

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

)

CASE NOS. 16-017-RPH-N

)

16-017-PH-N

Petitioner,

)

v.

)

)

**SHAHIN BANAYAN, R.PH.
Certificate of Registration No. 17272**

)

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

)

**SAFEWAY PHARMACY #1537
Certificate of Registration No. PH01196**

)

)

)

Respondents.

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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 Shahin Banayan (Mr. Banayan), Certificate of Registration No.17272, was a registered pharmacist with the Board, and Respondent Safeway Pharmacy #1537, Certificate of Registration No. PH01196 (Safeway), was a pharmacy registered with the Board.

II.

On or about March 24, 2016, Mr. Banayan attempted to register with the Nevada Prescription Monitoring Program. When the PMP attempted to verify his pharmacist license, it was discovered that Mr. Banayan’s Nevada pharmacist license expired on October 31, 2015.

III.

Board Staff requested Mr. Banayan’s work schedule from November 1, 2015, through March 24, 2016, from Albertsons-Safeway Pharmacies’ Division Pharmacy Manager, Jig Patel.

From the records provided, Board Staff ascertained that Mr. Banayan had worked at Safeway approximately sixty-two (62) days from November 1, 2015, through March 24, 2016, without being properly licensed or registered with the Board.

IV.

Mr. Banayan's work history also revealed that he was employed as the managing pharmacist of Safeway during the time period that his pharmacist registration was in a non-renewed status.

V.

On the days that Mr. Banayan worked without a current pharmacist registration, there was no licensed pharmacist working at or managing Safeway #1537.

VI.

On April 1, 2016, Board Staff served Mr. Banayan with a Cease and Desist Order and Citation for the Unlawful Practice of Pharmacy, and fined Mr. Banayan \$5,000.00 for working approximately sixty-two (62) days without a current pharmacist license. Mr. Banayan did not seek a hearing to oppose that citation.

FIRST CAUSE OF ACTION

VII.

As the pharmacist in charge of a pharmacy that operated without a registered pharmacist on site, Shahin Banayan violated Nevada Revised Statute (NRS) 639.220(1) and NRS 639.284(2), as well as Nevada Administrative Code (NAC) 639.945(1)(i) and/or (j), which violations are grounds for discipline pursuant to NRS 639.210(4), (11), (12) and/or (15) and NAC 639.702, or alternatively, under NRS 639.255, as well as NAC 639.955.

SECOND CAUSE OF ACTION

VIII.

As the owner and operator of the pharmacy in which Shahin Banayan violated Nevada law, as alleged above, including in the First Cause of Action, Safeway Pharmacy #1537 is

responsible for those violations pursuant to NAC 639.945(2), which is grounds for discipline pursuant to NRS 639.210(11) and/or (12), NRS 639.255, and NAC 639.955.

THIRD CAUSE OF ACTION

IX.

In owning and operating a pharmacy without a registered pharmacist acting as the pharmacist in charge, Safeway Pharmacy #1537 violated NRS 639.220(1) and NRS 639.284(1), which violations are grounds for discipline pursuant to NRS 639.210(4), (11) and/or (12), or alternatively, under NRS 639.255, as well as NAC 639.955.

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 27th day of April, 2016.



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.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,)	CASE NO . 16-017-RPH-N
)	
Petitioner,)	
v.)	STATEMENT TO THE RESPONDENT
)	NOTICE OF INTENDED ACTION
SHAHIN BANAYAN, R.PH.)	AND ACCUSATION
Certificate of Registration No. 17272)	RIGHT TO HEARING
)	
Respondent	/	

TO THE RESPONDENT ABOVE-SAMED: 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. 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, June 1, 2016, as the date for a hearing on this matter at the Hyatt Place, 1790 East Plumb Lane, 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 27th day of April 2016.


Larry Pinson, Pharm.D., Executive Secretary
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,)	CASE NO. 16-017-RPH-N
)	
Petitioner,)	
v.)	ANSWER AND
)	NOTICE OF DEFENSE
SHAHIN BANAYAN, R.PH.)	
Certificate of Registration No. 17272)	
)	
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 _____, 2016.

SHAHIN BANAYAN, R.PH.

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Larry Pinson, Pharm.D., Executive Secretary
Nevada State Board of Pharmacy

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NEVADA STATE BOARD OF PHARMACY,)	CASE NO. 16-017-PH-N
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DATED this _____ day of _____, 2016.

Print or Type name

For SAFEWAY PHARMACY #1537