

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

HAKEEM SANCHEZ-BRAVO, PTT
Certificate of Registration No. PT17763,

SHELLEY VERMA, RPH
Certificate of Registration No. 17761,

WALGREENS PHARMACY #03845
Certificate of Registration No. PHN01064,

RACHAEL MCDONALD, RPH
Certificate of Registration No. 18416,

WALGREENS PHARMACY #04086
Certificate of Registration No. PH01248,

SUZETTE JACOBS, RPH
Certificate of Registration No. 17642,

WALGREENS PHARMACY #15035
Certificate of Registration No. PH02742, and

WALGREENS CO., an Illinois Corporation,

Respondents.

CASE NOS. 16-080-PTT- S

16-080-RPH-A-S
16-080-PH-A-S

16-080-RPH-B-S
16-080-PH-B-S

16-080-RPH-C-S
16-080-PH-C-S

16-080-PH-D-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.

I.

The Nevada State Board of Pharmacy (Board) has jurisdiction over this matter because at the time of the events alleged herein, Respondent Hakeem Sanchez-Bravo (Mr. Sanchez-Bravo), Certificate of Registration PT17763, was a registered pharmaceutical technician in training with the Board; Respondents Shelley Verma (Ms. Verma), Certificate of Registration No. 17761; Rachael McDonald (Ms. McDonald), Certificate of Registration No. 18416; and Suzette Jacobs

(Ms. Jacobs), Certificate of Registration 17642, were registered pharmacists with the Board. Similarly, Respondent Walgreens Pharmacy #03845, Certificate of Registration No. PHN01064; Walgreens Pharmacy #04086, Certificate of Registration PH01248; and Walgreens Pharmacy #15035, Certificate of Registration PH02742, were pharmacies registered with the Board. Walgreen Co. is an Illinois corporation that is the owner of each of the individual Walgreens pharmacies named in this matter.

II.

Nevada Administrative Code (NAC) 639.242(3) states that “[u]pon receipt of an application and the required fee, the Executive Secretary shall, unless he or she has good cause to deny the registration, issue a registration certificate for a pharmaceutical technician in training to the managing pharmacist of the pharmacy where the trainee will be employed.”

III.

Additionally, a trainee may be employed as a technician in training at multiple pharmacies, but the trainee is required to register at each location. NAC 639.242(5). If a pharmaceutical technician in training changes pharmacy locations (even within the same chain), the trainee must submit a new application and become registered for the new site. *Id.* Termination of employment at a pharmacy voids the trainee’s registration and the trainee must reapply for registration before working at any other pharmacy.

FACTUAL ALLEGATIONS

IV.

On or about January 8, 2016, the Board issued Pharmaceutical Technician Trainee Certificate of Registration No. PT17763 to Hakeem Sanchez-Bravo (Mr. Sanchez-Bravo).

V.

Certificate of Registration No. PT17763 was valid at Walgreens Pharmacy #4790.

VI.

Certificate of Registration No. PT17763 expired on October 31, 2016.

VII.

On November 7, 2016, Mr. Sanchez-Bravo telephoned the Board Office regarding the renewal of his registration. During that discussion with Board Staff, Mr. Sanchez-Bravo indicated that he has been working at Walgreens Pharmacy #03845 for the prior four months.

VIII.

Board Staff learned that Mr. Sanchez-Bravo did not have a valid pharmaceutical technician in training registration at Walgreens Pharmacy #03845.

IX.

Records provided to the Board Investigator by Walgreens' District Manager Jaclyn Latteri show that from April 2016, through November 2016, Mr. Sanchez-Bravo worked as a technician in training at three separate Walgreens' where he did not have a registration. Those records show that he worked unregistered at those locations for a combined total of approximately one-hundred and forty (140) days.

X.

Table 1 below shows the number of hours and the pharmacy manager at each location where Mr. Sanchez-Bravo worked without a registration.

<u>Walgreens Store #</u>	<u>Number of Days Sanchez-Bravo Worked Unregistered</u>	<u>Pharmacy Manager at Each Walgreens Location</u>
03845	135	Shelley Verma
04086	4	Rachael McDonald
15035	<u>1</u>	Suzette Jacobs
	Total	140

XI.

Ms. Latteri, Walgreens' District Manager, confirmed in a written statement that Mr. Sanchez-Bravo worked unlicensed as a pharmaceutical technician in training during the 140 day time period.

XII.

The Board Investigator also requested Walgreens' records documenting the hours Mr. Sanchez-Bravo was on duty during the pharmacies' hours of business. The records Walgreens

provided indicate that Mr. Sanchez-Bravo did not consistently record the hours that he worked at any of the Walgreens' locations.

XIII.

The following summarizes the number of days Mr. Sanchez-Bravo worked but failed to log his hours on duty during the 140-day period:

- Walgreens #03845 – 84 days
- Walgreens #04086 – 3 days
- Walgreens #15035 – 1 day

XIV.

Walgreens Co. has a history of allowing employees to work unlicensed in its stores, as evidenced by a number of prior disciplinary actions taken by the Board against various Walgreens' pharmacies for unlicensed activity. Those cases include each of the following:

Prior Disciplinary Actions Taken Against Walgreen Respondents for Unlicensed Practice

- A. *Board of Pharmacy v. Respondent Walgreens Pharmacy #05646*, Case No. 07-062-PH-S
- Board of Pharmacy v. Respondent Walgreens Pharmacy #03844*, Case No. 07-063-PH-S
- Board of Pharmacy v. Respondent Walgreens Pharmacy #05646*, Case No. 07-064-PH-S
- B. *Board of Pharmacy v. Respondent Walgreens Pharmacy #06310*, Case No. 07-021-PH-S
- C. *Board of Pharmacy v. Respondent Walgreens Pharmacy #12646*, Case No. 10-007-PH-S
- D. *Board of Pharmacy v. Respondent Walgreens Pharmacy #04855*, Case No. 11-044-PH-S
- E. *Board of Pharmacy v. Respondent Walgreens Pharmacy #12488*, Case No. 13-016-PH-S

XV.

A copy of the Findings of Fact, Conclusions of Law and Order and/or the Stipulation and Order for each of those cases are attached hereto as **Exhibits A through E**, respectively, the contents of which are incorporated herein by reference.

XVI.

FIRST CAUSE OF ACTION (Respondent Hakeem Sanchez-Bravo)

A pharmaceutical technician in training may be employed at multiple pharmacies, but the trainee is required to register at each location. NAC 639.242(5).

By working at Walgreens #03845, Walgreens #04086 and Walgreens #15035 for a combined total of approximately 140 days between April 2016, and November 2016, when he

did not have a current pharmaceutical technician in training registration at those locations, Hakeem Sanchez-Bravo violated Nevada Administrative Code (NAC) 639.240(1), which violations are grounds for discipline pursuant to NRS 639.210(4), and/or (13), or alternatively, under NRS 639.255.

SECOND CAUSE OF ACTION

(Respondent Shelley Verma)

XVII.

As the managing pharmacist during the period of April 2016, through November 2016, for the pharmacy in which Mr. Sanchez-Bravo worked without a license for one-hundred and thirty-five (135) days, and in failing to verify that Mr. Sanchez-Bravo had a valid registration for the pharmacy she managed during that time, Respondent Ms. Verma violated Nevada Revised Statute (NRS) 639.220(1) and 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), or alternatively, under NRS 639.255.

THIRD CAUSE OF ACTION

(Respondent Rachael McDonald)

XVIII.

As the managing pharmacist during the period of August 2016, through September 2016, for the pharmacy in which Mr. Sanchez-Bravo worked without a license for four (4) days, and in failing to verify that Mr. Sanchez-Bravo had a valid registration for the pharmacy she managed during that time, Respondent Rachael McDonald violated NRS 639.220(1) and 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), or alternatively, under NRS 639.255.

FOURTH CAUSE OF ACTION

(Respondent Suzette Jacobs)

XIX.

As the managing pharmacist during the period of October 2016, for the pharmacy in which Mr. Sanchez-Bravo worked without a license for one (1) day, and in failing to verify that

Mr. Sanchez-Bravo had a valid registration for the pharmacy she managed at that time, Respondent Suzette Jacobs violated NRS 639.220(1) and 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), or alternatively, under NRS 639.255.

FIFTH CAUSE OF ACTION

(Respondents Ms. Verma, Ms. McDonald and Ms. Jacobs)

XX.

NAC 639.245(1) requires that “[a] written record must be kept available for inspection showing the pharmacists, pharmaceutical technicians and pharmaceutical technicians in training on duty during the hours of business.” The record must be “[r]eadily retrievable” and “[r]etained for 2 years. *Id.* NAC 639.945(m) defines unprofessional conduct to include “failing to provide any document, data or information that is required to be made and maintained...to a member of the Board or member of the staff of the Board . . .” upon request.

By failing to keep and provide Board Staff with a written record showing the days and hours that Mr. Sanchez-Bravo was on duty as a pharmaceutical technician in training during the hours of business at each of their respective pharmacies, Respondents Ms. Verma, Ms. McDonald and Ms. Jacobs each violated NAC 639.245(1) and NAC 639.945(1)(i) and (m). Those violations are grounds for discipline pursuant to NRS 639.210(4) and/or (15), or alternatively, under NRS 639.255.

SIXTH CAUSE OF ACTION

(Respondents Walgreens #03845, Walgreens #04086, and Walgreens #15035)

XXI.

NAC 639.945(2) states that “[t]he owner of any business or facility licensed, certified or registered by the Board is responsible for the acts of all personnel in his or her employ”. At the time of the violations alleged herein, Respondents Ms. Verma, Ms. McDonald, and Ms. Jacobs were each Walgreens’ employees. As such, Walgreens is responsible for each of the violations alleged herein.

The violations alleged above, including in causes of action one through five, are grounds

for discipline against the licenses of Ms. Verma, Mr. McDonald, Ms. Jacobs, as well as Walgreens #03845, Walgreens #04086 and Walgreens #15035 pursuant to NRS 639.210(4), (11), (12), (15) and/or (17) as well as NRS 639.255.

SEVENTH CAUSE OF ACTION


(Respondent Walgreens Co.)

XXII.

In being repeatedly negligent in its registration verification process, as evidenced by the allegations in this action, and the outcome in Case Nos. 07-062-PH-S, 07-063-PH-S, 07-064-PH-S, 07-021-PH-S, 10-007-PH-S, 11-044-PH-S, and 13-016-PH-S, Walgreens Co., through its pharmacies, violated NRS 639.210(4), (12) and/or (16), as well as NAC 639.945(1)(i). Collectively they are responsible for those actions under NAC 639.945(2), and are subject to discipline pursuant to NRS 639.210(4), (11), (12), (15) and (17), 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 certificates of registration of these respondents.

Signed this 1st day of May, 2017.



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. 16-080-PTT-S
)	
Petitioner,)	
v.)	
)	STATEMENT TO THE RESPONDENT
HAKEEM SANCHEZ-BRAVO, PTT)	NOTICE OF INTENDED ACTION
Certificate of Registration No. PT17763,)	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 scheduled your hearing on this matter for Wednesday, July 19, 2017, at 9:00 a.m. or soon thereafter. The hearing will occur at the Hilton Garden Inn, 7830 S. Las Vegas Blvd., Las Vegas, Nevada.

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 4th day of May, 2017.



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. 16-080-PTT-S**
)
 Petitioner,)
)
 v.)
)
 HAKEEM SANCHEZ-BRAVO, PTT) **ANSWER AND NOTICE**
 Certificate of Registration No. PT17763,) **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 _____, 2017.

HAKEEM SANCHEZ-BRAVO

Exhibit A

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,
v.

FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
ORDER

LEHA M. DEROSIA, P.T.
Certificate of Registration No. PT06209

Case No. 07-062-PT-S

WALGREENS PHARMACY #05646
Certificate of Registration No. PH01505,

Case No. 07-062-PH-S

CHRISTINA M. ROMERO, P.T.
Certificate of Registration No. PT01314,

Case No. 07-063-PT-S

WALGREENS PHARMACY #03844
Certificate of Registration No. PH01123,

Case No. 07-063-PH-S

JESSICA L. McCULLOCH, P.T.
Certificate of Registration No. PT07762,

Case No. 07-064-PTT-S

WALGREENS PHARMACY #05646
Certificate of Registration No. PH01505,

Case No. 07-064-PH-S

Respondents.

THIS MATTER was heard by the Nevada State Board of Pharmacy (hereinafter Board) at its regular meeting on October 24, 2007 in Las Vegas, Nevada. The Board was represented by Louis Ling, General Counsel to the Board. All Respondents were represented by Robert Graham of Rob Graham and Associates. The parties entered an oral stipulation which was presented to the Board at the hearing of the matter by Mr. Ling. Based upon the agreements and presentations of the parties, the Board finds the following to be the facts of the matter.

FINDINGS OF FACT

1. The parties orally stipulated to the presentation of this matter by Mr. Ling and that appearances would not be expected from any of the Respondents or Mr. Graham. Mr. Ling explained that the three individual Respondents had already attended a continuing education session regarding Nevada jurisprudence and that all Respondents were agreeable to the presentation made by Mr. Ling.

2. All registrations of pharmaceutical technicians and pharmaceutical technicians in training were required to be renewed by October 31, 2006, and any such registration that was not renewed by October 31, 2006 expired. No pharmaceutical technician or pharmaceutical technician in training may lawfully be employed as a pharmaceutical technician or pharmaceutical technician in training on an expired registration.

2. All of the Respondent pharmaceutical technicians and pharmaceutical technicians in training in this matter failed to renew their respective registrations by October 31, 2006, and all were employed by the various Respondent Walgreen pharmacies as pharmaceutical technicians or pharmaceutical technicians in training on expired registrations. Following is a table of the Respondents and the number of hours and estimated workdays (based upon an assumed eight-hour workday) worked by each Respondent on expired registrations:

<u>Respondents</u>	<u>Hours Worked</u>	<u>Estimated Days Worked</u>
McCulloch/Walgreens #05646	1,440	180
DeRosia/ Walgreens #05646	1,384	173
Romero/ Walgreens #03844	1,312	164
TOTALS	4,136	517

3. At hearing, Board Staff explained that Walgreens has had a good recent history regarding assuring that its employees have properly and timely renewed their

registrations. Two of the three matters in this case arose from one pharmacy, and the issues regarding that pharmacy have been addressed. Board Staff also explained that the Board's efforts to gain compliance with the renewal and registration laws have been largely successful and that the few instances, such as those in this case, are aberrations.

CONCLUSIONS OF LAW

1. The Nevada State Board of Pharmacy has jurisdiction over this matter because Respondents DeRosia, and Romero are pharmaceutical technicians registered by the Board, Respondent McCulloch is a pharmaceutical technician in training registered by the Board, and Respondents Walgreens ##05646 and 03844 are pharmacies licensed by the Board.

2. In working as a pharmaceutical technician or pharmaceutical technician in training on expired registrations, Respondents DeRosia, Romero, and McCulloch each violated NRS 639.210(4) and (13) and NAC 639.945(1)(k).

3. In employing the individual Respondents, Walgreens ##05646 and 03844 violated NRS 639.210(4) and (13) and NAC 639.945(1)(k) and (2).

ORDER

Based upon the foregoing, the Board hereby orders the following:

1. Each Respondent Walgreens pharmacy shall pay a fine of \$250.00 for each of the pharmaceutical technicians or pharmaceutical technicians in training employed with expired registrations. Walgreens may choose to pay by a single cashier's or certified check or money order made payable to "State of Nevada, Office of the

Treasurer" in a total amount of \$750.00 to be received by the Board's Reno office within 90 days of the effective date of this Order.

2. Each Respondent technician or technician in training shall pay a fine of \$250.00 by a cashier's or certified check or money order made payable to "State of Nevada, Office of the Treasurer" to be received by the Board's Reno office within 90 days of the effective date of this Order.

3. Respondents DeRosia, Romero, and McCulloch shall each attend and successfully complete a Nevada jurisprudence continuing education course presented by Board Staff at such time and place as is set by Board Staff, which attendance may already have been completed before the effective date of this Order and shall be deemed compliance with this Order.

4. The failure by any individual Respondent to comply with any term in this Order shall result in the immediate suspension of her registration and will also result in further discipline, up to and including revocation of the registration. The failure by any Respondent Walgreens pharmacy to comply with any term in this Order shall result in a fine of \$1,000 per day for every day that it has failed to comply with the Order until the Order is fully complied with, up to a total fine not to exceed \$30,000, and will also result in further discipline, up to and including revocation of the its license.

Signed and effective this 20th day of November, 2007.



Barry Boudreaux, President
Nevada State Board of Pharmacy

Exhibit B

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
ORDER

AMANDA L. WEAVER, P.T.,
Certificate of Registration No. PT06996,

Case No. 07-021-PT-S

WALGREENS #06310,
Certificate of Registration No. PH01549,

Case No. 07-021-PH-S

Respondents.

THIS MATTER was heard by the Nevada State Board of Pharmacy (hereinafter Board) at its regular meeting on June 6, 2007 in Las Vegas, Nevada. The Board was represented by Louis Ling, General Counsel to the Board. Respondent Amanda L. Weaver appeared and represented herself. Mr. Ling represented to the Board that Board Staff had entered into an oral stipulation with Robert Graham, counsel for Walgreens #06310, pursuant to which the parties had agreed that Mr. Ling would present the terms of the oral stipulation and that Mr. Graham or representatives of Walgreens were excused from appearing in the matter. Based upon the agreements and presentations of the parties, the Board finds the following to be the facts of the matter.

FINDINGS OF FACT

1. At hearing, Ms. Weaver appeared, testified, and represented herself. Because of the oral stipulation between Mr. Ling and Mr. Graham, Board Staff presented no witnesses or evidence. Instead, Board Staff represented the terms of the

oral stipulation between himself and Mr. Graham, namely that Walgreens #06310 admitted that it had employed Ms. Weaver for 16 days while Ms. Weaver's pharmaceutical technician's registration was expired and that Walgreens #06310 was willing to pay whatever fine and fees and costs as might be assessed by the Board up to but not to exceed the regulatorily established amount of \$100.00 per day for each day that Ms. Weaver was employed on an expired registration. Board Staff further explained that Walgreens #06310's employment of Ms. Weaver appeared to be an isolated incident because other similar incidences were not noted after November 1, 2007 in any other Walgreens pharmacy. Based upon the presentations and testimony of the parties, the Board finds the following to be the facts in this matter.

2. All registrations of pharmaceutical technicians were required to be renewed by October 31, 2006, and any such registration that was not renewed by October 31, 2006 expired. No pharmaceutical technician may lawfully be employed as a pharmaceutical technician on an expired registration.

3. On March 9, 2007, Board Staff learned that Ms. Weaver had failed to renew her pharmaceutical technician's registration and that she had worked at Walgreens #06310 while her registration was expired. Subsequent investigation showed that Mr. Weaver had been employed as a pharmaceutical technician a total of 16 days between November 1, 2006 and March 7, 2007.

4. At hearing, Ms. Weaver explained that prior to November 1, 2006, she had accepted temporary employment as an intern at Walt Disney World in Orlando, Florida and that during her internship she had inadvertently forgotten to renew her registration. When she returned to Nevada, she recommenced employment at Walgreens #06310.

After working for a few weeks, Ms. Weaver and Walgreens #06310 discovered that she had failed to renew her registration. Ms. Weaver apologized to the Board for her actions.

CONCLUSIONS OF LAW

1. The Nevada State Board of Pharmacy has jurisdiction over this matter because Respondent Weaver is a pharmaceutical technician registered by the Board and Respondent Walgreens #06310 is a pharmacy licensed by the Board.

2. In working as a pharmaceutical technician on an expired registration, Respondents Weaver violated NRS 639.210(4) and (13) and NAC 639.945(1)(i) and (k).

3. In owning and operating the pharmacy that employed Ms. Weaver as a pharmaceutical technician while her registration was expired, Walgreens #06310 violated NRS 639.210(4) and NAC 639.260 and 639.945(1)(i) and (k) and (2).

ORDER

Based upon the foregoing, the Board hereby orders the following:

1. Respondent Walgreens #06310 shall pay a fine of \$250.00 by cashier's or certified check or money order made payable to "State of Nevada, Office of the Treasurer" to be received by the Board's Reno office within 90 days of the effective date of this Order.

2. Respondent Walgreens #06310 shall pay the Board's costs and attorney's fees of \$210.00 and the Board's administrative fee of \$290.00, for a total of \$500.00 by cashier's or certified check or money order made payable to "Nevada State Board of

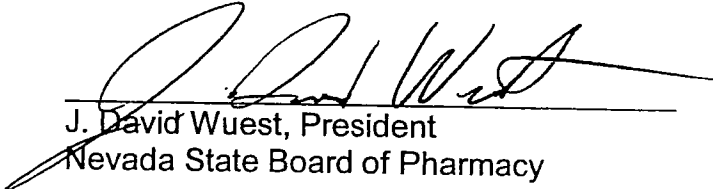
Pharmacy" to be received by the Board's Reno office within 90 days of the effective date of this Order.

3. Respondent Weaver shall pay a fine of \$125.00 by cashier's or certified check or money order made payable to "State of Nevada, Office of the Treasurer" to be received by the Board's Reno office within 90 days of the effective date of this Order.

4. Respondent Weaver shall attend and successfully complete a Nevada jurisprudence continuing education course presented by Board Staff at such time and place as is set by Board Staff. Additionally, Respondent Weaver shall complete three hours of continuing education regarding legal issues related to her practice as a pharmaceutical technician, which hours must be completed before October 31, 2008.

5. The failure by Respondent Weaver to comply with any term in this order shall result in the immediate suspension of her registration and will also result in further discipline, up to and including revocation of the registration. The failure by Respondent Walgreens #06310 to comply with any term in this order shall result in a fine of \$1,000 per day for every day that it has failed to comply with the Order until the Order is fully complied with, up to a total fine not to exceed \$30,000, and will also result in further discipline, up to and including revocation of the its license.

Signed and effective this 28th day of June, 2007.



J. David Wuest, President
Nevada State Board of Pharmacy

Exhibit C

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

v.

Petitioner,

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

LISA A. HEATHCOCK, PT,
Certificate of Registration No.: PT02628,

Case No. 10-007-PT-S

WALGREENS #12646,
Certificate of Registration No.: PH02353,

Case No. 10-007-PH-S

Respondents.

_____ /

THIS MATTER was heard by the Nevada State Board of Pharmacy (hereinafter Board) at its regular meeting on July 14, 2010, in Las Vegas, Nevada. The Board was represented by Carolyn J. Cramer, General Counsel for the Board, and Ms. Heathcock was not present because of a family emergency and her matter was continued until the October, 2010 Board meeting. Walgreens #12646 (Walgreens) was represented by Robert Graham, Esq. Based on the presentations of the parties, the parties' admissions, and the public records in the possession and control of the Board, the Board issues the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. At hearing, the parties agreed that the facts as plead in the Notice of Intended Action and Accusation were essentially true and correct regarding the issues related to Ms. Heathcock working for Walgreens for 205 days without having renewed her registration as a pharmaceutical technician with the Board. Mr. Graham advised that Walgreens did check to ensure all of their staff had renewed their licenses and that their computer system was working properly, however Walgreens staff was given false

information from Ms. Heathcock. Mr. Graham submitted an exhibit, a copy of license verification with part of the expiration date missing that Ms. Heathcock had written in "2011" and had submitted as her proof to Walgreens that she had renewed her registration. Ms. Heathcock claimed she had not received her registration. Mr. Graham admitted that the managing pharmacist did not following through to make sure that Ms. Heathcock was registered, but ultimately the responsibility was Ms. Heathcock's. Mr. Graham advised that Ms. Heathcock may have been experiencing financial problems because she was borrowing money from store personnel and even requested reimbursement from Walgreens for renewing her registration with the Board of Pharmacy when she had not done so. Based upon the stipulations of the parties and the testimony and evidence presented, the Board finds the following to be the facts of the matter.

2. Ms. Heathcock had worked 1,644 hours or approximately 205 days, between November 1, 2008 and December 14, 2009, the date of her termination of employment, without a valid registration.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter because Ms. Heathcock is a pharmaceutical technician registered by the Board and Walgreens #12646 is a pharmacy licensed with the Board.

2. In owning and operating the pharmacy in which Ms. Heathcock worked without a registration and in failing to verify that Ms. Heathcock had timely and validly renewed her registration, Walgreens #12646 violated NRS 639.210(4) and/or NAC 639.260, 639.945(1)(i) and/or (k) and/or (2).

ORDER

Based upon the foregoing, the Board hereby orders the following:

1. Walgreens #12646 shall pay a fine of \$250.00 by cashier's or certified check or money order made payable to "State of Nevada, Office of the Treasurer" to be received by the Board's Reno office within 60 days of the effective date of this Order.
2. Walgreens #12646 shall pay the Board's administrative fee of \$295.00, by cashier's or certified check or money order made payable to "Nevada State Board of Pharmacy" to be received by the Board's Reno office within 60 days of the effective date of this Order.
3. Walgreen's shall do a presentation to Board Staff of its computer system that tracks the licensure of employees to make sure the problem is corrected within 60 days of the signing of this Order.
4. Ms. Heathcock's appearance before the Board is continued until the October 2010 meeting in Las Vegas, Nevada.

Signed and effective this 9th day of August, 2010.

Candy Nalley for
Donald W. Fey, President
Nevada State Board of Pharmacy

Exhibit D

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

v.

Petitioner,

STIPULATION AND ORDER

YVONNE JETT, PT
Certificate of Registration No.: PT09615

Case No. 11-044-PTT-S

WALGREENS #04855
Certificate of Registration No.: PH01307

Case No. 11-044-PH-S

WALGREENS CO.
An Illinois Corporation

Case No. 11-044-PH-S

Respondents.

Carolyn J. Cramer, General Counsel for the Nevada State Board of Pharmacy, and Respondents, Yvonne Jett, Walgreens #04855 and Walgreens Corporation, all represented by Rob Graham, Esq., of Rob Graham and Associates, stipulate and agree as follows:

1. The Respondents admit the factual allegations made in the First, Second and Third Causes of Action.
2. Respondents admit that although there are systems in place to prevent a licensed employee who has not renewed his or her license from working in Respondent's pharmacy, those systems did not work and additional steps must be taken to prevent this from happening again.
3. The parties shall present this Stipulation and Agreement to the Board at its meeting on July 13, 2011. The parties agree that the Board may ask questions of the parties' counsel, may discuss and deliberate regarding the presentations, and shall enter an Order that may impose discipline as recommended by the parties.