

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

CORRECTED
NOTICE OF INTENDED ACTION
AND ACCUSATION

MARTY MARTINS, R.Ph.,
Certificate of Registration #16045,

Case No. 10-083-RPH-N

SCOLARI'S PHARMACY #25,
Certificate of Registration #PH00999,

Case No. 10-083-PH-N

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 Marty Martins is a pharmacist licensed by the Board and Scolari's Pharmacy #25 (Scolari's #25) is a pharmacy licensed by the Board, located at 176 West Goldfield Avenue in Yerington, Nevada.

II.

Walter Solway is a hospice patient that receives care from XL Hospice, located in Yerington, Nevada. On or about October 25, 2010, Dr. Gary Ridenour as an attending physician at XL Hospice, wrote a prescription for 50 morphine sulfate IR 15 mg. tablets for Mr. Solway and faxed it to Scolari's #25. This prescription reflected a change in Mr. Solway's drug delivery system from extended release to immediate release morphine sulphate tablets.

III.

Gerry Riley, Mr. Solway's daughter, was present at her father's house when the prescription was delivered. Ms. Riley looked at the label on the prescription bottle that she was given and noted that the change in directions to take one to two tablets by mouth every hour as need for pain were reflected. Ms. Riley opened the bottle and found that the tablets were exactly the same as the extended release tablets her father had previously taken. Ms. Riley telephoned XL Hospice and spoke with Becky Taylor, the director of patient care, who confirmed that the tablets that Ms. Riley was describing were extended release rather than immediate release tablets as prescribed by Dr. Ridenour. Ms. Riley and Ms. Taylor met at Scolari's #25 where they reported the error to Marty Martins.

IV.

During the investigation of this matter, Board investigator Joe Depczynski could not substantiate who incorrectly entered extended release morphine sulphate tablets rather than the prescribed immediate release tablets. Mr. Depczynski could not substantiate who printed and affixed a label to the prescription bottle identifying the contents as morphine sulphate ER tablets but with directions for taking the medication as if it were for immediate release tablets as prescribed. Mr. Martins was the verifying pharmacist but failed to note the drug error and the inconsistent labeling instructions.

V.

There was a discrepancy in the pharmacy regarding when the prescription was picked up and whether counseling actually took place. Scolari's #25 provided a Transaction List Detail Report that indicates the prescription was picked up by Anne Jean Hansston on October 26, 2010. That report also indicates that Ms. Hansston was counseled. Ms. Hansston maintains that she was not counseled nor was she offered counseling. No counseling log was located in the pharmacy at Scolari's #25 with a record of a pharmacist's initials to validate that counseling was or was not given.

FIRST CAUSE OF ACTION

VI.

In failing to strictly follow the instructions of Mr. Solway's physician by filling his prescription for 15 mg. morphine sulfate immediate release tablets with 15 mg. morphine sulfate extended release tablets labeled with dosing instructions for immediate release tablets, Mr. Martins 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 failing to counsel Ms. Hansston for Mr. Solway's new prescription, Mr. Martins violated NRS 639.210(4) and/or 639.266(1) and/or NAC 639.707(1)(a) and/or 639.945(1)(i).

THIRD CAUSE OF ACTION

VIII.

During the investigation of the initial case, above, additional information was received of another dispensing error by the same pharmacist and pharmacy. Two identical prescriptions were written for 30 ml. of 20 mg/ml morphine concentrate. One of the prescriptions was written for Mr. Solway by Dr. Linda Bradley and the other was written by Dr. Gary Ridenour for another XL Hospice patient. Both prescriptions were filled and staged for pickup. During a routine visit to Mr. Solway's home by XL Hospice nurse Tami Duty it was discovered that Mr. Solway was dispensed the other XL Hospice patient's prescription for morphine concentrate.

IX.

In dispensing another XL Hospice's prescription for morphine concentrate to Mr. Solway, Mr. Martins violated NRS 639.210(4) and/or NAC 639.945(1)(d) and/or (i).

FOURTH CAUSE OF ACTION

X.

On February 2, 2007, the Board entered Findings of Fact, Conclusions of Law, and Order regarding Mr. Martins (Case No. 06-023-RPH-N). The basis of the discipline entered against Mr. Martins was that he failed to notice during the verification process that a prescription written for "Reglan 5 mg/ml soln 0.7 mg po 15 minutes tid ac" for a baby with colic, was inadvertently typed 7 mg. dosing instead of 0.7 mg. dosing as prescribed.

XI.

In being repeatedly negligent as evidenced by the Board's discipline against him in Case No. 06-023-RPH-N and in the first matter in this Notice of Intended Action and Accusation, Mr. Martins violated NRS 639.210(4) and/or (16) and NAC 639.945(1)(i).

FIFTH CAUSE OF ACTION

XII.

In owning and operating a pharmacy in which the alleged violations occurred, Scolari's #25 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 18th day of May, 2011.



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
RIGHT TO HEARING**

**MARTY MARTINS, R.Ph.,
Certificate of Registration #16045,**

Case No. 10-083-RPH-N

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 June 1, 2011 as the date for a hearing on this matter at the Airport Plaza Hotel, 1981 Terminal Way, Reno, 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 15th day of April, 2011.



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

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

MARTY MARTINS, R.Ph.,
Certificate of Registration #16045,

ANSWER AND
NOTICE OF DEFENSE

Case No. 10-083-RPH-N

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 _____, 2011.

Marty Martins, R.Ph.

Blank

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

ANSWER AND
NOTICE OF DEFENSE

**SCOLARI'S PHARMACY #25,
Certificate of Registration #PH00999,**

Case No. 10-083-PH-N

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 _____, 2011.

type or print name

for Scolari's #25

BEFORE THE NEVADA STATE BOARD OF PHARMACY

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

v.

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

**JAMES E. CHRISTENSEN, RPH
Certificate of Registration No.: 07904**

Case No. 10-043A-RPH-N

**MATTHEW R. CHRISTENSEN, RPH
Certificate of Registration No.: 17632**

Case No. 10-043B-RPH-N

**REX DRUGS
Certificate of Registration No.: PH00369
Respondents.**

Case No. 10-043-PH-N

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 Respondents James Christensen and Matthew Christensen are registered pharmacists with the Board, and Rex Drugs is a registered pharmacy with the Board.

II.

On or about April 12, 2010, Dr. Ritu Dixon provided his patient, John Hernandez, a free seven day trial voucher as well as a written prescription for Nuvigil 150 mg. tablets to treat his shift work disorder which causes excessive daytime sleepiness and obstructive sleep apnea. The directions for use were to take one tablet one hour after waking for 30 days. Mr. Hernandez took the prescription to be filled to Rex Drugs that same day and picked up the filled prescription the following day, April 13, 2010.

III.

On or about April 17, 2010, Mr. Hernandez took a weekend trip and ingested the

first tablet of the medication he received from Rex Drugs while driving. Soon after taking the tablet he experienced nausea and a severe headache. Mr. Hernandez did not take another dose during the weekend and contacted Dr. Dixon on Monday, April 19, 2010. The filling error was discovered after contacting Dr. Dixon.

IV.

During the investigation of this incident Board investigator, Joseph Depczynski, visited Rex Drugs to review pharmacy records and interview pharmacy staff. A computer record of the filling of the Nuvigil prescription could not be found. Mr. Depczynski spoke with managing pharmacist, James Christensen, and learned that on April 20, 2010 prescription number 0694254 had been deleted by pharmacist Matthew Christensen after he was informed by Mr. Hernandez's physician that an error had occurred. The following is the likely scenario from examination of available pharmacy records and interviews with the patient and pharmacy personnel:

1. On April 13, 2010 James Christensen dispensed 60 Nucynta 75 mg. tablets instead of 30 Nuvigil 150 mg. tablets as prescribed by Dr. Dixon.
2. On April 13, 2010 James Christensen incorrectly transcribed patient dosing instructions to read in part, "Take two tablets by mouth after walking..." instead of "Take one tablet by mouth after waking..."
3. On April 13, 2010 James Christensen failed to counsel or counseled improperly.
4. On April 19, 2010, after being notified of the filling error, the computerized prescription history for the filling of the April 13th, 2010 prescription number 0694254 was erased and replaced with a prescription history with the same prescription number indicating the first Nuvigil prescription was filled on April 20, 2010.
5. On April 20, 2010 Matthew Christensen dispensed 7 Nuvigil 150 mg. tablets with incorrectly transcribed patient instructions that read in part, "Take two tablets by mouth after walking..." instead of "Take one tablet by mouth after waking..."
6. On April 20, 2010 Matthew Christensen failed to counsel or counseled improperly.

7. On April 26, 2010 James Christensen dispensed 23 Nuvigil 150 mg. tablets with incorrectly transcribed instructions that read in part, "Take one tablet by mouth after walking..." instead of "Take one tablet by mouth after waking..."
8. On all of the fills for prescription number 0692254 no refills were indicated, when in fact three refills were authorized.

FIRST CAUSE OF ACTION

V.

In failing to strictly follow the instructions of Mr. Hernandez's physician by transcribing and filling his prescription for 30 150 mg. Nuvigil tablets with 60 75 mg. Nucynta tablets, James Christensen 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

VI.

In mislabeling Mr. Hernandez's prescription with directions to "Take two tablets by mouth after walking..." rather than "Take one tablet by mouth after waking..." James Christensen and Matthew Christensen violated NRS 639.210(4) and/or NAC 639.945(1)(d) and/or (i).

THIRD CAUSE OF ACTION

VII.

In failing to counsel or adequately counsel Mr. Hernandez on his new prescription, James Christensen and Matthew Christensen violated NRS 639.210(4) and/or 639.266(1) and/or NAC 639.707(1)(a) and/or 639.945(1)(i).

FOURTH CAUSE OF ACTION

VIII.

In failing to strictly follow the instructions of Mr. Hernandez's physician by not including refills on the Nuvigil prescription for Mr. Hernandez, James Christensen and Matthew Christensen violated NRS 639.210(4) and/or 639.266(1) and/or NAC

639.707(1)(a) and/or 639.945(1)(i).

FIFTH CAUSE OF ACTION

IX.

In deleting the original patient history of prescription number 0694254, Matthew Christensen violated NRS 639.210(4) and/or NAC 639.910(1)(a) and/or 639.945(1)(i).

SIXTH CAUSE OF ACTION

X.

In owning and operating a pharmacy in which the alleged violations occurred, Rex Drugs 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 certificate of registration of the Respondent.

Signed this 27th day of April, 2011.


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

**JAMES E. CHRISTENSEN, RPH
Certificate of Registration No.: 07904
Respondent.**

Case No. 10-043A-RPH-N

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 Wednesday, June 1, 2011 as the date for a hearing on this matter at the Airport Plaza Hotel, 1981 Terminal Way, Reno, 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 27th day of April, 2011.



Larry L. Pipson, 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**

**JAMES E. CHRISTENSEN, RPH
Certificate of Registration No.: 07904
Respondent.**

Case No. 10-043A-RPH-N

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 _____, 2011.

James E. Christensen, RPh

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**ANSWER AND NOTICE
OF DEFENSE**

**MATTHEW R. CHRISTENSEN, RPH
Certificate of Registration No. PH01613
Respondent.**

Case No. 10-043B-RPH-N

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 _____, 2011.

Please type or print name for

Matthew R. Christensen, RPH

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**ANSWER AND NOTICE
OF DEFENSE**

REX DRUGS
Certificate of Registration No.: PH00369
Respondent.

Case No. 10-043-PH-N

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 _____, 2011.

Please type or print name for

Rex Drugs

BEFORE THE NEVADA STATE BOARD OF PHARMACY

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

v.

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

**FRANK ALVARADO, PTT
Certificate of Registration No.: PT11394**

Case No. 11-036-PTT-N

**CVS PHARMACY #8779
Certificate of Registration No.: PH01613**

Case No. 11-036-PH-N

**CVS PHARMACY CORPORATION
A Rhode Island Corporation**

Case No. 11-036-PH-N

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 Frank Alvarado is a registered pharmaceutical technician-in-training with the Board, CVS Pharmacy #8779 (CVS #8779) is a registered pharmacy with the Board and CVS Pharmacy Corporation is the corporate owner of CVS #8779.

II.

On or about January 24, 2011, Mr. Alvarado contacted Board staff to obtain a duplicate copy of his pharmaceutical technician-in-training registration. It was discovered that Mr. Alvarado had not renewed his pharmaceutical technician-in-training registration that was due for renewal by October 31, 2010. Mr. Alvarado indicated that he was working at CVS #8779.

III.

On or about March 23, 2011, Board staff contacted Ed Smith, pharmacy

supervisor for CVS, and requested the hours that Mr. Alvarado worked from November 1, 2010 to January 28, 2011, the date the Board received Mr. Alvarado's renewal application. Mr. Smith reported to Board staff that Mr. Alvarado worked for approximately 521 hours. Assuming Mr. Alvarado worked eight hour shifts, Mr. Alvarado worked unregistered for 65.13 days.

FIRST CAUSE OF ACTION

IV.

By working without having renewed his pharmaceutical technician-in training registration for 65.13 days, Mr. Alvarado violated NRS 639.210(4) and (13) and NAC 639.945(1)(k).

SECOND CAUSE OF ACTION

V.

By employing Mr. Alvarado and allowing Mr. Alvarado to work for 65.13 days without being registered with the Board, CVS #8779 violated NRS 639.210(4) and (13) and NAC 639.945(1)(k) and (2).

THIRD CAUSE OF ACTION

VI.

At the Board's regularly scheduled meeting on June 6, 2007 in Las Vegas, Nevada, the Board heard a consolidation of ten cases regarding pharmaceutical technicians and pharmaceutical technicians-in-training that worked unlicensed in numerous CVS pharmacies. On October 25th, 2007, the Board filed an Amended Findings of Fact, Conclusions of Law and Order for the following CVS pharmacies: CVS #4495 (Case No. 07-035-PH-S), CVS #8782 (Case No. 07-036-PH-S), CVS #8782 (Case No. 07-037-PH-S), CVS #4495 (Case No. 07-038-PH-S), CVS #4495 (Case No. 07-039-PH-S), CVS #8795 (Case No. 07-040-PH-S), CVS #5144 (Case No. 07-042-PH-S), CVS #5068 (Case No. 07-044-PH-S), CVS #8821 (Case No. 07-052-PH-S), and CVS #2990 (Case No. 07-053-PH-S).

VII.

In being repeatedly negligent as the common owner of CVS #8779, in which repeated disciplinary actions occurred for the same violations in the above referenced Case Numbers in averment VI, CVS Pharmacy Corporation violated NRS 639.210(4) and (16) and/or NAC 639.945(1)(k) and/or (2)

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 15th day of April, 2011.



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

**FRANK ALVARADO, PTT
Certificate of Registration No.: PT11394
Respondent.**

Case No. 11-036-PTT-N

_____/

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.

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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 Wednesday, June 1, 2011 as the date for a hearing on this matter at the Airport Plaza Hotel, 1981 Terminal Way, Reno, 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 15th day of April, 2011.



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**

**FRANK ALVARADO, PTT
Certificate of Registration No.: PT11394
Respondent.**

Case No. 11-036-PTT-N

_____ /

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 _____, 2011.

Frank Alvarado, PTT

Blank

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**ANSWER AND NOTICE
OF DEFENSE**

**CVS PHARMACY #8779
Certificate of Registration No. PH01613
Respondent.**

Case No. 11-036-PH-N

_____ /

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:

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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 _____, 2011.

Please type or print name for

CVS PHARMACY #8779

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**ANSWER AND NOTICE
OF DEFENSE**

**CVS PHARMACY CORPORATION
A Rhode Island Corporation**

Case No. 11-036-PH-N

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:

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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 _____, 2011.

Please type or print name for

CVS PHARMACY Corporation