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MATRIX GUIDELINE FOR DISCIPLINARY ACTIONS

	1st Action	2nd Action	3rd Action
Non ingested error	Letter	Letter	Hearing
No counseling	\$750.00	Counseling CE + \$1000.00	Hearing
Attorney Fees and Costs	Actual	Actual	Actual
Ingested no potential harm	\$500.00	\$1000.00	Hearing
Ingested with potential harm or adverse outcomes	\$1000.00	Hearing	Hearing
Ingested with negative outcome or patient discomfort.			
No institution intervention	Hearing	Hearing	Hearing
Ingested with significant negative health circumstance.			
With institution admit	Hearing	Hearing	Hearing
Ingested with death related to inappropriate drug therapy	Hearing	Hearing	Hearing

The investigative committee will review each case individually and may recommend a board hearing, particularly with mitigating circumstances such as inappropriate technician involvement or pharmacist malfeasance.

In certain cases with ingested errors and significant negative health circumstances requiring institutional care, the investigative committee recommendation will be a board hearing.

In all death cases resulting from inappropriate drug therapy a board hearing will occur.

Attorney fees and costs may be added in contested disciplinary actions requiring extensive attorney preparation and presentation and are not described in the above matrix.

The board has directed that ownership may be charged in disciplinary cases. In non-ingested errors copies of admonition letters will be sent to management. Accumulative actions for ownership monitoring will be based upon a 3 year period. All actions including non-ingested errors will be given a case number and monitored.

The Board has the authority to fine from \$0.00 to \$10,000 for each Cause of Action.

Updated May 2019

FINDING	HARM	DISCIPLINE INDIVIDUAL	DISCIPLINE FACILITY
RPH DC and WB did not complete required CEs.	N/A	DC: \$500 fine; \$1,000 administrative fee; additional CEs; attend 3 of the next 4 Board meetings; complete and pass Nevada law. WB: \$500 fine; \$1,000 administrative fee; additional CEs; attend 3 of the next 4 Board meetings.	
RPH SB failed to speak to the prescriber before, at the time or after she declined to fill a patient's prescription for clopidogrel.	N/A	Fined \$500; administrative fee of \$1,000; 4 hours of CE related to cardiology or cardiac drugs.	Fined \$1,000; an administrative fee of \$2,000; establish Board-approved policies and procedures that are consistent with Nevada law and retrain its current and future pharmacists regarding the same.
RP allowed unlicensed staff to prescribe/order dangerous drugs and use his authority to obtain, administer, access and/or possess an inventory of dangerous drugs when he was not onsite and without his direct supervision. RP did not have a bona fide therapeutic relationship with the patients. RP purchased compounded dangerous drugs from a pharmacy not licensed with the Board.	N/A	RP shall receive a public letter of reprimand; his CS registration shall be placed on probation for a period of 12 months; fined \$5,000; administrative fee of \$2,500; establish policies and procedures. RP's offices/clinics are subject to quarterly inspections for one year.	N/A
RPH NR verified a prescription for 30 chlorthalidone 25 mg. capsules which was labeled and dispensed to the wrong patient. RPH JA failed to counsel the patient. PT LP deleted the prescription from the pharmacy system. ML was the managing pharmacist.	N/A	NR shall receive a letter of reprimand; fined \$2,750; 2 additional hours of CE on error prevention. JA shall receive a letter of reprimand; fined \$750; 2 additional hours of CE on patient counseling. LP fined \$500; \$1,000 administrative fee; attend three of the Board's next four	\$1,000 fine; \$1,500 administrative fee.

FINDING	HARM	DISCIPLINE INDIVIDUAL	DISCIPLINE FACILITY
		meetings on disciplinary day. ML shall complete 4 additional hours of CE on pharmacy management.	
PT MC diverted controlled substances from her employing pharmacy.	N/A	Revocation of pharmaceutical technician registration.	N/A
RPH SB did not renew his registration and worked 244 days unlicensed. He was also the PIC.	N/A	Fined \$2,500 and \$1,000 administrative fee.	Fined \$5,000 fine and \$2,683.99 administrative fee
RPH CD verified Risperidone 2 mg. tablets in the prescription bottle as the correct product for dispensing when the physician prescribed Ropinirole 2 mg. tablets. CD failed to adequately provide counseling.	N/A	Letter of reprimand; fined \$1,000; \$1,000 administrative fee; complete 2 CEs on error prevention.	WG-NV fined \$1,000; \$1,000 administrative fee. WG-FL fined \$2,000; \$1,000 administrative fee.
RPH JS dispensed medication labeled with incorrect instructions.	N/A	Letter of reprimand; \$1,000.00 fine; \$1,000.00 administrative fee; complete two additional CEs on error prevention.	Fined \$1,000.00; \$1,000.00 administrative fee.
RPH JCH filled and dispensed a Vancomycin prescription without the necessary knowledge and proper training, accepting verbal prescriptions from non-practitioners and failing to follow the prescription written by the prescriber.	N/A	Registration revoked; the revocation is stayed with conditions: take and pass the NAPLEX and MPJE; pay a \$5,000.00 fine; pay a \$1,250.00 administrative fee. Registration shall be placed on probation for four years during which time he cannot work as a managing pharmacist in any Nevada-licensed pharmacy; cannot engage in any form of compounding; and he must attend two Board meetings each year	\$5,000.00 fine; \$1,250.00 administrative fee; subject to quarterly inspections for one year at its own expense.

FINDING	HARM	DISCIPLINE INDIVIDUAL	DISCIPLINE FACILITY
		during the four year probationary periods.	
RPH WM was the managing pharmacist accountable for violations by personnel in his employ regarding the filling, compounding and record keeping of drug products	N/A	Letter of reprimand; \$500.00 fine; \$500.00 administrative fee.	\$1,500.00 fine; \$2,500.00 administrative fee; purchase software for tracking components used in its compounding services and the products it compounds; create new policies and procedures regarding medication management and compounding; subject to quarterly inspections at their own expense.
RPH KB verified data as correct when it was not and dispensed Prednisone 50 mg. tablets when 5 mg. tablets was prescribed.	The patient experienced a temporary negative outcome as a result of the error	\$1,000.00 fine; an administrative fee of \$500.00; complete two additional CEs related to prescription verification/error prevention and 2 CEs on to DUR warnings.	Pay an administrative fee of \$1,000.00.
PT GO dispensed a prescription drug to the wrong patient.	N/A	N/A	\$500 fine; \$750 administrative fee.
RPH SD made false adjustments to the Tramadol inventory. He voluntarily surrendered his registration as discipline. RPH MK was the managing pharmacist and did not report the Tramadol losses to the DEA or Board.	N/A	SD imposed \$600 administrative fee. May not reapply for 1 year. MK to receive letter of reprimand; \$250 fine; 2 additional CEs.	\$1,000 administrative fee; implement new policies and procedures.
APRN MC allowed non-practitioner/non-licensed staff to possess or prescribe dangerous drugs and/or to obtain, access, possess and store dangerous drugs and/or administer drugs when she was not on site at the facility, before she examined the patient and before she wrote a patient-specific order.	N/A	Public letter of reprimand; pay a \$3,000.00 fine and \$1,000.00 in attorney's fees and costs. MC shall not engage in any practice in which a substantial portion of the practice is providing injections and/or intravenous infusions of vitamins or fluids for rehydration.	N/A

FINDING	HARM	DISCIPLINE INDIVIDUAL	DISCIPLINE FACILITY
RPH TS verified as accurate, when it was not, the data and final product of a prescription resulting in the pharmacy dispensing amlodipine besylate 10mg. tablets rather than the amitriptyline 10mg. tablets as prescribed and failed to adequately provide patient counseling.	None	Public letter of reprimand; pay a \$750.00 fine, and complete 4 additional hours of CE on error prevention and patient counseling	Pay a \$500.00 fine and \$750.00 in fees and costs.
PT JJ admitted to diverting of 32 Hydrocodone 10/325 mg. tablets for self-use from his employing pharmacy.	N/A	Revocation of pharmaceutical technician registration.	N/A
PT KT admitted to diverting approximately 1,000 Tylenol with Codeine #4 tablets from her employing pharmacy for self-use.	N/A	Revocation of pharmaceutical technician registration.	N/A
RE failed to timely renew his CS Registration, which expired on October 31, 2018. He wrote 189 prescriptions for controlled substances between November 1, 2018 and March 28, 2019, without a valid registration.	N/A	Pay a fine of \$1,500.00 and \$1,404.52 in attorney's fees and costs.	N/A
SL executed a plea agreement with the United States Attorney's Office for the district of Nevada relating to unprofessional and illegal conduct in prescribing dosages and amounts of Oxycodone and Hydrocodone to patients outside the usual course of his professional practice and without a legitimate medical purpose.	N/A	In lieu of appearing at a hearing, the SL voluntarily surrendered his Nevada CS registration and agreed to pay \$500.00 in attorney's fees and costs.	N/A
RPH SL served with an Accusation related to unprofessional and illegal conduct in filling approximately 380 fraudulent prescriptions for Oxycodone-Acetaminophen and	N/A	In lieu of appearing at a hearing, SL voluntarily surrendered his Nevada CS registration and agreed to pay \$750.00 in attorney's fees and costs.	N/A

FINDING	HARM	DISCIPLINE INDIVIDUAL	DISCIPLINE FACILITY
Hydrocodone-Acetaminophen.			
TG served with an Accusation related to unprofessional and illegal conduct in creating fraudulent prescriptions for Oxycodone-Acetaminophen and Hydrocodone-Acetaminophen.	N/A	In lieu of appearing at a hearing, TG voluntarily surrendered his Nevada CS registration.	N/A
CH and DR allowed non-practitioner/non-licensed staff to possess or prescribe dangerous drugs and/or to obtain, access, possess and store dangerous drugs and/or administer drugs when he was not on site at the facility, before he examined the patient and before he wrote a patient-specific order.	N/A	Public letter of reprimand; pay a \$1,500.00 fine and \$1,500.00 in attorney's fees and costs. CH shall not engage in any practice in which a substantial portion of the practice is providing injections and/or intravenous infusions of vitamins or fluids for rehydration without first obtaining authority by the Board.	
RPH EI owned and operated the pharmacy where expired medications were stored and dispensed; compounded commercially available drugs; dispensed medications with unsupported BUDs; failed to conduct required testing, counseling and maintain/produce prescription records.	N/A	Respondents shall take all necessary action for the dismissal without prejudice of the Eight Judicial District Court Case No. A-19-798928-C. EI shall complete a course in sterile compounding.	Board inspectors will conduct quarterly inspection for a period of 12 months or until the FDA issues a close-out letter.

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FILED

JUN 01 2019

NEVADA STATE BOARD
OF PHARMACY**BEFORE THE NEVADA STATE BOARD OF PHARMACY**

NEVADA STATE BOARD OF PHARMACY,	)	CASE NOS. 15-047-CS-A-S
	)	15-047-CS-B-S
Petitioner,	)	15-047-CS-C-S
v.	)	15-047-CS-D-S
	)	15-047-CS-E-S
RAVI RAMANATHAN, M.D.,)	
Certificate of Registration Nos. CS14526, and)	
PD00143; and)	
	)	NOTICE OF INTENDED ACTION
BERALDO VAZQUEZ-CORREA, M.D.,	)	AND ACCUSATION
Certificate of Registration Nos. CS04757 and)	
PD00559; and)	
)	
JOSHUA SMITH, P.A.,)	
Certificate of Registration No. CS20661; and)	
)	
YAAKOV DOVID KOTLARSKY, P.A.,)	
Certificate of Registration No. CS22538; and)	
)	
JENNIFER LAUREN RELPH, P.A.,)	
Certificate of Registration No. CS20905,)	
)	
Respondents.)	
	/	

J. David Wuest, 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 622A.300(1), NRS 639.241 and NAC 639.7445.

I.

The Nevada State Board of Pharmacy ("Board") has jurisdiction over this matter and each of these Respondents because at the time of the events alleged herein, Respondents, and each of them, held a registration issued by the Board:

1. Ravi Ramanathan, M.D. (“Ramanathan”), held a Controlled Substance Registration, Certificate No. CS14526, and a Practitioner Dispensing Registration, Certificate No. PD00143;
 2. Beraldo Vazquez-Correa, M.D. (“Vazquez-Correa”), held a Controlled Substance Registration, Certificate of Registration Nos. CS04757. He obtained a Dispensing Practitioner Registration, Certificate of Registration No. PD00559, on September 29, 2015, while this case was under investigation.
 3. Joshua Smith, P.A. (“Smith”), held a Controlled Substance Registration, Certificate of Registration No. CS20661. Ramanathan was Smith’s supervising physician;
 4. Yaakov Dovid Kotlarsky, P.A. (“Kotlarsky”), held a Controlled Substance Registration, Certificate of Registration No. CS22538. Ramanathan was Kotlarsky’s supervising physician;
 5. Jennifer Lauren Relph, P.A. (“Relph”), held a Controlled Substance Registration, Certificate of Registration No. CS20905. Ramanathan was Relph’s supervising physician;
- Additionally, non-respondents Jasmine Martinez, D.T. (“Martinez”), held a Dispensing Technician Registration, Certificate of Registration No. TD01349; and Daisy Ibarra, D.T. (“Ibarra”), held a Dispensing Technician Registration, Certificate of Registration No. TD01192.

FACTUAL ALLEGATIONS

II.

In July and August 2015, Ramanathan owned and/or operated a medical clinic called Family Doctors of Green Valley (the “Clinic”) in Las Vegas, Nevada. Ramanathan held a Controlled Substance Registration and a Dispensing Practitioner Registration at that time.

III.

Dr. Vazquez-Correa and physician’s assistants Smith, Kotlarsky and Relph were licensed practitioners who worked at the Clinic. Each of them held a Controlled Substance Registration, but none of them held a Nevada Dispensing Practitioner Registration at that time. Vazquez-Correa obtained a Nevada Dispensing Practitioner Registration on September 29, 2015.

IV.

Martinez and Ibarra were dispensing technicians who worked with Ramanathan and the other respondent practitioners at the Clinic.

Unlawful Dispensing

V.

Ramanathan did not require Vazquez-Correa, Smith, Kotlarsky, or Relph to obtain a Dispensing Practitioner Registration while they worked at the Clinic.

VI.

Ramanathan instructed and allowed Vazquez-Correa, Smith, Kotlarsky, and Relph to each write prescriptions using their own name, and then fill their patients' prescriptions using Ramanathan's Dispensing Practitioner Registration and using prescription drugs from Ramanathan's prescription drug inventory.

VII.

Vazquez-Correa, Smith, Kotlarsky, and Relph followed that pattern, including between July 24, 2015, and August 10, 2015, when Ramanathan was not present at the Clinic, including at times when he was out of the Country.

VIII.

Between July 24, 2015, and August 10, 2015, Vazquez-Correa, Smith, Kotlarsky, and Relph wrote a total of 213 prescriptions for controlled substances. They dispensed prescription drugs to fill those 213 prescriptions from Ramanathan's inventory in Ramanathan's absence.

IX.

Vazquez-Correa, Smith, Kotlarsky, and Relph reported to the Nevada Prescription Monitoring Program ("PMP") that *Ramanathan* wrote each of those 213 prescriptions, and that *Ramanathan* dispensed the medication.

X.

Specific instances in July and August 2015, in which Vazquez-Correa, Smith, Kotlarsky, and Relph followed the pattern described above to dispense controlled substances to their patients from Ramanathan's inventory include:

Smith, PA-C – Smith saw patient M.J. on July 24, 2015, and August 18, 2015.

After each examination, Smith wrote a prescription for M.J. for a schedule II-controlled substance. Smith filled each of those prescriptions from Ramanathan's prescription drug inventory and reported to the PMP that Ramanathan both prescribed the medication and dispensed it. Ramanathan was not on site.

Relph, PA-C – Relph saw patient M.D. on July 29, 2015, and wrote a prescription for a schedule IV-controlled substance. Relph dispensed the medication to M.D. from Ramanathan's prescription drug inventory. She reported to the PMP that Ramanathan prescribed the medication and dispensed it. Ramanathan was not on site.

Kotlarsky, PA-C – Kotlarsky saw patient S.A.H. on August 5, 2015, and wrote a prescription for a schedule IV-controlled substance. Kotlarsky dispensed the medication to S.A.H. from Ramanathan's prescription drug inventory. He reported to the PMP that Ramanathan prescribed the medication and dispensed it. Ramanathan was not in the office when Kotlarsky filled that prescription.

Vazquez-Correa, M.D. - Ramanathan's unlawful dispensing practices were not confined to the July 24, through August 10, 2015, time period. On July 17, 2015, Vazquez-Correa wrote a prescription for a schedule IV-controlled substance for Ramanathan for personal use. Vazquez-Correa and/or Ramanathan dispensed that medication to Ramanathan and reported to the PMP that Ramanathan prescribed and dispensed the medication.

Inadequate Inventory Controls

XI.

Ramanathan failed to keep a record of his opening inventory of controlled substances. He could not produce that record when requested during an August 2014 inspection.

XII.

During the August 2014 inspection, the Board Inspector directed Ramanathan to complete an inventory of the controlled substances in his possession. Ramanathan purportedly complied, as evidenced by an inventory report he later provided to the Board inspector dated August 26, 2014. Ramanathan could not produce that inventory report the following year when asked by a Board Inspector during a September 2015 annual inspection.¹

XIII.

During an audit of Ramanathan's controlled substance inventory by the Drug Enforcement Administration ("DEA") in 2015, DEA found a variance of 83,241 tablets/capsules (approximately 3,228 bottles) between the inventory that Ramanathan purchased, and the inventory that he could account for at the time of the audit. A summary of the variance is as follows:

	Tablets/Capsules	Bottles
Shortage	76,821	3,085
Overage	<u>6,420</u>	<u>143</u>
Total Variance	83,241	3,228

XIV.

As a result of those variances, on or about March 3, 2016, Ramanathan entered into a Memorandum of Understanding with the United States of America, represented by the United States Attorney's Office for the District of Nevada and DEA, in which he agreed to resolve allegations that he violated Federal law (the Controlled Substance Act, 21 U.S.C. § 842(a)(5)) "from about August 8, 2014, through on or about December 5, 2015, by failing to properly maintain required records regarding certain controlled substances."

¹ Board Staff provided Ramanathan a copy of his own August 26, 2014 Inventory Report from the Board's files on or about October 26, 2015, after Ramanathan failed to produce it from his records.

XIV.

To resolve those charges, Ramanathan agreed to “pay civil penalties in the amount of \$75,000.00 to the United States” and “not to dispense, or have any employee or independent contractor dispense, any controlled substance at any future time.”

XV.

Ramanathan failed to record the quantities of schedule II-controlled substances that he received on some of his DEA Form-222, as he was required to do. He also failed to sign at least one DEA Form-222.

XVI.

Ramanathan gave unlawful access to his prescription drug inventory to his non-practitioner staff members. Instances of that access include:

1. Ramanathan gave a key and access to his drug storage room when he was not on site at the Clinic to Martinez, a Dispensing Technician, who is not a licensed practitioner or registered nurse and who does not otherwise have authority to have independent access to or possession of dangerous drugs or controlled substances.
2. Ramanathan gave a key to the front door of the Clinic, the building alarm code, and access to a lock box that contained a key to the Clinic drug room to employee Sheila Gool, who was not a licensed practitioner or registered nurse, and who did not otherwise have authority to have access to or possession of dangerous drugs or controlled substances.
3. Ramanathan gave Martinez the code to the Clinic’s safe where he stored a portion of his schedule II-controlled substance inventory, which included Norco and Xanax. Martinez and/or Gool had access to those medications when Ramanathan was not on site.
4. Ramanathan’s staff, including Martinez and Ibarra, kept quantities of controlled substances in their desks and in other unsecure locations at the Clinic as a convenience, which they could access when Ramanathan was not on site.

5. Ramanathan did not take an inventory to validate the accuracy of his remaining inventory after he became aware that his staff kept supplies of medications outside of the Clinic's locked storage area.

XVII.

During an August 8, 2014 annual inspection a Board inspector cautioned Ramanathan about allowing his staff access to his inventory of medications when he was not on site at the Clinic. Ramanathan acknowledged with his signature the inspector's written statement that: "Discussed and practitioner [Ramanathan] understands access to medications is only available when he is physically present at the facility."

XVIII.

During an annual inspection on September 1, 2015, a Board inspector again noted in the inspection report that "Dispensing tech Jasmine Martinez has access to all controlled substances and dangerous drugs" and "Dr. Ramanathan informed in 2014 inspection that access to dispensing meds [sic] can only occur when he is physically present in the facility. Dr. Ramanathan has continued to allow staff access to narcotics and dangerous drugs while he was not on site and/or out of the country."

XIX.

Ramanathan failed to store the schedule II-controlled substance prescriptions he dispensed separately from the prescriptions for schedule III, IV and V controlled substances and dangerous drugs he dispensed.

XX.

On November 13, 2017, while the Board's investigation was on-going, Ramanathan surrendered his Dispensing Practitioner Registration, Certificate of Registration No. PD00143. Dispensing Technicians (Respondent) Jasmin Martinez and Dan M. Beatty, Certificates of Registration Nos. TD01349 and TD01390, respectively, surrendered their registrations at the same time.

FIRST CAUSE OF ACTION

(Violation of Federal Law)

Ramanathan

XXI.

The Board may suspend or revoke any certificate, license, registration or permit issued pursuant to this chapter [639], and deny the application of any person for a certificate, license, registration or permit, if the holder or applicant:

....

6. Has been convicted of a violation of any law or regulation of the Federal Government or of this or any other state related to controlled substances, dangerous drugs, drug samples, or the wholesale or retail distribution of drugs; [or]

....

11. Has violated any provision of the Federal Food, Drug and Cosmetic Act or any other federal law or regulation relating to prescription drugs.

NRS 639.210(6) and (12). By entering into the Memorandum of Understanding with the United States of America on or about March 14, 2016, to resolve felony charges arising from the DEA's allegation that he violated the Controlled Substance Act, 12 C.F.R. § 842(a)(5), Ramanathan became subject to discipline pursuant to NRS 639.210(6) and (11). *See also* NRS 453.236(1)(b) and (d); NRS 453.241(1); NRS 639.006; and NRS 639.2121.

SECOND CAUSE OF ACTION

(Surrender of Dispensing Practitioner Registration)

Ramanathan

XXII.

The surrender by Ramanathan of his Dispensing Practitioner Registration, Certificate of Registration No. PD00143,² during this contested case with an open Board investigation constitutes discipline against him and “operates as an immediate suspension” of each registration issued to him by the Board, including his Dispensing Practitioner Registration, Certificate of Registration No. PD00143 and his Controlled Substance Registration, Certificate of Registration No. CS14526. *See* NRS 233B.121(6) and NRS 639.2107.

² The Board issued Certificate of Registration No. PD00143 pursuant to NRS 639.742, *et al.*

THIRD CAUSE OF ACTION

(Aiding and Abetting the Unlawful Dispensing of Controlled Substances and Dangerous Drugs)
Ramanathan

XXIII.

By allowing Vazquez-Correa, Smith, Kotlarsky and Relph to dispense controlled substances and dangerous drugs from the Clinic without each holding his/her own Dispensing Practitioner Registration, and by supplying each of them the prescription drugs they dispensed, Ramanathan violated and/or aided and abetted them in violating NRS 453.316(1), NRS 639.100(1), NRS 639.284(2), NRS 639.285 and NAC 639.742(1).

FOURTH CAUSE OF ACTION

(Unlawful Dispensing of Controlled Substances and Dangerous Drugs)
Vazquez-Correa, Smith, Kotlarsky, and Relph

XXIV.

By dispensing controlled substances and dangerous drugs from the Clinic, including from Ramanathan's inventory, without holding a Dispensing Practitioner Registration, Vazquez-Correa, Smith, Kotlarsky, and Relph each violated NRS 453.316(1), NRS 639.100(1), NRS 639.284(2), NRS 639.285 and NAC 639.742(1).

FIFTH CAUSE OF ACTION

(Violations of Law Regarding Dispensing of Prescription Drugs)
Ramanathan

XXV.

Ramanathan violated Nevada law with regard to dispensing controlled substances and dangerous drugs. In particular, Ramanathan violated:

1. NAC 639.742(3)(b) by failing to ensure at the Clinic that "[a]ll drugs [were] received and accounted for by the dispensing practitioner [Ramanathan]";
2. NAC 639.742(3)(d) by failing to ensure at the Clinic that "[a]ll drugs are dispensed in accordance with NAC 639.745";
3. NAC 639.742(3)(e) by allowing prescriptions to be dispensed at the Clinic to patients when he was not on-site at the facility; and

4. NAC 639.745(1)(c) by failing to ensure that all controlled substances and dangerous drugs at the Clinic were kept in a locked area, with restricted access only to the persons described in NAC 453.375.

SIXTH CAUSE OF ACTION

(Unprofessional Conduct)

Ramanathan

XXVI.

Ramanathan engaged in unprofessional conduct as defined in NAC 639.945(1) by

1. Supplying drugs, medicines and/or substances which are legally sold in pharmacies or by wholesalers so that unqualified persons—Dr. Vazquez-Correa, and physician assistants Smith, Kotlarsky, and Relph—could and did circumvent Nevada’s laws and regulations pertaining to the legal sale of such articles. (*See* NAC 639.945(1)(g));

2. Aiding and abetting Vazquez-Correa, Smith, Kotlarsky, and Relph in the unlicensed practice of pharmacy and in “[p]erforming any act, task or operation [including dispensing prescription drugs] for which licensure, certification or registration is required without the required license, certificate or registration.” (*See* NAC 639.945(1)(j) and (k));

3. Performing his duties as the holder of a Dispensing Practitioner registration and as the holder of a Controlled Substance Registration in an incompetent, unskillful or negligent manner. (*See* NAC 639.945(1)(i)); and

4. “Dispensing a drug as a dispensing practitioner to a patient with whom the dispensing practitioner does not have a bona fide therapeutic relationship.” (NAC 639.945(1)(n)).

SEVENTH CAUSE OF ACTION

(Unprofessional Conduct)

Vazquez-Correa, Smith, Kotlarsky, and Relph

XXVII.

Vazquez-Correa, Smith, Kotlarsky, and Relph each engaged in unprofessional conduct as defined in NAC 639.945(1) by:

1. Diverting prescription drugs, medicines and/or substances which are legally sold in pharmacies or by wholesalers so that they, as unqualified persons, could circumvent Nevada's laws and regulations pertaining to the legal sale of such articles. (*See* NAC 639.945(1)(g));
2. Performing their duties as holders of a Controlled Substance Registration in an incompetent, unskillful or negligent manner. (*See* NAC 639.945(1)(i)); and
3. Dispensing prescription drugs, including controlled substances, "for which licensure, certification or registration is required without the required license, certificate or registration." (*See* NAC 639.945(1)(i)).

EIGHTH CAUSE OF ACTION

(Allowing Access to Controlled Substances and Dangerous Drugs by Unauthorized Persons)

Ramanathan

XXVIII.

Ramanathan unlawfully allowed access by unqualified individuals to the controlled substances and dangerous drugs in his inventory by:

1. Allowing the Clinic's staff access to its drug storage room and safe and thereby failing to ensure that "[a]ll drugs [were] stored in a secure, locked room or cabinet to which the dispensing practitioner has the only key or lock combination." (*See* NAC 639.742(3)(c)) and NAC 639.745(1)(c); *see also* NRS 453.375, NRS 453.400 and NRS 453.410(1)(d)).
2. Allowing his Dispensing Technicians, including Martinez and Ibarra, access to his drug storage room and safe and to perform dispensing functions when unaccompanied by Ramanathan and without Ramanathan's presence on site at the clinic. (*See* NAC 639.743(1)) and NAC 639.742(4); and
3. Allowing his staff to dispense controlled substances and dangerous drugs without him personally checking the medication prior to dispensing and recording that verification on the label and in his records. (*See* NAC 639.743(2)(a) and (b)).

NINTH CAUSE OF ACTION

(Dispensing a Controlled Substance for Self-Use)

Ramanathan

XXIX.

Ramanathan violated NRS 453.256(7) on or about July 17, 2015, when he dispensed a schedule IV-controlled substance for his own use.

TENTH CAUSE OF ACTION

(Failure to Keep and Provide Records)

Ramanathan

XXX.

Ramanathan violated NRS 639.234(4) and NAC 639.745(1)(a) by failing to keep complete, accurate and readily retrievable records of each controlled substance and dangerous drug he purchased for dispensing, including his failure to keep and provide to a Board inspector a copy of inventory reports at his August 2014 and September 2015 annual inspections and his failure to maintain inventory records that resulted in the DEA finding a variance of 83,241 tablets during its 2015 audit.

Ramanathan violated NAC 639.745(1)(b) by failing to maintain separate files for his purchase and sale of schedule II-controlled substances and schedule III, IV and V-controlled substances as required by NAC 453.480.

Ramanathan violated NAC 639.945(1)(m) by failing to provide to a Board Inspector during the August 2014 and September 2015 annual inspections the inventory records the Board Inspector requested. *See also* NRS 639.210(17).

Ramanathan violated NAC 453.485 when he failed to record and maintain records of the controlled substances that he received for the Clinic using the form number 222 of the DEA.

ELEVENTH CAUSE OF ACTION

(Reporting Inaccurate Information to the Prescription Monitoring Program)

Ramanathan, Vazquez-Correa, Smith, Kotlarsky, and Relph

XXXI.

Ramanathan, Vazquez-Correa, Smith, Kotlarsky, and Relph each violated NAC 639.926 by reporting inaccurate prescriber and inaccurate dispensing practitioner information to the PMP

for at least 213 controlled substance prescriptions dispensed by Vazquez-Correa, Smith, Kotlarsky, and Relph between July 24, 2015, and August 10, 2015.³

XXXII.

For the conduct set forth herein, including in the factual allegations and in each of the eleven Causes of Action, Ramanathan, Vazquez-Correa, Smith, Kotlarsky, Relph, Martinez and Ibarra, and each of them, engaged in unprofessional conduct and conduct contrary to the public interest as defined in NAC 639.945(1)(g), (i), (j), (k), (n) and/or (m), and/or are subject to discipline pursuant to NRS 639.210(1), (4), (6), (9), (11), (12), (16) and (17), and NRS 639.255.

Signed this 7th day of June 2019.



J. David Wuest, 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. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file two (2) copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Notice of Intended Action and Accusation. NRS 639.320; NRS 639.243.

³ A Dispensing Practitioner is deemed to be a pharmacy for purposed of reporting to the PMP pursuant to NAC 639.926. See NAC 639.745(1)(f).

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 15-047-CS-A-S
)	
Petitioner,)	
v.	)	STATEMENT TO THE
	)	RESPONDENT
RAVI RAMANATHAN, M.D.,	)	NOTICE OF INTENDED ACTION
Certificate of Registration Nos. CS14526, and	)	AND ACCUSATION
PD00143,	)	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 and 622A, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, J. David Wuest, 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 show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file two (2) copies of the Answer and Notice of Defense served herewith, to be received by the Board’s Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within. NRS 639.320; NRS 639.243.

III.

The Board has scheduled your hearing on this matter for Wednesday, July 17, 2019, 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.

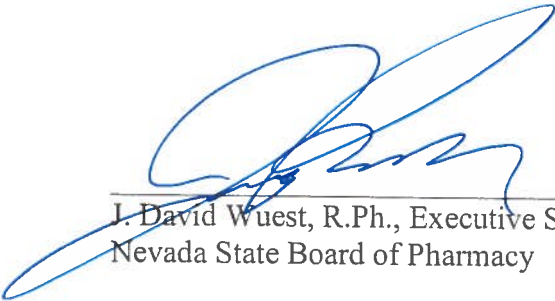
IV.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

V.

Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

DATED this 1st day of June, 2019.



J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

221966483

FILED**JUL 19 2019****NEVADA STATE BOARD
OF PHARMACY**

1 John A. Hunt, Esq. (NSBN 1888)
 2 Bert Wuester Jr., Esq. (NSBN 5556)
 3 **CLARK HILL, PLLC**
 3800 Howard Hughes Pkwy, Suite 500
 4 Las Vegas, Nevada 89169
 ph. (702) 862-8300; fax (702) 862-8400
 5 email: jhunt@clarkhill.com
 6 email: bwuester@clarkhill.com
 Attorneys for Respondents,
 7 Ravi Ramanathan, M.D.,
 Beraldo Vazquez-Correa, M.D.,
 8 Joshua Smith, P.A., and
 9 Yaakov Dovid Kotlarsky, P.A.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

vs.

15 RAVI RAMANATHAN, M.D.,
 16 Certificate of Registration No. CS14526, and
 17 PD00143; and

18 BERALDO VAZQUEZ-CORREA, M.D.,
 Certificate of Registration No. CS04757, and
 19 PD00559; and

20 JOSHUA SMITH, P.A.,
 21 Certificate of Registration No. CS20661; and

22 YAAKOV DOVID KOTLARSKY, P.A.,
 23 Certificate of Registration No. CS22538; and

24 JENNIFER LAUREN RELPH, P.A.,
 25 Certificate of Registration No. CS20661,

Respondents.

Case Nos. **15-047-CS-A-S**
15-047-CS-B-S
15-047-CS-C-S
15-047-CS-D-S
15-047-CS-E-S

**ANSWER AND NOTICE OF
 DEFENSE OF RESPONDENTS,
 RAVI RAMANATHAN, M.D.,
 BERALDO VAZQUEZ-CORREA,
 M.D., JOSHUA SMITH, P.A., and
 YAAKOV DOVID KOTLARSKY,
 P.A.**

1 Respondents, Ravi Ramanathan, M.D. ("Dr. Ramanathan"), Beraldo Vazquez-Correa,
 2 M.D. ("Dr. Vazquez-Correa"), Joshua Smith, P.A. ("PA Smith"), and Yaakov Dovid Kotlarsky,
 3 P.A. ("PA Kotlarsky") (collectively "Respondents") by and through counsel, hereby submit their
 4 Answer and Notice of Defense ("Answer"), pursuant to NRS 639.244¹, to the *Notice of Intended*
 5 *Action and Accusation* filed June 1, 2019 ("Accusation"), with the Nevada State Board of
 6 Pharmacy (the "Board"), in the above-captioned action. This Answer on behalf of Respondents
 7 is timely based upon the Board's agreement to an extension of time to respond to the Accusation
 8 to and including July 19, 2019.

11 1. Pursuant to NRS 639.244(1)(a), Respondents object to the Accusation as being
 12 incomplete and failing to set forth clearly the charges against them.

15 2. Pursuant to NRS 639.244(1)(b), Respondents deny in whole the violations alleged against
 16 them in the Accusation.

19 3. Pursuant to NRS 639.244(2), by filing this Answer, Respondents have not waived the
 20 right to a hearing before the Board.

23 ¹ NRS 639.244 Notice of Defense: Form; effect of failure to file.

24 1. The form for the Notice of Defense must be prepared and furnished by the Board and permit the respondent, by
 completing and signing the notice, to:

25 (a) Object to the accusation as being incomplete and failing to set forth clearly the charges; and
 26 (b) Deny or admit, in part or in whole, the violations alleged.

26 2. The Notice of Defense must be signed by the respondent or his or her attorney under penalty of perjury. Failure
 27 to file a Notice of Defense constitutes a waiver of the respondent's right to a hearing, but the Board may grant a
 hearing.

AFFIRMATIVE DEFENSES

1
2 1. The allegations contained in the Board's Accusation fail to state a cause of action upon
3 which relief can be granted.
4

5 2. The violations alleged against Respondents in the Board's Accusation address matters
6 from 2014 to 2016 and same should be dismissed because the Board's investigation into the
7 matters was closed/remanded in May 2016. Following 2016, neither the Board nor anyone from
8 the Board ever advised of anything different. Over three (3) years passed with nothing from the
9 Board which would have indicated that the Board hadn't remanded/closed its files on the
10 investigation(s).
11

12 3. Paragraph XX at pg. 7 of the Board's Accusation alleges Dr. Ramanathan surrendered his
13 Dispensing Practitioner Registration, Certificate of Registration No. PD00143 on November 13,
14 2017, while the Board had an on-going investigation. To the extent not otherwise addressed in
15 this Answer, these allegations are denied because the Board's investigation was remanded/closed
16 in May 2016.
17

18 4. Respondents hereby incorporate by referencce those affirmative defenses enumerated in
19 Rule 8 of the Nevada Rules of Civil Procedure as if fully set forth herein. In the event further
20 investigation or discovery reveals the applicability of such defenses, Respondents reserve the
21 right to seek leave of the Board or appropriate authority to amend this Answer to specifically
22 assert the same. Such defenses are herein incorporated by reference for the specific purpose of
23 not waiving the same.
24

25 5. It has been necessary for Respondents to employ the services of an attorney to defend this
26 action and a reasonable sum should be allowed as and for attorney's fees, together with the costs
27 expended in this action.
28

1 WHEREFORE, Respondents pray the Accusation be dismissed, no discipline issue, that
 2 the initiating party take nothing by way of its Accusation and go hence with its costs.

3
 4
 5 Pursuant to NRS 639.244(2), this Answer is hereby signed by Respondents' attorney.

6 Respectfully submitted this 11 day of Oct, 2019.

7 **CLARK HILL, PLLC**

8
 9 By [Signature]
 10 John A. Hunt, Esq. (NSBN 1888)
 11 Bert Wuester Jr., Esq. (NSBN 5556)
 12 3800 Howard Hughes Pkwy, Suite 500
 13 Las Vegas, Nevada 89169
 14 ph. (702) 862-8300; fax (702) 862-8400
 15 email: jhunt@clarkhill.com
 16 email: bwuester@clarkhill.com
 17 Attorneys for Respondents,
 18 Ravi Ramanathan, M.D.,
 19 Beraldo Vazquez-Correa, M.D.,
 20 Joshua Smith, P.A., and
 21 Yaakov Dovid Kotlarsky, P.A.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the ____ day of _____, 2019, I caused the above and foregoing **ANSWER AND NOTICE OF DEFENSE OF RESPONDENTS, RAVI RAMANATHAN, M.D., BERALDO VAZQUEZ-CORREA, M.D., JOSHUA SMITH, P.A., and YAAKOV DOVID KOTLARSKY, P.A.** to be served by placing a true and correct copy of the same in the U.S. Mail, at Las Vegas, Nevada, first class postage fully prepaid and addressed to the following **AND** via email as follows:

Nevada State Board of Pharmacy
Paul Edwards, General Counsel
Brett Kandt, General Counsel
Dave Wuest, Executive Secretary
985 Damonte Ranch Parkway, Suite 206
Reno Nevada 89521

Via U.S. Regular Mail & Email
Email: pedwards@pharmacy.nv.gov
Email: bkandt@pharmacy.nv.gov
Email: dwuest@pharmacy.nv.gov

By _____
An Employee of Clark Hill, PLLC

221953795v1 67262-388123

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 7th day of June, 2019, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

Ravi Ramanathan, MD
291 N. Pecos Road
Henderson, NV 89074


SHIRLEY HUNTING

4B

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 15-047-CS-B-S
)	
Petitioner,)	
v.)	
	)	STATEMENT TO THE
BERALDO VAZQUEZ-CORREA, M.D.,	)	RESPONDENT
Certificate of Registration Nos. CS04757 and	)	NOTICE OF INTENDED ACTION
PD00559,	)	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 and 622A, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, J. David Wuest, 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 show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file two (2) copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within. NRS 639.320; NRS 639.243.

III.

The Board has scheduled your hearing on this matter for Wednesday, July 17, 2019, 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.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

V.

Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

DATED this 1st day of June, 2019.



J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 7th day of June, 2019, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

Beraldo Vazques-Correa, MD
9975 S. Eastern Ave., #110
Las Vegas, NV 89183



SHIRLEY HUNTING

221966483

FILED**JUL 19 2019****NEVADA STATE BOARD
OF PHARMACY**

1 John A. Hunt, Esq. (NSBN 1888)
 2 Bert Wuester Jr., Esq. (NSBN 5556)
 3 **CLARK HILL, PLLC**
 4 3800 Howard Hughes Pkwy, Suite 500
 5 Las Vegas, Nevada 89169
 6 ph. (702) 862-8300; fax (702) 862-8400
 7 email: jhunt@clarkhill.com
 8 email: bwuester@clarkhill.com
 9 Attorneys for Respondents,
 10 Ravi Ramanathan, M.D.,
 11 Beraldo Vazquez-Correa, M.D.,
 12 Joshua Smith, P.A., and
 13 Yaakov Dovid Kotlarsky, P.A.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

vs.

15 RAVI RAMANATHAN, M.D.,
 16 Certificate of Registration No. CS14526, and
 17 PD00143; and

18 BERALDO VAZQUEZ-CORREA, M.D.,
 19 Certificate of Registration No. CS04757, and
 20 PD00559; and

21 JOSHUA SMITH, P.A.,
 22 Certificate of Registration No. CS20661; and

23 YAAKOV DOVID KOTLARSKY, P.A.,
 24 Certificate of Registration No. CS22538; and

25 JENNIFER LAUREN RELPH, P.A.,
 26 Certificate of Registration No. CS20661,

Respondents.

Case Nos. **15-047-CS-A-S**
15-047-CS-B-S
15-047-CS-C-S
15-047-CS-D-S
15-047-CS-E-S

**ANSWER AND NOTICE OF
 DEFENSE OF RESPONDENTS,
 RAVI RAMANATHAN, M.D.,
 BERALDO VAZQUEZ-CORREA,
 M.D., JOSHUA SMITH, P.A., and
 YAAKOV DOVID KOTLARSKY,
 P.A.**

1 Respondents, Ravi Ramanathan, M.D. ("Dr. Ramanathan"), Beraldo Vazquez-Correa,
 2 M.D. ("Dr. Vazquez-Correa"), Joshua Smith, P.A. ("PA Smith"), and Yaakov Dovid Kotlarsky,
 3 P.A. ("PA Kotlarsky") (collectively "Respondents") by and through counsel, hereby submit their
 4 Answer and Notice of Defense ("Answer"), pursuant to NRS 639.244¹, to the *Notice of Intended*
 5 *Action and Accusation* filed June 1, 2019 ("Accusation"), with the Nevada State Board of
 6 Pharmacy (the "Board"), in the above-captioned action. This Answer on behalf of Respondents
 7 is timely based upon the Board's agreement to an extension of time to respond to the Accusation
 8 to and including July 19, 2019.

11 1. Pursuant to NRS 639.244(1)(a), Respondents object to the Accusation as being
 12 incomplete and failing to set forth clearly the charges against them.

15 2. Pursuant to NRS 639.244(1)(b), Respondents deny in whole the violations alleged against
 16 them in the Accusation.

18 3. Pursuant to NRS 639.244(2), by filing this Answer, Respondents have not waived the
 19 right to a hearing before the Board.

23 ¹ NRS 639.244 Notice of Defense: Form; effect of failure to file.

24 1. The form for the Notice of Defense must be prepared and furnished by the Board and permit the respondent, by
 25 completing and signing the notice, to:

26 (a) Object to the accusation as being incomplete and failing to set forth clearly the charges; and
 27 (b) Deny or admit, in part or in whole, the violations alleged.

28 2. The Notice of Defense must be signed by the respondent or his or her attorney under penalty of perjury. Failure
 to file a Notice of Defense constitutes a waiver of the respondent's right to a hearing, but the Board may grant a
 hearing.

AFFIRMATIVE DEFENSES

1
2 1. The allegations contained in the Board's Accusation fail to state a cause of action upon
3 which relief can be granted.
4

5 2. The violations alleged against Respondents in the Board's Accusation address matters
6 from 2014 to 2016 and same should be dismissed because the Board's investigation into the
7 matters was closed/remanded in May 2016. Following 2016, neither the Board nor anyone from
8 the Board ever advised of anything different. Over three (3) years passed with nothing from the
9 Board which would have indicated that the Board hadn't remanded/closed its files on the
10 investigation(s).
11

12 3. Paragraph XX at pg. 7 of the Board's Accusation alleges Dr. Ramanathan surrendered his
13 Dispensing Practitioner Registration, Certificate of Registration No. PD00143 on November 13,
14 2017, while the Board had an on-going investigation. To the extent not otherwise addressed in
15 this Answer, these allegations are denied because the Board's investigation was remanded/closed
16 in May 2016.
17

18 4. Respondents hereby incorporate by reference those affirmative defenses enumerated in
19 Rule 8 of the Nevada Rules of Civil Procedure as if fully set forth herein. In the event further
20 investigation or discovery reveals the applicability of such defenses, Respondents reserve the
21 right to seek leave of the Board or appropriate authority to amend this Answer to specifically
22 assert the same. Such defenses are herein incorporated by reference for the specific purpose of
23 not waiving the same.
24

25 5. It has been necessary for Respondents to employ the services of an attorney to defend this
26 action and a reasonable sum should be allowed as and for attorney's fees, together with the costs
27 expended in this action.
28

1 WHEREFORE, Respondents pray the Accusation be dismissed, no discipline issue, that
2 the initiating party take nothing by way of its Accusation and go hence with its costs.
3

4
5 Pursuant to NRS 639.244(2), this Answer is hereby signed by Respondents' attorney.

6 Respectfully submitted this 11 day of July, 2019.

7 **CLARK HILL, PLLC**

8 By [Signature]
9 John A. Hunt, Esq. (NSBN 1888)
10 Bert Wuester Jr., Esq. (NSBN 5556)
11 3800 Howard Hughes Pkwy, Suite 500
12 Las Vegas, Nevada 89169
13 ph. (702) 862-8300; fax (702) 862-8400
14 email: jhunt@clarkhill.com
15 email: bwuester@clarkhill.com

16 Attorneys for Respondents,
17 Ravi Ramanathan, M.D.,
18 Beraldo Vazquez-Correa, M.D.,
19 Joshua Smith, P.A., and
20 Yaakov Dovid Kotlarsky, P.A.
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the ____ day of _____, 2019, I caused the above and foregoing **ANSWER AND NOTICE OF DEFENSE OF RESPONDENTS, RAVI RAMANATHAN, M.D., BERALDO VAZQUEZ-CORREA, M.D., JOSHUA SMITH, P.A., and YAAKOV DOVID KOTLARSKY, P.A.** to be served by placing a true and correct copy of the same in the U.S. Mail, at Las Vegas, Nevada, first class postage fully prepaid and addressed to the following **AND** via email as follows:

Nevada State Board of Pharmacy
Paul Edwards, General Counsel
Brett Kandt, General Counsel
Dave Wuest, Executive Secretary
985 Damonte Ranch Parkway, Suite 206
Reno Nevada 89521

Via U.S. Regular Mail & Email
Email: pedwards@pharmacy.nv.gov
Email: bkandt@pharmacy.nv.gov
Email: dwuest@pharmacy.nv.gov

By _____
An Employee of Clark Hill, PLLC

221953795v1 67262-388123

4C

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 15-047-CS-C-S
)	
Petitioner,)	
v.	)	STATEMENT TO THE
	)	RESPONDENT
JOSHUA SMITH, P.A.,	)	NOTICE OF INTENDED ACTION
Certificate of Registration No. CS20661,	)	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 and 622A, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, J. David Wuest, 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.

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III.

The Board has scheduled your hearing on this matter for Wednesday, July 17, 2019, 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.

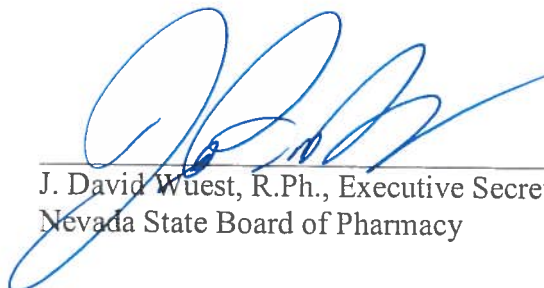
IV.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

V.

Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

DATED this 1st day of June, 2019.



J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 7th day of June, 2019, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

**Joshua Smith, PA
291 N. Pecos Road
Henderson, NV 89074**


SHIRLEY HUNTING

221966483

FILED**JUL 19 2019****NEVADA STATE BOARD
OF PHARMACY**

1 John A. Hunt, Esq. (NSBN 1888)
 2 Bert Wuester Jr., Esq. (NSBN 5556)
 3 **CLARK HILL, PLLC**
 3800 Howard Hughes Pkwy, Suite 500
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 ph. (702) 862-8300; fax (702) 862-8400
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 Attorneys for Respondents,
 7 Ravi Ramanathan, M.D.,
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 8 Joshua Smith, P.A., and
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BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

vs.

15 RAVI RAMANATHAN, M.D.,
 16 Certificate of Registration No. CS14526, and
 17 PD00143; and

18 BERALDO VAZQUEZ-CORREA, M.D.,
 Certificate of Registration No. CS04757, and
 19 PD00559; and

20 JOSHUA SMITH, P.A.,
 21 Certificate of Registration No. CS20661; and

22 YAAKOV DOVID KOTLARSKY, P.A.,
 23 Certificate of Registration No. CS22538; and

24 JENNIFER LAUREN RELPH, P.A.,
 25 Certificate of Registration No. CS20661,

Respondents.

Case Nos. **15-047-CS-A-S**
15-047-CS-B-S
15-047-CS-C-S
15-047-CS-D-S
15-047-CS-E-S

**ANSWER AND NOTICE OF
 DEFENSE OF RESPONDENTS,
 RAVI RAMANATHAN, M.D.,
 BERALDO VAZQUEZ-CORREA,
 M.D., JOSHUA SMITH, P.A., and
 YAAKOV DOVID KOTLARSKY,
 P.A.**

1 Respondents, Ravi Ramanathan, M.D. ("Dr. Ramanathan"), Beraldo Vazquez-Correa,
 2 M.D. ("Dr. Vazquez-Correa"), Joshua Smith, P.A. ("PA Smith"), and Yaakov Dovid Kotlarsky,
 3 P.A. ("PA Kotlarsky") (collectively "Respondents") by and through counsel, hereby submit their
 4 Answer and Notice of Defense ("Answer"), pursuant to NRS 639.244¹, to the *Notice of Intended*
 5 *Action and Accusation* filed June 1, 2019 ("Accusation"), with the Nevada State Board of
 6 Pharmacy (the "Board"), in the above-captioned action. This Answer on behalf of Respondents
 7 is timely based upon the Board's agreement to an extension of time to respond to the Accusation
 8 to and including July 19, 2019.
 9

10
 11 1. Pursuant to NRS 639.244(1)(a), Respondents object to the Accusation as being
 12 incomplete and failing to set forth clearly the charges against them.
 13

14
 15 2. Pursuant to NRS 639.244(1)(b), Respondents deny in whole the violations alleged against
 16 them in the Accusation.
 17

18
 19 3. Pursuant to NRS 639.244(2), by filing this Answer, Respondents have not waived the
 20 right to a hearing before the Board.
 21
 22

23
 24 ¹ **NRS 639.244 Notice of Defense: Form; effect of failure to file.**

25 1. The form for the Notice of Defense must be prepared and furnished by the Board and permit the respondent, by
 26 completing and signing the notice, to:

27 (a) Object to the accusation as being incomplete and failing to set forth clearly the charges; and
 28 (b) Deny or admit, in part or in whole, the violations alleged.

2. The Notice of Defense must be signed by the respondent or his or her attorney under penalty of perjury. Failure
 to file a Notice of Defense constitutes a waiver of the respondent's right to a hearing, but the Board may grant a
 hearing.

AFFIRMATIVE DEFENSES

1
2 1. The allegations contained in the Board's Accusation fail to state a cause of action upon
3 which relief can be granted.
4

5 2. The violations alleged against Respondents in the Board's Accusation address matters
6 from 2014 to 2016 and same should be dismissed because the Board's investigation into the
7 matters was closed/remanded in May 2016. Following 2016, neither the Board nor anyone from
8 the Board ever advised of anything different. Over three (3) years passed with nothing from the
9 Board which would have indicated that the Board hadn't remanded/closed its files on the
10 investigation(s).
11

12 3. Paragraph XX at pg. 7 of the Board's Accusation alleges Dr. Ramanathan surrendered his
13 Dispensing Practitioner Registration, Certificate of Registration No. PD00143 on November 13,
14 2017, while the Board had an on-going investigation. To the extent not otherwise addressed in
15 this Answer, these allegations are denied because the Board's investigation was remanded/closed
16 in May 2016.
17

18 4. Respondents hereby incorporate by reference those affirmative defenses enumerated in
19 Rule 8 of the Nevada Rules of Civil Procedure as if fully set forth herein. In the event further
20 investigation or discovery reveals the applicability of such defenses, Respondents reserve the
21 right to seek leave of the Board or appropriate authority to amend this Answer to specifically
22 assert the same. Such defenses are herein incorporated by reference for the specific purpose of
23 not waiving the same.
24

25 5. It has been necessary for Respondents to employ the services of an attorney to defend this
26 action and a reasonable sum should be allowed as and for attorney's fees, together with the costs
27 expended in this action.
28

1 WHEREFORE, Respondents pray the Accusation be dismissed, no discipline issue, that
 2 the initiating party take nothing by way of its Accusation and go hence with its costs.
 3

4
 5 Pursuant to NRS 639.244(2), this Answer is hereby signed by Respondents' attorney.

6 Respectfully submitted this 11 day of July, 2019.
 7

8 **CLARK HILL, PLLC**

9 By [Signature]
 10 John A. Hunt, Esq. (NSBN 1888)
 Bert Wuester Jr., Esq. (NSBN 5556)
 3800 Howard Hughes Pkwy, Suite 500
 11 Las Vegas, Nevada 89169
 12 ph. (702) 862-8300; fax (702) 862-8400
 email: jhunt@clarkhill.com
 13 email: bwuester@clarkhill.com

14 Attorneys for Respondents,
 Ravi Ramanathan, M.D.,
 15 Beraldo Vazquez-Correa, M.D.,
 Joshua Smith, P.A., and
 16 Yaakov Dovid Kotlarsky, P.A.
 17
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 25
 26
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 28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the ____ day of _____, 2019, I caused the above and foregoing **ANSWER AND NOTICE OF DEFENSE OF RESPONDENTS, RAVI RAMANATHAN, M.D., BERALDO VAZQUEZ-CORREA, M.D., JOSHUA SMITH, P.A., and YAAKOV DOVID KOTLARSKY, P.A.** to be served by placing a true and correct copy of the same in the U.S. Mail, at Las Vegas, Nevada, first class postage fully prepaid and addressed to the following **AND** via email as follows:

Nevada State Board of Pharmacy
Paul Edwards, General Counsel
Brett Kandt, General Counsel
Dave Wuest, Executive Secretary
985 Damonte Ranch Parkway, Suite 206
Reno Nevada 89521

Via U.S. Regular Mail & Email
Email: pedwards@pharmacy.nv.gov
Email: bkandt@pharmacy.nv.gov
Email: dwuest@pharmacy.nv.gov

By _____
An Employee of Clark Hill, PLLC

221953795v1 67262-388123

4D

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 15-047-CS-D-S
)	
Petitioner,)	
v.	)	STATEMENT TO THE
	)	RESPONDENT
YAAKOV DOVID KOTLARSKY, P.A.,	)	NOTICE OF INTENDED ACTION
Certificate of Registration No. CS22538,	)	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 and 622A, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, J. David Wuest, 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 show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file two (2) copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within. NRS 639.320; NRS 639.243.

III.

The Board has scheduled your hearing on this matter for Wednesday, July 17, 2019, 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.

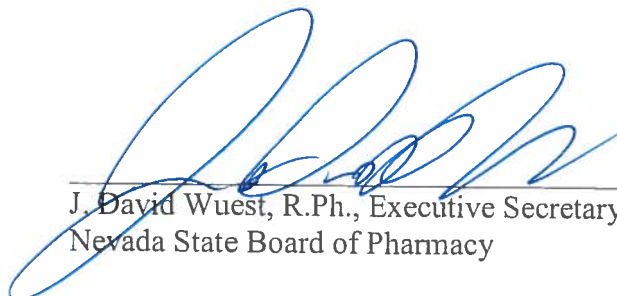
IV.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

V.

Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

DATED this 17th day of June, 2019.



J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 7th day of June, 2019, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

**Yaakov Edovid Kotlarsky, PA
10652 S. Eastern Avenue
Henderson, NV 89052**


SHIRLEY HUNTING

221966483

FILED**JUL 19 2019****NEVADA STATE BOARD
OF PHARMACY**

1 John A. Hunt, Esq. (NSBN 1888)
 2 Bert Wuester Jr., Esq. (NSBN 5556)
 3 **CLARK HILL, PLLC**
 4 3800 Howard Hughes Pkwy, Suite 500
 5 Las Vegas, Nevada 89169
 6 ph. (702) 862-8300; fax (702) 862-8400
 7 email: jhunt@clarkhill.com
 8 email: bwuester@clarkhill.com
 9 Attorneys for Respondents,
 10 Ravi Ramanathan, M.D.,
 11 Beraldo Vazquez-Correa, M.D.,
 12 Joshua Smith, P.A., and
 13 Yaakov Dovid Kotlarsky, P.A.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

vs.

15 RAVI RAMANATHAN, M.D.,
 16 Certificate of Registration No. CS14526, and
 17 PD00143; and

18 BERALDO VAZQUEZ-CORREA, M.D.,
 19 Certificate of Registration No. CS04757, and
 20 PD00559; and

21 JOSHUA SMITH, P.A.,
 22 Certificate of Registration No. CS20661; and

23 YAAKOV DOVID KOTLARSKY, P.A.,
 24 Certificate of Registration No. CS22538; and

25 JENNIFER LAUREN RELPH, P.A.,
 26 Certificate of Registration No. CS20661,

Respondents.

Case Nos. **15-047-CS-A-S**
15-047-CS-B-S
15-047-CS-C-S
15-047-CS-D-S
15-047-CS-E-S

**ANSWER AND NOTICE OF
 DEFENSE OF RESPONDENTS,
 RAVI RAMANATHAN, M.D.,
 BERALDO VAZQUEZ-CORREA,
 M.D., JOSHUA SMITH, P.A., and
 YAAKOV DOVID KOTLARSKY,
 P.A.**

Respondents, Ravi Ramanathan, M.D. ("Dr. Ramanathan"), Beraldo Vazquez-Correa, M.D. ("Dr. Vazquez-Correa"), Joshua Smith, P.A. ("PA Smith"), and Yaakov Dovid Kotlarsky, P.A. ("PA Kotlarsky") (collectively "Respondents") by and through counsel, hereby submit their Answer and Notice of Defense ("Answer"), pursuant to NRS 639.244¹, to the *Notice of Intended Action and Accusation* filed June 1, 2019 ("Accusation"), with the Nevada State Board of Pharmacy (the "Board"), in the above-captioned action. This Answer on behalf of Respondents is timely based upon the Board's agreement to an extension of time to respond to the Accusation to and including July 19, 2019.

1. Pursuant to NRS 639.244(1)(a), Respondents object to the Accusation as being incomplete and failing to set forth clearly the charges against them.

2. Pursuant to NRS 639.244(1)(b), Respondents deny in whole the violations alleged against them in the Accusation.

3. Pursuant to NRS 639.244(2), by filing this Answer, Respondents have not waived the right to a hearing before the Board.

¹ **NRS 639.244 Notice of Defense: Form; effect of failure to file.**

1. The form for the Notice of Defense must be prepared and furnished by the Board and permit the respondent, by completing and signing the notice, to:
 - (a) Object to the accusation as being incomplete and failing to set forth clearly the charges; and
 - (b) Deny or admit, in part or in whole, the violations alleged.
2. The Notice of Defense must be signed by the respondent or his or her attorney under penalty of perjury. Failure to file a Notice of Defense constitutes a waiver of the respondent's right to a hearing, but the Board may grant a hearing.

AFFIRMATIVE DEFENSES

1
2 1. The allegations contained in the Board's Accusation fail to state a cause of action upon
3 which relief can be granted.
4

5 2. The violations alleged against Respondents in the Board's Accusation address matters
6 from 2014 to 2016 and same should be dismissed because the Board's investigation into the
7 matters was closed/remanded in May 2016. Following 2016, neither the Board nor anyone from
8 the Board ever advised of anything different. Over three (3) years passed with nothing from the
9 Board which would have indicated that the Board hadn't remanded/closed its files on the
10 investigation(s).
11

12 3. Paragraph XX at pg. 7 of the Board's Accusation alleges Dr. Ramanathan surrendered his
13 Dispensing Practitioner Registration, Certificate of Registration No. PD00143 on November 13,
14 2017, while the Board had an on-going investigation. To the extent not otherwise addressed in
15 this Answer, these allegations are denied because the Board's investigation was remanded/closed
16 in May 2016.
17

18 4. Respondents hereby incorporate by referencce those affirmative defenses enumerated in
19 Rule 8 of the Nevada Rules of Civil Procedure as if fully set forth herein. In the event further
20 investigation or discovery reveals the applicability of such defenses, Respondents reserve the
21 right to seek leave of the Board or appropriate authority to amend this Answer to specifically
22 assert the same. Such defenses are herein incorporated by reference for the specific purpose of
23 not waiving the same.
24

25 5. It has been necessary for Respondents to employ the services of an attorney to defend this
26 action and a reasonable sum should be allowed as and for attorney's fees, together with the costs
27 expended in this action.
28

1 WHEREFORE, Respondents pray the Accusation be dismissed, no discipline issue, that
2 the initiating party take nothing by way of its Accusation and go hence with its costs.
3

4
5 Pursuant to NRS 639.244(2), this Answer is hereby signed by Respondents' attorney.

6 Respectfully submitted this 11 day of July, 2019.

7 **CLARK HILL, PLLC**

8 By [Signature]
9 John A. Hunt, Esq. (NSBN 1888)
10 Bert Wuester Jr., Esq. (NSBN 5556)
11 3800 Howard Hughes Pkwy, Suite 500
12 Las Vegas, Nevada 89169
13 ph. (702) 862-8300; fax (702) 862-8400
14 email: jhunt@clarkhill.com
15 email: bwuester@clarkhill.com

16 Attorneys for Respondents,
17 Ravi Ramanathan, M.D.,
18 Beraldo Vazquez-Correa, M.D.,
19 Joshua Smith, P.A., and
20 Yaakov Dovid Kotlarsky, P.A.
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the ____ day of _____, 2019, I caused the above and foregoing **ANSWER AND NOTICE OF DEFENSE OF RESPONDENTS, RAVI RAMANATHAN, M.D., BERALDO VAZQUEZ-CORREA, M.D., JOSHUA SMITH, P.A., and YAAKOV DOVID KOTLARSKY, P.A.** to be served by placing a true and correct copy of the same in the U.S. Mail, at Las Vegas, Nevada, first class postage fully prepaid and addressed to the following **AND** via email as follows:

Nevada State Board of Pharmacy
Paul Edwards, General Counsel
Brett Kandt, General Counsel
Dave Wuest, Executive Secretary
985 Damonte Ranch Parkway, Suite 206
Reno Nevada 89521

Via U.S. Regular Mail & Email
Email: pedwards@pharmacy.nv.gov
Email: bkandt@pharmacy.nv.gov
Email: dwuest@pharmacy.nv.gov

By _____
An Employee of Clark Hill, PLLC

221953795v1 67262-388123

4E

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 15-047-CS-E-S
)	
Petitioner,)	
v.	)	STATEMENT TO THE
	)	RESPONDENT
JENNIFER LAUREN RELPH, P.A.,	)	NOTICE OF INTENDED ACTION
Certificate of Registration No. CS20905,	)	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 and 622A, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, J. David Wuest, 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 show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file two (2) copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within. NRS 639.320; NRS 639.243.

III.

The Board has scheduled your hearing on this matter for Wednesday, July 17, 2019, 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.

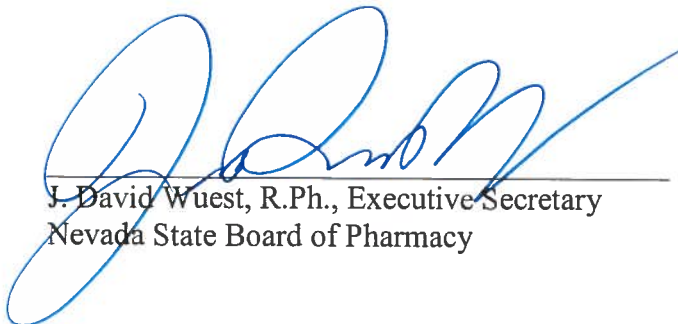
IV.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

V.

Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

DATED this 1st day of June, 2019.



J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 7th day of June, 2019, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

Jennifer Lauren Relph, PA
4100 W. Flamingo Rd., #2100
Las Vegas, NV 89103



SHIRLEY HUNTING

1 COOK & KELESIS, LTD.
 2 KATHLEEN JANSSEN, ESQ.
 Nevada Bar No. 5026
 517 South 9th Street
 3 Las Vegas, Nevada 89101
 Telephone : (702) 737-7702
 4

FILED

JUL 17 2019

**NEVADA STATE BOARD
OF PHARMACY**

5 *Attorneys for Respondent*
 6 *Jennifer Lauren Relph, P.A.*

7 BEFORE THE NEVADA STATE BOARD OF PHARMACY

8 * * * * *

9 NEVADA STATE BOARD OF PHARMACY

10
 11 Petitioner,

CASE NOS. 15-047-CS-A-S
 15-047-CS-B-S
 15-047-CS-C-S
 15-047-CS-D-S
 15-047-CS-E-S

13 vs.

14 CASE NO.

15 RAVI RMANATHAN, M.D.,
 Certificate of Registration Nos. C814526, and
 16 PD000143; and

17 BERALDO VAZQUESZ-CORREA, M.D.,
 Certificate of Registration No. CS20661; and

18 JOSHUA SMITH, P.A.,
 Certificate of Registration No. CS20661; and

20 YAAKOV DOVID KOTLARSKY, P.A.,
 Certificate of Registration No. CS22538; and

21 JENNIFER LAUREN RELPH, P.A.,
 Certificate of Registration No. CS20905,

23 Respondents.
 24

25 ANSWER AND NOTICE OF DEFENSE

26 Respondent JENNIFER LAUREN RELPH, P.A. ("PA Relph), by and through her attorney
 27 of record, Kathleen Janssen, Esq., of Cook & Kelesis, Ltd., answers the Notice of Intended Action
 28 and Accusation ("the Notice") in the above-captioned matter and declares as follows:

INTRODUCTION

1. That her objection to the Notice as being incomplete or failing to state clearly the charges against her, is hereby interposed on the following grounds: None.
2. That PA Relph requests a hearing on the Notice at the October 2019 Pharmacy Board meeting.
3. That, in answer to the Notice, PA Relph admits, denies and alleges as follows:

I.

PA Relph admits that the Pharmacy Board has jurisdiction over this matter.

1. In answering Paragraphs 1 to 4 of the Notice, PA Relph states that Ramanathan told her that he held a Controlled Substance Registration and Practitioner Dispensing Registration, but she is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations contained therein, and therefore denies the same.
2. In answering Paragraph 5, PA Relph admits the allegations contained therein concerning her Controlled Substance Registration, admits that Ramanathan was her supervising physician and states that Ramanathan was also her employer, but denies the remaining allegations as she is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and therefore denies the same.

FACTUAL ALLEGATIONS

II.

In answering Paragraph II, PA Relph admits that Ramanathan operated the Clinic in Las Vegas, Nevada, states that Ramanathan told her that he held a Controlled Substance Registration and Practitioner Dispensing Registration, but she is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations contained therein, and therefore denies the same.

III.

In answering Paragraph III, PA Relph admits that she was a licensed practitioner who worked at the Clinic with PAs Smith and Kotlarsky, admits that she held a Controlled Substance

1 Registration, admits that she did not hold a Nevada Dispensing Registration, but she is without
2 knowledge or information sufficient to form a belief as to the truth or falsity of the remaining
3 allegations contained therein, and therefore denies the same.

4 IV.

5 In answering Paragraph IV, PA Relph admits the allegations contained therein.

6 V-VI.

7 In answering Paragraphs V and VI, PA Relph states that Ramanathan instructed her
8 that because he was her employer and supervising physician and because he held a Nevada
9 Dispensing Registration, neither she nor the other Respondents needed their own Nevada Dispensing
10 Registration to dispense at the Clinic, clarifies that once she became aware that the Pharmacy Board
11 was investigating dispensing practices at the Clinic, she stopped dispensing to patients entirely, but
12 she is without knowledge or information sufficient to form a belief as to the truth or falsity of the
13 remaining allegations contained therein, and therefore denies the same.

14 VII-XX.

15 In answering Paragraphs VII through and including XX, PA Relph is without knowledge or
16 information sufficient to form a belief as to the truth or falsity of the allegations contained therein,
17 and therefore denies the same.

18 XXI-XXIII.

19 FIRST CAUSE OF ACTION (RAMANATHAN ONLY)

20 SECOND CAUSE OF ACTION (RAMANATHAN ONLY)

21 THIRD CAUSE OF ACTION (RAMANATHAN ONLY)

22 As the First, Second and Third Causes of Action pertain only to Ramanathan, these
23 allegations do not require a response by PA Relph, but in an abundance of caution, PA Relph denies
24 them for that reason and because she is without knowledge or information sufficient to form a belief
25 as to the truth or falsity of the allegations contained therein.

1 XXIV.

2 FOURTH CAUSE OF ACTION

3 PA Relph states that the allegations contained in the Fourth Cause of Action contain legal
4 conclusions and therefore she denies the same.

5 XXV-XXVI.

6 FIFTH CAUSE OF ACTION (RAMANATHAN ONLY)

7 SIXTH CAUSE OF ACTION (RAMANATHAN ONLY)

8 As the Fifth and Sixth Causes of Action pertain only to Ramanathan, these allegations do not
9 require a response by PA Relph, but in an abundance of caution, PA Relph denies them for that
10 reason and because she is without knowledge or information sufficient to form a belief as to the truth
11 or falsity of the allegations contained therein.

12 XXVII.

13 SEVENTH CAUSE OF ACTION

14 PA Relph states that the allegations contained in the Seventh Cause of Action contain legal
15 conclusions and therefore she denies the same.

16 XXVIII-XXX.

17 EIGHTH CAUSE OF ACTION (RAMANATHAN ONLY)

18 NINTH CAUSE OF ACTION (RAMANATHAN ONLY)

19 TENTH CAUSE OF ACTION (RAMANATHAN ONLY)

20 As the Eighth, Ninth and Tenth Causes of Action pertain only to Ramanathan, these
21 allegations do not require a response by PA Relph, but in an abundance of caution, PA Relph denies
22 them for that reason and because she is without knowledge or information sufficient to form a belief
23 as to the truth or falsity of the allegations contained therein.

24 XXXI-XXXII

25 ELEVENTH CAUSE OF ACTION

26 PA Relph states that the allegations contained in the Eleventh Cause of Action contain legal
27 conclusions and therefore she denies the same.

28

AFFIRMATIVE DEFENSES

1. The Notice fails to state a claim warranting the relief for which it prays.
2. Relief is barred by the doctrine of waiver.
3. Relief is barred by the doctrine of estoppel.
4. The Board cannot prove the necessary state of mind to warrant discipline.
5. The statutes and regulations the Board seeks to enforce are void for vagueness facially and as applied.
6. The Notice is barred by the doctrine of laches.
7. Remedial actions were enacted once PA Relph learned of the dispensing allegations and those actions prevented any similar allegations from occurring.
8. The applicable statute of limitations bars the Notice and the purported claims for relief contained therein.
9. At all times relevant to this action, PA Relph was acting in good faith and believing her actions were legally compliant.
10. The allegations contained in the Notice were the result of misunderstanding/misinterpretation of the dispensing laws by PA Relph, her employer and supervisor Ramanathan, and the other named Respondents who worked with her at the Clinic.
11. Any allegations contained in the Notice, even if true, were not the result of willful, malicious or deliberate conduct by PA Relph or the other Respondents.
12. The Notice and the Board's pursuit of same amounts to a deprivation of PA Relph's due process rights.
13. All affirmative defenses contained in NRCP 8 are incorporated herein by reference.

1 WHEREFORE, PA Relph requests that no disciplinary action be taken against her and the
2 Notice be dismissed.

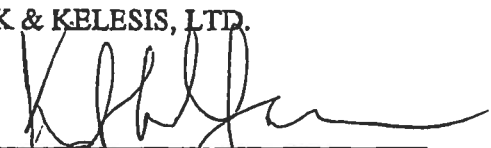
3 I hereby declare, under penalty of perjury, that the foregoing Answer and Notice of Defense,
4 and all facts therein stated, are true and correct to the best of my knowledge.

5 DATED this 17 day of July 2019.

6 
7 JENNIFER LAUREN RELPH, P.A.

8 Submitted by:

9 COOK & KELESIS, LTD.

10 
11 By: KATHLEEN JANSSEN, ESQ.
12 Nevada Bar No. 5026
13 517 South 9th Street
14 Las Vegas, Nevada 89101
Attorneys for Respondent Relph

15 **CERTIFICATE OF SERVICE**

16 I hereby certify that I am an employee of COOK & KELESIS, LTD., and that on the 17th day
17 of July, 2019, I served the above and foregoing ANSWER AND NOTICE OF DEFENSE via
18 United States Mail on the NEVADA STATE BOARD OF PHARMACY listed below by placing two
19 (2) true and correct copies thereof in the United States Mail, with first class postage fully prepaid
20 thereon, addressed as follows:

21 Nevada State Board of Pharmacy
22 985 Damonte Ranch Parkway – Suite 206
23 Reno, NV 89521

24 A courtesy copy of the Amended Answer and Notice of Defense was also emailed the same
25 day to Paul Edwards, General Counsel, Nevada State Board of Pharmacy at
26 pedwards@pharmacy.nv.gov.

27 
28 An Employee of Cook & Kelesis, Ltd.

4F

FILED

SEP 11 2019

NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

ORLANDIS L. WELLS, M.D.,
Certificate of Registration No. CS11877,

Respondent.

) CASE NO. 19-211-CS-S

)

)

)

) NOTICE OF INTENDED ACTION
) AND ACCUSATION

)

)

/

J. David Wuest, 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 622A.300(1) and 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 Orlandis L. Wells, M.D. (Wells), held a Nevada Controlled Substance Registration, Certificate No. CS11877, issued by the Pharmacy Board.

FACTUAL ALLEGATIONS

II.

On August 22, 2019, Wells surrendered his DEA Certificate of Registration No. BW8208983 to the U.S. Drug Enforcement Administration by executing a DEA Form 104, entitled "Surrender for Cause" (DEA Surrender for Cause).

III.

By executing the DEA Surrender for Cause, Wells acknowledged in pertinent part the following:

In view of my alleged failure to comply with the Federal requirements pertaining to controlled substances or list 1 chemicals, and as an indication of my good faith in desiring to remedy any incorrect or unlawful practices on my part, I hereby surrender for cause my Drug Enforcement Administration (DEA) Certification of Registration.

IV.

On or about August 22, 2019, Board staff notified Wells that his surrender of DEA Certificate of Registration No. BW8208983 for cause operated as an immediate suspension of his Certificate of Registration No. CS11877 with the Board pursuant to NRS 639.2107.

APPLICABLE LAW

V.

The Board may suspend or revoke a registration issued pursuant to NRS 453.231 to prescribe or otherwise dispense a controlled substance upon a finding that the registrant has committed an act that would render registration inconsistent with the public interest. NRS 453.236(1)(d) and NRS 453.241(1).

VI.

The surrender of a registration to the Drug Enforcement Administration by a practitioner operates as an immediate suspension of a registration issued by the Board pursuant to NRS Chapter 453 to possess, administer, prescribe or dispense controlled substances. NRS 639.2107.

VII.

Violating any provision of the Federal Food, Drug and Cosmetic Act or any other federal law or regulation relating to prescription drugs is grounds for suspension or revocation of any license or registration issued by the Board. NRS 639.210(11).

VIII.

Violating, attempting to violate, assisting or abetting in the violation of or conspiring to violate any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy is grounds for suspension or revocation of any license or registration issued by the Board. NRS 639.210(12).

FIRST CAUSE OF ACTION

IX.

By failing to comply with the Federal requirements pertaining to controlled substances, Wells committed an act that would render his Nevada Controlled Substance Registration inconsistent with the public interest, and is subject to discipline pursuant to NRS 453.236(1)(d) and NRS 453.241(1).

SECOND CAUSE OF ACTION

X.

By surrendering his DEA Certificate of Registration No. BW8208983 for cause, the suspension of Wells' Nevada Controlled Substance Registration, Certificate No. CS11877 pursuant to NRS 639.2107 is subject to review by the Board pursuant to NRS 453.236(1) and NRS 639.255(1)(c).

THIRD CAUSE OF ACTION

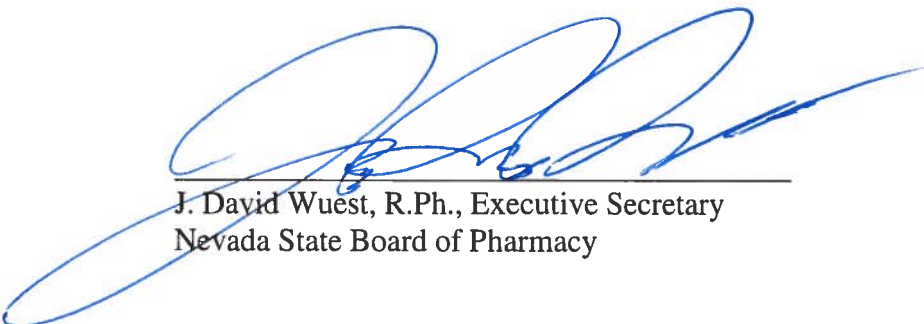
XI.

By failing to comply with the Federal requirements pertaining to controlled substances, Wells is subject to discipline pursuant to NRS 639.210(11) and/or (12), and NRS 639.255.

XII.

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

Signed this 11th day of September, 2019.



J. David Wuest, R.Ph., 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. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file of two copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Notice of Intended Action and Accusation. NRS 639.320; NRS 639.243. Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-211-CS-S
)	
Petitioner,)	
v.	)	STATEMENT TO THE RESPONDENT
	)	AND NOTICE OF HEARING
ORLANDIS L. WELLS, M.D.,)	
Certificate of Registration No. CS11877,)	
)	
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 and 622A, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, J. David Wuest, 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 show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file two (2) copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within. NRS 639.320; NRS 639.243.

III.

The Board has scheduled your hearing on this matter for Wednesday, October 9, 2019, 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.

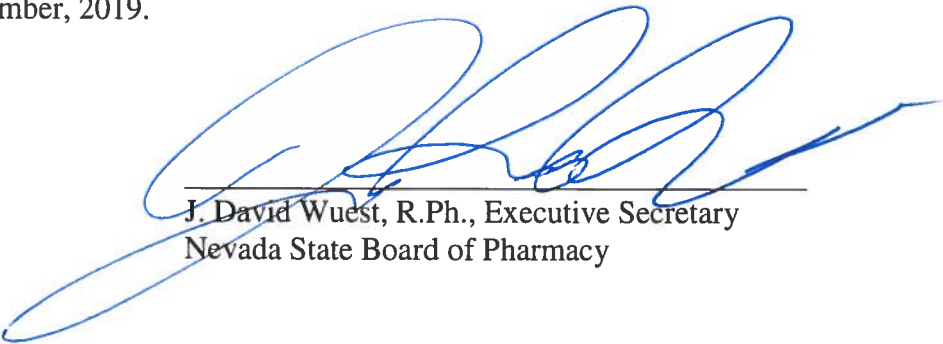
IV.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

V.

Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

DATED this 11th day of September, 2019.



J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-211-CS-S
)	
Petitioner,)	
v.	)	ANSWER AND NOTICE
	)	OF DEFENSE
ORLANDIS L. WELLS, MD,)	
Certificate of Registration No. CS11877,)	
)	
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 September, 2019.

ORLANDIS L. WELLS, M.D.

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 11th day of September, 2019, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

Orlandis L. Wells, M.D.
9065 S. Pecos Rd. #240
Henderson, NV, 89074



SHIRLEY HUNTING



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

August 23, 2019

VIA CERTIFIED U.S. MAIL AND ELECTRONIC MAIL

Orlandis L. Wells
 9065 S Pecos Rd. #240
 Henderson, NV, 89074

Re: Suspension of Certificate of Registration No. CS11877 and PMP Access

Dear Dr. Wells:

The Nevada State Board of Pharmacy (Board) has been notified by the U.S. Drug Enforcement Administration that you surrendered your DEA Certificate of Registration No. BW8208983 on August 22, 2019 (documentation enclosed).

Please be advised that pursuant to NRS 639.2107 your surrender of your DEA registration operates as an immediate suspension of your Certificate of Registration No. CS11877 with the Board. Furthermore, your access to the Nevada Prescription Monitoring Program (PMP) database is terminated effective immediately since you are no longer authorized to access the PMP pursuant to NRS 453.221.

You may request a hearing before the Board to contest the suspension of your registration by submitting a written request to the Board's Reno office, located at 985 Damonte Ranch Parkway – Suite 206, Reno, NV 89521.

Please be aware that the forgoing does not preclude a formal investigation or filing of an accusation pursuant to NRS 639.241. If you have any questions, please do not hesitate to contact me at 775-850-1440 or pedwards@pharmacy.nv.gov.

Best regards,

A handwritten signature in blue ink that reads "S. Paul Edwards".

S. Paul Edwards
 General Counsel
 Nevada State Board of Pharmacy

Cc: David Wuest, R.Ph., Executive Secretary, Nevada State Board of Pharmacy; Yen Long, Pharm.D., Deputy Executive Director, Nevada State Board of Pharmacy

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FILED

SEP 11 2019

NEVADA STATE BOARD
OF PHARMACY**BEFORE THE NEVADA STATE BOARD OF PHARMACY**

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-150-WH
)	
Petitioner,)	
)	
v.	)	NOTICE OF INTENDED ACTION
	)	AND ACCUSATION
ALLIED 100, LLC)	
Certificate of Registration No.WH02096)	
)	
Respondent.	/	

J. David Wuest, 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 622A.300(1) and 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 ALLIED 100, LLC, held Nevada Wholesaler License No. WH02096 issued by the Pharmacy Board.

FACTUAL ALLEGATIONS**II.**

On or about May 24, 2019, Respondent was served by written notice with a request to comply with the requirements of NRS 639.500 and submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History.

III.

On or about July 23, 2019, Respondent was served with a second written notice to comply with the requirements of NRS 639.500.

IV.

Respondent has failed to comply with the requirements of NRS 639.500. This also constitutes a violation of 21 CFR Part 205.

APPLICABLE LAW

V.

NRS 639.500 provides:

1. In addition to the requirements for an application set forth in NRS 639.100, each applicant for a license to engage in wholesale distribution shall submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. If the applicant is a:

- (a) Natural person, that person must submit his or her fingerprints.
- (b) Partnership, each partner must submit his or her fingerprints.
- (c) Corporation, each officer and director of the corporation must submit his or her fingerprints.
- (d) Sole proprietorship, that sole proprietor must submit his or her fingerprints.

2. In addition to the requirements of subsection 1, the applicant shall submit with the application a list containing each employee, agent, independent contractor, consultant, guardian, personal representative, lender or holder of indebtedness of the applicant. The Board may require any person on the applicant's list to submit a complete set of fingerprints to the Board if the Board determines that the person has the power to exercise significant influence over the operation of the applicant as a licensed wholesaler. The fingerprints must be submitted with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The provisions of this subsection do not apply to a:

- (a) Lender or holder of indebtedness of an applicant who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.
- (b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.

3. The Board may issue a provisional license to an applicant pending receipt of the reports from the Federal Bureau of Investigation if the Board determines that the applicant is otherwise qualified.

4. An applicant who is issued a license by the Board shall not allow a person who is required to submit fingerprints pursuant to subsection 2 to act in any capacity in which the person exercises significant influence over the operation of the wholesaler if the:

(a) Person does not submit a complete set of fingerprints in accordance with subsection 2; or

(b) Report of the criminal history of the person indicates that the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or offense involving moral turpitude or related to the qualifications, functions or duties of that person in connection with the operation of the wholesaler.

5. The Board shall not issue a license to an applicant if the requirements of this section are not satisfied.

VI.

Violating any of the provisions of NRS Chapter 639 is grounds for suspension or revocation of any license issued by the Board. NRS 639.210(12).

FIRST CAUSE OF ACTION

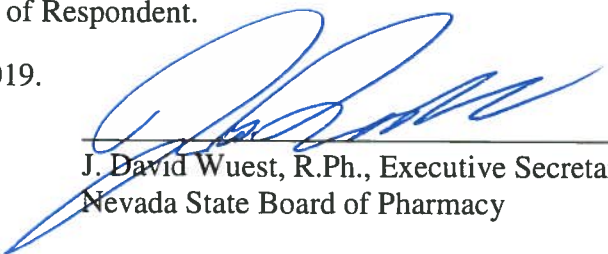
VII.

By failing to submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History, Respondent is in violation of NRS 639.500 and 21 CFR Part 205, and is subject to discipline pursuant to NRS 639.210(12) and NRS 639.255.

VIII.

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the License of Respondent.

Signed this 11th day of September, 2019.


J. David Wuest, R.Ph., 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 for the retention of your license. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file of two copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Notice of Intended Action and Accusation. NRS 639.320; NRS 639.243. Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-150-WH
)	
Petitioner,)	
v.	)	STATEMENT TO THE
	)	RESPONDENT
ALLIED 100, LLC	)	AND NOTICE OF HEARING
Certificate of Registration No. WH02096)	
)	
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 and 622A, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, J. David Wuest, 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 show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file two (2) copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within. NRS 639.320; NRS 639.243.

III.

The Board has scheduled your hearing on this matter for Thursday, October 10, 2019, 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.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

V.

Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

DATED this 11th day of September, 2019.



J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-150-WH
)	
Petitioner,	)	ANSWER AND NOTICE
v.	)	OF DEFENSE
)	
ALLIED 100, LLC)	
Certificate of Registration No. WH02096)	
)	
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 September, 2019.

Type or print name

Authorized Representative For
ALLIED 100, LLC

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 11th day of September, 2019, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

ALLIED 100, LLC
1800 US Hwy 51 N
Woodruff, WI, 54568-9558



SHIRLEY HUNTING

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FILED

SEP 11 2019

NEVADA STATE BOARD
OF PHARMACY**BEFORE THE NEVADA STATE BOARD OF PHARMACY**

NEVADA STATE BOARD OF PHARMACY,)	CASE NO. 19-151-WH
)	
Petitioner,)	
)	
v.	)	NOTICE OF INTENDED ACTION
	)	AND ACCUSATION
AMERICARES FOUNDATION, INC.)	
Certificate of Registration No.WH01805)	
)	
Respondent.	/	

J. David Wuest, 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 622A.300(1) and 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 AMERICARES FOUNDATION, INC., held Nevada Wholesaler License No. WH01805 issued by the Pharmacy Board.

FACTUAL ALLEGATIONS**II.**

On or about May 24, 2019, Respondent was served by written notice with a request to comply with the requirements of NRS 639.500 and submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History.

III.

On or about July 23, 2019, Respondent was served with a second written notice to comply with the requirements of NRS 639.500.

IV.

Respondent has failed to comply with the requirements of NRS 639.500. This also constitutes a violation of 21 CFR Part 205.

APPLICABLE LAW

V.

NRS 639.500 provides:

1. In addition to the requirements for an application set forth in NRS 639.100, each applicant for a license to engage in wholesale distribution shall submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. If the applicant is a:

- (a) Natural person, that person must submit his or her fingerprints.
- (b) Partnership, each partner must submit his or her fingerprints.
- (c) Corporation, each officer and director of the corporation must submit his or her fingerprints.
- (d) Sole proprietorship, that sole proprietor must submit his or her fingerprints.

2. In addition to the requirements of subsection 1, the applicant shall submit with the application a list containing each employee, agent, independent contractor, consultant, guardian, personal representative, lender or holder of indebtedness of the applicant. The Board may require any person on the applicant's list to submit a complete set of fingerprints to the Board if the Board determines that the person has the power to exercise significant influence over the operation of the applicant as a licensed wholesaler. The fingerprints must be submitted with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The provisions of this subsection do not apply to a:

(a) Lender or holder of indebtedness of an applicant who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.

(b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.

3. The Board may issue a provisional license to an applicant pending receipt of the reports from the Federal Bureau of Investigation if the Board determines that the applicant is otherwise qualified.

4. An applicant who is issued a license by the Board shall not allow a person who is required to submit fingerprints pursuant to subsection 2 to act in any capacity in which the person exercises significant influence over the operation of the wholesaler if the:

(a) Person does not submit a complete set of fingerprints in accordance with subsection 2; or

(b) Report of the criminal history of the person indicates that the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or offense involving moral turpitude or related to the qualifications, functions or duties of that person in connection with the operation of the wholesaler.

5. The Board shall not issue a license to an applicant if the requirements of this section are not satisfied.

VI.

Violating any of the provisions of NRS Chapter 639 is grounds for suspension or revocation of any license issued by the Board. NRS 639.210(12).

FIRST CAUSE OF ACTION

VII.

By failing to submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History, Respondent is in violation of NRS 639.500 and 21 CFR Part 205, and is subject to discipline pursuant to NRS 639.210(12) and NRS 639.255.

VIII.

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the License of Respondent.

Signed this 11th day of September, 2019.


J. David Wuest, R.Ph., 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 for the retention of your license. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file of two copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Notice of Intended Action and Accusation. NRS 639.320; NRS 639.243. Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-151-WH
)	
Petitioner,)	
v.	)	STATEMENT TO THE
	)	RESPONDENT
AMERICARES FOUNDATION, INC.	)	AND NOTICE OF HEARING
Certificate of Registration No. WH01805)	
)	
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 and 622A, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, J. David Wuest, 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 show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file two (2) copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within. NRS 639.320; NRS 639.243.

III.

The Board has scheduled your hearing on this matter for Thursday, October 10, 2019, 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.

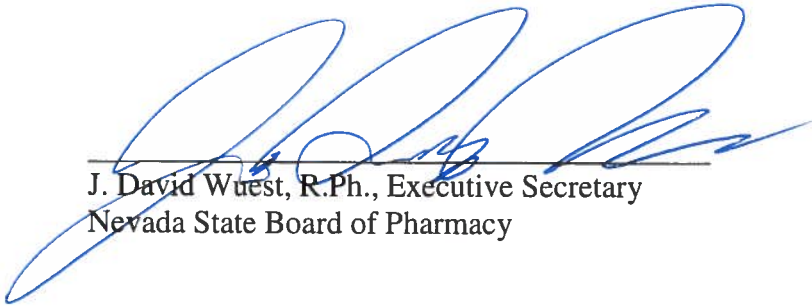
IV.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

V.

Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

DATED this 11th day of September, 2019.



J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

FILED

OCT 02 2019

NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	Case No. 19-151-WH
Petitioner,)	
)	
v.	)	ANSWER AND NOTICE OF
	)	DEFENSE
)	
AMERICARES FOUNDATION, INC.)	
Certificate of Registration No. WH01895)	
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 its objection to the Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against it, is hereby interposed on the following grounds:

A. None.

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

A. Admits the Board has jurisdiction over the Respondent as described in Paragraph I.

B. Admits the Allegations in Paragraph II - III.

C. Neither admits nor denies the allegations set forth in Paragraph IV of the Notice of Intended Action and Accusation.

D. Admits the citations to Nevada Revised Statutes in Paragraphs V – VI to the extent they accurately refer to the language quoted therein.

E. Denies the allegations set forth in Paragraph VII of the Notice of Intended Action and Accusation, the First Cause of Action directed to Respondent.

Respondent Americares Foundation denies any allegation of a violation of Nev. Rev. Stat. § 639.500 to the extent that Respondent knew or reasonably should have known that it must submit complete sets of fingerprints and written permission authorizations for its officers.

Respondent Americares Foundation affirmatively alleges that on December 15, 2011, Board Counsel Carolyn Cramer confirmed via email that fingerprint submissions for Respondent's designated representative and designated representative supervisor shall

fulfill Nevada's fingerprinting requirements. Ms. Cramer's email is included as *Attachment 1*.

Respondent Americares Foundation further affirmatively alleges that its application for wholesale license no. WHO1805 included reference to this exemption, and that it has since obtained four license renewals without the inclusion of the requested fingerprints or written permission authorizations.

F. Denies any and all allegations not heretofore previously admitted or denied.

I hereby declare, under penalty of perjury, that the foregoing Answer and Notice of Defense, and all facts therein state, are true and correct to the best of my knowledge.

DATED this 2nd day of October, 2019.



Christina Casagrande, Esq.
Director, Legal & Compliance, Americares Foundation

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 11th day of September, 2019, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

AMERICARES FOUNDATION, INC.
88 Hamilton Avenue
Stamford, CT, 06902



SHIRLEY HUNTING

41

FILED

SEP 11 2019

NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-154-WH
)	
Petitioner,)	
)	
v.	)	NOTICE OF INTENDED ACTION
	)	AND ACCUSATION
BIO COMP PHARMA, INC.)	
Certificate of Registration No. WH01917)	
)	
Respondent.	/	

J. David Wuest, 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 622A.300(1) and 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 BIO COMP PHARMA, INC., held Nevada Wholesaler License No. WH01917 issued by the Pharmacy Board.

FACTUAL ALLEGATIONS

II.

On or about May 24, 2019, Respondent was served by written notice with a request to comply with the requirements of NRS 639.500 and submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History.

III.

On or about July 23, 2019, Respondent was served with a second written notice to comply with the requirements of NRS 639.500.

IV.

Respondent has failed to comply with the requirements of NRS 639.500. This also constitutes a violation of 21 CFR Part 205.

APPLICABLE LAW

V.

NRS 639.500 provides:

1. In addition to the requirements for an application set forth in NRS 639.100, each applicant for a license to engage in wholesale distribution shall submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. If the applicant is a:

- (a) Natural person, that person must submit his or her fingerprints.
- (b) Partnership, each partner must submit his or her fingerprints.
- (c) Corporation, each officer and director of the corporation must submit his or her fingerprints.
- (d) Sole proprietorship, that sole proprietor must submit his or her fingerprints.

2. In addition to the requirements of subsection 1, the applicant shall submit with the application a list containing each employee, agent, independent contractor, consultant, guardian, personal representative, lender or holder of indebtedness of the applicant. The Board may require any person on the applicant's list to submit a complete set of fingerprints to the Board if the Board determines that the person has the power to exercise significant influence over the operation of the applicant as a licensed wholesaler. The fingerprints must be submitted with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The provisions of this subsection do not apply to a:

- (a) Lender or holder of indebtedness of an applicant who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.
- (b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.

3. The Board may issue a provisional license to an applicant pending receipt of the reports from the Federal Bureau of Investigation if the Board determines that the applicant is otherwise qualified.

4. An applicant who is issued a license by the Board shall not allow a person who is required to submit fingerprints pursuant to subsection 2 to act in any capacity in which the person exercises significant influence over the operation of the wholesaler if the:

(a) Person does not submit a complete set of fingerprints in accordance with subsection 2; or

(b) Report of the criminal history of the person indicates that the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or offense involving moral turpitude or related to the qualifications, functions or duties of that person in connection with the operation of the wholesaler.

5. The Board shall not issue a license to an applicant if the requirements of this section are not satisfied.

VI.

Violating any of the provisions of NRS Chapter 639 is grounds for suspension or revocation of any license issued by the Board. NRS 639.210(12).

FIRST CAUSE OF ACTION

VII.

By failing to submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History, Respondent is in violation of NRS 639.500 and 21 CFR Part 205, and is subject to discipline pursuant to NRS 639.210(12) and NRS 639.255.

VIII.

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the License of Respondent.

Signed this 11th day of September, 2019.


J. David Wuest, R.Ph., 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 for the retention of your license. NRS 233B.127(3).

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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file of two copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Notice of Intended Action and Accusation. NRS 639.320; NRS 639.243. Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-154-WH
)	
Petitioner,)	
v.	)	STATEMENT TO THE
	)	RESPONDENT
BIO COMP PHARMA, INC.	)	AND NOTICE OF HEARING
Certificate of Registration No. WH01917)	
)	
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 and 622A, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, J. David Wuest, 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 show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file two (2) copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within. NRS 639.320; NRS 639.243.

III.

The Board has scheduled your hearing on this matter for Thursday, October 10, 2019, 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.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

V.

Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

DATED this 11th day of September, 2019.



J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-154-WH
)	
Petitioner,	)	ANSWER AND NOTICE
v.	)	OF DEFENSE
)	
BIO COMP PHARMA, INC.)	
Certificate of Registration No. WH01917)	
)	
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 September, 2019.

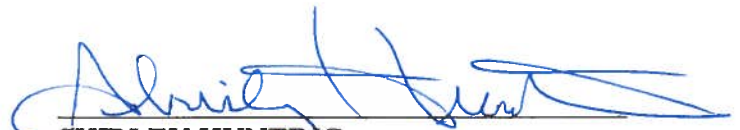
Type or print name

Authorized Representative For
BIO COMP PHARMA, INC.

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 11th day of September, 2019, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

BIO COMP PHARMA, INC.
38505 IH 10 WEST
Boerne, TX, 78006



SHIRLEY HUNTING

4J

SEP 11 2019

NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-155-WH
)	
Petitioner,)	
)	
v.)	
	)	NOTICE OF INTENDED ACTION
BREG, INC.	)	AND ACCUSATION
Certificate of Registration No. WH02000)	
)	
Respondent.	/	

J. David Wuest, 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 622A.300(1) and 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 BREG, INC., held Nevada Wholesaler License No. WH02000 issued by the Pharmacy Board.

FACTUAL ALLEGATIONS

II.

On or about May 24, 2019, Respondent was served by written notice with a request to comply with the requirements of NRS 639.500 and submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History.

III.

On or about July 23, 2019, Respondent was served with a second written notice to comply with the requirements of NRS 639.500.

IV.

Respondent has failed to comply with the requirements of NRS 639.500. This also constitutes a violation of 21 CFR Part 205.

APPLICABLE LAW

V.

NRS 639.500 provides:

1. In addition to the requirements for an application set forth in NRS 639.100, each applicant for a license to engage in wholesale distribution shall submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. If the applicant is a:

- (a) Natural person, that person must submit his or her fingerprints.
- (b) Partnership, each partner must submit his or her fingerprints.
- (c) Corporation, each officer and director of the corporation must submit his or her fingerprints.
- (d) Sole proprietorship, that sole proprietor must submit his or her fingerprints.

2. In addition to the requirements of subsection 1, the applicant shall submit with the application a list containing each employee, agent, independent contractor, consultant, guardian, personal representative, lender or holder of indebtedness of the applicant. The Board may require any person on the applicant's list to submit a complete set of fingerprints to the Board if the Board determines that the person has the power to exercise significant influence over the operation of the applicant as a licensed wholesaler. The fingerprints must be submitted with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The provisions of this subsection do not apply to a:

- (a) Lender or holder of indebtedness of an applicant who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.
- (b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.

3. The Board may issue a provisional license to an applicant pending receipt of the reports from the Federal Bureau of Investigation if the Board determines that the applicant is otherwise qualified.

4. An applicant who is issued a license by the Board shall not allow a person who is required to submit fingerprints pursuant to subsection 2 to act in any capacity in which the person exercises significant influence over the operation of the wholesaler if the:

(a) Person does not submit a complete set of fingerprints in accordance with subsection 2; or

(b) Report of the criminal history of the person indicates that the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or offense involving moral turpitude or related to the qualifications, functions or duties of that person in connection with the operation of the wholesaler.

5. The Board shall not issue a license to an applicant if the requirements of this section are not satisfied.

VI.

Violating any of the provisions of NRS Chapter 639 is grounds for suspension or revocation of any license issued by the Board. NRS 639.210(12).

FIRST CAUSE OF ACTION

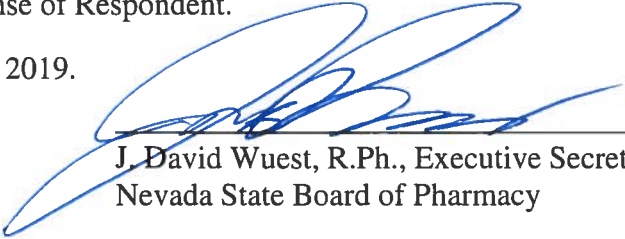
VII.

By failing to submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History, Respondent is in violation of NRS 639.500 and 21 CFR Part 205, and is subject to discipline pursuant to NRS 639.210(12) and NRS 639.255.

VIII.

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the License of Respondent.

Signed this 11th day of September, 2019.


J. David Wuest, R.Ph., 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 for the retention of your license. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file of two copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Notice of Intended Action and Accusation. NRS 639.320; NRS 639.243. Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-155-WH
)	
Petitioner,)	
v.	)	STATEMENT TO THE
BREG, INC.	)	RESPONDENT
Certificate of Registration No. WH02000	)	AND NOTICE OF 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 and 622A, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, J. David Wuest, 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 show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file two (2) copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within. NRS 639.320; NRS 639.243.

III.

The Board has scheduled your hearing on this matter for Thursday, October 10, 2019, 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.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

V.

Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

DATED this 11th day of September, 2019.



J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-155-WH
)	
Petitioner,	)	ANSWER AND NOTICE
v.	)	OF DEFENSE
)	
BREG, INC.)	
Certificate of Registration No. WH02000)	
)	
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 September, 2019.

Type or print name

Authorized Representative For
BREG, INC.

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 11th day of September, 2019, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

BREG, INC.
2835 FORTUNE CIRCLE WEST
INDIANAPOLIS, IN, 46241



SHIRLEY HUNTING

4K

SEP 11 2019

NEVADA STATE BOARD
OF PHARMACY**BEFORE THE NEVADA STATE BOARD OF PHARMACY**

NEVADA STATE BOARD OF PHARMACY,)	CASE NO. 19-158-WH
)	
Petitioner,)	
v.)	
	)	NOTICE OF INTENDED ACTION
CLINICIAN'S CHOICE DENTAL PRODUCTS	)	AND ACCUSATION
INC.)	
Certificate of Registration No.WH02116)	
	/	
Respondent.		

J. David Wuest, 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 622A.300(1) and 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 CLINICIAN'S CHOICE DENTAL PRODUCTS INC., held Nevada Wholesaler License No. WH02116 issued by the Pharmacy Board.

FACTUAL ALLEGATIONS**II.**

On or about May 24, 2019, Respondent was served by written notice with a request to comply with the requirements of NRS 639.500 and submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History.

III.

On or about July 23, 2019, Respondent was served with a second written notice to comply with the requirements of NRS 639.500.

IV.

Respondent has failed to comply with the requirements of NRS 639.500. This also constitutes a violation of 21 CFR Part 205.

APPLICABLE LAW

V.

NRS 639.500 provides:

1. In addition to the requirements for an application set forth in NRS 639.100, each applicant for a license to engage in wholesale distribution shall submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. If the applicant is a:

- (a) Natural person, that person must submit his or her fingerprints.
- (b) Partnership, each partner must submit his or her fingerprints.
- (c) Corporation, each officer and director of the corporation must submit his or her fingerprints.
- (d) Sole proprietorship, that sole proprietor must submit his or her fingerprints.

2. In addition to the requirements of subsection 1, the applicant shall submit with the application a list containing each employee, agent, independent contractor, consultant, guardian, personal representative, lender or holder of indebtedness of the applicant. The Board may require any person on the applicant's list to submit a complete set of fingerprints to the Board if the Board determines that the person has the power to exercise significant influence over the operation of the applicant as a licensed wholesaler. The fingerprints must be submitted with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The provisions of this subsection do not apply to a:

- (a) Lender or holder of indebtedness of an applicant who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.
- (b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.

3. The Board may issue a provisional license to an applicant pending receipt of the reports from the Federal Bureau of Investigation if the Board determines that the applicant is otherwise qualified.

4. An applicant who is issued a license by the Board shall not allow a person who is required to submit fingerprints pursuant to subsection 2 to act in any capacity in which the person exercises significant influence over the operation of the wholesaler if the:

(a) Person does not submit a complete set of fingerprints in accordance with subsection 2; or

(b) Report of the criminal history of the person indicates that the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or offense involving moral turpitude or related to the qualifications, functions or duties of that person in connection with the operation of the wholesaler.

5. The Board shall not issue a license to an applicant if the requirements of this section are not satisfied.

VI.

Violating any of the provisions of NRS Chapter 639 is grounds for suspension or revocation of any license issued by the Board. NRS 639.210(12).

FIRST CAUSE OF ACTION

VII.

By failing to submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History, Respondent is in violation of NRS 639.500 and 21 CFR Part 205, and is subject to discipline pursuant to NRS 639.210(12) and NRS 639.255.

VIII.

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the License of Respondent.

Signed this 11th day of September, 2019.


J. David Wuest, R.Ph., 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 for the retention of your license. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file of two copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Notice of Intended Action and Accusation. NRS 639.320; NRS 639.243. Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-158-WH
)	
Petitioner,)	
v.	)	STATEMENT TO THE
	)	RESPONDENT
CLINICIAN'S CHOICE DENTAL PRODUCTS	)	AND NOTICE OF HEARING
INC.)	
Certificate of Registration No. WH02116)	
	/	
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 and 622A, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, J. David Wuest, 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 show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file two (2) copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within. NRS 639.320; NRS 639.243.

III.

The Board has scheduled your hearing on this matter for Thursday, October 10, 2019, 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.

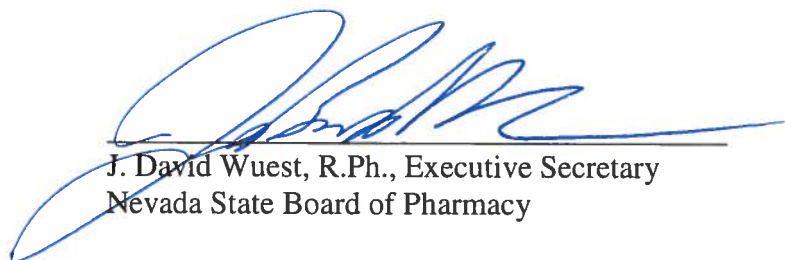
IV.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

V.

Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

DATED this 11th day of September, 2019.



J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-158-WH
)	
Petitioner,	)	ANSWER AND NOTICE
v.	)	OF DEFENSE
)	
CLINICIAN'S CHOICE DENTAL PRODUCTS)	
INC.)	
Certificate of Registration No. WH02116)	
	/	
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 September, 2019.

Type or print name

Authorized Representative For
CLINICIAN'S CHOICE DENTAL
PRODUCTS INC.

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 11th day of September, 2019, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

CLINICIAN'S CHOICE DENTAL PRODUCTS
INC.
559B Federal Road
Brookfield, CT, 06804



SHIRLEY HUNTING

4L

FILED

SEP 11 2019

BEFORE THE NEVADA STATE BOARD OF PHARMACYNEVADA STATE BOARD
OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-162-WH
)	
Petitioner,)	
v.)	
	)	NOTICE OF INTENDED ACTION
DENTAL CITY	)	AND ACCUSATION
Certificate of Registration No.WH02386)	
)	
Respondent.	/	

J. David Wuest, 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 622A.300(1) and 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 DENTAL CITY, held Nevada Wholesaler License No. WH02386 issued by the Pharmacy Board.

FACTUAL ALLEGATIONS**II.**

On or about May 24, 2019, Respondent was served by written notice with a request to comply with the requirements of NRS 639.500 and submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History.

III.

On or about July 23, 2019, Respondent was served with a second written notice to comply with the requirements of NRS 639.500.

IV.

Respondent has failed to comply with the requirements of NRS 639.500. This also constitutes a violation of 21 CFR Part 205.

APPLICABLE LAW

V.

NRS 639.500 provides:

1. In addition to the requirements for an application set forth in NRS 639.100, each applicant for a license to engage in wholesale distribution shall submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. If the applicant is a:

- (a) Natural person, that person must submit his or her fingerprints.
- (b) Partnership, each partner must submit his or her fingerprints.
- (c) Corporation, each officer and director of the corporation must submit his or her fingerprints.
- (d) Sole proprietorship, that sole proprietor must submit his or her fingerprints.

2. In addition to the requirements of subsection 1, the applicant shall submit with the application a list containing each employee, agent, independent contractor, consultant, guardian, personal representative, lender or holder of indebtedness of the applicant. The Board may require any person on the applicant's list to submit a complete set of fingerprints to the Board if the Board determines that the person has the power to exercise significant influence over the operation of the applicant as a licensed wholesaler. The fingerprints must be submitted with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The provisions of this subsection do not apply to a:

- (a) Lender or holder of indebtedness of an applicant who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.
- (b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.

3. The Board may issue a provisional license to an applicant pending receipt of the reports from the Federal Bureau of Investigation if the Board determines that the applicant is otherwise qualified.

4. An applicant who is issued a license by the Board shall not allow a person who is required to submit fingerprints pursuant to subsection 2 to act in any capacity in which the person exercises significant influence over the operation of the wholesaler if the:

(a) Person does not submit a complete set of fingerprints in accordance with subsection 2; or

(b) Report of the criminal history of the person indicates that the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or offense involving moral turpitude or related to the qualifications, functions or duties of that person in connection with the operation of the wholesaler.

5. The Board shall not issue a license to an applicant if the requirements of this section are not satisfied.

VI.

Violating any of the provisions of NRS Chapter 639 is grounds for suspension or revocation of any license issued by the Board. NRS 639.210(12).

FIRST CAUSE OF ACTION

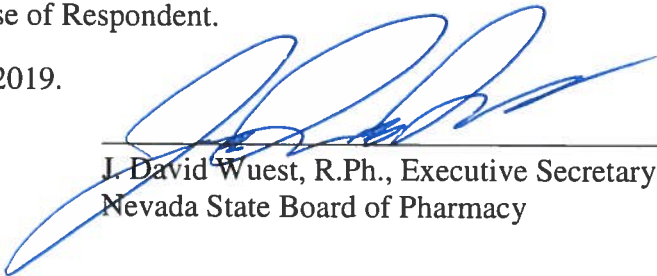
VII.

By failing to submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History, Respondent is in violation of NRS 639.500 and 21 CFR Part 205, and is subject to discipline pursuant to NRS 639.210(12) and NRS 639.255.

VIII.

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the License of Respondent.

Signed this 11th day of September, 2019.


 J. David Wuest, R.Ph., 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 for the retention of your license. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file of two copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Notice of Intended Action and Accusation. NRS 639.320; NRS 639.243. Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-162-WH
)	
Petitioner,)	
v.	)	STATEMENT TO THE
	)	RESPONDENT
DENTAL CITY	)	AND NOTICE OF HEARING
Certificate of Registration No. WH02386)	
)	
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 and 622A, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, J. David Wuest, 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 show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file two (2) copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within. NRS 639.320; NRS 639.243.

III.

The Board has scheduled your hearing on this matter for Thursday, October 10, 2019, 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.

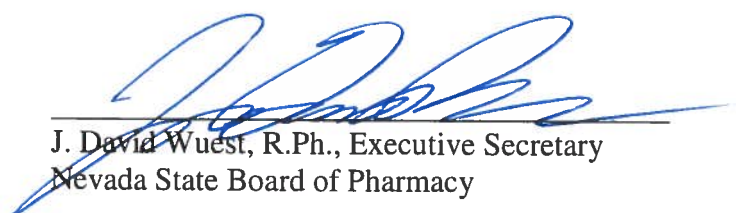
IV.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

V.

Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

DATED this 11th day of September, 2019.



J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

David Wuest

From: Tim VanGrinsven <TVanGrinsven@dentalcity.com>
Sent: Monday, September 30, 2019 6:51 AM
To: David Wuest
Subject: Case No. 19-162-WH

FILED
 SEP 30 2019
 NEVADA STATE BOARD
 OF PHARMACY

Mr. Wuest,

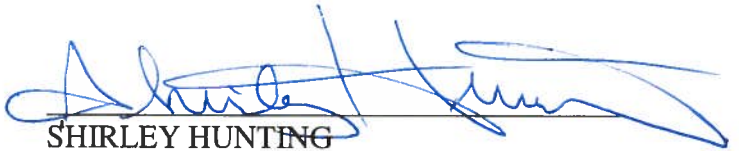
We recently received a "Notice of Intended Action and Accusation" from the Board of Pharmacy and signed by you. This notice was sent due to our failure to comply with the officer fingerprint requirement you had previously contacted us about. I am writing this response to acknowledge the fact that we dropped the ball on this action and do not have an adequate defense or explanation for our failure to comply with the request. The fact of the matter is we dragged our feet on this for too long and we acknowledge that inaction was inappropriate. While some form of discipline is anticipated, we would also like to remedy this situation if at all possible. I respectfully ask that once discipline is decided on that we be given the chance to eventually restore our license to "good standing" with the Board of Pharmacy. If the Board needs any information from us during the next phase of this process please feel free to contact me directly. Thank you for your time and we apologize for the inconvenience this has caused.

Tim Van Grinsven | Controller | Dental City - P.O. Box 8267 - Green Bay, WI 54308-8267
 O: 920-965-3961 ext 106 | F: 920-965-3133 | E: tvangrinsven@dentalcity.com

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 11th day of September, 2019, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

DENTAL CITY
3205 YEAGER DR
GREEN BAY, WI, 54311



SHIRLEY HUNTING

4M

SEP 11 2019

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD
OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-166-WH
)	
Petitioner,)	
)	
v.	)	NOTICE OF INTENDED ACTION
	)	AND ACCUSATION
GC Mogam, Inc.)	
Certificate of Registration No.WH02518)	
)	
Respondent.	/	

J. David Wuest, 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 622A.300(1) and 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 GC Mogam, Inc., held Nevada Wholesaler License No. WH02518 issued by the Pharmacy Board.

FACTUAL ALLEGATIONS

II.

On or about May 24, 2019, Respondent was served by written notice with a request to comply with the requirements of NRS 639.500 and submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History.

III.

On or about July 23, 2019, Respondent was served with a second written notice to comply with the requirements of NRS 639.500.

IV.

Respondent has failed to comply with the requirements of NRS 639.500. This also constitutes a violation of 21 CFR Part 205.

APPLICABLE LAW

V.

NRS 639.500 provides:

1. In addition to the requirements for an application set forth in NRS 639.100, each applicant for a license to engage in wholesale distribution shall submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. If the applicant is a:

- (a) Natural person, that person must submit his or her fingerprints.
- (b) Partnership, each partner must submit his or her fingerprints.
- (c) Corporation, each officer and director of the corporation must submit his or her fingerprints.
- (d) Sole proprietorship, that sole proprietor must submit his or her fingerprints.

2. In addition to the requirements of subsection 1, the applicant shall submit with the application a list containing each employee, agent, independent contractor, consultant, guardian, personal representative, lender or holder of indebtedness of the applicant. The Board may require any person on the applicant's list to submit a complete set of fingerprints to the Board if the Board determines that the person has the power to exercise significant influence over the operation of the applicant as a licensed wholesaler. The fingerprints must be submitted with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The provisions of this subsection do not apply to a:

- (a) Lender or holder of indebtedness of an applicant who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.
- (b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.

3. The Board may issue a provisional license to an applicant pending receipt of the reports from the Federal Bureau of Investigation if the Board determines that the applicant is otherwise qualified.
4. An applicant who is issued a license by the Board shall not allow a person who is required to submit fingerprints pursuant to subsection 2 to act in any capacity in which the person exercises significant influence over the operation of the wholesaler if the:
 - (a) Person does not submit a complete set of fingerprints in accordance with subsection 2; or
 - (b) Report of the criminal history of the person indicates that the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or offense involving moral turpitude or related to the qualifications, functions or duties of that person in connection with the operation of the wholesaler.
5. The Board shall not issue a license to an applicant if the requirements of this section are not satisfied.

VI.

Violating any of the provisions of NRS Chapter 639 is grounds for suspension or revocation of any license issued by the Board. NRS 639.210(12).

FIRST CAUSE OF ACTION

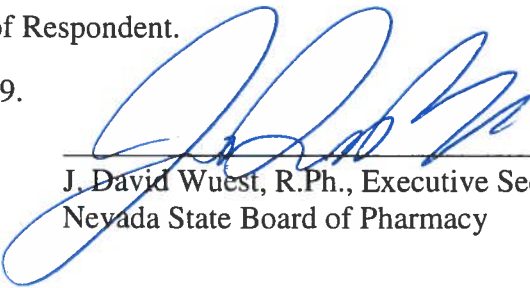
VII.

By failing to submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History, Respondent is in violation of NRS 639.500 and 21 CFR Part 205, and is subject to discipline pursuant to NRS 639.210(12) and NRS 639.255.

VIII.

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the License of Respondent.

Signed this 11th day of September, 2019.


 J. David Wuest, R.Ph., 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 for the retention of your license. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file of two copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Notice of Intended Action and Accusation. NRS 639.320; NRS 639.243. Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-166-WH
)	
Petitioner,)	
v.	)	STATEMENT TO THE
	)	RESPONDENT
GC Mogam, Inc.	)	AND NOTICE OF HEARING
Certificate of Registration No. WH02518)	
)	
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 and 622A, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, J. David Wuest, 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 show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file two (2) copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within. NRS 639.320; NRS 639.243.

III.

The Board has scheduled your hearing on this matter for Thursday, October 10, 2019, 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.

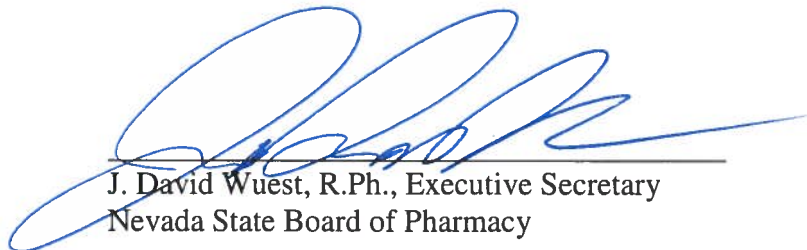
IV.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

V.

Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

DATED this 11th day of September, 2019.



J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-166-WH
)	
Petitioner,	)	ANSWER AND NOTICE
v.	)	OF DEFENSE
)	
GC Mogam, Inc.)	
Certificate of Registration No. WH02518)	
)	
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 September, 2019.

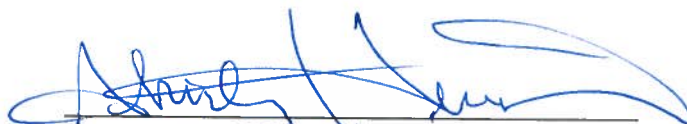
Type or print name

Authorized Representative For
GC Mogam, Inc.

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 11th day of September, 2019, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

GC Mogam, Inc.
2200 Fletcher Ave
Fort Lee, NJ, 07024


SHIRLEY HUNTING

4N

SEP 11 2019

NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-170-WH
)	
Petitioner,)	
v.)	
	)	NOTICE OF INTENDED ACTION
HALYARD SALES, LLC	)	AND ACCUSATION
Certificate of Registration No. WH01490)	
)	
Respondent.	/	

J. David Wuest, 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 622A.300(1) and 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 HALYARD SALES, LLC, held Nevada Wholesaler License No. WH01490 issued by the Pharmacy Board.

FACTUAL ALLEGATIONS

II.

On or about May 24, 2019, Respondent was served by written notice with a request to comply with the requirements of NRS 639.500 and submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History.

III.

On or about July 23, 2019, Respondent was served with a second written notice to comply with the requirements of NRS 639.500.

IV.

Respondent has failed to comply with the requirements of NRS 639.500. This also constitutes a violation of 21 CFR Part 205.

APPLICABLE LAW

V.

NRS 639.500 provides:

1. In addition to the requirements for an application set forth in NRS 639.100, each applicant for a license to engage in wholesale distribution shall submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. If the applicant is a:

- (a) Natural person, that person must submit his or her fingerprints.
- (b) Partnership, each partner must submit his or her fingerprints.
- (c) Corporation, each officer and director of the corporation must submit his or her fingerprints.
- (d) Sole proprietorship, that sole proprietor must submit his or her fingerprints.

2. In addition to the requirements of subsection 1, the applicant shall submit with the application a list containing each employee, agent, independent contractor, consultant, guardian, personal representative, lender or holder of indebtedness of the applicant. The Board may require any person on the applicant's list to submit a complete set of fingerprints to the Board if the Board determines that the person has the power to exercise significant influence over the operation of the applicant as a licensed wholesaler. The fingerprints must be submitted with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The provisions of this subsection do not apply to a:

- (a) Lender or holder of indebtedness of an applicant who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.
- (b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.

3. The Board may issue a provisional license to an applicant pending receipt of the reports from the Federal Bureau of Investigation if the Board determines that the applicant is otherwise qualified.

4. An applicant who is issued a license by the Board shall not allow a person who is required to submit fingerprints pursuant to subsection 2 to act in any capacity in which the person exercises significant influence over the operation of the wholesaler if the:

(a) Person does not submit a complete set of fingerprints in accordance with subsection 2; or

(b) Report of the criminal history of the person indicates that the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or offense involving moral turpitude or related to the qualifications, functions or duties of that person in connection with the operation of the wholesaler.

5. The Board shall not issue a license to an applicant if the requirements of this section are not satisfied.

VI.

Violating any of the provisions of NRS Chapter 639 is grounds for suspension or revocation of any license issued by the Board. NRS 639.210(12).

FIRST CAUSE OF ACTION

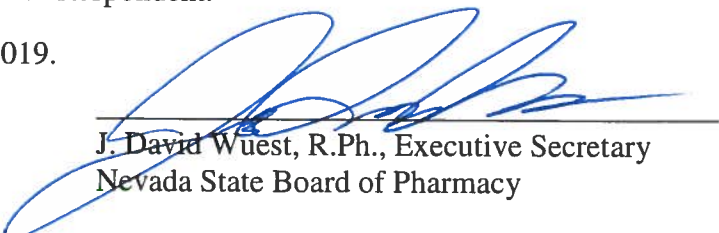
VII.

By failing to submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History, Respondent is in violation of NRS 639.500 and 21 CFR Part 205, and is subject to discipline pursuant to NRS 639.210(12) and NRS 639.255.

VIII.

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the License of Respondent.

Signed this 11th day of September, 2019.


J. David Wuest, R.Ph., 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 for the retention of your license. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file of two copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Notice of Intended Action and Accusation. NRS 639.320; NRS 639.243. Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-170-WH
)	
Petitioner,)	
v.	)	STATEMENT TO THE
	)	RESPONDENT
HALYARD SALES, LLC	)	AND NOTICE OF HEARING
Certificate of Registration No. WH01490)	
)	
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 and 622A, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, J. David Wuest, 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 show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file two (2) copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within. NRS 639.320; NRS 639.243.

III.

The Board has scheduled your hearing on this matter for Thursday, October 10, 2019, 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.

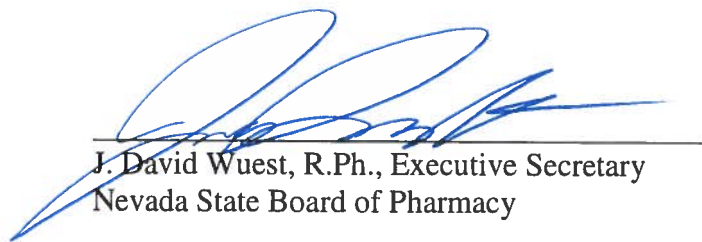
IV.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

V.

Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

DATED this 11th day of September, 2019.



J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-170-WH
)	
Petitioner,	)	ANSWER AND NOTICE
v.	)	OF DEFENSE
)	
HALYARD SALES, LLC)	
Certificate of Registration No. WH01490)	
)	
Respondent.	/	

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 September, 2019.

Type or print name

Authorized Representative For
HALYARD SALES, LLC

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 11th day of September, 2019, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

HALYARD SALES, LLC
6620 South Memorial Place
TUCSON, AZ, 85756


SHIRLEY HUNTING

40

SEP 11 2019

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD
OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-175-WH
)	
Petitioner,)	
)	
v.	)	NOTICE OF INTENDED ACTION
	)	AND ACCUSATION
INTEGRATED MEDICAL SYSTEMS, INC.)	
Certificate of Registration No. WH02059)	
)	
Respondent.	/	

J. David Wuest, 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 622A.300(1) and 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 INTEGRATED MEDICAL SYSTEMS, INC., held Nevada Wholesaler License No. WH02059 issued by the Pharmacy Board.

FACTUAL ALLEGATIONS

II.

On or about May 24, 2019, Respondent was served by written notice with a request to comply with the requirements of NRS 639.500 and submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History.

III.

On or about July 23, 2019, Respondent was served with a second written notice to comply with the requirements of NRS 639.500.

IV.

Respondent has failed to comply with the requirements of NRS 639.500. This also constitutes a violation of 21 CFR Part 205.

APPLICABLE LAW

V.

NRS 639.500 provides:

1. In addition to the requirements for an application set forth in NRS 639.100, each applicant for a license to engage in wholesale distribution shall submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. If the applicant is a:

- (a) Natural person, that person must submit his or her fingerprints.
- (b) Partnership, each partner must submit his or her fingerprints.
- (c) Corporation, each officer and director of the corporation must submit his or her fingerprints.

- (d) Sole proprietorship, that sole proprietor must submit his or her fingerprints.

2. In addition to the requirements of subsection 1, the applicant shall submit with the application a list containing each employee, agent, independent contractor, consultant, guardian, personal representative, lender or holder of indebtedness of the applicant. The Board may require any person on the applicant's list to submit a complete set of fingerprints to the Board if the Board determines that the person has the power to exercise significant influence over the operation of the applicant as a licensed wholesaler. The fingerprints must be submitted with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The provisions of this subsection do not apply to a:

- (a) Lender or holder of indebtedness of an applicant who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.

- (b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.

3. The Board may issue a provisional license to an applicant pending receipt of the reports from the Federal Bureau of Investigation if the Board determines that the applicant is otherwise qualified.

4. An applicant who is issued a license by the Board shall not allow a person who is required to submit fingerprints pursuant to subsection 2 to act in any capacity in which the person exercises significant influence over the operation of the wholesaler if the:

(a) Person does not submit a complete set of fingerprints in accordance with subsection 2; or

(b) Report of the criminal history of the person indicates that the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or offense involving moral turpitude or related to the qualifications, functions or duties of that person in connection with the operation of the wholesaler.

5. The Board shall not issue a license to an applicant if the requirements of this section are not satisfied.

VI.

Violating any of the provisions of NRS Chapter 639 is grounds for suspension or revocation of any license issued by the Board. NRS 639.210(12).

FIRST CAUSE OF ACTION

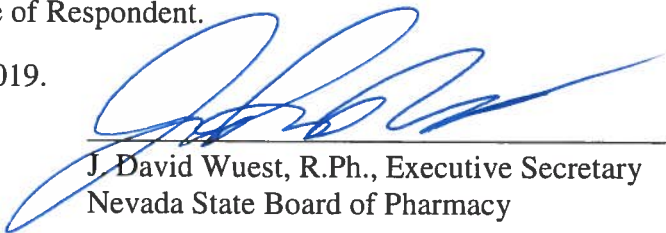
VII.

By failing to submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History, Respondent is in violation of NRS 639.500 and 21 CFR Part 205, and is subject to discipline pursuant to NRS 639.210(12) and NRS 639.255.

VIII.

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the License of Respondent.

Signed this 11th day of September, 2019.


J. David Wuest, R.Ph., 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 for the retention of your license. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file of two copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Notice of Intended Action and Accusation. NRS 639.320; NRS 639.243. Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-175-WH
)	
Petitioner,)	
v.	)	STATEMENT TO THE
	)	RESPONDENT
INTEGRATED MEDICAL SYSTEMS, INC.	)	AND NOTICE OF HEARING
Certificate of Registration No. WH02059)	
)	
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 and 622A, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, J. David Wuest, 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 show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file two (2) copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within. NRS 639.320; NRS 639.243.

III.

The Board has scheduled your hearing on this matter for Thursday, October 10, 2019, 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.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

V.

Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

DATED this 11th day of September, 2019.



J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-175-WH
)	
Petitioner,	)	ANSWER AND NOTICE
v.	)	OF DEFENSE
)	
INTEGRATED MEDICAL SYSTEMS, INC.)	
Certificate of Registration No. WH02059)	
)	
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 September, 2019.

Type or print name

Authorized Representative For
INTEGRATED MEDICAL SYSTEMS,
INC.

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 11th day of September, 2019, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

INTEGRATED MEDICAL SYSTEMS, INC.
1839 DEMING ST
SPARKS, NV, 89431



SHIRLEY HUNTING

4P

FILED

SEP 11 2019

NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

NATIONAL CORNERSTONE HEALTHCARE
SERVICES INC. (NCHS)

Certificate of Registration No.WH01504

) CASE NO. 19-146-WH

)

)

)

)

)

)

/

NOTICE OF INTENDED ACTION
AND ACCUSATIONRespondent.

J. David Wuest, 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 622A.300(1) and 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 NATIONAL CORNERSTONE HEALTHCARE SERVICES INC. (NCHS), held Nevada Wholesaler License No. WH01504 issued by the Pharmacy Board.

FACTUAL ALLEGATIONS

II.

On or about May 24, 2019, Respondent was served by written notice with a request to comply with the requirements of NRS 639.500 and submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History.

III.

On or about July 23, 2019, Respondent was served with a second written notice to comply with the requirements of NRS 639.500.

IV.

Respondent has failed to comply with the requirements of NRS 639.500. This also constitutes a violation of 21 CFR Part 205.

APPLICABLE LAW

V.

NRS 639.500 provides:

1. In addition to the requirements for an application set forth in NRS 639.100, each applicant for a license to engage in wholesale distribution shall submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. If the applicant is a:

- (a) Natural person, that person must submit his or her fingerprints.
- (b) Partnership, each partner must submit his or her fingerprints.
- (c) Corporation, each officer and director of the corporation must submit his or her fingerprints.
- (d) Sole proprietorship, that sole proprietor must submit his or her fingerprints.

2. In addition to the requirements of subsection 1, the applicant shall submit with the application a list containing each employee, agent, independent contractor, consultant, guardian, personal representative, lender or holder of indebtedness of the applicant. The Board may require any person on the applicant's list to submit a complete set of fingerprints to the Board if the Board determines that the person has the power to exercise significant influence over the operation of the applicant as a licensed wholesaler. The fingerprints must be submitted with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The provisions of this subsection do not apply to a:

(a) Lender or holder of indebtedness of an applicant who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.

(b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.

3. The Board may issue a provisional license to an applicant pending receipt of the reports from the Federal Bureau of Investigation if the Board determines that the applicant is otherwise qualified.

4. An applicant who is issued a license by the Board shall not allow a person who is required to submit fingerprints pursuant to subsection 2 to act in any capacity in which the person exercises significant influence over the operation of the wholesaler if the:

(a) Person does not submit a complete set of fingerprints in accordance with subsection 2; or

(b) Report of the criminal history of the person indicates that the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or offense involving moral turpitude or related to the qualifications, functions or duties of that person in connection with the operation of the wholesaler.

5. The Board shall not issue a license to an applicant if the requirements of this section are not satisfied.

VI.

Violating any of the provisions of NRS Chapter 639 is grounds for suspension or revocation of any license issued by the Board. NRS 639.210(12).

FIRST CAUSE OF ACTION

VII.

By failing to submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History, Respondent is in violation of NRS 639.500 and 21 CFR Part 205, and is subject to discipline pursuant to NRS 639.210(12) and NRS 639.255.

VIII.

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the License of Respondent.

Signed this 11th day of September, 2019.


J. David Wuest, R.Ph., 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 for the retention of your license. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file of two copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Notice of Intended Action and Accusation. NRS 639.320; NRS 639.243. Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-146-WH
)	
Petitioner,)	
v.	)	STATEMENT TO THE
	)	RESPONDENT
NATIONAL CORNERSTONE HEALTHCARE	)	AND NOTICE OF HEARING
SERVICES INC. (NCHS))	
Certificate of Registration No. WH01504)	
	/	
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 and 622A, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, J. David Wuest, 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 show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file two (2) copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within. NRS 639.320; NRS 639.243.

III.

The Board has scheduled your hearing on this matter for Thursday, October 10, 2019, 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.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

V.

Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

DATED this 11th day of September, 2019.



J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-146-WH
)	
Petitioner,	)	ANSWER AND NOTICE
v.	)	OF DEFENSE
)	
NATIONAL CORNERSTONE HEALTHCARE)	
SERVICES INC. (NCHS))	
Certificate of Registration No. WH01504)	
	/	
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 September, 2019.

Type or print name

Authorized Representative For
NATIONAL CORNERSTONE
HEALTHCARE SERVICES INC. (NCHS)

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 11th day of September, 2019, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

NATIONAL CORNERSTONE HEALTHCARE
SERVICES INC. (NCHS)
24747 REDLANDS BLVD #B
LOMA LINDA, CA, 92354


SHIRLEY HUNTING

4Q

SEP 11 2019

NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,)	CASE NO. 19-188-WH
)	
Petitioner,)	
)	
v.	)	NOTICE OF INTENDED ACTION
	)	AND ACCUSATION
PHARMACO TECHNOLOGY LLC)	
Certificate of Registration No.WH02258)	
)	
Respondent.	/	

J. David Wuest, 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 622A.300(1) and 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 PHARMACO TECHNOLOGY LLC, held Nevada Wholesaler License No. WH02258 issued by the Pharmacy Board.

FACTUAL ALLEGATIONS

II.

On or about May 24, 2019, Respondent was served by written notice with a request to comply with the requirements of NRS 639.500 and submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History.

III.

On or about July 23, 2019, Respondent was served with a second written notice to comply with the requirements of NRS 639.500.

IV.

Respondent has failed to comply with the requirements of NRS 639.500. This also constitutes a violation of 21 CFR Part 205.

APPLICABLE LAW

V.

NRS 639.500 provides:

1. In addition to the requirements for an application set forth in NRS 639.100, each applicant for a license to engage in wholesale distribution shall submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. If the applicant is a:

- (a) Natural person, that person must submit his or her fingerprints.
- (b) Partnership, each partner must submit his or her fingerprints.
- (c) Corporation, each officer and director of the corporation must submit his or her fingerprints.
- (d) Sole proprietorship, that sole proprietor must submit his or her fingerprints.

2. In addition to the requirements of subsection 1, the applicant shall submit with the application a list containing each employee, agent, independent contractor, consultant, guardian, personal representative, lender or holder of indebtedness of the applicant. The Board may require any person on the applicant's list to submit a complete set of fingerprints to the Board if the Board determines that the person has the power to exercise significant influence over the operation of the applicant as a licensed wholesaler. The fingerprints must be submitted with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The provisions of this subsection do not apply to a:

- (a) Lender or holder of indebtedness of an applicant who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.
- (b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.

3. The Board may issue a provisional license to an applicant pending receipt of the reports from the Federal Bureau of Investigation if the Board determines that the applicant is otherwise qualified.

4. An applicant who is issued a license by the Board shall not allow a person who is required to submit fingerprints pursuant to subsection 2 to act in any capacity in which the person exercises significant influence over the operation of the wholesaler if the:

(a) Person does not submit a complete set of fingerprints in accordance with subsection 2; or

(b) Report of the criminal history of the person indicates that the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or offense involving moral turpitude or related to the qualifications, functions or duties of that person in connection with the operation of the wholesaler.

5. The Board shall not issue a license to an applicant if the requirements of this section are not satisfied.

VI.

Violating any of the provisions of NRS Chapter 639 is grounds for suspension or revocation of any license issued by the Board. NRS 639.210(12).

FIRST CAUSE OF ACTION

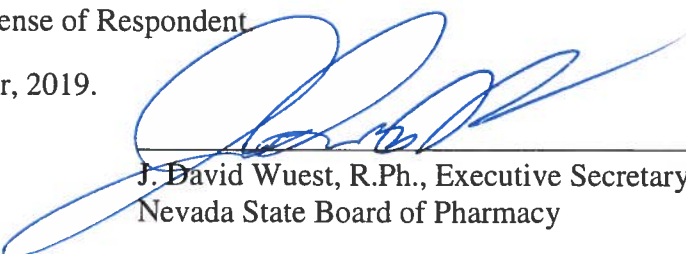
VII.

By failing to submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History, Respondent is in violation of NRS 639.500 and 21 CFR Part 205, and is subject to discipline pursuant to NRS 639.210(12) and NRS 639.255.

VIII.

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the License of Respondent.

Signed this 11th day of September, 2019.


J. David Wuest, R.Ph., 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 for the retention of your license. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file of two copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Notice of Intended Action and Accusation. NRS 639.320; NRS 639.243. Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-188-WH
)	
Petitioner,)	
v.	)	STATEMENT TO THE
	)	RESPONDENT
PHARMACO TECHNOLOGY LLC	)	AND NOTICE OF HEARING
Certificate of Registration No. WH02258)	
)	
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 and 622A, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, J. David Wuest, 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 show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file two (2) copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within. NRS 639.320; NRS 639.243.

III.

The Board has scheduled your hearing on this matter for Thursday, October 10, 2019, 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.

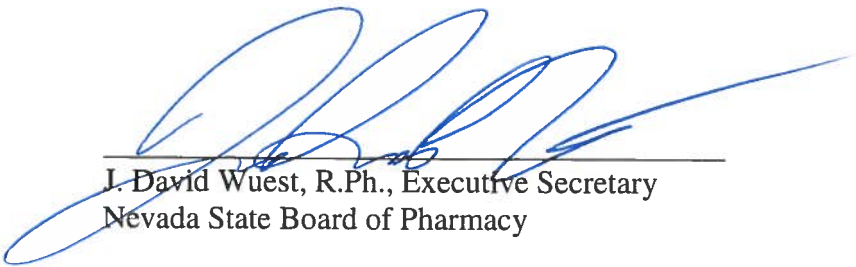
IV.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

V.

Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

DATED this 11th day of September, 2019.



I. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-188-WH
)	
Petitioner,	)	ANSWER AND NOTICE
v.	)	OF DEFENSE
)	
PHARMACO TECHNOLOGY LLC)	
Certificate of Registration No. WH02258)	
)	
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 September, 2019.

Type or print name

Authorized Representative For
PHARMACO TECHNOLOGY LLC

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 11th day of September, 2019, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

PHARMACO TECHNOLOGY LLC
13727 NOEL RD, TOWER 11 #200
DALLAS, TX, 75240



SHIRLEY HUNTING

4R

FILED

SEP 11 2019

NEVADA STATE BOARD
OF PHARMACY**BEFORE THE NEVADA STATE BOARD OF PHARMACY**

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-194-WH
)	
Petitioner,)	
v.)	
	)	NOTICE OF INTENDED ACTION
RLC LABS, INC.	)	AND ACCUSATION
Certificate of Registration No.WH01443)	
)	
Respondent.	/	

J. David Wuest, 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 622A.300(1) and 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 RLC LABS, INC., held Nevada Wholesaler License No. WH01443 issued by the Pharmacy Board.

FACTUAL ALLEGATIONS**II.**

On or about May 24, 2019, Respondent was served by written notice with a request to comply with the requirements of NRS 639.500 and submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History.

III.

On or about July 23, 2019, Respondent was served with a second written notice to comply with the requirements of NRS 639.500.

IV.

Respondent has failed to comply with the requirements of NRS 639.500. This also constitutes a violation of 21 CFR Part 205.

APPLICABLE LAW

V.

NRS 639.500 provides:

1. In addition to the requirements for an application set forth in NRS 639.100, each applicant for a license to engage in wholesale distribution shall submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. If the applicant is a:

- (a) Natural person, that person must submit his or her fingerprints.
- (b) Partnership, each partner must submit his or her fingerprints.
- (c) Corporation, each officer and director of the corporation must submit his or her fingerprints.
- (d) Sole proprietorship, that sole proprietor must submit his or her fingerprints.

2. In addition to the requirements of subsection 1, the applicant shall submit with the application a list containing each employee, agent, independent contractor, consultant, guardian, personal representative, lender or holder of indebtedness of the applicant. The Board may require any person on the applicant's list to submit a complete set of fingerprints to the Board if the Board determines that the person has the power to exercise significant influence over the operation of the applicant as a licensed wholesaler. The fingerprints must be submitted with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The provisions of this subsection do not apply to a:

- (a) Lender or holder of indebtedness of an applicant who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.
- (b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.

3. The Board may issue a provisional license to an applicant pending receipt of the reports from the Federal Bureau of Investigation if the Board determines that the applicant is otherwise qualified.

4. An applicant who is issued a license by the Board shall not allow a person who is required to submit fingerprints pursuant to subsection 2 to act in any capacity in which the person exercises significant influence over the operation of the wholesaler if the:

(a) Person does not submit a complete set of fingerprints in accordance with subsection 2; or

(b) Report of the criminal history of the person indicates that the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or offense involving moral turpitude or related to the qualifications, functions or duties of that person in connection with the operation of the wholesaler.

5. The Board shall not issue a license to an applicant if the requirements of this section are not satisfied.

VI.

Violating any of the provisions of NRS Chapter 639 is grounds for suspension or revocation of any license issued by the Board. NRS 639.210(12).

FIRST CAUSE OF ACTION

VII.

By failing to submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History, Respondent is in violation of NRS 639.500 and 21 CFR Part 205, and is subject to discipline pursuant to NRS 639.210(12) and NRS 639.255.

VIII.

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the License of Respondent.

Signed this 11th day of September, 2019.



J. David Wuest, R.Ph., 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 for the retention of your license. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file of two copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Notice of Intended Action and Accusation. NRS 639.320; NRS 639.243. Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-194-WH
)	
Petitioner,)	
v.	)	STATEMENT TO THE
RLC LABS, INC.	)	RESPONDENT
Certificate of Registration No. WH01443	)	AND NOTICE OF 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 and 622A, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, J. David Wuest, 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 show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file two (2) copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within. NRS 639.320; NRS 639.243.

III.

The Board has scheduled your hearing on this matter for Thursday, October 10, 2019, 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.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

V.

Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

DATED this 11th day of September, 2019.



J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-194-WH
)	
Petitioner,	)	ANSWER AND NOTICE
v.	)	OF DEFENSE
)	
RLC LABS, INC.)	
Certificate of Registration No. WH01443)	
)	
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 September, 2019.

Type or print name

Authorized Representative For
RLC LABS, INC.

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 11th day of September, 2019, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

RLC LABS, INC.
27626 N. 44th St.
Cave Creek, AZ, 85331



SHIRLEY HUNTING

4S

FILED

SEP 11 2019

NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-202-WH
)	
Petitioner,)	
v.)	
	)	NOTICE OF INTENDED ACTION
VIRBAC AH INC.	)	AND ACCUSATION
Certificate of Registration No. WH02428)	
)	
Respondent.	/	

J. David Wuest, 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 622A.300(1) and 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 VIRBAC AH INC., held Nevada Wholesaler License No. WH02428 issued by the Pharmacy Board.

FACTUAL ALLEGATIONS

II.

On or about May 24, 2019, Respondent was served by written notice with a request to comply with the requirements of NRS 639.500 and submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History.

III.

On or about July 23, 2019, Respondent was served with a second written notice to comply with the requirements of NRS 639.500.

IV.

Respondent has failed to comply with the requirements of NRS 639.500. This also constitutes a violation of 21 CFR Part 205.

APPLICABLE LAW

V.

NRS 639.500 provides:

1. In addition to the requirements for an application set forth in NRS 639.100, each applicant for a license to engage in wholesale distribution shall submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. If the applicant is a:

- (a) Natural person, that person must submit his or her fingerprints.
- (b) Partnership, each partner must submit his or her fingerprints.
- (c) Corporation, each officer and director of the corporation must submit his or her fingerprints.
- (d) Sole proprietorship, that sole proprietor must submit his or her fingerprints.

2. In addition to the requirements of subsection 1, the applicant shall submit with the application a list containing each employee, agent, independent contractor, consultant, guardian, personal representative, lender or holder of indebtedness of the applicant. The Board may require any person on the applicant's list to submit a complete set of fingerprints to the Board if the Board determines that the person has the power to exercise significant influence over the operation of the applicant as a licensed wholesaler. The fingerprints must be submitted with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The provisions of this subsection do not apply to a:

- (a) Lender or holder of indebtedness of an applicant who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.
- (b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.

3. The Board may issue a provisional license to an applicant pending receipt of the reports from the Federal Bureau of Investigation if the Board determines that the applicant is otherwise qualified.

4. An applicant who is issued a license by the Board shall not allow a person who is required to submit fingerprints pursuant to subsection 2 to act in any capacity in which the person exercises significant influence over the operation of the wholesaler if the:

(a) Person does not submit a complete set of fingerprints in accordance with subsection 2; or

(b) Report of the criminal history of the person indicates that the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or offense involving moral turpitude or related to the qualifications, functions or duties of that person in connection with the operation of the wholesaler.

5. The Board shall not issue a license to an applicant if the requirements of this section are not satisfied.

VI.

Violating any of the provisions of NRS Chapter 639 is grounds for suspension or revocation of any license issued by the Board. NRS 639.210(12).

FIRST CAUSE OF ACTION

VII.

By failing to submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History, Respondent is in violation of NRS 639.500 and 21 CFR Part 205, and is subject to discipline pursuant to NRS 639.210(12) and NRS 639.255.

VIII.

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the License of Respondent.

Signed this 1st day of September, 2019.


J. David Wuest, R.Ph., 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 for the retention of your license. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file of two copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Notice of Intended Action and Accusation. NRS 639.320; NRS 639.243. Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-202-WH
)	
Petitioner,)	
v.	)	STATEMENT TO THE
VIRBAC AH INC.	)	RESPONDENT
Certificate of Registration No. WH02428	)	AND NOTICE OF 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 and 622A, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, J. David Wuest, 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 show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file two (2) copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within. NRS 639.320; NRS 639.243.

III.

The Board has scheduled your hearing on this matter for Thursday, October 10, 2019, 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.

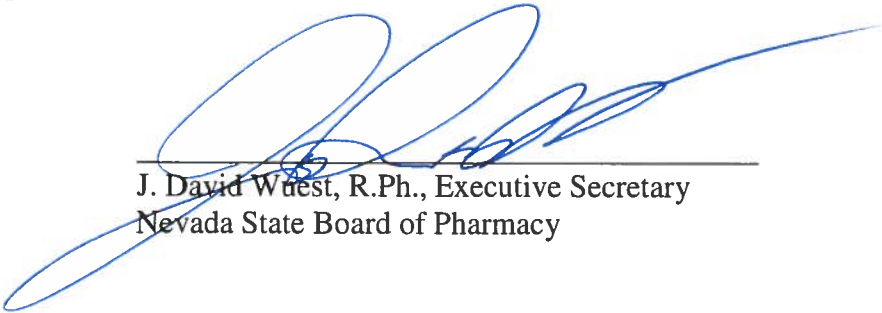
IV.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

V.

Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

DATED this 11th day of September, 2019.



J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-202-WH
)	
Petitioner,	)	ANSWER AND NOTICE
v.	)	OF DEFENSE
)	
VIRBAC AH INC.)	
Certificate of Registration No. WH02428)	
)	
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 September, 2019.

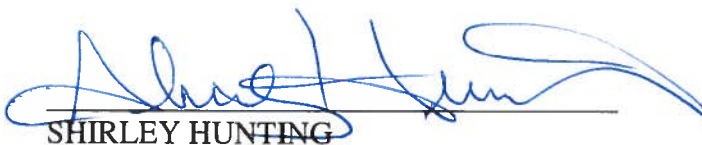
Type or print name

Authorized Representative For
VIRBAC AH INC.

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 11th day of September, 2019, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

VIRBAC AH INC.
8300 NE UNDERGROUND DR, PILLAR 302
KANSAS CITY, MO, 64161



SHIRLEY HUNTING

4T

SEP 11 2019

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD
OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-204-WH
)	
Petitioner,)	
v.)	
	)	NOTICE OF INTENDED ACTION
WBC GROUP., LLC	)	AND ACCUSATION
Certificate of Registration No.WH01900)	
)	
Respondent.	/	

J. David Wuest, 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 622A.300(1) and 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 WBC GROUP., LLC, held Nevada Wholesaler License No. WH01900 issued by the Pharmacy Board.

FACTUAL ALLEGATIONS

II.

On or about May 24, 2019, Respondent was served by written notice with a request to comply with the requirements of NRS 639.500 and submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History.

III.

On or about July 23, 2019, Respondent was served with a second written notice to comply with the requirements of NRS 639.500.

IV.

Respondent has failed to comply with the requirements of NRS 639.500. This also constitutes a violation of 21 CFR Part 205.

APPLICABLE LAW

V.

NRS 639.500 provides:

1. In addition to the requirements for an application set forth in NRS 639.100, each applicant for a license to engage in wholesale distribution shall submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. If the applicant is a:

- (a) Natural person, that person must submit his or her fingerprints.
- (b) Partnership, each partner must submit his or her fingerprints.
- (c) Corporation, each officer and director of the corporation must submit his or her fingerprints.
- (d) Sole proprietorship, that sole proprietor must submit his or her fingerprints.

2. In addition to the requirements of subsection 1, the applicant shall submit with the application a list containing each employee, agent, independent contractor, consultant, guardian, personal representative, lender or holder of indebtedness of the applicant. The Board may require any person on the applicant's list to submit a complete set of fingerprints to the Board if the Board determines that the person has the power to exercise significant influence over the operation of the applicant as a licensed wholesaler. The fingerprints must be submitted with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The provisions of this subsection do not apply to a:

- (a) Lender or holder of indebtedness of an applicant who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.
- (b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.

3. The Board may issue a provisional license to an applicant pending receipt of the reports from the Federal Bureau of Investigation if the Board determines that the applicant is otherwise qualified.

4. An applicant who is issued a license by the Board shall not allow a person who is required to submit fingerprints pursuant to subsection 2 to act in any capacity in which the person exercises significant influence over the operation of the wholesaler if the:

(a) Person does not submit a complete set of fingerprints in accordance with subsection 2; or

(b) Report of the criminal history of the person indicates that the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or offense involving moral turpitude or related to the qualifications, functions or duties of that person in connection with the operation of the wholesaler.

5. The Board shall not issue a license to an applicant if the requirements of this section are not satisfied.

VI.

Violating any of the provisions of NRS Chapter 639 is grounds for suspension or revocation of any license issued by the Board. NRS 639.210(12).

FIRST CAUSE OF ACTION

VII.

By failing to submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History, Respondent is in violation of NRS 639.500 and 21 CFR Part 205, and is subject to discipline pursuant to NRS 639.210(12) and NRS 639.255.

VIII.

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the License of Respondent.

Signed this 12th day of September, 2019.



J. David Wuest, R.Ph., 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 for the retention of your license. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file of two copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Notice of Intended Action and Accusation. NRS 639.320; NRS 639.243. Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-204-WH
)	
Petitioner,)	
v.	)	STATEMENT TO THE
	)	RESPONDENT
WBC GROUP., LLC	)	AND NOTICE OF HEARING
Certificate of Registration No. WH01900)	
)	
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 and 622A, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, J. David Wuest, 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 show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file two (2) copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within. NRS 639.320; NRS 639.243.

III.

The Board has scheduled your hearing on this matter for Thursday, October 10, 2019, 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.

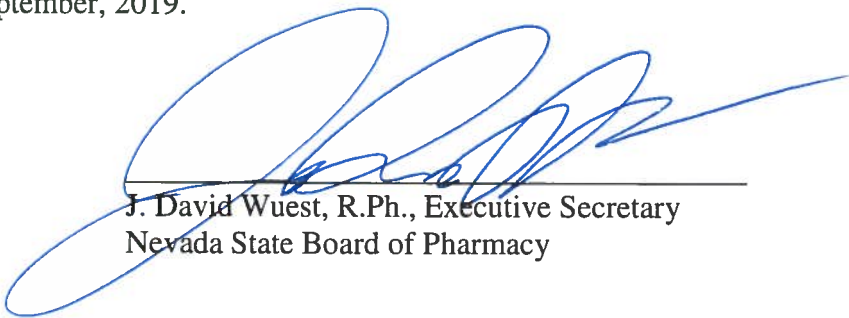
IV.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

V.

Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

DATED this 11th day of September, 2019.



J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-204-WH
)	
Petitioner,	)	ANSWER AND NOTICE
v.	)	OF DEFENSE
)	
WBC GROUP., LLC)	
Certificate of Registration No. WH01900)	
)	
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 September, 2019.

Type or print name

Authorized Representative For
WBC GROUP., LLC

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 11th day of September, 2019, I served a true and correct copy of the foregoing document by Certified U.S.

Mail to the following:

WBC GROUP., LLC
1560 South Baker Avenue, Suite A
Ontario, CA, 91761


SHIRLEY HUNTING

4U

SEP 11 2019

NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-206-WH
)	
Petitioner,)	
v.)	
	)	NOTICE OF INTENDED ACTION
WESTMINSTER PHARMACEUTICALS, LLC	)	AND ACCUSATION
Certificate of Registration No. WH02154)	
)	
Respondent.	/	

J. David Wuest, 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 622A.300(1) and 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 WESTMINSTER PHARMACEUTICALS, LLC, held Nevada Wholesaler License No. WH02154 issued by the Pharmacy Board.

FACTUAL ALLEGATIONS

II.

On or about May 24, 2019, Respondent was served by written notice with a request to comply with the requirements of NRS 639.500 and submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History.

III.

On or about July 23, 2019, Respondent was served with a second written notice to comply with the requirements of NRS 639.500.

IV.

Respondent has failed to comply with the requirements of NRS 639.500. This also constitutes a violation of 21 CFR Part 205.

APPLICABLE LAW

V.

NRS 639.500 provides:

1. In addition to the requirements for an application set forth in NRS 639.100, each applicant for a license to engage in wholesale distribution shall submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. If the applicant is a:

- (a) Natural person, that person must submit his or her fingerprints.
- (b) Partnership, each partner must submit his or her fingerprints.
- (c) Corporation, each officer and director of the corporation must submit his or her fingerprints.
- (d) Sole proprietorship, that sole proprietor must submit his or her fingerprints.

2. In addition to the requirements of subsection 1, the applicant shall submit with the application a list containing each employee, agent, independent contractor, consultant, guardian, personal representative, lender or holder of indebtedness of the applicant. The Board may require any person on the applicant's list to submit a complete set of fingerprints to the Board if the Board determines that the person has the power to exercise significant influence over the operation of the applicant as a licensed wholesaler. The fingerprints must be submitted with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The provisions of this subsection do not apply to a:

- (a) Lender or holder of indebtedness of an applicant who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.
- (b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.

3. The Board may issue a provisional license to an applicant pending receipt of the reports from the Federal Bureau of Investigation if the Board determines that the applicant is otherwise qualified.

4. An applicant who is issued a license by the Board shall not allow a person who is required to submit fingerprints pursuant to subsection 2 to act in any capacity in which the person exercises significant influence over the operation of the wholesaler if the:

(a) Person does not submit a complete set of fingerprints in accordance with subsection 2; or

(b) Report of the criminal history of the person indicates that the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or offense involving moral turpitude or related to the qualifications, functions or duties of that person in connection with the operation of the wholesaler.

5. The Board shall not issue a license to an applicant if the requirements of this section are not satisfied.

VI.

Violating any of the provisions of NRS Chapter 639 is grounds for suspension or revocation of any license issued by the Board. NRS 639.210(12).

FIRST CAUSE OF ACTION

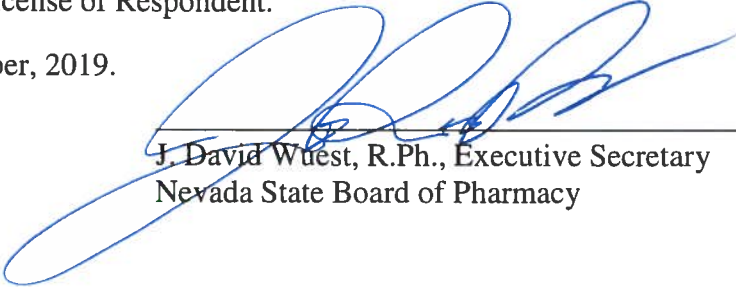
VII.

By failing to submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History, Respondent is in violation of NRS 639.500 and 21 CFR Part 205, and is subject to discipline pursuant to NRS 639.210(12) and NRS 639.255.

VIII.

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the License of Respondent.

Signed this 11th day of September, 2019.



J. David Wuest, R.Ph., 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 for the retention of your license. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file of two copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Notice of Intended Action and Accusation. NRS 639.320; NRS 639.243. Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-206-WH
)	
Petitioner,)	
v.	)	STATEMENT TO THE
	)	RESPONDENT
WESTMINSTER PHARMACEUTICALS, LLC	)	AND NOTICE OF HEARING
Certificate of Registration No. WH02154)	
)	
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 and 622A, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, J. David Wuest, 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 show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file two (2) copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within. NRS 639.320; NRS 639.243.

III.

The Board has scheduled your hearing on this matter for Thursday, October 10, 2019, 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.

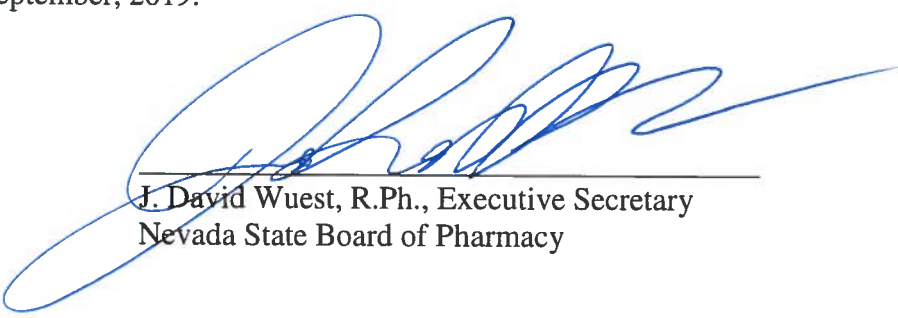
IV.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

V.

Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

DATED this 11th day of September, 2019.



J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

FILED

OCT 03 2019

NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-206-WH
)	
Petitioner,	)	ANSWER AND NOTICE
v.	)	OF DEFENSE
)	
WESTMINSTER PHARMACEUTICALS, LLC)	
Certificate of Registration No. WH02154)	
)	
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").

Respondent's Objection:

1. Respondent hereby objects to the Notice of Intended Action and Accusation, stating that the factual allegations set forth are incomplete, and does not clearly state factual allegations which would constitute a violation of NRS 639.500 based upon prior correspondence with Nevada State Board of Pharmacy regarding Certificate of Registration No. WH02154.
2. That, in answer to Notice of Intended Action and Accusation, he admits, denies and alleges as follows:
 - A. Respondent denies in part of the allegations for failure to comply with N.R.S. §639.500.
 - B. On May 1, 2019, Respondent notified the Nevada Board of Pharmacy (via FedEx) in writing of Notice of Intent to voluntarily surrender Certificate of Registration Number WH02154 and was received on May 3, 2019 (see attached Exhibit 1A-1C).
 - C. Respondent markets pharmaceuticals and is considered a "Private Label Distributor" per the FDA and does not possess, store, or distribute pharmaceuticals.

- D. As of April 29, 2019, Respondent utilizes Woodfield Distribution, LLC as a 3rd Party Logistics Provider (3PL) to store and distribute products sold by Respondent.
- E. Woodfield Distribution, LLC. is properly licensed as a "Wholesaler" by the Nevada State Board of Pharmacy under License Number WH02155 (see attached Exhibit 2).
- F. The Factual Allegations set forth state that notice was sent to Respondent regarding the request to comply with N.R.S §639.500 on May 24, 2019, and July 23, 2019 respectively.
- G. The notices sent by the Nevada Board of Pharmacy were sent **AFTER** Respondent notified in writing that the Respondent was voluntarily surrendering the license due to the utilization of a 3rd Party Logistics Provider.
- H. Based upon the foregoing facts, Respondent respectfully requests no formal action be taken since the surrender of the license was done prior to being set for a contested hearing, and subject to disciplinary action under N.R.S. §639.500

WHEREFORE, the Respondent, **WESTMINSTER PHARMACEUTICALS, LLC** respectfully requests this Honorable Board dismiss the formal allegations in this matter based upon the foregoing facts, or in the alternative, Suspend Judgment pursuant to NRS 639.255 (a) and grant a continuance in this matter if the Board determines a personal appearance is necessary.

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 2nd day of October, 2019.

Ricardo Martinez, Esq.



Authorized Representative for
Westminster Pharmaceuticals, LLC.



To whom it may concern,

Our license number with Nevada is WH02154. This letter is to info the board that we will now be using a 3PL company, called Woodfield Distribution, LLC. This will be effective as of 4/29/2019. Therefore, we would like to surrender our license. I have attached the 3PL information to this letter for your records. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads 'Adrienne Fink'. The signature is written in a cursive style and is positioned below the word 'Sincerely,'.

Adrienne Fink

3810 Northdale Blvd, Suite 250

Tampa, FL 33624

727.300.1376

finance@wprx.com

COPY

ORIGIN ID: TPEA (901) 209-5467
 ADRIENNE FINN
 P PATEL
 3810 NORTHDAL BLVD.
 STE 250
 TAMPA, FL 33624
 UNITED STATES US
 SHIP DATE: 01MAY19
 ACTWGT: 0.60 LB
 CAD: 108219739/NET14100
 BILL SENDER

TO LICENSING

BOARD OF PHARMACY
 985 DAMONTE RANCH PKWY
 #206

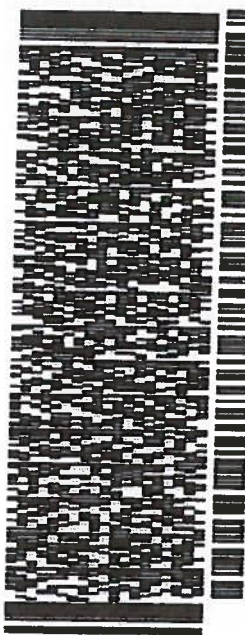
RENO NV 89521

(727) 300-1376
 NV

REF:

DEPT:

565J1D66C/23AD



TRK# 7751 0845 4664
 0207

MON - 06 MAY 4:30P
 EXPRESS SAVER

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89521
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After printing this label:

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1,000, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

Shirley



October 1, 2019

Dear Customer:

The following is the proof-of-delivery for tracking number **775108454664**.

Delivery Information:

Status:	Delivered	Delivery location:	RENO, NV
Signed for by:	K.MANGANING	Delivery date:	May 3, 2019 09:41
Service type:	FedEx Express Saver		
Special Handling:	Deliver Weekday		

Signature image is available. In order to view image and detailed information, the shipper or payor account number of the shipment must be provided.

Shipping Information:

Tracking number:	775108454664	Ship date:	May 1, 2019
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Recipient:
RENO, NV US

Shipper:
TAMPA, FL US

Thank you for choosing FedEx.



Nevada State Board of Pharmacy

Online reporting of disciplinary action is currently being updated. For current information on disciplinary actions taken against licensees please contact Board Staff at shunting@pharmacy.nv.gov (mailto:shunting@pharmacy.nv.gov) or (775) 850-1440.

VERIFY LICENSE

Facility Name	License Number#	City	State	Country	Discipline	Action
WOODFIELD DISTRIBUTION, LLC	WH02155	SUGAR LAND	TX	United States	None	

License Number : WH02155

Name : WOODFIELD DISTRIBUTION, LLC

License Type : Wholesaler

License Status : Active

License Date : 12/09/2015

Discipline :

Expiration Date : 10/31/2020

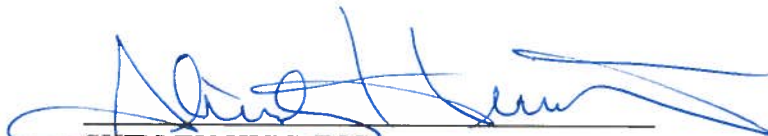


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CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 11th day of September, 2019, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

WESTMINSTER PHARMACEUTICALS, LLC
154 Downing Street, Unit 1 & 2
OLIVE BRANCH, MS, 38654


SHIRLEY HUNTING

4V

SEP 11 2019

NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-209-WH
)	
Petitioner,)	
)	
v.	)	NOTICE OF INTENDED ACTION
	)	AND ACCUSATION
X-GEN PHARMACEUTICALS, INC.)	
Certificate of Registration No. WH01618)	
)	
Respondent.	/	

J. David Wuest, 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 622A.300(1) and 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 X-GEN PHARMACEUTICALS, INC., held Nevada Wholesaler License No. WH01618 issued by the Pharmacy Board.

FACTUAL ALLEGATIONS

II.

On or about May 24, 2019, Respondent was served by written notice with a request to comply with the requirements of NRS 639.500 and submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History.

III.

On or about July 23, 2019, Respondent was served with a second written notice to comply with the requirements of NRS 639.500.

IV.

Respondent has failed to comply with the requirements of NRS 639.500. This also constitutes a violation of 21 CFR Part 205.

APPLICABLE LAW

V.

NRS 639.500 provides:

1. In addition to the requirements for an application set forth in NRS 639.100, each applicant for a license to engage in wholesale distribution shall submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. If the applicant is a:

- (a) Natural person, that person must submit his or her fingerprints.
- (b) Partnership, each partner must submit his or her fingerprints.
- (c) Corporation, each officer and director of the corporation must submit his or her fingerprints.
- (d) Sole proprietorship, that sole proprietor must submit his or her fingerprints.

2. In addition to the requirements of subsection 1, the applicant shall submit with the application a list containing each employee, agent, independent contractor, consultant, guardian, personal representative, lender or holder of indebtedness of the applicant. The Board may require any person on the applicant's list to submit a complete set of fingerprints to the Board if the Board determines that the person has the power to exercise significant influence over the operation of the applicant as a licensed wholesaler. The fingerprints must be submitted with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The provisions of this subsection do not apply to a:

- (a) Lender or holder of indebtedness of an applicant who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.
- (b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.

3. The Board may issue a provisional license to an applicant pending receipt of the reports from the Federal Bureau of Investigation if the Board determines that the applicant is otherwise qualified.

4. An applicant who is issued a license by the Board shall not allow a person who is required to submit fingerprints pursuant to subsection 2 to act in any capacity in which the person exercises significant influence over the operation of the wholesaler if the:

(a) Person does not submit a complete set of fingerprints in accordance with subsection 2; or

(b) Report of the criminal history of the person indicates that the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or offense involving moral turpitude or related to the qualifications, functions or duties of that person in connection with the operation of the wholesaler.

5. The Board shall not issue a license to an applicant if the requirements of this section are not satisfied.

VI.

Violating any of the provisions of NRS Chapter 639 is grounds for suspension or revocation of any license issued by the Board. NRS 639.210(12).

FIRST CAUSE OF ACTION

VII.

By failing to submit a current list of Respondent's officers and a fingerprint card from each officer with written permission from the officer authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History, Respondent is in violation of NRS 639.500 and 21 CFR Part 205, and is subject to discipline pursuant to NRS 639.210(12) and NRS 639.255.

VIII.

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the License of Respondent.

Signed this 11th day of September, 2019.



J. David Wuest, R.Ph., 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 for the retention of your license. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file of two copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Notice of Intended Action and Accusation. NRS 639.320; NRS 639.243. Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-209-WH
)	
Petitioner,)	
v.	)	STATEMENT TO THE
	)	RESPONDENT
X-GEN PHARMACEUTICALS, INC.	)	AND NOTICE OF HEARING
Certificate of Registration No. WH01618)	
)	
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 and 622A, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, J. David Wuest, 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 show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements. NRS 233B.127(3). 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. NRS 233B.121; NRS 233B.127(3); NRS 622A.300(1) and (3); NRS 639.241. To do so, you must complete and file two (2) copies of the Answer and Notice of Defense served herewith, to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within twenty (20) days of your receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within. NRS 639.320; NRS 639.243.

III.

The Board has scheduled your hearing on this matter for Thursday, October 10, 2019, 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.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

V.

Your failure to timely file an Answer and Notice of Defense constitutes an admission of the charges and waiver of the right to a hearing. NRS 639.244. If you fail to appear at the hearing and the Board finds that you were given sufficient legal notice of the hearing, the Board may accept the allegations as true and may proceed to consider the case and render a decision. NRS 622A.350.

DATED this 11th day of September, 2019.



J. David Wuest, R.Ph., Executive Secretary
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 19-209-WH
)	
Petitioner,	)	ANSWER AND NOTICE
v.	)	OF DEFENSE
)	
X-GEN PHARMACEUTICALS, INC.)	
Certificate of Registration No. WH01618)	
)	
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 September, 2019.

Type or print name

Authorized Representative For
X-GEN PHARMACEUTICALS, INC.

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 11th day of September, 2019, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

X-GEN PHARMACEUTICALS, INC.
300 DANIEL ZENKER DR
HORSEHEADS, NY, 14845



SHIRLEY HUNTING