

FEB 27 2018

NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NOS. 17-066-CS-S
	)	17-066-TD-A-S
Petitioner,	)	17-066-TD-B-S
v.)	
)	
CRAIG WEINGROW, M.D.,	)	NOTICE OF INTENDED ACTION
Certificate of Registration Nos. CS20272	)	AND ACCUSATION
PD00502,)	
)	
TERESA JAFFER, T.D.,)	
Certificate of Registration No. TD01408,)	
)	
and)	
)	
MARECXY RUBIO-VERONICA, T.D.,)	
Certificate of Registration No. TD01461,)	
)	
Respondents.	/	

Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, 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 (Board) has jurisdiction over this matter because at the time of the events alleged herein, Respondent Craig Weingrow, MD (Weingrow) had both a Controlled Substance Registration, Certificate No. CS20272 and a Practitioner Dispensing Registration, Certificate No. PD00502, with the Board. Respondents Teresa Jaffer (Jaffer), Certificate of Registration No. TD01408, and Marecxy Rubio-Veronica (Rubio-Veronica), Certificate of Registration No. TD01461, each held Technician Dispensing Registrations with the Board.

FACTUAL ALLEGATIONS

II.

On November 1, 2017, investigators from the Board, the Nevada State Board of Medical Examiners (BME) and the Drug Enforcement Administration (DEA) conducted a joint investigation at Respondent Weingrow's medical office.

III.

The investigators found evidence of misconduct and violations involving prescription records and the unlawful dispensing of controlled substances at Wiengrow's medical office. The misconduct and the violations the investigators observed and documented at Weingrow's medical office include:

1. Investigators obtained a sample of five hundred and eighty (580) prescriptions for controlled substances and dangerous drugs that Wiengrow's medical office dispensed to patients between October 14, 2017 and October 31, 2017. Of those 580 prescriptions, not one was signed by Weingrow personally.
2. Weingrow knowingly permitted Respondents Jaffer, Rubio-Veronica and three unlicensed office staff members, namely, two receptionists and one medical assistant/receptionist (collectively "Office Staff"), to falsify his signature or initials on his prescriptions.
3. Weingrow typically signs his full name when he signs prescriptions and other documents personally.
4. Weingrow trained and/or permitted Jaffer, Rubio-Veronica and Office Staff to write a "C" followed by a wavy line to falsify his signature to his prescriptions.
5. Jaffer, Rubio-Veronica, and Office Staff falsely documented patient initials and dates of service on patient's informed consent labels.
6. Weingrow allowed Jaffer, Rubio-Veronica and Office Staff access to his inventory of controlled substances and dangerous drugs to dispense to his patients when he was not present in the office.

7. Weingrow, Jaffer, Ruboio-Veronica and Office Staff mailed controlled substances to patients who lived out-of-town.

8. Weingrow allowed Jaffer to transport controlled substances to a United States Post Office for mailing.

9. Weingrow, Jaffer, Rubio-Veronica and Office Staff also used Federal Express to ship medications to patients.

10. As examples of Weingrow's unlawful activities, the investigators found evidence that Weingrow vacationed outside of the country in October 2016, and again in July 2017. The following is a summary of the controlled substances Jaffer, Rubio-Veronica and Office Staff wrote for and/or dispensed to Weingrow's patients during those periods while Weingrow was absent.

October 18, 2016 to October 28, 2016

Weingrow's medical office:

- Issued 18 prescriptions with Weingrow's signature on them to 14 patients.
- Dispensed 6 medications at Weingrow's office.
- Dispensed 4 medications to patients by mail.

July 1, 2017 to July 9, 2017

Weingrow's medical office:

- Issued 4 prescriptions with Weingrow's signature on them to 3 patients.
- Dispensed 1 medication at Weingrow's office.

11. The "Medical Weight Loss" shipping log at Wiengrow's medical office for the time period between August 26, 2016, through October 31, 2017, indicates that his staff shipped approximately 166 shipments containing controlled substances to Weingrow's patients.

IV.

Weingrow and Jaffer each signed a statement admitting that Jaffer, Rubio-Veronica and Office Staff:

- Signed Weingrow's name on prescriptions for controlled substances and dangerous drugs;
- Falsely documented patient initials on informed consent forms;
- Dispensed controlled substances to patients by U.S. Mail and Federal Express; and
- Dispensed medications for controlled substances and dangerous drugs without Weingrow's signature on the prescriptions.

APPLICABLE LAW

V.

Each written prescription for a controlled substance and each written prescription for a dangerous drug must contain the handwritten signature of the prescribing practitioner. *See* Nevada Revised Statutes (NRS) 453.128(1)(a), NRS 454.00961(1)(a), NRS 454.223(2)(a), NRS 639.013(1)(a) and NRS 639.2353(2); *see also* Nevada Administrative Code (NAC) 453.440(1)(c), NAC 453.410(1)(b)(8) and NAC 454.060(1).

VI.

"Performing or in any way being a party to any fraudulent or deceitful practice or transaction" constitutes "unprofessional conduct and conduct contrary to the public interest." Nevada Administrative Code (NAC) 639.945(1)(h).

VII.

A licensee "[p]erforming any of his or her duties as the holder of a license, certificate or registration issued by the Board, or as the owner of a business or an entity licensed by the Board, in an incompetent, unskillful or negligent manner" constitutes "unprofessional conduct and conduct contrary to the public interest." NAC 639.945(1)(i).

VIII.

A person must be a *licensed practitioner* in order to lawfully write a prescription. See NRS 453.226, NRS 453.231, and NRS 639.100.

IX.

“Performing any act, task or operation for which licensure, certification or registration is required without the required license, certificate or registration” constitutes “unprofessional conduct and conduct contrary to the public interest.” NAC 639.945(k).

X.

NAC 639.742 states in relevant part:

1. A practitioner who wishes to dispense controlled substances or dangerous drugs must apply to the Board on an application provided by the Board for a certificate of registration to dispense controlled substances or dangerous drugs.

....

3. Except as otherwise provided in NRS 639.23277 and NAC 639.395, the dispensing practitioner and, if applicable, the owner or owners of the facility, shall ensure that:

- (a) All drugs are ordered by the dispensing practitioner;
- (b) All drugs are received and accounted for by the dispensing practitioner;
- (c) All drugs are stored in a secure, locked room or cabinet to which the dispensing practitioner has the only key or lock combination;
- (d) All drugs are dispensed in accordance with NAC 639.745;
- (e) No prescription is dispensed to a patient unless the dispensing practitioner is on-site at the facility;
- (f) All drugs are dispensed only to the patient personally at the facility;

....

4. With regard to the filling and dispensing of a prescription at a facility, only the dispensing practitioner or a dispensing technician may:

- (a) Enter the room or cabinet in which drugs are stored;
- (b) Remove drugs from stock;
- (c) Count, pour or reconstitute drugs;
- (d) Place drugs into containers;
- (e) Produce and affix appropriate labels to containers that contain or will contain drugs;
- (f) Fill containers for later use in dispensing drugs; or
- (g) Package or repackage drugs.

XI.

NAC 639.743 states:

1. Except as otherwise provided in NRS 639.23277 and NAC 639.395, a person to whom a dispensing practitioner is providing training and experience pursuant to subsection 4 of NAC 639.7425 must not be allowed access to the room or cabinet in which drugs are stored unless accompanied by the dispensing practitioner. After the person has completed his or her training and experience and the Board has received an affidavit from the dispensing practitioner pursuant to subsection 5 of NAC 639.7425:

(a) The person may access the room or cabinet in which drugs are stored without being accompanied by the dispensing practitioner, so long as the dispensing practitioner is on-site at the facility; and

(b) The dispensing practitioner is not required to observe the work of the person.

2. A dispensing practitioner who allows a dispensing technician to perform any function described in subsection 4 or 5 of NAC 639.742 is responsible for the performance of that function by the dispensing technician. All such functions performed by a dispensing technician must be performed at the express direction and delegation of the dispensing practitioner. Each prescription with respect to which a dispensing technician performed such a function:

(a) Must be checked by the dispensing practitioner, and the dispensing practitioner shall indicate on the label of the prescription and in his or her record regarding the prescription that the dispensing practitioner has checked the work performed by the dispensing technician; and

(b) Must not be dispensed to the patient without the initials of the dispensing practitioner thereon. A prescription which has been so initialed must be handed to the patient only by the dispensing practitioner or an employee authorized by the dispensing practitioner.

XII.

Engaging in conduct that constitutes unprofessional conduct or that is contrary to the public interest is grounds for suspension or revocation of any license issued by the Board.

Nevada Revised Statute (NRS) 639.210(4).

FIRST CAUSE OF ACTION

Dispensing Without A Practitioner's Signature
(Respondents Weingrow, Jaffer, and Rubio-Veronica)

XIII.

By dispensing, and/or by allowing to be dispensed, controlled substances and dangerous

drugs to patients without Weingrow's handwritten signature on each written prescription, Respondents Weingrow, Jaffer and Rubio-Veronica each acted in violation of NRS 454.223(2)(a), NRS 639.2353(2), NAC 453.440(1)(c), NAC 453.410(1)(b)(8) and NAC 454.060(1).

SECOND CAUSE OF ACTION

Falsifying Signatures

(Respondents Weingrow, Jaffer, and Rubio-Veronica)

XIV.

By falsifying Weingrow's signature on written prescriptions for controlled substances and/or dangerous drugs that Weingrow's medical office dispensed, and/or by allowing Jaffer, Rubio-Veronica and Office Staff to falsify Weingrow's signature on prescriptions for controlled substances and/or dangerous drugs that Weingrow's medical office dispensed, Respondents, and each of them, engaged in fraudulent and/or deceitful transactions. Those actions constitute unprofessional conduct and conduct contrary to the public interest per NAC 639.945(1)(h).

THIRD CAUSE OF ACTION

Unlicensed Practice of Medicine

(Respondents Weingrow, Jaffer, and Rubio-Veronica)

XV.

By signing prescriptions as if they were authorized practitioners, and/or by allowing Jaffer, Rubio-Veronica and Office Staff to sign prescriptions as if they were authorized practitioners, Respondents, and each of them, "performed acts, tasks or operations for which licensure, certification or registration is required without the required license, certificate or registration, or knowingly allowed such conduct to occur." Those actions constitute unprofessional conduct and conduct contrary to the public interest per NAC 639.945(k).

FOURTH CAUSE OF ACTION
Failure to Adequately Secure Drugs
(Respondent Weingrow)

XVI.

A dispensing practitioner must secure all controlled substances and dangerous drugs in his inventory in a locked storage area to which the dispensing practitioner has the only key or lock. *See* NAC 639.742(3)(c) and (4)(a), *see also* NAC 639.745(1)(c). Respondent Weingrow violated those regulations by allowing Jaffer, Rubio-Veronica and Office Staff access to his inventory of controlled substances and dangerous drugs when he was not onsite at his facility.

FIFTH CAUSE OF ACTION
Unlawful Access to Drugs
(Respondents Weingrow, Jaffer and Rubio-Veronica)

XVII.

A dispensing technician may not access the room or cabinet in which controlled substances and/or dangerous drugs are stored unless the dispensing practitioner is on-site at the facility. *See* NAC 639.743. Respondents Jaffer and Rubio-Veronica accessed controlled substances and dangerous drugs when Weingrow was not onsite at the office, which conduct Weingrow allowed. By doing so, Respondents, and each of them, violated NAC 639.743.

SIXTH CAUSE OF ACTION
Dispensing When Practitioner Off-Site
(Respondent Weingrow)

XVIII.

A dispensing practitioner may not allow his staff to dispense any controlled substance or dangerous drug when he is not on-site at his facility. *See* NAC 639.742(3)(e). By allowing Jaffer, Rubio-Veronica and/or Office Staff to dispense controlled substances and dangerous drugs to patients when he was not on-site at his medical facility, Weingrow violated NAC 639.742(3)(e).

SEVENTH CAUSE OF ACTION
Dispensing When Practitioner Off-Site
(Respondents Jaffer and Rubio-Veronica)

XIX.

No person may dispense any controlled substance or dangerous drug from a dispensing practitioner's office when the dispensing practitioner is not on-site at his facility. *See* NAC 639.742(3)(e). Jaffer and Rubio-Veronica dispensed medications to patients while Weingrow was not on-site at his facility. By doing so Jaffer and Rubio-Veronica violated NAC 639.742(3)(e).

EIGHTH CAUSE OF ACTION
Dispensing to Off-Site Patients
(Respondents Weingrow, Jaffer, and Rubio-Veronica)

XX.

A dispensing practitioner is required to ensure that "[a]ll drugs are dispensed only to the patient personally at the [dispensing practitioner's] facility." *See* NAC 639.742(3)(f). Weingrow allowed Jaffer, Rubio-Veronica and Office Staff to dispense to patients who were not at Weingrow's facility, including dispensing by U.S. Mail and Federal Express. By doing so, Weingrow, Jaffer and Rubio-Veronica violated NAC 639.742(3)(f).

NINTH CAUSE OF ACTION
Dispensing Without Dispensing Practitioner Verification
(Respondents Weingrow, Jaffer, and Rubio-Veronica)

XXI.

By dispensing prescriptions for controlled substances and dangerous drugs that were not first checked and initialed by Weingrow – when Weingrow was not at the facility – and by allowing his staff to dispense prescriptions without personally checking the medications before they were dispensed, Respondents, and each of them, violated NAC 639.743(2)(a) and/or (b).

TENTH CAUSE OF ACTION

Falsifying Patient Records

(Respondents Weingrow, Jaffer, and Rubio-Veronica)

XXII.

By falsely documenting patient initials and dates of service on patient informed consent labels, and by allowing his staff to falsely document that information, Jaffer, Rubio-Veronica and Weingrow are each guilty of "unprofessional conduct and conduct contrary to the public interest", as defined at NAC 639.945(1)(h).

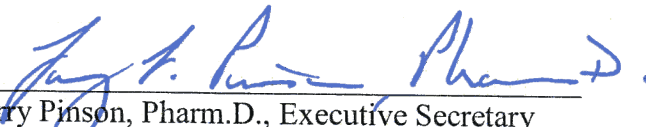
XXIII.

For the misconduct and violations described in each of the Causes of Action above, Respondents, and each of them, are subject to discipline per NRS 639.210(1), (4), (11) and/or (12), and NRS 639.255, as well as NAC 639.7445.

XXIV.

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

Signed this 27th day of February, 2018.


Larry Pinson, Pharm.D., 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.

ORIGINAL

FILED

MAR 23 2018

NEVADA STATE BOARD
OF PHARMACY

1 Jason G. Weiner, Esq.
2 Nevada Bar No. 7555
3 Gregory V. Cortese, Esq.
4 Nevada Bar No. 6610
5 WEINER LAW GROUP, LLC.
6 2820 W. Charleston Blvd., #35
7 Las Vegas, Nevada 89102
8 Phone: (702) 202-0500
9 Fax: (702) 202-4999
10 gcortese@weinerlawnevada.com
11 Attorneys for Respondent
12 Craig Weingrow, M.D.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

13 NEVADA STATE BOARD OF
14 PHARMACY,

15 Petitioner,

16 v.

17 CRAIG WEINGROW, M.D.,
18 Certificate of Registration Nos. CS20272
19 PD00502,

20 TERESA JAFFER, T.D.
21 Certificate of Registration No. TD01408,

22 and

23 MARECXY RUBIO-VERONICA, T.D.,
24 Certificate of Registration No. TD01461

25 Respondents.

CASE NOS. 17-066-CS-S
17-066-TD-A-S
17-066-TD-B-S

ANSWER AND NOTICE OF DEFENSE
OF CRAIG WEINGROW, M.D.

26 Respondent CRAIG WEINGROW, M.D., in answer to the Notice of Intended Action
27 and Accusation filed in the above entitled matter before the Nevada State Board of Pharmacy,
28 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: None.

WEINER LAW GROUP, LLC
2820 W. Charleston Blvd., #35
Las Vegas, Nevada 89102
Tel: (702) 202-0500 Fax: (702) 202-4999

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

Respondent CRAIG WEINGROW, M.D., admits the following allegations: I, III (3), III (7), III (8), III (9), IV, V, VI, VII, VIII, IX, X, XI, XII

Respondent CRAIG WEINGROW, M.D., denies the following allegations: III (1), III (2), III (4), III (5), III (6), III (10), XIII, XIV, XV, XVI, XVII, XVIII, XIX, XX, XXI, XXII, XXIII, XXIV

Respondent CRAIG WEINGROW, M.D., is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs: II, III (11),


Any paragraph not explicitly admitted or denied is hereby denied.

Therefore, Respondent CRAIG WEINGROW, M.D., respectfully requests:

1. That the Board deny the requested relief in the Complaint; and
2. For such other relief as the Board finds to be just and proper.

DATED this 22 day of March, 2018.

WEINER LAW GROUP, LLC




Jason G. Weiner, Esq.
Nevada Bar No. 7555
Gregory V. Cortese, Esq.
Nevada Bar No. 6610
2820 W. Charleston Blvd., Ste. 35
Las Vegas, NV 89102
Attorneys for Respondent
Craig Weingrow, M.D.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of March, 2018, I served a true and correct copy of the aforementioned **ANSWER AND NOTICE OF DEFENSE OF CRAIG WEINGROW, M/D.** by facsimile and by U.S. Mail addressed to the following:

Larry Pinson, Pharm.D
Executive Secretary
Nevada State Board of Pharmacy
431 W. Plumb Lane
Reno, NV 89509
FaX: (775) 850-1444



An Employee of the Weiner Law Group, LLC

WEINER LAW GROUP, LLC
2820 W. Charleston Blvd. #35
Las Vegas, Nevada 89102
Tel: (702) 202-0500 Fax: (702) 202-4999

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 17-066-TD-A-S
)	
Petitioner,)	
v.)	
)	
TERESA JAFFER, TD	)	ANSWER AND NOTICE
Certificate of Registration No. TD01408,	)	OF DEFENSE
)	
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 _____, 2018.

TERESA JAFFER, TD

03/14/2018

To whom it may concern:

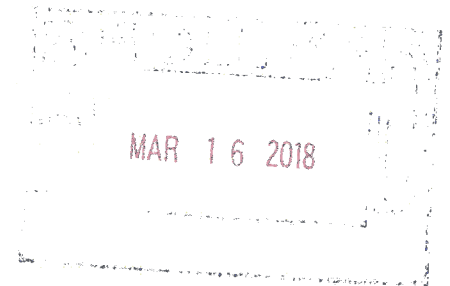
I Teresa Jaffer am surrendering all licenses I have with the state board of pharmacy, I will not be needing it at this time. License # TD01408

I'm not admitting any wrongdoing.

Thanks

Teresa Jaffer

Teresa Jaffer



State of Nevada

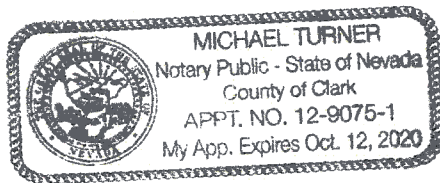
County of Clark

This instrument was acknowledged

before me on 3/14/2018

by Teresa Jaffer

[Signature]





NEVADA STATE BOARD OF PHARMACY
OFFICE OF THE GENERAL COUNSEL

WRITER'S DIRECT DIAL: (775) 850-1440 • E-MAIL: pedwards@pharmacy.nv.gov • FAX: (775) 850-1444

March 22, 2018

COPY

Teresa Jaffer
7200 Smoke Ranch Road, #120
Las Vegas, Nevada 89128

Re: Case No. 17-066-TD-A-S

Dear Ms. Jaffer:

The Nevada State Board of Pharmacy (Board) is in receipt of your March 16, 2018 correspondence voluntarily surrendering your Certificate of Registration No. TD01408 in response to the *Notice of Intended Action and Accusation* served upon you in Case No. 17-066-TD-A-S. NRS 233B.121(6) mandates that "[t]he voluntary surrender of a license in a contested case shall be deemed to constitute disciplinary action against the licensee."

As a disciplinary action, your voluntary surrender will be reported to the Board at the hearing scheduled for April 11, 2018, will be incorporated into the Board's order in Case No. 17-066-TD-A-S, and will be reported as a disciplinary action to the National Practitioner Data Bank pursuant to 42 U.S.C. § 1396r-2 and 45 CFR Part 60.

Additionally, please be aware that under Nevada law (NRS 639.257) you cannot petition for reinstatement or apply for a new registration from the Board for at least one year. If you do petition for reinstatement or apply for a new registration with the Board, you could still be required to appear before the Board to answer questions, including a discussion of the facts and circumstances surrounding Case No. 17-006-TD-A-S.

Please contact me at 775-850-1440 or pedwards@pharmacy.nv.gov if you have questions.

Best regards,



S. Paul Edwards, Esq.
General Counsel
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 17-066-TD-B-S
)	
Petitioner,)	
)	
v.)	
)	
MARECXY RUBIO-VERONICA, PT	)	ANSWER AND NOTICE
Certificate of Registration No. TD01461,	)	OF DEFENSE
)	
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 _____, 2018.

MARECXY RUBIO-VERONICA, PT

03/14/2018

To whom it may concern:

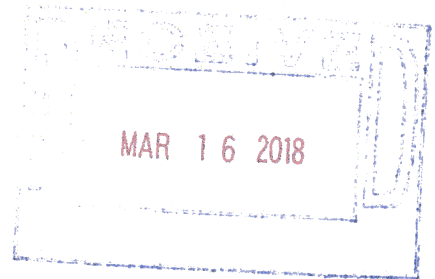
I Mariecxy Anel Rubio-Veronica am surrendering all licenses I have with the state board of pharmacy, I will not be needing it at this time. License # TD01461

I'm not admitting any wrongdoing.

Thanks

Mariecxy A Rubio V

Mariecxy A. Rubio V.



State of Nevada

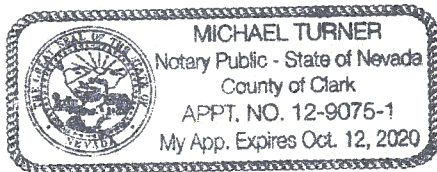
County of Clark

This instrument was acknowledged

before me on 03/14/2018

by Mariecxy Anel Rubio-Veronica

A handwritten signature in black ink, appearing to be "MT", written over a horizontal line.





NEVADA STATE BOARD OF PHARMACY
OFFICE OF THE GENERAL COUNSEL

WRITER'S DIRECT DIAL: (775) 850-1440 • E-MAIL: pedwards@pharmacy.nv.gov • FAX: (775) 850-1444

March 22, 2018

COPY

Marecxy Rubio-Veronica
7200 Smoke Ranch Road, #120
Las Vegas, Nevada 89128

Re: Case No. 17-066-TD-B-S

Dear Ms. Rubio-Veronica:

The Nevada State Board of Pharmacy (Board) is in receipt of your March 16, 2018 correspondence voluntarily surrendering your Certificate of Registration No. TD01461 in response to the *Notice of Intended Action and Accusation* served upon you in Case No. 17-066-TD-B-S. NRS 233B.121(6) mandates that "[t]he voluntary surrender of a license in a contested case shall be deemed to constitute disciplinary action against the licensee."

As a disciplinary action, your voluntary surrender will be reported to the Board at the hearing scheduled for April 11, 2018, will be incorporated into the Board's order in Case No. 17-066-TD-B-S, and will be reported as a disciplinary action to the National Practitioner Data Bank pursuant to 42 U.S.C. § 1396r-2 and 45 CFR Part 60.

Additionally, please be aware that under Nevada law (NRS 639.257) you cannot petition for reinstatement or apply for a new registration from the Board for at least one year. If you do petition for reinstatement or apply for a new registration with the Board, you could still be required to appear before the Board to answer questions, including a discussion of the facts and circumstances surrounding Case No. 17-006-TD-B-S.

Please contact me at 775-850-1440 or pedwards@pharmacy.nv.gov if you have questions.

Best regards,

S. Paul Edwards, Esq.
General Counsel
Nevada State Board of Pharmacy

FEB 23 2018

NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

KATRINA RENEE YOUNG, PT

Certificate of Registration No. PT15359,

Respondent.

) CASE NO. 17-129-PT-S

)

)

)

)

) NOTICE OF INTENDED ACTION
) AND ACCUSATION

)

)

/

Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, 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.

JURISDICTION

I.

The Nevada State Board of Pharmacy (Board) has jurisdiction over this matter because Respondent Katrina Renee Young, PT (Ms. Young), Certificate of Registration No. PT15359, was a registered pharmaceutical technician with the Board at the time of the events alleged herein.

FACTUAL ALLEGATIONS

II.

In November 2017, Smith's Food & Drug Stores (Smith's) notified Board Staff that it terminated Ms. Young from her employment as a pharmaceutical technician at Smith's Pharmacy #345.

III.

Smith's terminated Ms. Young's employment for diversion of controlled substances.

IV.

Ms. Young admitted to diverting controlled substances from Smith's Pharmacy #345 in a written statement and verbally during an interview conducted by a Smith's pharmacy coordinator and a Smith's asset protection manager.

V.

Ms. Young admitted that from June 2015 until October 2017, she diverted approximately 50 to 100 Soma (Carisoprodol) tablets each month from Smith's.

VI.

Ms. Young diverted the drugs by going into a bay within the pharmacy and placing the drugs in her pocket.

VII.

Smith's reported the theft to law enforcement.

FIRST CAUSE OF ACTION

VIII.

Nevada Revised Statutes (NRS) 453.331(d) states, in relevant part, that "[i]t is unlawful for a person knowingly or intentionally to . . . [a]cquire or obtain . . . possession of a controlled substance . . . by misrepresentation, fraud, forgery, deception, subterfuge or alteration." NRS 639.210(12) says that a violation or attempt to violate "any law or regulation relating to drugs, the . . . distribution of drugs or the practice of pharmacy . . . committed by the holder of a certificate, license [or] registration" is grounds for suspension or revocation of any certificate, license or permit licensed by the Board.

By diverting controlled substances as alleged herein, Ms. Young violated NRS 453.331(1)(d). She is subject to discipline pursuant to NRS 639.210(12) and NRS 639.255.

SECOND CAUSE OF ACTION

IX.

NRS 453.336(1) states, in relevant part, that "a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a [lawful] prescription or order of a [practitioner]". NRS 639.210(12) says that a violation or attempt to violate "any law or regulation relating to drugs, the . . . distribution of

drugs or the practice of pharmacy . . . committed by the holder of a certificate, license [or] registration . . .” is grounds for suspension or revocation of any certificate, license or permit licensed by the Board.

By diverting controlled substances as alleged herein, Ms. Young violated NRS 453.336(1). She is subject to discipline pursuant to NRS 639.210(12) and NRS 639.255.

THIRD CAUSE OF ACTION

X.

Nevada Administrative Code (NAC) 639.945(1)(g) states that “[s]upplying or diverting drugs . . . which are legally sold in pharmacies . . . so that unqualified persons can circumvent any law pertaining to the legal sale of such articles” constitutes “unprofessional conduct and conduct contrary to the public interest.” NRS 639.210(4) says that conduct that is unprofessional or contrary to the public interest is grounds for suspension or revocation of any certificate, license or permit licensed by the Board.

By diverting controlled substances as alleged herein, Ms. Young violated NAC 639.945(1)(g). She is guilty of unprofessional conduct and is subject to discipline pursuant to NRS 639.210(4) and NRS 639.255.

FOURTH CAUSE OF ACTION

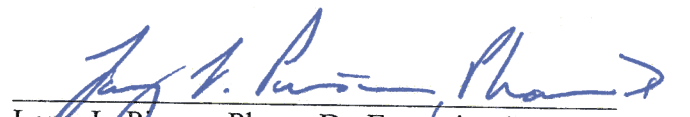
XI.

NAC 639.945(1)(h) states that “[p]erforming or in any way being a party to any fraudulent or deceitful practice or transaction” constitutes “unprofessional conduct and conduct contrary to the public interest.” NRS 639.210(4) says that conduct that is unprofessional or contrary to the public interest is grounds for suspension or revocation of any certificate, license or permit licensed by the Board.

By diverting controlled substances as alleged herein, Ms. Young violated NAC 639.945(1)(h), is guilty of unprofessional conduct, and is subject to discipline pursuant to NRS 639.210(4) and NRS 639.255.

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

Signed this 23rd day of February, 2018.


Larry L. Pinson, Pharm.D., 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 the Notice of Intended Action and Accusation a written statement showing your compliance.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 17-129-PT-S
)	
Petitioner,)	
v.)	
)	
KATRINA RENEE YOUNG, PT	)	ANSWER AND NOTICE
Certificate of Registration No. PT15359,	)	OF DEFENSE
)	
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 March, 2018.

KATRINA RENEE YOUNG, PT

FEB 23 2018

NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NOS. 17-038-RPH-S
)	
Petitioner,)	
v.	)	NOTICE OF INTENDED ACTION
	)	AND ACCUSATION
NAZALENE KEMAL ZEBARI, RPH)	
Certificate of Registration No. 16946)	
)	
Respondent.)	
	/	

Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, 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.

JURISDICTION

I.

The Nevada State Board of Pharmacy (Board) has jurisdiction over this matter and this respondent because at the time of the alleged events, Respondent Nazalene Zebari, R.Ph. (Zebari), Certificate of Registration 16946, was a pharmacist registered by the Board.

FACTUAL ALLEGATIONS

II.

In April 2017, Walmart Pharmacy #10-4557 (Walmart) notified Board Staff that it terminated Zebari from her employment as a pharmacist at Walmart.

III.

Walmart terminated Zebari's employment after she created and filled for personal use a "telephone prescription" for Singulair 10 mg. tablets (Prescription No. 6928848).

IV.

Zebari admits in writing that she did fabricate a "telephone prescription" for Singular on June 5, 2016.

V.

Zebari indicated on the "telephone prescription" she created that Dr. Koussay Zarka prescribed the medication.

VI.

Zabari did not have a bona fide patient/practitioner relationship with Dr. Zarka at the time she fabricated the prescription for Singular.

VII.

Dr. Zarka did not prescribe Prescription No. 6928848 for Zebari.

VIII.

Zebari is not, and never has been, licensed as a practitioner in Nevada.

IX.

Zabari is not registered to issue prescriptions in Nevada.

X.

After being apprised by Walmart of the prescription unlawfully written using his name, Dr. Zarka reviewed a copy of the prescription provided by Walmart. Dr. Zarka signed, dated and documented "not authorized" on the copy of the falsified prescription. He also signed a statement affirming that he did not authorize Prescription No. 6928848 for Zebari.

XI.

Zebari paid for the fraudulent prescription by paying the copayment out of pocket and billing the prescription through her Walmart insurance plan.

XII.

Zebari did not ingest any of the Singulair tablets. She instead sent the medication to a relative that resides in California. The relative ingested thirty-four (34) tablets.

FIRST CAUSE OF ACTION

XIII.

Nevada Administrative Code (NAC) 639.945(1)(h) states that "[p]erforming or in any way being a party to any fraudulent or deceitful practice or transaction" constitutes "unprofessional conduct and conduct contrary to the public interest." Nevada Revised Statutes 639.210(4) says that conduct that is unprofessional or contrary to the public interest is grounds for suspension or revocation of any certificate, license or permit licensed by the Board.

By creating a fraudulent prescription for a dangerous drug for herself as alleged above, Zebari, violated NAC 639.945(1)(h). That violation is grounds for action pursuant to NRS 639.210(1), (4), (11) and/or (12), and NRS 639.255.

SECOND CAUSE OF ACTION

XIV.

In order to lawfully write a prescription, a person must be a licensed practitioner, as that term is defined in NRS 639.0125. NAC 639.945(k) states that “[p]erforming any act, task or operation for which licensure, certification or registration is required without the required license, certificate or registration” constitutes “unprofessional conduct and conduct contrary to the public interest.” Per NRS 639.210(4), conduct that is unprofessional or contrary to the public interest is grounds for suspension or revocation of any certificate, license or permit licensed by the Board.

Zebari has never been licensed as a practitioner and has never been authorized to prescribe dangerous drugs in Nevada.

By prescribing a dangerous drug for herself, Zebari violated NAC 639.945(1)(h) and (k), which violations are grounds for action pursuant to NRS 639.210(1), (4), (11) and/or (12), as well as NRS 639.255.

THIRD CAUSE OF ACTION

XV.

NAC 639.945(1)(h) states that “[p]erforming or in any way being a party to any fraudulent or deceitful practice or transaction” constitutes “unprofessional conduct and conduct contrary to the public interest.” NRS 639.210(4) says that conduct that is unprofessional or contrary to the public interest is grounds for suspension or revocation of any certificate, license or permit licensed by the Board.

By processing a fraudulent prescription (Prescription No. 6928848) for a dangerous drug without a lawful prescription or authorization from a practitioner, and by billing that prescription to an insurance provider, Zebari violated Nevada Administrative Code (NAC) 639.945(1)(h), which

violations are grounds for action pursuant to Nevada Revised Statute (NRS) 639.210(1), (4), and (11), as well as NRS 639.255.

FOURTH CAUSE OF ACTION

XVI.


“A person who furnishes any dangerous drug [to another person] except upon the prescription of a practitioner is guilty of a category D felony... unless the dangerous drug was obtained originally by a legal prescription.” See NRS 454.221.

NAC 639.945(1)(h) states that “[p]erforming or in any way being a party to any fraudulent or deceitful practice or transaction” constitutes “unprofessional conduct and conduct contrary to the public interest.” NRS 639.210(4) says that conduct that is unprofessional or contrary to the public interest is grounds for suspension or revocation of any certificate, license or permit licensed by the Board.

By furnishing a dangerous drug, namely, Singulair 10 mg. tablets, to another person without a legal prescription, Zebari violated NAC 639.945(1)(h), which violations are grounds for action pursuant to NRS 454.221, NRS 639.210(1), (4), (11) and/or (12), as well as NRS 639.255.

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

Signed this 23rd day of February, 2018.


Larry L. Pinson, Pharm.D., 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.

FILED

MAR 14 2018

NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

) ANSWER AND
) NOTICE OF DEFENSE

Petitioner,

)

v.

)

)

NAZALENE KEMAL ZEBARI, RPH

) CASE NO. 17-038-RPH-S

Certificate of Registration No. 16946

)

)

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").

none

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

see attached

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 7th day of March, 2018.



NAZALENE ZEBARI, R.PH.

03/07/2018

To Nevada Board of Pharmacy,

I have received the Notice of Intended Action and Accusation and I admit to the causes of actions brought against me. I sincerely apologize to the Board for my unprofessional behavior and assure you that this will never happen again. I've made many attempts to rectify my wrong doing in many ways. I've sent an apology letter to the physician I used for my fraudulent prescription and left a message on his work phone. I've apologized to my district manager, my former staff, and Walmart Corporate. I've tried to pay restitution for the Singulair prescription by reaching out to my previous insurance company and by emailing Walmart. I've taken extra continuing education courses on Ethics and Professionalism. I contacted the Board in May last year to apologize for my action. My intention is to prove to the Board that I am trying to redeem myself so that I may continue to serve the community in an honest, professional way.

Thank you for your time,

Nazalene Zebari

Ngh Thi
3-7-18

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NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 16-090-RPH-S
	)	16-090-PH-S
Petitioner,)	
v.)	
)	
DEBRA FAYE BOWERSOX, RPH	)	NOTICE OF INTENDED ACTION
Certificate of Registration No. 18371,	)	AND ACCUSATION
)	
WALGREENS PHARMACY #05646)	
Certificate of Registration No. PH01505)	
)	
Respondents.	/	

Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, 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.

JURISDICTION

I.

The Nevada State Board of Pharmacy (Board) has jurisdiction over this matter and these respondents because at the time of the alleged events, Respondents Debra Faye Bowersox (Bowersox), Certificate of Registration No. 18371, was a pharmacist registered by the Board, and Respondent Walgreens Pharmacy #05646, Certificate of Registration No. PH01505 (Walgreens), was a pharmacy registered by the Board.

FACTUAL ALLEGATIONS

II.

On or about August 13, 2016, Dr. H.'s office called in a prescription to Walgreens for canine patient Maggie Mae. Dr. H. prescribed a quantity of sixty (60) Phenobarbital 60 mg. tablets with instructions to take one (1) tablet twice daily to control seizures.

III.

The prescription allowed for up to three (3) refills.

IV.

Walgreens processed the prescription and designated it as Prescription No. 1439264.

V.

On November 15, 2016, Maggie Mae's owner, S.R., used Walgreens' automated phone system to request the third refill of Prescription No. 1439264.

VI.

Pharmaceutical technician-in-training Olivia Consellyea (Consellyea) began the refill process by pulling the stock medication bottle from the pharmacy shelf. Consellyea inadvertently retrieved Phenobarbital **15 mg.** tablets rather than the Phenobarbital **60 mg.** tablets as prescribed.

VII.

During the filling process, Consellyea performed a manual override of the NDC for Phenobarbital 60 mg. tablets for Prescription No. 1439264. She manually entered the NDC for Phenobarbital 15 mg. tablets.

VIII.

Respondent Ms. Bowersox was the verifying pharmacist for the third refill of Prescription No. 1439264. During the verification process, Ms. Bowersox failed to detect the medication error and verified the Phenobarbital 15 mg. tablets as correct.

IX.

On November 16, 2016, S.R. picked up the third refill of Maggie Mae's medication and administered the first dose of the incorrect strength of Phenobarbital that evening.

X.

Maggie Mae had a seizure five days later, on November 21, 2016.

XI.

S.R. examined the tablets and noticed that the stamped number on the tablets was *WW 445*. The tablet identifier on the prescription label was *WW 455*.

XII.

S.R. contacted Walgreens where an unidentified pharmacy staff member assured S.R. that the medication dispensed on November 16, 2016, was correct.

XIII.

By November 22, 2016, Maggie Mae experienced seven (7) seizures within a twenty-three and a half-hour period.

XIV.

S.R. again contacted Walgreens. This time pharmacy manager Aimee Zold (Zold) requested that S.R. bring in Maggie Mae's medication.

XV.

Zold identified the medication dispensed on November 16, 2016, as Phenobarbital 15 mg. tablets.

XVI.

Maggie Mae ingested approximately eleven (11) of the wrong medication before the error in the strength was detected.

FIRST CAUSE OF ACTION

(Respondent Bowersox)

XVII.

Nevada Administrative Code (NAC) 639.945(1)(d) defines unprofessional conduct to include the failure by a licensee to follow strictly the instructions of a prescriber when filling, labeling and dispensing a prescription. Unprofessional conduct also includes performing duties in an "incompetent, unskillful or negligent manner". See NAC 639.945(1)(i).

Respondent Ms. Bowersox engaged in unprofessional conduct in violation of NAC

639.945(1)(d) and (i) by verifying as accurate Phenobarbital **15 mg.** tablets with instructions to take one (1) tablet twice daily; rather than the Phenobarbital **60 mg.** tablets that Maggie Mae's doctor prescribed. That conduct caused Maggie Mae to ingest the wrong medication for approximately six (6) days.

SECOND CAUSE OF ACTION

(Respondent Walgreens #05646)

XVIII.

As the pharmacy in which the violations alleged above occurred, Walgreens Pharmacy #05646 is responsible for the actions of Respondent Bowersox and pharmaceutical technician-in-training Consellyea pursuant to NRS 639.230(5), NAC 639.945(2) and/or NAC 639.702.


XIX.

For the errors, misconduct and violations alleged above in the First and Second Causes of Action, Respondents, and each of them, are subject to discipline pursuant NRS 639.210(4), (12) and/or (15), as well as NRS 639.230(5) and/or NRS 639.255.

XX.

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

Signed this 15th day of March 2018.


Larry L. Pinson, Pharm.D., 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,	)	ANSWER AND
	)	NOTICE OF DEFENSE
Petitioner,)	
v.)	
)	
DEBRA FAYE BOWERSOX, RPH	)	CASE NO. 16-090-RPH-S
Certificate of Registration No. 18371)	
)	
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 March, 2018.

DEBRA FAYE BOWERSOX, R.PH.

FILED

MAR 01 2018

NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,)	CASE NO. 16-090-RPH-S
	)	16-090-PH-S
Petitioner,)	
v.)	
)	
DEBRA FAYE BOWERSOX, RPH	)	NOTICE OF INTENDED ACTION
Certificate of Registration No. 18371,	)	AND ACCUSATION
)	
WALGREENS PHARMACY #05646)	
Certificate of Registration No. PH01505)	
)	
Respondents.	/	

Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, 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.

JURISDICTION

I.

The Nevada State Board of Pharmacy (Board) has jurisdiction over this matter and these respondents because at the time of the alleged events, Respondents Debra Faye Bowersox (Bowersox), Certificate of Registration No. 18371, was a pharmacist registered by the Board, and Respondent Walgreens Pharmacy #05646, Certificate of Registration No. PH01505 (Walgreens), was a pharmacy registered by the Board.

FACTUAL ALLEGATIONS

II.

On or about August 13, 2016, Dr. H.'s office called in a prescription to Walgreens for canine patient Maggie Mae. Dr. H. prescribed a quantity of sixty (60) Phenobarbital 60 mg. tablets with instructions to take one (1) tablet twice daily to control seizures.

III.

The prescription allowed for up to three (3) refills.

IV.

Walgreens processed the prescription and designated it as Prescription No. 1439264.

V.

On November 15, 2016, Maggie Mae's owner, S.R., used Walgreens' automated phone system to request the third refill of Prescription No. 1439264.

VI.

Pharmaceutical technician-in-training Olivia Consellyea (Consellyea) began the refill process by pulling the stock medication bottle from the pharmacy shelf. Consellyea inadvertently retrieved Phenobarbital **15 mg.** tablets rather than the Phenobarbital **60 mg.** tablets as prescribed.

VII.

During the filling process, Consellyea performed a manual override of the NDC for Phenobarbital 60 mg. tablets for Prescription No. 1439264. She manually entered the NDC for Phenobarbital 15 mg. tablets.

VIII.

Respondent Ms. Bowersox was the verifying pharmacist for the third refill of Prescription No. 1439264. During the verification process, Ms. Bowersox failed to detect the medication error and verified the Phenobarbital 15 mg. tablets as correct.

IX.

On November 16, 2016, S.R. picked up the third refill of Maggie Mae's medication and administered the first dose of the incorrect strength of Phenobarbital that evening.

X.

Maggie Mae had a seizure five days later, on November 21, 2016.

XI.

S.R. examined the tablets and noticed that the stamped number on the tablets was *WW 445*. The tablet identifier on the prescription label was *WW 455*.

XII.

S.R. contacted Walgreens where an unidentified pharmacy staff member assured S.R. that the medication dispensed on November 16, 2016, was correct.

XIII.

By November 22, 2016, Maggie Mae experienced seven (7) seizures within a twenty-three and a half-hour period.

XIV.

S.R. again contacted Walgreens. This time pharmacy manager Aimee Zold (Zold) requested that S.R. bring in Maggie Mae's medication.

XV.

Zold identified the medication dispensed on November 16, 2016, as Phenobarbital 15 mg. tablets.

XVI.

Maggie Mae ingested approximately eleven (11) of the wrong medication before the error in the strength was detected.

FIRST CAUSE OF ACTION

(Respondent Bowersox)

XVII.

Nevada Administrative Code (NAC) 639.945(1)(d) defines unprofessional conduct to include the failure by a licensee to follow strictly the instructions of a prescriber when filling, labeling and dispensing a prescription. Unprofessional conduct also includes performing duties in an "incompetent, unskillful or negligent manner". See NAC 639.945(1)(i).

Respondent Ms. Bowersox engaged in unprofessional conduct in violation of NAC

639.945(1)(d) and (i) by verifying as accurate Phenobarbital **15 mg.** tablets with instructions to take one (1) tablet twice daily; rather than the Phenobarbital **60 mg.** tablets that Maggie Mae's doctor prescribed. That conduct caused Maggie Mae to ingest the wrong medication for approximately six (6) days.

SECOND CAUSE OF ACTION

(Respondent Walgreens #05646)

XVIII.

As the pharmacy in which the violations alleged above occurred, Walgreens Pharmacy #05646 is responsible for the actions of Respondent Bowersox and pharmaceutical technician-in-training Consellyea pursuant to NRS 639.230(5), NAC 639.945(2) and/or NAC 639.702.


XIX.

For the errors, misconduct and violations alleged above in the First and Second Causes of Action, Respondents, and each of them, are subject to discipline pursuant NRS 639.210(4), (12) and/or (15), as well as NRS 639.230(5) and/or NRS 639.255.

XX.

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

Signed this 13th day of March 2018.


Larry L. Pinson, Pharm.D., 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,	)	ANSWER AND
	)	NOTICE OF DEFENSE
v.)	
)	
DEBRA FAYE BOWERSOX, RPH	)	CASE NO. 16-090-RPH-S
Certificate of Registration No. 18371)	
)	
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 March, 2018.

DEBRA FAYE BOWERSOX, R.PH.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	ANSWER AND
	)	NOTICE OF DEFENSE
v.)	
)	
WALGREENS PHARMACY #05646	)	CASE NO. 16-090-PH-S
Certificate of Registration No. PH01505)	
)	
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 March 2018.

Type or print name

AUTHORIZED REPRESENTATIVE FOR
WALGREENS PHARMACY #05646