

Reinstatement

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Sent: Thursday, September 22, 2011 11:41 AM

To: Pharmacy Board

Dear Sirs:

I would like the opportunity to request a hearing for the reinstatement of my Nevada pharmacist license. Thanks for your time and consideration.

Michael J. Adams

testimony of Ms. Kennedy and the records in the possession of the Board, the Board finds the following to be the facts of this matter.

2. On September 17, 2003, Mr. Adams was asked by his employer, THC, to provide a urine sample for testing. Mr. Adams initially refused to submit a sample, stating that he would not provide a sample until his wife arrived. When Mrs. Adams arrived, she and Mr. Adams had a brief private conversation, after which Mr. Adams indicated that he would be willing to submit a sample.

3. Preliminary to taking the sample, Mr. Adams was asked to empty his pockets. In Mr. Adams' pockets were 2 tubes of morphine, 2 tubes of hydromorphone, 2 tube holders, 1 25-gauge needle, and 1 Precocity tablet. When Mr. Adams removed his hands from his pockets, a device fell through the leg of his pants and ended up on the floor. The device was called a urinator, and it consisted of a bladder containing urine that was heated by a battery-powered device that was connected through a piece of tubing to a valve through which the heated urine could be released.

4. Once the urinator was discovered, Mr. Adams refused to provide a urine sample. When the Adams' prepared to leave, Mrs. Adams demanded the return of the contents of Mr. Adams' pockets. Ms. Kennedy refused to return the drugs or the urinator. After Ms. Kennedy's refusal to release the contents of Mr. Adams' pockets, Mrs. Adams became verbally abusive and hostile towards Ms. Kennedy. Ms. Kennedy informed Mrs. Adams that the police had been called. Mrs. Adams left the office at that time. Mrs. Adams then returned a few minutes later and was allowed in by one of Mrs. Kennedy's staff. Mrs. Adams again verbally abused Ms. Kennedy, and before she left

for the second time, Mrs. Adams threw the contents of her beverage cup on Ms. Kennedy.

5. On September 25, 2003, Board staff prepared an Order of Summary Suspension of License and served it upon Mr. Adams after receiving notice from Mr. Adams' employer of the incidents that occurred on September 17, 2003.

6. Mr. Adams' history with the Board was extensive. On March 18, 1996, the Board entered Findings of Fact, Conclusions of Law, and Order regarding Mr. Adams. This Order was the result of Mr. Adams' removal and personal use of large quantities of XENIX, a controlled substance, without a lawful prescription therefore and while Mr. Adams was on duty as a pharmacist. Paragraph (1)(g) of the Order provided: "Respondent shall abstain entirely from alcohol and any scheduled or prescription drugs. If Respondent obtains a legitimate prescription from a practitioner, Respondent must immediately advise the Board office in writing."

7. On February 25, 2000, the Board office was notified by PRN-PRN that Mr. Adams had breached his substance abuse treatment contract with PRN-PRN. The basis for PRN-PRN's notification to the Board office was that on February 17, 2000, Mr. Adams had provided a urine sample that proved to be dilute. Mr. Adams claimed to PRN-PRN to be on a diet and that he was drinking increased amounts of water. Mr. Adams provided a second urine sample on February 22, 2000, which sample tested positive for hydromorphone.

8. On March 8, 2000, the Board received a second letter from PRN-PRN that indicated that Mr. Adams had a prescription for hydrocodone that could test as hydromorphone in a urine analysis. Mr. Adams had had a problem with his shoulder

and had visited his physician in October 1999, at which time he had been given a prescription for hydrocodone to alleviate the pain he was experiencing. Mr. Adams filled the prescription, but he claimed that he hoped he would not need to take the medication. Mr. Adams claimed that he did not notify PRN-PRN of the hydrocodone prescription as required in his contract because he was fearful that he would not be allowed to keep or take the medication.

9. On May 17, 2000, the Board issued Findings of Fact, Conclusions of Law, and Order regarding Mr. Adams' diluted urine sample and his testing positive for hydromorphone. In the Order, the Board extended Mr. Adams' PRN-PRN substance abused treatment and monitoring probation for five years from the May 17, 2000 date.

10. On November 21, 2001, the Board issued Findings of Fact, Conclusions of Law, and Order regarding three urine samples that Mr. Adams had submitted that had tested positive for hydrocodone. Although the Board dismissed the Causes of Action because of evidence of explanation produced by Mr. Adams, the Board modified Mr. Adams' 1996 Order to require Mr. Adams to produce records of his prescriptions only to PRN-PRN.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter because Mr. Adams was a pharmacist licensed by the Board.

2. In failing to comply with the Board's Orders and his PRN-PRN contract by attempting to produce an adulterated or false urine sample, Mr. Adams violated NRS 639.210(4) and NAC 639.945(1)(h) and (l).

3. In possessing controlled substances, namely morphine, hydromorphone, and Percocet, without a lawful prescription or order therefore, Mr. Adams violated NRS 453.391(1) and 639.210(1), (4), and (12), and NAC 639.945(1)(h).

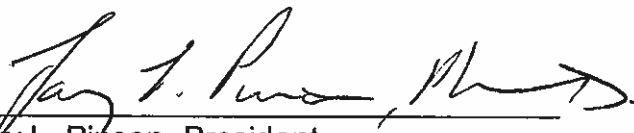
ORDER

Based upon the foregoing, the Board hereby orders the following:

1. Mr. Adams' pharmacist's license (#10850) is revoked. Mr. Adams may not be employed in any business or facility licensed by this Board in any capacity unless and until his license as a pharmacist has been reinstated.

2. Mr. Adams shall return to the Board's Reno office his wallet card(s) and wall certificate within 10 days of his receipt of this Order. His failure to do so will result in a fine of \$1,000 per day until the wallet card(s) and wall certificate are received by the Board office.

Signed and effective this 11th day of February, 2004.



Larry L. Pinson, President
Nevada State Board of Pharmacy