

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,)	CASE NO. 16-044-RPH-N
)	
Petitioner,)	
v.)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW
ZACHARY HANSEN, R.PH.)	AND ORDER
Certificate of Registration No. 19148,)	
)	
Respondent.	/	

This matter came before the Nevada State Board of Pharmacy (Board) at its regularly scheduled meeting held on Wednesday, September 7, 2016, in Reno, Nevada. S. Paul Edwards, Esq., prosecuted the case in his capacity as the Board’s General Counsel. Respondent Zachary Hansen, R.Ph. (Mr. Hansen), Certificate of Registration No. 19148, appeared without counsel. The Board heard the case, and based on the evidence presented, the Board makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. The Board served a Notice of Intended Action and Accusation (Accusation) on respondent Mr. Hansen, by certified mail, on or about August 2, 2016, which Mr. Hansen received.
2. Mr. Hansen filed an Answer and Notice of Defense (Answer) in response to the allegations in the Accusation, which the Board received on or about August 29, 2016.
3. In his Answer, Mr. Hansen stated no objection to the Accusation, and responded “Admits” to the allegations stated in the Accusation.

4. Based on the Answer, and based on the additional evidence introduced during the hearing, including Mr. Hansen's testimony, the Board finds as follows:

a. On or about June 29, 2016, Board Staff received notification from Smith's Food and Drug Stores (Smith's) indicating that it had terminated Mr. Hansen from his employment as a pharmacist. Smith's terminated Mr. Hansen's employment for falsifying and filling fraudulent prescriptions for a controlled substance, as described herein.

b. On or about June 22, 2016, Amy Seely, Smith's Loss Prevention Manager, and Mark Nebeker, Smith's Pharmacy #388 Manager, interviewed Mr. Hansen regarding three prescriptions that he filled on May 30, 2016.

c. On that date, Mr. Hansen filled one prescription for himself and two prescriptions using the name of his sister-in-law. All three prescriptions were for dextroamphetamine-amphetamine (Adderall).

d. Smith's pharmacy records indicate that:

- i. No one paid for any of the three prescriptions;
- ii. Mr. Hansen alone completed the entire filling process for each prescription; and
- iii. Mr. Hansen filled each prescription outside of normal business hours.

e. Based on Smith's records, and based on written admissions by Mr. Hansen, Smith's suspended Mr. Hansen's employment pending further investigation.

f. Smith's investigation ultimately revealed that from August 7, 2015, through June 17, 2016, Mr. Hansen created and filled thirty-eight (38) fraudulent prescriptions

for dextroamphetamine-amphetamine, in various strengths, for a combined total of 1,485 tablets and/or capsules.

g. Mr. Hansen admitted in writing to falsifying and filling several prescriptions for dextroamphetamine-amphetamine in various strengths for his own personal use.

h. To obtain the subject medication, Mr. Hansen used a word processing program to create fraudulent prescriptions using his name, and also using the names and profiles of some of his family members, as patients. He used the names of his family members without their knowledge.

i. Mr. Hansen falsely used Dr. Heather Sojourner as the prescriber on each of the fraudulent prescriptions.

j. Mr. Hansen used Dr. Sojourner as the prescriber on his fabricated prescriptions because he once resided in Utah and was Dr. Sojourner's patient at the Jordan Family Health practice in South Jordan, Utah. Dr. Sojourner's office confirmed that Dr. Sojourner last treated Mr. Hansen in July 2015.

k. In a written statement, Mr. Hansen indicated that in 2014, prior to his employment with Smith's, he received treatment from Dr. Sojourner. At that time, she prescribed medications to treat Mr. Hansen's symptoms.

l. Mr. Hansen continued treatment through the fall of 2015, at which time he moved to Nevada.

m. Mr. Hansen billed some of the fraudulent prescriptions for payment to his insurance provider. He paid cash when the insurance company no longer provided coverage.

n. Mr. Hansen claims that toward the end of his treatment with Dr. Sojourner, he became addicted to the dextroamphetamine-amphetamine. The dosage Dr. Sojourner was prescribing at that time did not satisfy his addiction, so he obtained the medication illegally by creating and filling fraudulent prescriptions for himself.

o. Smith's provided a list of the falsified prescriptions to Dr. Sojourner for review. She affirmed that each of the thirty eight prescriptions Mr. Hansen attributed to her are fraudulent.

p. Mr. Hansen attempted to conceal his conduct by filling the fabricated prescriptions outside of Smith's Pharmacy's normal business hours, when no other pharmacy personnel were present.

CONCLUSIONS OF LAW

Based upon the forgoing findings of fact, the Board concludes as a matter of law:

5. The Board has jurisdiction over this matter because at the time of the events alleged in the Accusation, Mr. Hansen was a pharmacist licensed with the Board.

6. By forging and otherwise creating multiple fraudulent prescriptions for dextroamphetamine-amphetamine in various strengths for himself and others, Mr. Hansen violated NRS 453.331(1)(d).

7. By forging and otherwise creating multiple fraudulent prescriptions for dextroamphetamine-amphetamine in various strengths for himself and others, and by obtaining and possessing dextroamphetamine-amphetamine by way of those unlawful prescriptions, Mr. Hansen violated NRS 453.336(1).

8. By forging and otherwise creating multiple fraudulent prescriptions for dextroamphetamine-amphetamine in various strengths for himself and others, Mr. Hansen violated NAC 639.945(1)(h), and is guilty of unprofessional conduct.

9. By forging and otherwise creating multiple fraudulent prescriptions for dextroamphetamine-amphetamine in various strengths for himself and others, Mr. Hansen, a non-practitioner, violated NAC 639.945(1)(k), is guilty of unprofessional conduct.

10. By forging and otherwise creating multiple fraudulent prescriptions for dextroamphetamine-amphetamine in various strengths for himself and others, Mr. Hansen violated NRS 453.226 and NRS 231(3).

11. For each of the forgoing violations, Mr. Hansen is subject to discipline pursuant to NRS 639.210(11), as well as NRS 639.255.

ORDER

THEREFORE, THE BOARD HEREBY ORDERS:

12. For the violations found under the First Cause of Action, the pharmacist license of Respondent Zachary Hansen, R.Ph. (Mr. Hansen), Certificate of Registration No. 19148 (Mr. Hansen's pharmacist license), is revoked effective immediately.

13. For the violations found under the Second Cause of Action, Mr. Hansen's pharmacist license is revoked effective immediately.

14. For the violations found under the Third Cause of Action, Mr. Hansen's pharmacist license is revoked effective immediately.

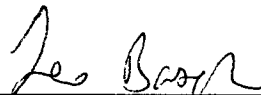
15. For the violations found under the Fourth Cause of Action, Mr. Hansen's pharmacist license is revoked effective immediately.

16. For the violations found under the Fifth Cause of Action, Mr. Hansen's pharmacist license is revoked effective immediately.

17. Mr. Hansen is prohibited from working in any facility licensed by the Board, including a pharmacy, in any capacity, unless and until he or she has applied to the Board for reinstatement of his or her license and the Board reinstates the same.

18. In the event Mr. Hansen applies for reinstatement, or for any other registration or certificate with the Board, he shall appear before the Board to answer questions and give testimony regarding the application and the facts and circumstances underlying this matter.

Signed this 3 day of November, 2016.



Leo Basch, President
Nevada State Board of Pharmacy