served herewith and file said copies with the Nevada State Board of Pharmacy within fifteen (15) days of receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within.

III.

The Board has reserved Tuesday, January 11, 2011 as the date for a hearing on this matter at the Las Vegas Chamber of Commerce, 6671 Las Vegas Boulevard South, Las Vegas, Nevada. The hour of the hearing will be set by letter to follow.

IV.

Failure to complete and file your Notice of Defense with the board and thereby request a hearing within the time allowed shall constitute a waiver of your right to a hearing in this matter and give cause for the entering of your default to the Notice of Intended Action and Accusation filed herein, unless the board, in its sole discretion, elects to grant or hold a hearing nonetheless.

DATED this 8th day of December, 2010.



Larry L. Pinson, Executive Secretary
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**ANSWER AND NOTICE
OF DEFENSE**

**JONATHAN GREENOUGH, PT
Certificate of Registration No. PT11285,**

Case No. 10-084-PT-S

Respondent.

_____ /

Respondent above named, in answer to the Notice of Intended Action and Accusation filed in the above-entitled matter before the Nevada State Board of Pharmacy, declares:

1. That his objection to the Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against him, is hereby interposed on the following grounds: (State specific objections or insert "none").

2. That, in answer to the Notice of Intended Action and Accusation, he admits, denies and alleges as follows:

I hereby declare, under penalty of perjury, that the foregoing Answer and Notice of Defense, and all facts therein stated, are true and correct to the best of my knowledge.

DATED this _____ day of _____, 2010.

Jonathan Greenough, PT