FILED
AUG - 2 2016
NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	**CASE NO. 16-044-RPH-N**
Petitioner,	)	
v.	)	
	)	**NOTICE OF INTENDED ACTION AND ACCUSATION**
ZACHARY HANSEN, R.PH.	)	
Certificate of Registration No. 19148,	)	
	)	
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.

I.

The Nevada State Board of Pharmacy (Board) has jurisdiction over this matter because Respondent Zachary Hansen, R.Ph. (Hansen), Certificate of Registration No. 19148, was a registered pharmacist with the Board at the time of the events alleged herein.

II.

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

III.

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

IV.

On that date, 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).

V.

Smith's pharmacy records indicate that:

a. No one paid for any of the three prescriptions;

b. Hansen alone completed the entire filling process for each prescription; and

c. Each prescription was filled outside of normal business hours.

VI.

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

VII.

Smith's investigation ultimately revealed that from August 7, 2015, through June 17, 2016, 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.

VIII.

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

IX.

To obtain the subject medication, 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.

X.

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

XI.

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 Hansen in July 2015.

XII.

In a written statement, Hansen indicated that in 2014, prior to his employment with Smith's, he received treatment for anxiety, mood and attention deficit symptoms from Dr. Sojourner. At that time, she prescribed fluoxetine (Prozac) and dextroamphetamine-amphetamine to treat Hansen's symptoms.

XIII.

Hansen continued treatment on those medications through the fall of 2015, at which time he moved to Nevada.

XIV.

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

XV.

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.

XVI.

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

XVII.

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.

FIRST CAUSE OF ACTION

XVIII.

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 or a prescription for 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.

In forging and otherwise creating multiple fraudulent prescriptions for dextroamphetamine-amphetamine in various strengths for himself and others, Zachary Hansen, R.Ph., violated NRS 453.331(1)(d), and is subject to discipline pursuant to NRS 639.210(12), as well as NRS 639.255.

SECOND CAUSE OF ACTION

XIX.

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.

In 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, Zachary Hansen, R.Ph., violated NRS 453.336(1), and is subject to discipline pursuant to NRS 639.210(12), as well as NRS 639.255.

THIRD CAUSE OF ACTION

XX.

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." 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.

In forging and otherwise creating multiple fraudulent prescriptions for dextroamphetamine-amphetamine in various strengths for himself and others, Zachary Hansen, R.Ph., violated NAC 639.945(1)(h), is guilty of unprofessional conduct and is subject to discipline pursuant to NRS 639.210(4), as well as NRS 639.255.

FOURTH CAUSE OF ACTION

XXI.

In order to lawfully write a prescription, a person must be 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.

In forging and otherwise creating multiple fraudulent prescriptions for dextroamphetamine-amphetamine in various strengths for himself and others, Zachary Hansen, R.Ph., a non-practitioner, violated NAC 639.945(1)(k), is guilty of unprofessional conduct and is subject to discipline pursuant to NRS 639.210(4), as well as NRS 639.255.

FIFTH CAUSE OF ACTION

XXII.

NRS 453.226 states that "[e]very practitioner or other person who dispenses any controlled substance within this State . . . shall obtain biennially a registration issued by the Board in accordance with its regulations." Likewise, NRS 453.231(3) states that "[a] practitioner must be registered before dispensing a controlled substance or conducting research with respect to a controlled substance included in schedules II to V, inclusive." The term "dispense" as used in NRS Chapter 453 includes the prescribing of a controlled substance. See *NRS 453.056.* 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.

In forging and otherwise creating multiple fraudulent prescriptions for dextroamphetamine-amphetamine in various strengths for himself and others, Zachary Hansen, R.Ph., violated NRS 453.226 and NRS 231(3), and is subject to discipline pursuant to NRS 639.210(11), as well as NRS 639.255.

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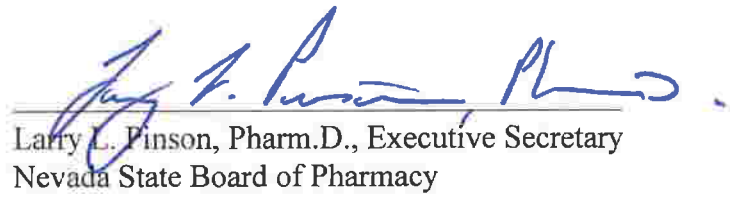
XXIII.

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 2nd day of August, 2016.



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,	)	**CASE NO. 16-044-RPH-N**
	)	
Petitioner,	)	
v.	)	
	)	**STATEMENT TO THE RESPONDENT**
ZACHARY HANSEN, R.PH.	)	**NOTICE OF INTENDED ACTION**
Certificate of Registration No. 19148,	)	**AND ACCUSATION**
	)	**RIGHT TO HEARING**
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 (Board) 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 Board 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 Board 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 7, 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 2nd day of August, 2016.

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

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	**CASE NO. 16-044-RPH-N**
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Petitioner,	)	
v.	)	
	)	
ZACHARY HANSEN, R.PH.	)	**ANSWER AND NOTICE**
Certificate of Registration No. 19148,	)	**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 _____, 2016.

_____

ZACHARY HANSEN, R.PH.

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OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	**CASE NO. 16-037-PT-N**
Petitioner,	)	
v.	)	
	)	**NOTICE OF INTENDED ACTION AND ACCUSATION**
DONATAS PRANSKEVICIUS, PT Certificate of Registration No. PT13265,	)	
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.

I.

The Nevada State Board of Pharmacy (Board) has jurisdiction over this matter because Respondent Donatas Pranskevicius, PT (Pranskevicius), Certificate of Registration No. PT13265, was a registered pharmaceutical technician with the Board at the time of the events alleged herein.

II.

On or about May 12, 2016, Board Staff received notification from the managing pharmacist of Walgreens Pharmacy #2662 (Walgreens) indicating that Walgreens terminated Pranskevicius from his employment as a pharmaceutical technician. Walgreens terminated Pranskevicius' employment for diversion of controlled substances.

III.

During his employment with Walgreens Company, Pranskevicius worked at Walgreens Stores 5295, 2658 and 2662. He admitted to diverting various controlled substances from all three locations.

IV.

During an interview conducted by a Walgreens Asset Protection Manager, and in a written statement, Pranskevicius admitted to diverting the following drugs, including controlled substances, during the period October 15, 2012 through May 1, 2016:

- Adderall – 80 tablets
- Cephalexin – 8 tablets
- Cialis – 2 tablets
- Norco 10/235 – 2,515 tablets
- Testosterone 200ml – 2 vials
- Valium 50 – tablets
- Xanax – 117 tablets

V.

Pranskevicius indicated that he diverted the drugs for personal use and to sell. He used the money to help pay for his college, purchase personal items, and to support his parents.

FIRST CAUSE OF ACTION

VI.

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.

In diverting various drugs and controlled substances in various strengths for his personal use and to sell, Respondent Pranskevicius, PT, Certificate of Registration No. PT13265, violated NRS 453.331(1)(d), and is subject to discipline pursuant to NRS 639.210(12), as well as NRS 639.255.

SECOND CAUSE OF ACTION

VII.

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.

In diverting various drugs and controlled substances in various strengths for his personal use and to sell, Respondent Pranskevicius, PT, Certificate of Registration No. PT13265, violated NRS 453.336(1), and is subject to discipline pursuant to NRS 639.210(12), as well as NRS 639.255.

THIRD CAUSE OF ACTION

VIII.

NRS 453.337(1) states, in relevant part, that unless otherwise authorized, "it is unlawful for a person to possess for the purpose of sale . . . any controlled substance classified in schedule I or II." NRS 639.210(12) says that a violation or attempt to violate "any law or regulation relating to drugs, [or] the . . . distribution of drugs . . . 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.

In diverting Adderall and Norco to sell, Respondent Pranskevicius, PT, Certificate of Registration No. PT13265, violated NRS 453.337(1), and is subject to discipline pursuant to NRS 639.210(12), as well as NRS 639.255.

FOURTH CAUSE OF ACTION

IX.

NRS 453.338(1) states, in relevant part, that unless otherwise authorized, "it is unlawful for a person to possess for the purpose of sale any controlled substance classified in schedule III, IV or V." 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.

In diverting Testosterone, Valium and/or Xanax to sell, Respondent Pranskevicius, PT, Certificate of Registration No. PT13265, violated NRS 453.338(1), and is subject to discipline pursuant to NRS 639.210(12), as well as NRS 639.255.

FIFTH 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.

In diverting various drugs and controlled substances in various strengths for himself and to sell, as alleged herein, Respondent Pranskevicius, PT, Certificate of Registration No. PT13265, violated NAC 639.945(1)(g), is guilty of unprofessional conduct and is subject to discipline pursuant to NRS 639.210(4), as well as NRS 639.255.

SIXTH 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.

In diverting various drugs and controlled substances in various strengths for himself and to sell, as alleged herein, Respondent Pranskevicius, PT, Certificate of Registration No. PT13265, violated NAC 639.945(1)(h), is guilty of unprofessional conduct and is subject to discipline pursuant to NRS 639.210(4), 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 this respondent.

Signed this ___ day of August, 2016.

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

NOTICE TO RESPONDENT

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NEVADA STATE BOARD OF PHARMACY,	)	**CASE NO. 16-037-PT-N**
	)	
Petitioner,	)	
v.	)	
	)	**STATEMENT TO THE RESPONDENT**
DONATAS PRANSKEVICIUS, PT	)	**NOTICE OF INTENDED ACTION**
Certificate of Registration No. PT13265,	)	**AND ACCUSATION**
	)	**RIGHT TO HEARING**
Respondent.	)	
	/	

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DATED this 2nd day of August, 2016.

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

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NEVADA STATE BOARD OF PHARMACY,	)	**CASE NO. 16-037-PT-N**
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DONATAS PRANSKEVICIUS, PT	)	**ANSWER AND NOTICE**
Certificate of Registration No. PT13265,	)	**OF DEFENSE**
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Respondent.	)	
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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.

_____

DONATAS PRANSKEVICIUS, PT