

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

NOTICE OF INTENDED ACTION  
AND ACCUSATION

GARY A. HART II, P.T.  
Certificate of Registration No.: PT11116

Case No. 11-064-PT-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.

I.

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

II.

On June 8, 2011, the Nevada State Board of Pharmacy received notice from CVS that Gary A. Hart II's employment as a pharmaceutical technician was terminated due to cash theft from the pharmacy. As part of CVS's investigation, Mr. Hart submitted a written statement and admitted to taking a total of \$320.00 in cash on two occasions from CVS #5144 located at 1425 West Lake Mead Boulevard in Las Vegas, Nevada. Mr. Hart took \$120.00 on May 25, 2011 and \$200.00 on May 27, 2011. In his written statement Mr. Hart indicated that he had stolen the money because he and his nephew were going to be evicted and he needed the money to help pay the rent.

**FIRST CAUSE OF ACTION**

III.

In taking cash from his employer, Mr. Hart violated Nevada Revised Statutes (NRS) 639.210(1) and/or (4) and 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 8<sup>th</sup> day of September, 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,**

**v.**

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

**GARY A. HART II, P.T.  
Certificate of Registration No. PT11116,**

**Case No. 11-064-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 Wednesday, October 12, 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 9<sup>th</sup> day of September, 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

GARY A. HART II, P.T.  
Certificate of Registration No.: PT11116

Case No. 11-064-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 \_\_\_\_\_, 2011.

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Gary A. Hart II, PT

**BEFORE THE NEVADA STATE BOARD OF PHARMACY**

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

**NOTICE OF INTENDED ACTION  
AND ACCUSATION**

**v.  
ADRIAN ROMERO, PT  
Certificate of Registration No. PT10093,**

**Case No. 11-082-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 Romero is a registered pharmaceutical technician with the Board.

II.

On or about August 12, 2011, Board staff was notified that Mr. Romero had been terminated from employment as a pharmaceutical technician at CVS/pharmacy #2929 located at 7190 West Craig Road in Las Vegas, Nevada. It was found that Mr. Romero was removing hydrocodone 10/500 and Alprazolam 2 mg. tablets from the pharmacy. In Mr. Romero's written statement he admitted to stealing approximately 50 to 75 hydrocodone 10/500 stock bottles and approximately 20 to 50 stock bottles from his employing pharmacy. Mr. Romero explained that his family was having financial problems and he was trying to supplement their income by selling the stock bottles of hydrocodone for \$150.00 and the Alprazolam for \$100.00 each.

**FIRST CAUSE OF ACTION**

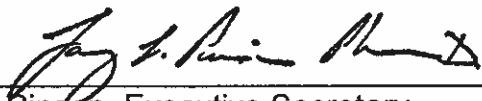
III.

By stealing controlled substances from his employing pharmacy, namely

hydrocodone 10/500 and Alprazolam 2 mg. tablets, Mr. Romero violated (NRS) 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 8<sup>th</sup> day of September, 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,**

**v.**

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

**ADRIAN ROMERO, PT  
Certificate of Registration No. PT10093,  
Respondent.**

**Case No. 11-082-PT-S**

\_\_\_\_\_/

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 Wednesday, October 12, 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 8<sup>th</sup> day of September, 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

ADRIAN ROMERO, PT  
Certificate of Registration No. PT10093,  
Respondent.

Case No. 11-082-PT-S

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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.

\_\_\_\_\_  
Adrian Romero, PT

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

NOTICE OF INTENDED ACTION  
AND ACCUSATION

v.

KRYSTAL SATRAN, R.Ph.,  
Certificate of Registration #11125,

Case No. 11-052-RPH-S

SAV-ON #6043  
Certificate of Registration PH00760

Case No. 11-052-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 Krystal Satran is a pharmacist licensed by the Board and Respondent Sav-On #6043 is licensed by the Board, located at 2851 North Green Valley Parkway, Henderson, Nevada.

II.

On or about April 13, 2011, Brandy Jones saw her physician, Dr. Michael Minev, and was diagnosed with an ear infection and an eye infection. Ms. Jones was prescribed azithromycin 250 mg. tablets for her ear and eye infections and Cortisporin Ophthalmic drops for her eye infection. Ms. Jones took the prescriptions to Sav-On

#6043 to be filled. Ms. Jones picked up the prescriptions, took them home and began her treatment therapy.

III.

When Ms. Jones instilled the eye drops she experienced a burning sensation. Ms. Jones used the drops she was given for approximately five days. On or about April 17, 2011, Ms. Jones telephoned Sav-On #6043 and spoke with the pharmacist on duty, Trung Tran, and told him that when she used the drops she was given her eyes stung and her vision was blurry. Mr. Tran checked the prescription and found that Ms. Jones had been given ear drops rather than eye drops.

IV.

During the investigation of this matter it was learned that a pharmaceutical technician selected the wrong medication from a drop down screen and completed the fill using the directions to "Instill 1-2 drops in both eyes every four hours" and placed that label on the box containing the ear drops. Ms. Satran was the verifying and counseling pharmacist on this prescription and failed to notice that the prescription was misfilled.

**FIRST CAUSE OF ACTION**

V.

In verifying and dispensing a prescription to Brandy Jones that was prescribed eye drops but was instead filled with ear drops with directions to instill 1-2 drops in each eye every four hours, Ms. Satran 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 owning and operating the pharmacy in which the error occurred with Ms. Jones' eye drop prescription, namely filling the prescription for eye drops with ear drops with directions to instill 1-2 drops in each eye every 4 hours, Sav-On #6043 violated NRS 639.210(4) and/or NAC 639.945(1)(d) and/or (i) and/or (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 8<sup>th</sup> day of September, 2011.

  
\_\_\_\_\_  
Larry L. Rinson, 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**

KRYSTAL SATRAN, R.Ph.,  
Certificate of Registration #11125,

Case No. 11-052-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

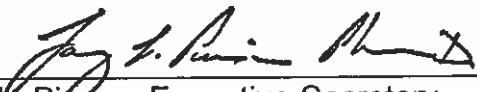
You have the right to a hearing before the Nevada State Board of Pharmacy to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. Should you desire a hearing, it is required that you complete two copies of 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.

The Board has reserved Wednesday, October 12, 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 8<sup>th</sup> day of September, 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.

KRYSTAL SATRAN, R.Ph.,  
Certificate of Registration #11125,

Respondent.

ANSWER AND  
NOTICE OF DEFENSE

Case No. 11-052-RPH-S

\_\_\_\_\_ /

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").

SEP 23 2011

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

*Please refer to attachments*

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 21 day of September, 2011.

*Krystal Satran*  
Krystal Satran, R.Ph.

I agree with statements provided regarding the Brandy Jones case with a few exceptions. Please see the letter I have attached to Ken Scheuber. Your statements do not include the extensive follow up we did following the day Brandy picked up her prescriptions. We tried to rectify the error with her through numerous phone calls and follow up with Dr. Minev. She refused all of our attempts and even to return to see her doctor. Miss Jones continues to use our pharmacy for her prescriptions.

Since my letter to Ken, I have recalled more details of the counseling I provided Miss Jones. I will be available to answer any further questions you have for me at the hearing on October 12, 2011.

Ken Scheuber, Investigator  
Nevada State Board of Pharmacy  
4220 S. Maryland Pkwy.  
Las Vegas, NV 89119

Dear Ken,

On April 13, 2011 at 11:17 am, Brandy Jones came into Savon 6043 located at 2851 N. Green Valley Pkwy. She presented two prescriptions to Tammie Harris CPHT, that were written by Dr. Michael Minev from the Henderson VA clinic. Tammie typed the two prescriptions and made an error in typing the prescription for Cortisporin ophthalmic suspension. She instead typed it for the generic for the Cortisporin ear suspension. Tammie also filled the prescriptions and repeated the same error by filling with the ear suspension but using the directions to be used in the eye.

I, Krystal Satran, was the pharmacist on duty that day. I unfortunately did not discover the error at verification. Brandy returned for pick up at roughly 11:38 am. Although I don't recall this transaction, I routinely help patients at the pick up window. As a rule, when I counsel patients about their medications I asked them if the doctor discussed the prescriptions with them and if they know why the doctor prescribed them. I also ask if they were told how to take it and if they were told about duration and side effects. From there I will ask if they have any unanswered questions or if they need any further direction. I like to open the bottle, show them the medicine, and in the case of Z-paks and Medrol Dose packs, show them the directions inside the pack as well as what we have provided. Brandy reportedly had both an ear and an eye infection that day.

On Sunday April 17, 2011, Brandy called the pharmacy and spoke to Rph Trung Tran. She told Trung that her eyes were stinging and blurry. Trung then realized that the patient had been given the ear drop instead of the eye drop. He instructed her to stop using the drops. Trung contacted the doctor who was going to have his nurse Lee call the patient. Dr. Minev told us to please have the patient follow up with him. Trung called Brandy on April 18, 2011 to check in with her and to let her know Dr. Minev would like her to follow up with him. Brandy told Trung her eyes were getting better but that her ears had not improved. Brandy refused to follow up with her doctor stating she did not have a ride. Trung also told her we have the correct medication available for her as well.

On April 21, 2011, patient still had not picked up the proper medicine. We called her to get an address so we could mail it to her and make sure she was doing better. Brandy did not answer our call. We repeated our calls again on April 26, 2011 and April, 28, 2011. Sometime after the call on the 28<sup>th</sup>, Brandy called us to let us know she would not be discussing this case with us further as she had got an attorney and was filing a law suit. She also told Trung that, "Someone was going to pay for this!"

There are no excuses for the error that was made and trying to answer the question as to why it happened is difficult for me. I feel horrible that I failed to catch the error and correct it before it reached the patient. That being said, I have considered what may have occurred that day and have taken steps to prevent this type of thing from happening in the future. First of all, I talked with my staff about taking their time to ensure that all scripts are entered into the system correctly. I have asked them to increase the wait times when necessary to ensure that all scripts are handled accurately. Secondly, I have separated the eye and ear preps onto different shelves with a row of prenatal vitamins between them. We are considering repositioning the QA station away from the pick up window to lessen the number of interruptions to the pharmacist which would increase work flow and decrease customer wait times. Lastly, for VA patients, we are taking additional steps to verify with both the patient and the doctor what exactly the patient is taking and why. The verification process is handled either verbally or by fax. As for myself, I have taken CE on prescription errors and also spoke to my company about taking any reeducation classes they have available to me on that subject.

I hope this answers some of your questions as to what happened that day, why it happened and what we can do going forward to assure this never happens again. Thank you again and please let me know what else I can do to help you with your investigation.

Sincerely,

  
Krystal Satran Rph

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**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**

**SAV-ON #6043**

**Certificate of Registration PH00760**

**Case No. 11-052-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.

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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, October 12, 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 8<sup>th</sup> day of September, 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

SAV-ON #6043  
Certificate of Registration PH00760

Case No. 11-052-PH-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 \_\_\_\_\_, 2011.

\_\_\_\_\_  
type or print name

\_\_\_\_\_  
for Sav-On #6043

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**NOTICE OF INTENDED ACTION  
AND ACCUSATION**

**HEIDI WICKHAM, R.Ph.,  
Certificate of Registration #16474,**

**Case No. 11-030-RPH-S**

**WALGREENS #05369  
Certificate of Registration PH01485**

**Case No. 11-030-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 Heidi Wickham is a pharmacist licensed by the Board and Respondent Walgreens #05369 is licensed by the Board, located at 1500 South Boulder Highway, Henderson, Nevada.

II.

On or about March 16, 2011, Lisa Beam had a prescription filled for metaxalone 800 mg. tablets. Ms. Beam's husband picked up the prescription that evening. When he arrived home and gave his wife the medication that was dispensed to him, Ms. Beam noticed that there were two different pink tablets in the bottle. Mr. Beam returned

to the pharmacy and spoke with Heidi Wickham regarding the two different tablets in the prescription bottle. Ms. Wickham checked the Clinical Pharmacology program in the pharmacy's computer and could not identify the second tablets. Ms. Wickham then went to the shelf where metaxalone is stocked to see if there were different manufacturers. The only bottle present at the time was a previously deleted patient's bottle labeled metaxalone. Ms. Wickham checked the contents of the bottle and found the same pink tablets in question that she could not identify and presumed it was a different manufacturer and advised Mr. Beam that it was safe for his wife to take.

### III.

Ms. Beam began taking the tablets that she was familiar with first for several days. Ms. Beam began taking the tablets that she was not familiar with and she became light headed, nauseous, had diarrhea and a headache for three days. On or about March 22, 2011 Mr. Beam received a telephone call from Heidi Wickham asking to speak with Ms. Beam. Ms. Beam was not available to come to the telephone and Ms. Wickham told Mr. Beam that the pink tablets in question in Ms. Beam's prescription bottle were not metaxalone as previously thought, and that they were Metformin, a prescription medication used to treat diabetes. Ms. Wickham advised Mr. Beam to have Ms. Beam stop taking the medication dispensed to him and return it to the pharmacy for replacement.

### IV.

During the investigation of this matter, it was learned that the prescription bottle that was returned to stock and was labeled metaxalone was originally misfilled with

Metformin but was placed on the shelf behind the metaxalone and was used to fill Ms. Beam's prescription.

**FIRST CAUSE OF ACTION**

V.

In verifying and dispensing a combination of 800 mg. metaxalone tablets and Metformin tablets to Ms. Beam instead of only metaxalone tablets as prescribed, Ms. Wickham violated Nevada Revised Statutes (NRS) 639.210(4) and/or Nevada Administrative Code (NAC) 639.945(1)(d) and/or (i).

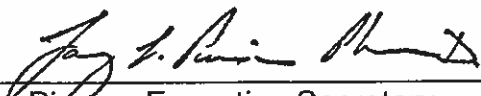
**SECOND CAUSE OF ACTION**

VI.

In owning and operating the pharmacy in which an unidentified employee misshelved the mislabeled returned to stock bottle of Metformin directly behind the metaxalone stock bottle and where Ms. Wickham misfiled Ms. Beam's prescription with a combination of metaxalone tablets and Metformin tablets, Walgreens #05369 violated NRS 639.210(4) and/or NAC 639.945(1)(d) and/or (i) and/or (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 8<sup>th</sup> day of September, 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,

v.

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

HEIDI WICKHAM, R.Ph.,  
Certificate of Registration #16474,

Case No. 11-030-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.

The Board has reserved Wednesday, October 12, 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 8<sup>th</sup> day of September, 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**

**HEIDI WICKHAM, R.Ph.,**  
**Certificate of Registration #16474,**

**Case No. 11-030-RPH-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 \_\_\_\_\_, 2011.

\_\_\_\_\_  
Heidi Wickham, R.Ph.

**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 #05369**

**Certificate of Registration PH01485**

**Case No. 11-030-PH-S**

**Respondent.**

\_\_\_\_\_/

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

I.

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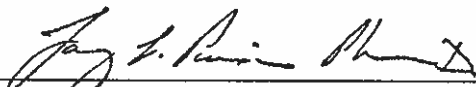
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DATED this 8<sup>th</sup> day of September, 2011.

  
\_\_\_\_\_  
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

WALGREENS #05369  
Certificate of Registration PH01485

Case No. 11-030-PH-S

Respondent.

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DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
type or print name

\_\_\_\_\_  
for Walgreens #05369