

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

GAIL P. KRIVAN, M.D.,

Controlled Substance Registration No: CS10632

Case No. 11-004-CS-N

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 Gail P. Krivan has a controlled substance registration issued by the Board.

II.

On or about January 19, 2011 Board staff received a complaint regarding Dr. Krivan's practice of pre-signing prescription pads and leaving the pre-signed pads for her office staff to complete when they saw patients in her absence. The timeframe between mid-December 2010 and mid-January 2011 was investigated.

III.

Dr. Krivan was on vacation for eleven days between December 23, 2010 and January 3, 2011. A report of Dr. Krivan's prescriptions was obtained from the Prescription Monitoring Program for that timeframe. The report showed 115 controlled substance prescriptions were written by Dr. Krivan for the period that Dr. Krivan was on vacation.

Of the 115 prescriptions, 76 were for CII's, 19 were for CIII's and 20 were for CIV's.

IV.

A copy of Dr. Krivan's calendar indicates that she did not work at her pain management clinic on Wednesdays in December 2010. Another Prescription Monitoring Program report shows that 24 prescriptions were written on Wednesday, December 8, 2010 and 15 prescriptions were written on Wednesday, December 15, 2010.

FIRST CAUSE OF ACTION

V.

By pre-signing prescription blanks without having seen the patients for which they were being written, Respondent Krivan violated Nevada Revised Statutes (NRS) 639.210(4) and (12) and/or Nevada Administrative Code (NAC) 630.304(4).

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 28th day of July, 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

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

**GAIL P. KRIVAN, M.D.,
Controlled Substance Registration
No: CS10632**

Case No. 11-004-CS-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.

III.

The Board has reserved Wednesday, September 14, 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 28th day of July, 2011.


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

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NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**GAIL P. KRIVAN, M.D.,
Controlled Substance Registration
No: CS10632**

**ANSWER AND NOTICE
OF DEFENSE
Case No. 11-004-CS-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.

Gail P. Krivan, M.D.,

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