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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
Administrative fee	$495.00	$495.00	$495.00
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 will be added costs 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 August 2014

FINDING	HARM	DISCIPLINE INDIVIDUAL	DISCIPLINE FACILITY
RPH HC during data entry selected propranol rather than Protonix as prescribed then unintentionally deleted the prescription. The patient ingested the wrong medication for 20 days with alleged adverse effects. RPH AD was PIC at the time of the violations.	Fatigue and lightheadedness.	HC: letter of reprimand; $2,750 fine; 4 additional hours of CE on error prevention and patient counseling AD: letter of reprimand and 4 additional hours of CE on pharmacy management.	$1,000 fine; $1,500 administrative fee; create training module for all NV CVS pharmacy personnel on the proper procedure to cancel or inactivate and not delete a prescription returned because of an error.
RPH MT verified as accurate Adderall XR 25 mg. capsules rather than the prescribed Adderall ER 20 mg. capsules. She failed to act upon the DUR alert which indicated the potential for duplicate therapy and failed to counsel. The patient ingested the wrong medication for 30 days.	None reported.	Letter of reprimand; $2,750 fine; and 4 additional hours of CE on error prevention and patient counseling.	$1,500 administrative fee.
RPH DR entered 500 mg. vials for injection, rather than the ampicillin 500 mg. capsules as prescribed. RPH MG verified, labeled and dispensed ampicillin 500 mg. vials for injection, rather than the ampicillin 500 mg. capsules prescribed. RPH EB failed to adequately provide counseling.	Non-ingested.	RPH DR: registration is suspended; the suspension is stayed and RPH registration placed on probation for three months; four additional CEs on error prevention; $3,000 fine. RPH MG: letter of reprimand: $1,000 fine. RPH EB: letter of reprimand: $750 fine; 2 additional CEs on patient counseling.	$1,500 administrative fee; create training module for all NV CVS pharmacy personnel on the proper procedure to cancel or inactivate and to not delete a prescription returned because of an error.
RPH JF created multiple fraudulent prescriptions for himself, family members and for technicians TB and IK.	N/A	RPH JF, technicians TB and IK registrations revoked.	N/A
RPH RE committed multiple compounding violations.	Non-Ingested	RPH registration suspended; suspension stayed and registration placed on probation for 30 days; $2,000 fine; $1,500 administrative fee; no sterile	Develop policies and procedures.

FINDING	HARM	DISCIPLINE INDIVIDUAL	DISCIPLINE FACILITY
		compounding; no non-sterile compounding until pharmacy staff complete a Board-approved compounding course.	
RPH DB verified as accurate Phenobarbital ***15 mg.*** tablets with instructions to take 1 tablet twice daily; rather than the Phenobarbital ***60 mg.*** tablets as prescribed. The patient ingested the wrong medication for 6 days.	Increased seizure activity.	Fined $1,000; two additional hours of CE on error prevention; and public letter of reprimand.	$1,500 administrative fee.
RPH NZ created a fraudulent prescription for a dangerous drug (Singulair) for herself and billed that prescription to an insurance provider. Respondent then furnished the dangerous drug to another person without a legal prescription.	N/A	Revoked	N/A
PT KY diverted 50-100 carisoprodol tablets monthly from her employing pharmacy beginning June 2015 until October 2017.	N/A	Revoked	N/A
TDs TJ and RVM dispensed controlled substances and dangerous drugs to patients without the prescriber's handwritten signature on each prescription; falsified the prescriber's signature on prescriptions for controlled substances and dangerous drugs; accessed the prescriber's inventory of controlled substances and dangerous drugs and dispensed them when the prescriber was not on-site at his medical office; dispensed controlled substances and dangerous drugs to patients who were not present at the prescriber's medical office,	N/A	Technician dispensing registrations revoked.	N/A

FINDING	HARM	DISCIPLINE INDIVIDUAL	DISCIPLINE FACILITY
including dispensing using the U.S. Mail and Federal Express; falsely documented patient initials and dates of service on patient informed consent labels.			
Action to parallel CA order which found RPH RD guilty of subverting or attempting to subvert an investigation of the CA board; aiding or abetting violations of pharmacy law; violation of the statutes regulating controlled substances.	N/A	Three year probation; cannot own NV pharmacy; notify Board Staff if he falls out of compliance with CA Order.	N/A
Action to parallel CA order which found PT CM guilty of engaging in the practice of pharmacy without being a registered pharmacist, (2) fraudulently holding herself out as a pharmacist when she is not, and (3) signing documents that falsely indicate that she is a pharmacist.	N/A	Revocation.	N/A
Physician RT aided and abetted his staff in the unlicensed practice of pharmacy by allowing them to use his authority to obtain and possess an inventory of controlled substances and dangerous drugs; issue prescriptions for controlled substances and/or dangerous drugs using pre-signed and copied prescription blanks or a stamp of his signature to patients with whom he had no bona fide therapeutic relationship; allowing his unlicensed staff access to his inventory of controlled substances and dangerous drugs when he was not on site at his facility; allowing his	N/A	Revocation	N/A

FINDING	HARM	DISCIPLINE INDIVIDUAL	DISCIPLINE FACILITY
unlicensed staff to dispense prescriptions for controlled substances and dangerous drugs without him first personally checking the medications and initialing them before they were dispensed.			
Physician CW allowed his staff to dispense and be dispensed, controlled substances and dangerous drugs to patients without his handwritten signature on each written prescription; allowed members of his office staff to falsify his signature on prescriptions for controlled substances and dangerous drugs that his medical office had already dispensed and that were required to bear his personal signature prior to dispensing; allowed unlicensed members of his office staff to sign prescriptions for controlled substances and dangerous drugs as if they were licensed practitioners with authority to prescribe and to sign valid prescriptions; allowed office staff access to the room or cabinet in which controlled substances and/or dangerous drugs are stored when he was not on-site at the facility; allowed his staff to dispense controlled substances or dangerous drugs when he was not on-site at his facility; allowed members of his office staff to dispense to patients who were not at his medical facility, including dispensing by U.S. Mail and Federal Express; allowed members of his office staff to falsely	N/A	Revocation.	N/A

FINDING	HARM	DISCIPLINE INDIVIDUAL	DISCIPLINE FACILITY
document patient initials and dates of service on patient informed consent forms.			
Pharmacists RA and NQ were responsible for a prescription that was mislabeled and dispensed with the wrong patient name; counseling was not provided.	Patient alleged that she experienced stomach issues.	RA voluntary surrender. NQ letter of reprimand; four additional hours of CE and retraining of the pharmacy staff in effective processes, error prevention and counseling.	$1,000 administrative fee.
PTs AM and ND diverted controlled substances from their employing pharmacy.	N/A	Revocation.	N/A
IG used his PMP account for the unauthorized purpose of accessing the patient utilization report of an individual who was not his patient. He disclosed the patient's information to the press.	N/A	IG's CS and PD registrations are revoked; the revocation is stayed and the registrations are placed on probation for one year. IG shall implement internal controls and procedures; pay a $10,000 fine; pay $16,000 attorney's fees and costs.	N/A
RG, MB, VV: unauthorized accessed and/or allowed unauthorized access to the PMP.	N/A	RG-$2,000 fine; $5,000 administrative fee; submit for Board Staff approval P&P regarding proper PMP access and use. MB-$2,000 fine; $2,000 administrative fee; submit for Board Staff approval P&P regarding proper PMP access and use. VV-$5,000 fine; $5,000 administrative fee.	N/A
JC aided and abetted in the unlawful prescribing of controlled substances and dangerous drugs; prescribed to patients she did not have a bona fide relationship; drug storage and recordkeeping	N/A	Revoked; $3,000 administrative fee.	N/A

FINDING	HARM	DISCIPLINE INDIVIDUAL	DISCIPLINE FACILITY
violations; allowed other practitioners to treat her patients and bill Medicaid and other commercial health insurance plans using her NPI.			
RPH LM failure to verify technician's work; dispensed medication without an expiration date; failure to counsel; failure to provide records. RPH TN responsible as managing pharmacist.	N/A	LM shall pay a $2,000 fine; $1,500 administrative fee; 2 CEs on supervising pharmacist; 2 CEs on recordkeeping; 2 CEs on counseling. TN shall pay a $500 fine; $500 administrative fee; 2 CEs on managing pharmacist responsibilities	WG shall pay a $1,000 fine; $1,000 administrative fee. WG will provide Board Staff its P&Ps regarding recordkeeping and shall meet with Board Staff to discuss the P&Ps. WG will distribute a copy of the approved P&Ps to each Nevada-licensed pharmacist and conduct training.
PT VA diverted controlled substances from her employing pharmacy.	N/A	Revoked	
PT TH did not disclose on her application that she had been charge, arrested or convicted of a felony or misdemeanor,	N/A	PT registration cancelled. She is eligible to reapply for a technician registration.	
DA provided pre-signed prescription blanks to a practitioner who is not licensed to prescribe controlled substances; prescribed controlled substances for patients he did not have a bona fide therapeutic relationship and outside the usual course of his profession as an anesthesiologist.		Revoked; revocation stayed; 5 year probation; $10,000 fine and $15,000 administrative fee.	

4A

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	**CASE NOS. 18-104-RPH-S**
	)	
Petitioner,	)	
v.	)	**NOTICE OF INTENDED ACTION AND ACCUSATION**
	)	
DONALD COWLES, RPH	)	
Certificate of Registration No. 09414,	)	
	)	
Respondent.	)	
	/	

Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, makes the following that will serve as both a notice of intended action under Nevada Revised Statutes (NRS) 233B.127(3), and as an accusation under NRS 639.241.

JURISDICTION

I.

The Nevada State Board of Pharmacy (Board) has jurisdiction over this matter and this respondent because at the time of the events alleged herein, Respondent Donald Cowles, RPH (Cowles), Nevada Pharmacist Registration No. 09414, was registered by the Board.

DISCIPLINARY HISTORY

II.

In August 2000, the Board entered a Findings of Fact, Conclusions of Law and Order (Order) in the case of *Board of Pharmacy v. Donald Cowles*, Case No. 00-045-RPH-N. The Board entered the Order based on the results of a random audit conducted by Board Staff, which identified that Cowles completed seven (7) units of the thirty (30) continuing education units (CEUs) he was required to complete for the biennial period November 1, 1997, to October 31, 1999. In the Order, the Board directed Cowles to complete the twenty-three CEUs he failed to complete for the biennial period November 1, 1997, to October 31, 1999, and sixty (60) CEUs for the biennial period November 1, 1999 to October 31, 2001. The Board also ordered Mr.

Cowles to pay an administrative fee and to take and pass the Nevada jurisprudence written examination. Cowles completed those CEUs as directed.

FACTUAL ALLEGATIONS

III.

On October 31, 2017, Cowles signed and submitted a renewal application to renew his pharmacist registration. On that renewal application, Cowles falsely attested that he had completed the required thirty (30) CEUs between November 1, 2015, and October 31, 2017.

IV.

Board Staff conducted a random audit of CEUs for the biennium ending October 31, 2017.

V.

Board Staff's CEU audit found that Cowles did not complete any CEUs for the biennial period November 1, 2015, to October 31, 2017.

FIRST CAUSE OF ACTION

VI.

"The Board shall not renew the certificate of any registered pharmacist until the applicant has submitted proof to the Board of the receipt of the required number of continuing education units, obtained through the satisfactory completion of an accredited program of continuing professional education during the period for which the certificate was issued." NRS 639.2174.

Similarly, "[t]he Board will not issue a certificate as a registered pharmacist to any person . . . or renew the certificate of any registered pharmacist, until the applicant submits proof to the Board of receipt of 30 continuing education units within the biennium immediately preceding the current renewal period." NAC 639.330.

By failing to submit evidence that he completed the thirty (30) CEUs he was required to complete for the November 1, 2015 to October 31, 2017 renewal period, Cowles violated NRS 639.2174 and NAC 639.330. That conduct is grounds for discipline pursuant to NRS 639.210(12) and NRS 639.255.

SECOND CAUSE OF ACTION

VI.

"Any person who secures or attempts to secure registration for himself or herself or any other person by making, or causing to be made, any false representation . . . is guilty of a misdemeanor." NRS 639.281(1). "Any certificate issued by the Board on information later found to be false or fraudulent must be automatically cancelled by the Board." NRS 639.281(2).

By submitting a paper renewal application falsely certifying that he completed all required CEUs for the biennial period of November 1, 2015 to October 31, 2017, Cowles secured the renewal of his Registration No. 09414 based on a false representation. As a result, Cowles Certificate of Registration No. 09414 "must be automatically cancelled by the Board." NRS 639.281(1). That false representation also constitutes unprofessional conduct and conduct that is contrary to the public interest pursuant to NAC 639.945(1)(h). That conduct is grounds for discipline pursuant to NRS 639.210(1), (4), (9), (10), (12) and NRS 639.255.

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

Signed this 12th day of December, 2018.

J. David Wuest, Deputy Executive Secretary,
Nevada State Board of Pharmacy on behalf of
Larry L. Pinson, Executive Secretary

NOTICE TO RESPONDENT

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements regarding your certificate of registration. To do so, you must mail to the Board within twenty (20) days of your receipt of the Notice of Intended Action and Accusation a written statement showing your compliance.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	**CASE NO. 18-104-RPH-S**
	)	
Petitioner,	)	
v.	)	
	)	**STATEMENT TO THE RESPONDENT**
DONALD COWLES, RPH	)	**NOTICE OF INTENDED ACTION**
Certificate of Registration No. 09414,	)	**AND ACCUSATION**
	)	**RIGHT TO HEARING**
Respondent.	)	
	/	

TO THE RESPONDENT ABOVE-NAMED: PLEASE TAKE NOTICE THAT:

I.

Pursuant to the authority and jurisdiction conferred upon the Nevada State Board of Pharmacy (Board) by NRS 639.241 to NRS 639.2576, inclusive, and NRS chapter 233B, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, Larry L. Pinson, Executive Secretary for the Board, alleging grounds for imposition of disciplinary action by the Board against you, as is more fully explained and set forth in the Notice of Intended Action and Accusation served herewith and hereby incorporated reference herein.

II.

You have the right to a hearing before the Board to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. Should you desire a hearing, it is required that you complete two copies of the Answer and Notice of Defense documents served herewith and file said copies with the Board within twenty (20) days of receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within.

III.

The Board has scheduled your hearing on this matter for Wednesday, January 16, 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.

Failure to complete and file your Notice of Defense with the Board and thereby request a hearing within the time allowed shall constitute a waiver of your right to a hearing in this matter and give cause for the entering of your default to the Notice of Intended Action and Accusation filed herein, unless the Board, in its sole discretion, elects to grant or hold a hearing nonetheless.

DATED this 12th day of December, 2018.

J. David Wuest, Deputy Executive Secretary,
Nevada State Board of Pharmacy on behalf of
Larry L. Pinson, Executive Secretary

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	**CASE NO. 18-104-RPH-S**
	)	
Petitioner,	)	
v.	)	
	)	
DONALD COWLES, RPH	)	**ANSWER AND NOTICE**
Certificate of Registration No. 09414,	)	**OF DEFENSE**
	)	
Respondent.	)	
	/	

Respondent above named, in answer to the Notice of Intended Action and Accusation filed in the above-entitled matter before the Nevada State Board of Pharmacy, declares:

1. That his objection to the Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against him, is hereby interposed on the following grounds: (State specific objections or insert "none").

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

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

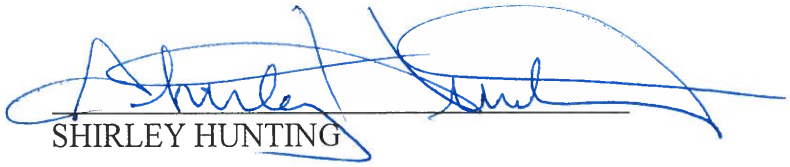
DATED this ___ day of _____, 2018.

_____
DONALD COWLES, RPH

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 12th day of December 2018, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

Donald Cowles, RPH
3697 Copper Cactus Drive
Las Vegas, NV 89129



SHIRLEY HUNTING

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

DONALD OWEN COWLES, R.Ph.,
Certificate of Registration #9414,

Respondent.
_____/

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

Case No. 00-045-RPH-S

THIS MATTER was heard by the Nevada State Board of Pharmacy (hereinafter Board) at its regular meeting on July 26, 2000, in Las Vegas, Nevada. The Board was represented by Louis Ling, General Counsel for the Board. Respondent Donald Owen Cowles appeared and represented himself. The Board presented the testimony of Lisa Adams. Based on the presentation of Mr. Cowles, the admissions of Mr. Cowles, and the public records in the possession and control of the Board, the Board issues the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. In his Answer and at hearing, Mr. Cowles admitted the facts as plead in the Notice of Intended Action and Accusation were true and correct. At hearing, Mr. Cowles testified by way of explanation and mitigation. Based upon the Respondent's admissions and the evidence presented at hearing, the following are found to be the facts of this matter.

2. Mr. Cowles timely submitted his application for renewal of his pharmacist's license in 1999. Mr. Cowles indicated on his application that he had completed 30

hours of continuing education. Mr. Cowles's renewal application was included in a random sample to be audited. The audit revealed that Mr. Cowles had only completed seven hours of continuing education between 11/1/97 and 10/31/99.

3. At hearing Mr. Cowles explained that he had done his continuing education, however he and his wife had a Nigerian minister staying in their home. The Nigerian minister and Mr. Cowles were doing some research and were storing the information they obtained in files in Mr. Cowles file cabinet. There was a parting of the ways and when the Nigerian minister left Mr. Cowles home, he took the research documents and Mr. Cowles continuing education files.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter and this respondent because Mr. Cowles is a pharmacist licensed by the Board.

2. In indicating on his renewal application that he had completed 30 hours of continuing education on his 1999 renewal application when he could actually prove only 7 hours of continuing education, Mr. Cowles violated NRS 639.210(4) and (9) and 639.2174(2) and NAC 639.330 and 639.390.

ORDER

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

1. Mr. Cowles shall complete 23 hours of continuing education within 30 days of the effective date of this Order. Mr. Cowles shall provide to the Board's Reno office copies of certificates evidencing the completion of the 23 hours of continuing education, which mailing must be postmarked no later than 30 days from the effective date of this Order.

2. Mr. Cowles shall take and pass the Nevada jurisprudence written examination within 30 days of the effective date of this Order.

3. For the renewal period of 11/1/99 through 10/31/01, Mr. Cowles shall complete 60 hours of continuing education.

4. For the renewal period of 11/1/99 through 10/31/01, Mr. Cowles's continuing education hours will be audited to verify that he has completed the 60 hours of continuing education required by this Order.

5. Mr. Cowles shall pay the Board's administrative fee of $250.00 in cash, cashier's or certified check, or money order made payable to "Nevada State Board of Pharmacy" to be received by the Board's Reno office within 90 days of the effective date of this Order.

6. The failure by Mr. Cowles to comply with any term in this order shall result in the immediate suspension of his license and will also result in further discipline, up to and including revocation of the his license.

Signed and effective this 22nd day of August, 2000.

Larry L. Pinson, President
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

NOTICE OF INTENDED ACTION AND ACCUSATION
Case No. 00-045-RPH-S

DONALD OWEN COWLES, R.PH,
Certificate of Registration No. 9414,

Respondent.
_____/

COMES NOW Keith W. Macdonald, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, and makes the following that will serve as both a notice of intended action under Nevada Revised Statutes (NRS) 233B.127(3) and as an accusation under NRS 639.241.

I.

The Nevada State Board of Pharmacy has jurisdiction over this matter because Respondent is a registered pharmacist with the Board.

II.

Mr. Cowles checked his pharmacist license renewal application indicating he had completed 30 CEU's. During a random continuing education audit it was revealed he had only completed 7.0 CE units between November 1, 1997 and October 31,1999. The audit also revealed that Mr. Cowles had completed no other CE units after October 31, 1999.

FIRST CAUSE OF ACTION

III.

By indicating on his renewal application that he had completed 30 CEU's during the biennial period November 1, 1997 to October 31, 1999 when he actually had only completed 7.0 CEU's, Mr. Cowles violated NRS 639.210(4) and (9) and 639.2174(2) and Nevada Administrative Code (NAC) 639.330 and 639.390.

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

Signed this 23rd day of June, 2000.

Keith W. Macdonald

Keith W. Macdonald, Executive Secretary
Nevada State Board of Pharmacy

NOTICE TO RESPONDENT

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements regarding your certificate of registration. To do so, you must mail to the Board within 10 days of your receipt of this Notice of Intended Action and Accusation a written statement showing your compliance.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

ANSWER AND NOTICE OF DEFENSE
Case No. 00-045-RPH-S

DONALD OWEN COWLES, R.PH
Certificate of Registration No. 9414,

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 a hearing on the Notice of Intended Action and Accusation (is) ~~(is not)~~ requested (delete inapplicable term).

2. 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").

None - wish to present further evidence

///

3. 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 5th day of July, 2000.

Donald Owen Cowles, R.Ph

5513 Bromley Avenue
Las Vegas, NV 89107
11 February 2000

Nevada State Board of Pharmacy
555 Double Eagle Court, Suite 1100
Reno, NV 89511-8991

Dear Mr. McDonald:

In response to our conversation of 9 February 2000, I am writing this letter to inform the Board concerning my situation.

In April, 1999, my wife and I took into our home a gentleman from Nigeria. He said that he was a pastor and was in the U. S. to acquire materiel for his missions. Since we had met him at a church, heard him preach, saw documents verifiying his mission address in Nigeria and had been ingtroduced to him by a fellow Nigerian who attended the church at which we met him we assumed that he was valid. Over the next 5 months, we assisted him in a number of ways to acquire the materiel that he was attempting to accumulate. By the middle of September, we were finding out information that was not placing him in good light. We asked him to leave our home just after the middle of September. When he left, he took some files that were in my file cabinet with names and addresses of people we had been in contact. He also, whether puposefully or not, took my file with my continuing education certificates.

Due to that circumstance and the fact that I did not copy those certificates, I am at this time able to only produce 7 hours of continuing education. I am willing to do an additional 23 hours of continuing education if allowed to do that plus any additional you may consider necessary for a penalty as well as pay a fine if needed. I did believe that I had the certificates at the time I signed my licensure application. Please let me know at the soonest what will be necessary to satisfy the Board's desire and I will accomplish it at the soonest possible.

I have been unable to locate Mr. (I cannot call him pastor) Venture Omar as he travels a lot and has no phone at his supposed ministry headquarters.

Thank you for your consideration.

Donald O. Cowles, R. Ph. #9414

4B

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	**CASE NOS. 18-105-RPH-S**
Petitioner,	)	
v.	)	**NOTICE OF INTENDED ACTION AND ACCUSATION**
WILLIE BAWARSKI, RPH	)	
Certificate of Registration No. 17952,	)	
Respondent.	)	
/		

Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, makes the following that will serve as both a notice of intended action under Nevada Revised Statutes (NRS) 233B.127(3), and as an accusation under NRS 639.241.

JURISDICTION

I.

The Nevada State Board of Pharmacy (Board) has jurisdiction over this matter and this respondent because at the time of the events alleged herein, Respondent Willie Bawarski (Bawarski), Nevada Pharmacist Registration No. 17952, was registered by the Board.

DISCIPLINARY HISTORY

II.

In May 2013, the Board entered a Findings of Fact, Conclusions of Law and Order (Order) in the case of *Board of Pharmacy v. Willie Bawarski*, Case No. 12-062-RPH-S. In that case, Bawarski failed to adequately address a Drug Utilization Review (DUR) warning indicating that the patient was allergic to the subject medication. Bawarski's pharmacy dispensed the medication, which the patient ingested, resulting in her hospitalization. After a disciplinary hearing, the Board placed Bawarski's pharmacist registration on probation for one year, ordered him to pay a fine of $1,000.00 and to complete additional continuing education units (CEU).

III.

In November 2017, the Board entered another Order against Bawarski in *Board of*

Pharmacy v. Willie Bawarski, Case No. 15-043-RPH-S. In that case, Bawarski verified as accurate data that was incorrect in his pharmacy's computer system. He later approved the prescription label containing the erroneous data as accurate, resulting in a dosing error. After a disciplinary hearing, the Board ordered Bawarski to pay a fine of $1,000.00, pay a $1,500.00 administrative fee and complete four additional CEUs.

FACTUAL ALLEGATIONS

IV.

On October 18, 2015, Bawarski signed and submitted a paper renewal application certifying that he completed all of the thirty (30) CEU hours required for the biennium ending October 31, 2015. The renewal application states: "By signing below, you certify that you have completed ALL required CE Hours due for the 15/17 Renewal period. (***Dated from Nov. 1, 13 – Oct. 31, 15***; 1.25hrs per mo.)".

V.

Board Staff conducted a random audit of CEUs for the biennium ending October 31, 2015.

VI.

The audit found that Bawarski completed only twenty (20) hours of the thirty (30) hours he was required to complete for the period November 1, 2013, to October 31, 2015.

VII.

In March 2016, Board Staff sent Bawarski a letter (the "March 2016 Letter") informing him of the audit findings.

VIII.

In the March 2016 letter, in lieu of formal discipline, Board Staff directed Bawarski to complete a total of eighty-five (85) CEUs for the biennium ending October 31, 2017. The 85 CEUs consisted of:

1) The ten (10) CEUs Bawarski failed to complete for the renewal period of November 1, 2013, to October 31, 2015;

2) Forty-five (45) additional hours of CEUs for the renewal period ending October 31, 2017, as a penalty for his noncompliance during the prior biennium; and

3) The required thirty (30) hours of CEUs for the renewal period ending October 31, 2017.

IX.

The March 2016 Letter informed Bawarski that his CEUs would be audited again for the renewal period ending on October 31, 2017, to verify his compliance with the March 2016 Letter.

X.

Board Staff conducted an audit in February 2018, of Bawarski's CEUs for the biennium ending October 31, 2017.

XI.

The audit found that Bawarski failed to comply with the Board's instructions. Bawarski completed only forty-six and one-half hours (46.5) of the required eighty-five (85) CEU hours.

XII.

On September 7, 2017, Bawarski electronically submitted his pharmacist license renewal application for the biennium ending October 31, 2019. On that application Bawarski falsely attested that he had completed eighty five (85) CEUs between November 1, 2015, and October 31, 2017.

FIRST CAUSE OF ACTION

XIII.

"The Board shall not renew the certificate of any registered pharmacist until the applicant has submitted proof to the Board of the receipt of the required number of continuing education units obtained through the satisfactory completion of an accredited program of continuing professional education during the period for which the certificate was issued." NRS 639.2174.

Similarly, "[t]he Board will not issue a certificate as a registered pharmacist to any person . . . or renew the certificate of any registered pharmacist, until the applicant submits proof to the

Board of receipt of 30 continuing education units within the biennium immediately preceding the current renewal period." NAC 639.330.

By failing to submit evidence that he completed ten (10) of the thirty (30) CEUs he was required to complete for the renewal period of November 1, 2013, to October 31, 2015; by failing to submit evidence that he fully completed the forty-five (45) CEUs he was directed to complete in lieu of formal discipline in the March 2016 Letter; and by failing to submit evidence that he completed the thirty (30) CEUs he was required to complete for the November 1, 2015 to October 31, 2017 renewal period, Bawarski violated NRS 639.2174 and NAC 639.330. That conduct is grounds for discipline pursuant to NRS 639.210(12) and NRS 639.255.

SECOND CAUSE OF ACTION

XIV.

"Any person who secures or attempts to secure registration for himself or herself or any other person by making, or causing to be made, any false representation . . . is guilty of a misdemeanor." NRS 639.281(1). "Any certificate issued by the Board on information later found to be false or fraudulent must be automatically cancelled by the Board." NRS 639.281(2).

By submitting a paper renewal application falsely certifying that he completed all required CEUs for the biennial period of November 1, 2013 to October 31, 2015, and by submitting an electronic renewal application falsely certifying that he completed all required CEUs for the biennial period November 1, 2015, to October 31, 2017, Bawarski secured the renewal of his Registration No. 17952 based on false representations twice. As a result, Bawarski's Certificate of Registration No. 17952 "must be automatically cancelled by the Board." NRS 639.281(1). Those false representations also constitute unprofessional conduct and conduct that is contrary to the public interest pursuant to NAC 639.945(1)(h). That conduct is grounds for discipline pursuant to NRS 639.210(1), (4), (9), (10), (12) and NRS 639.255.

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

Signed this 12th day of December 2018.

J. David Wuest, Deputy Executive Secretary,
Nevada State Board of Pharmacy on behalf of
Larry L. Pinson, Executive Secretary

NOTICE TO RESPONDENT

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements regarding your certificate of registration. To do so, you must mail to the Board within twenty (20) days of your receipt of the Notice of Intended Action and Accusation a written statement showing your compliance.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	**CASE NO. 18-105-RPH-S**
	)	
Petitioner,	)	
v.	)	
	)	**STATEMENT TO THE RESPONDENT**
WILLIE BAWARSKI, RPH	)	**NOTICE OF INTENDED ACTION**
Certificate of Registration No. 17952,	)	**AND ACCUSATION**
	)	**RIGHT TO HEARING**
Respondent.	)	
	/	

TO THE RESPONDENT ABOVE-NAMED: PLEASE TAKE NOTICE THAT:

I.

Pursuant to the authority and jurisdiction conferred upon the Nevada State Board of Pharmacy (Board) by NRS 639.241 to NRS 639.2576, inclusive, and NRS chapter 233B, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, Larry L. Pinson, Executive Secretary for the Board, alleging grounds for imposition of disciplinary action by the Board against you, as is more fully explained and set forth in the Notice of Intended Action and Accusation served herewith and hereby incorporated reference herein.

II.

You have the right to a hearing before the Board to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. Should you desire a hearing, it is required that you complete two copies of the Answer and Notice of Defense documents served herewith and file said copies with the Board within twenty (20) days of receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within.

III.

The Board has scheduled your hearing on this matter for Wednesday, January 16, 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.

Failure to complete and file your Notice of Defense with the Board and thereby request a hearing within the time allowed shall constitute a waiver of your right to a hearing in this matter and give cause for the entering of your default to the Notice of Intended Action and Accusation filed herein, unless the Board, in its sole discretion, elects to grant or hold a hearing nonetheless.

DATED this 12th day of December, 2018.

J. David Wuest, Deputy Executive Secretary,
Nevada State Board of Pharmacy on behalf of
Larry L. Pinson, Executive Secretary

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	**CASE NO. 18-105-RPH-S**
	)	
Petitioner,	)	
v.	)	
	)	
WILLIE BAWARSKI, RPH	)	**ANSWER AND NOTICE**
Certificate of Registration No. 17952,	)	**OF DEFENSE**
	)	
Respondent.	)	
	/	

Respondent above named, in answer to the Notice of Intended Action and Accusation filed in the above-entitled matter before the Nevada State Board of Pharmacy, declares:

1. That his objection to the Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against him, is hereby interposed on the following grounds: (State specific objections or insert "none").

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

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

DATED this ___ day of _____, 2018.

_____
WILLIE BAWARSKI, RPH

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 12th day of December 2018, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

Willie Bawarski, RPH
3420 Lockport Street
Las Vegas, NV 89129

SHIRLEY HUNTING

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	
	)	**CASE NO. 12-062-RPH-S**
Petitioner,	)	**CASE NO. 12-062-PH-S**
v.	)	
	)	**FINDINGS OF FACT,**
WILLIE BAWARSKI, RPH	)	**CONCLUSIONS OF LAW**
Certificate of Registration No. 17952	)	**AND ORDER**
	)	
WALGREENS PHARMACY #07864	)	
Certificate of Registration No. PH01977	)	
	)	
Respondents	/	

The Nevada State Board of Pharmacy (Board) heard this matter at its regular meeting on April 17, 2013, in Las Vegas, Nevada. Attorney S. Paul Edwards represented the Board in his capacity as its General Counsel. Attorney Rob Graham, of Rob Graham and Associates, represented respondents Willie Bawarski, RPH and Walgreens Pharmacy #07864 (Walgreens). Based on the evidence, including testimony and public records, presented at the hearing, the Board enters the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Willie Bawarski, RPH was a pharmacist licensed by the Board when the events at issue in this matter occurred.

2. Respondent Walgreens, located at 7755 North Durango Drive, Las Vegas, Nevada, was a pharmacy licensed by the Board when the events at issue in this matter occurred.

3. In December 2011, a physician's assistant saw ten-year-old patient A.G., and prescribed to her erythromycin 250 mg. tablets, with instructions to take one tablet twice daily.

4. A.G.'s mother presented the prescription to Walgreens, and picked up A.G.'s medication the same day.

5. Walgreens routinely fills patient AG's prescriptions.

6. The drug allergy profile Walgreens maintains for patient A.G. includes a warning that A.G. is severely allergic to erythromycin, and brand name Zithromax (azithromycin), a derivative from erythromycin.

7. As part of the filling process, a Walgreens pharmaceutical technician input the original data for A.G.'s prescription into Walgreens's computer system. During the input, a Drug Utilization Review (DUR) warning appeared on the screen indicating that A.G. has a severe allergy to erythromycin.

8. Respondent Bawarski overrode the DUR warning within three seconds of its appearance, without taking action to contact the prescriber or prevent A.G. from receiving the medication.

9. The Walgreens pharmaceutical technician who was on duty at the time filled the prescription, which Respondent Bawarski subsequently verified.

10. Patient A.G. took the erythromycin as prescribed for seventeen days.

11. Patient A.G. experienced a rash over her entire body, which worsened over time, causing severe pain, swelling, loss of hair and fingernails.

12. Patient A.G. went to the University Medical Center (UMC), where physicians diagnosed her condition as an allergic reaction to erythromycin.

13. Patient A.G. was hospitalized for eight days in the UMC Intensive Care Unit and the UMC Burn Unit.

14. Prior to, and at the hearing, Respondent Bawarski and an authorized representative of Respondent Walgreens admitted to the allegations in the Accusation on file in this matter, which are set forth above.

15. Separate and apart from the discipline ordered below against Mr. Bawarski, at the hearing, Walgreens, by and through its counsel, offered to stipulate to a procedure under which Walgreens will demonstrate to Board Staff within thirty days of this Order that each of its

pharmacists and pharmaceutical technicians working in Nevada have read, and have agreed to comply with, Walgreen's policies and procedures regarding the resolution of drug utilization review warnings.

16. During the hearing, the Board accepted Walgreen's offer to stipulate.

CONCLUSIONS OF LAW

17. The Board has jurisdiction over this matter, and over respondents Mr. Bawarski and Walgreens Pharmacy #07864.

18. By overriding the DUR warning and filling patient A.G.'s prescription for erythromycin without taking proper steps to address the DUR warning, Respondent Bawarski is guilty of unprofessional conduct in violation of NRS 639.210(4).

19. Respondent Bawarski is guilty of performing his duties as a pharmacist in an incompetent, unskillful or negligent manner, as set forth herein, in violation of NAC 639.945(1)(i).

20. Respondent Walgreens #07864 is not guilty of the violations set forth in the Accusation on file in this matter.

ORDER

Based upon the foregoing, the BOARD HEREBY ORDERS:

21. Respondent Willie Bawarski, RPH shall, in addition to the continuing education requirements set forth by regulation, take a one-hour continuing education course on ethics, and an additional one-hour continuing education course on error prevention, both of which must be pre-approved by the Board Staff.

22. Respondent Bawarski shall pay a fine of $1,000.00.

23. Respondent Bawarski's registration shall be placed on probation for a period of twelve months, beginning on the date of this Order. During the probationary period, Respondent

Bawarski shall self-report any errors that result from any failure to follow procedures by him, or within the pharmacy over which he has responsibility as a pharmacist in charge (PIC).

24. Respondent Bawarski shall pay the fines set forth herein by cashier's or certified check or money order made payable to "State of Nevada, Office of the Treasurer" to be received by the Board's Reno office within 60 days of the effective date of this Order.

25. The failure by Respondent Bawarski to comply with any term in this Order shall result in the immediate suspension of his license until all terms have been complied with and will result in further discipline, up to, and including revocation of his license. Furthermore, any failure to pay any fine, fee, or cost ordered herein will also result in such legal action as Board Staff determines to be necessary to collect the unpaid fine, fee, or cost.

Signed and effective this 13 day of May 2013.

Kamlesh Gandhi, President
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	
	)	**CASE NO. 12-062-RPH-S**
Petitioner,	)	**CASE NO. 12-062-PH-S**
v.	)	
	)	**NOTICE OF INTENDED ACTION**
WILLIE BAWARSKI, RPH	)	**AND ACCUSATION**
Certificate of Registration No. 17952	)	
	)	
WALGREENS PHARMACY #07864	)	
Certificate of Registration No. PH01977	)	
	)	
Respondents	/	

Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, makes the following that will serve as both a notice of intended action under Nevada Revised Statutes (NRS) 233B.127(3) and as an accusation under NRS 639.241.

I.

The Nevada State Board of Pharmacy (Board) has jurisdiction over this matter and these Respondents because Respondent Willie Bawarski is a pharmacist licensed by the Board. Respondent Walgreens Pharmacy #07864, located at 7755 North Durango Drive, Las Vegas, Nevada, is a pharmacy licensed by the Board.

II.

On or about December 29, 2011, ten year old Patient AG was treated by physician assistant, TD (PA). PA prescribed to Patient AG erythromycin 250 mg. tablets with instructions to take one tablet twice daily. The prescription was presented to Walgreens Pharmacy #07864, filled and picked up the same day.

III.

Patient AG took the erythromycin as prescribed for seventeen days. She began to experience a rash over her entire body, which worsened causing severe pain, swelling, loss of hair and fingernails. Patient AG went to the University Medical Center (UMC), where her condition was diagnosed as an allergic reaction to erythromycin. Patient AG was hospitalized for eight days in the UMC Intensive Care Unit and the UMC Burn Unit.

IV.

Walgreens Pharmacy #07864 routinely fills Patient AG's prescriptions. Medications listed on Patient AG's drug allergy profile in Walgreens' computer system include erythromycin and brand name Zithromax (azithromycin), a derivative from erythromycin.

V.

During the investigation of this matter, the Board Investigator learned that a pharmaceutical technician input the original prescription data into the computer system. During input at 3:50:33 p.m., a Drug Utilization Review (DUR) warning appeared on the screen for Drug/Allergy, Severity Level: Major. A DUR warning prevents the technician from further processing until a pharmacist reviews and overrides the warning. At 3:50:36 p.m., Pharmacist Bawarski overrode the DUR warning. The prescription was filled by a pharmaceutical technician and verified by Pharmacist Bawarski. The pharmacy system-generated consultation message indicates that patient counseling was declined.

VI.

When interviewed by the Board Investigator, Pharmacist Bawarski said he did override the DUR warning three seconds after the appearance of the DUR alert. He admitted that he could not have checked the patient profile, contact the patient, and call the physician within three seconds. He acknowledged that he could have prevented the allergic reaction experienced by Patient AG by following the proper protocol for the severity level of the DUR warning. In his written statement, pharmacist Bawarski indicated that Patient AG had a previous allergy to azithromycin documented in her profile, but he failed to recognize this and consult the patient's parents or the prescriber.

FIRST CAUSE OF ACTION

VII.

In dispensing a prescription to Patient AG for erythromycin where Walgreens #07864's computer system contained documentation and warned of an allergy to erythromycin in her medication profile, and in failing to act upon the DUR allergy warning, Willie Bawarski violated NRS 639.210(4) and/or NAC 639.945(1)(i).

SECOND CAUSE OF ACTION

VIII.

In owning and operating the pharmacy in which the alleged violations occurred, Walgreens Pharmacy #07864 violated NRS 639.210(4) and/or NAC 639.945(1)(i) and/or (2).

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

Signed this 8th day of March, 2013.

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

NOTICE TO RESPONDENT

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements regarding your certificate of registration. To do so, you must mail to the Board within 15 days of your receipt of this Notice of Intended Action and Accusation a written statement showing your compliance.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	
	)	**CASE NO. 12-062-RPH-S**
Petitioner,	)	
v.	)	
	)	**ANSWER AND**
WILLIE BAWARSKI, RPH	)	**NOTICE OF DEFENSE**
Certificate of Registration No. 17952	)	
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 _____, 2013.

_____

Willie Bawarski, R.Ph.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	**CASE NO. 15-043-RPH-S**
	)	**CASE NO. 15-043-PH-S**
Petitioner,	)	
v.	)	**FINDINGS OF FACT,**
	)	**CONCLUSIONS OF LAW**
WILLIE BAWARSKI, RPH	)	**AND ORDER**
Certificate of Registration No. 17952	)	
	)	
WALGREENS PHARMACY #07864	)	
Certificate of Registration No. PH01977	)	
	)	
Respondents. /		

The Nevada State Board of Pharmacy (Board) heard this matter at its regular meeting on October 18, 2017, in Las Vegas, Nevada. Attorney S. Paul Edwards represented the Board in his capacity as its General Counsel. Attorney William J. Stilling of and for Kimball Legal represented respondents Willie Bawarski, RPH, Certificate of Registration No. 17952 (Bawarski), and Walgreens Pharmacy #07864, Certificate of Registration #PH01977 (Walgreens).

Based on the evidence, including testimony and public records, presented at the hearing, the Board enters the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

On October 18, 2017, Respondents, through their counsel, entered into a set of *Stipulated Facts*, a copy of which is attached hereto as **Exhibit 1** and incorporated herein by reference. The facts to which Respondents, and each of them, stipulated are as follows:

1. The Board has jurisdiction over this matter and each of the above-named Respondents because at the time of the alleged events, Bawarski was a pharmacist registered by the Board and Walgreens was a pharmacy licensed by the Board.

2. Bawarski was the managing pharmacist, or pharmacist in charge (PIC), of Walgreens at the time of the events set forth herein.

3. In May 2015, patient J.C. received a prescription from her physician calling for Tegretol (generic is carbamazepine) 100 mg. tablets with instructions to take one tablet every day for seven (7) days, then take one tablet every twelve (12) hours as needed.

4. On May 20, 2015, the prescription was tendered to Walgreens, where pharmaceutical technician N.H. entered the data into Walgreens' computer system. The computer system designated the prescription as no. 1230834.

5. During data entry, N.H. substituted generic carbamazepine 200 mg. tablets for the Tegretol 100 mg. tablets prescribed.

6. The substitution of carbamazepine 200 mg. tablets required N.H. to convert the dosage to equate the strength prescribed for the 100 mg. Tegretol tablets.

7. N.H. entered erroneous instructions for use during the data entry of carbamazepine 200 mg. tablets.

8. The following table lists the drug names with the directions for use prescribed and the incorrect directions for use included on the prescription label dispensed to J.C.

Medication	Directions for Use
Prescribed: Tegretol 100 mg. tablets	take 1 tablet each day for 7 days then take 1 tablet every 12 hours as needed and continue
Dispensed: Carbamazepine 200 mg. tablets	take ½ tablet each day for 7 days then take 1 tablet every 12 hours as needed and continue

9. The label on the dispensed carbamazepine included the correct dosage strength for the initial seven-day course of treatment (i.e., 100 mg). The dosing instructions for the subsequent days was double the strength prescribed (i.e., 400 mg instead of 200 mg).

10. Bawarski was the verifying pharmacist for prescription no. 1230834. He failed to detect the dosing error when he verified data entry and the final product as accurate.

11. In his written statement to the Board, Bawarski noted that he "did not realize the dosage issue" during verification.

12. Pharmacy records show that patient counseling was declined. The counseling pharmacist of record was Ms. Chan.

13. J.C.'s husband picked up the medication from Walgreens.

14. J.C. ingested carbamazepine at two times the prescribed dose for twelve (12) days.

15. J.C. experienced adverse physical effects because of the error.

16. Pharmacist R.K. detected the error during the data review process when refilling J.C.'s prescription on June 7, 2015.

17. R.K. closed prescription no. 1230834 in the pharmacy computer system.

18. R.K. created a new prescription for carbamazepine 200 mg. tablets with the correct directions for use. The computer designated the prescription as no. 1237552.

CONCLUSIONS OF LAW

19. The Board has jurisdiction over this matter and over Respondents Bawarski and Walgreens, as stated in paragraph 1 above.

20. Bawarski violated NRS 639.210(4) when he engaged in unprofessional conduct, as that term is defined in NAC 639.945(1)(d) and/or (i). Bawarski acted unprofessionally by verifying as accurate erroneous data entered in Walgreens computer system and approving the prescription label as accurate when it was not, resulting in a dosing error for the patient.

21. As the pharmacy in which Bawarski's violations occurred, Walgreens is responsible for those actions pursuant to NAC 639.945(2).

22. During the hearing, Board Staff withdrew the Second and Third Causes of Action.

ORDER

Based upon the foregoing, the BOARD HEREBY ORDERS:

23. Respondent Bawarski shall pay a fine of one thousand dollars ($1,000.00). He shall pay the fine by cashier's or certified check or money order made payable to "*State of Nevada, Office of the Treasurer,*" to be received by the Board's Reno office within 60 days of the effective date of this Order.

24. Additionally, Bawarski shall, in addition to the continuing education requirements he must ordinarily complete to maintain his pharmacist registration, and within six (6) months of the execution date of this Order, take four (4) one-hour continuing education courses on topics relating to error prevention and/or managing pharmacist responsibilities.

25. Respondent Walgreens shall pay an administrative fee of one thousand five hundred dollars ($1,500.00) to partially reimburse the Board for its costs and expenses associated with investigating and prosecuting this action.

26. It shall pay that administrative fee by cashier's or certified check or money order made payable to the "*Nevada State Board of Pharmacy,*" to be received by the Board's Reno office within 60 days of the effective date of this Order.

27. Any failure by Bawarski to comply with any term in this Order may result in additional discipline, including the possible suspension or revocation of his license until he has complied with all of the terms. Furthermore, any failure to pay any fine, fee, or cost ordered herein will also result in such legal action as Board Staff determines to be necessary to collect the unpaid fine, fee, or cost.

IT IS SO ORDERED.

Signed and effective this 17 day of November, 2017.

Leo Basch, President
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY, **Petitioner,** **v.** **WILLIE EDWARD BAWARSKI, RPH** **Certificate of Registration No. 17952,** **JENNIFER T. CHAN, RPH** **Certificate of Registration No. 14660, and** **WALGREENS PHARMACY #07864** **Certificate of Registration No. PH01977,** **Respondents.**	**CASE NO. 15-043-RPH-A-S** **15-043-RPH-B-S** **15-043-PH-S** **STIPULATED FACTS** **(All Bawarski and Walgreens Only)**

S. Paul Edwards, Esq., General Counsel for Petitioner the Nevada State Board of Pharmacy (Board) and Respondents Willie Edward Bawarski, Certificate of Registration No. 17952, and Walgreens Pharmacy #07864, Certificate of Registration No. PH01977 (Walgreens) (collectively referred to herein as "Respondents") by and through their counsel William J. Stilling of and for Kimball Legal,

HEREBY STIPULATE AND AGREE THAT:

1. The Board has jurisdiction over this matter and each of the above-named Respondents because at the time of the alleged events, Respondent Mr. Bawarski was a pharmacist registered by the Board and Respondent Walgreens Pharmacy #07864, Certificate of Registration No. PH01977 (Walgreens), was a pharmacy licensed by the Board.

2. Mr. Bawarski was the managing pharmacist, or pharmacist in charge (PIC), of Walgreens at the time of the events set forth herein.

3. In May 2015, patient J.C. received a prescription from her physician calling for Tegretol (generic is carbamazepine) 100 mg. tablets with instructions to take one tablet every day for seven (7) days, then take one tablet every twelve (12) hours as needed.

4. On May 20, 2015, the prescription was tendered to Walgreens, where pharmaceutical technician N.H. entered the data into Walgreens' computer system. The computer system designated the prescription as no. 1230834.

5. During data entry, N.H. substituted generic carbamazepine 200 mg. tablets for the Tegretol 100 mg. tablets prescribed.

6. The substitution of carbamazepine 200 mg. tablets required N.H. to convert the dosage to equate the strength prescribed for the 100 mg. Tegretol tablets.

7. N.H. entered erroneous instructions for use during the data entry of carbamazepine 200 mg. tablets.

8. The following table lists the drug names with the directions for use prescribed and the incorrect directions for use included on the prescription label dispensed to J.C.

Medication	Directions for Use
Prescribed: Tegretol 100 mg. tablets	take 1 tablet each day for 7 days then take 1 tablet every 12 hours as needed and continue
Dispensed: Carbamazepine 200 mg. tablets	take ½ tablet each day for 7 days then take 1 tablet every 12 hours as needed and continue

9. The label on the dispensed carbamazepine included the correct dosage strength for the initial seven-day course of treatment (i.e., 100 mg). The dosing instructions for the subsequent days was double the strength prescribed (i.e., 400 mg instead of 200 mg).

10. Mr. Bawarski was the verifying pharmacist for prescription no. 1230834. He failed to detect the dosing error when he verified data entry and the final product as accurate.

11. In his written statement to the Board, Mr. Bawarski noted that he "did not realize the dosage issue" during verification.

12. Pharmacy records show that patient counseling was declined. The counseling pharmacist of record was Ms. Chan.

13. J.C.'s husband picked up the medication from Walgreens.

14. J.C. ingested carbamazepine at two times the prescribed dose for twelve (12) days.

15. J.C. experienced adverse physical effects because of the error.

16. Pharmacist R.K. detected the error during the data review process when refilling J.C.'s prescription on June 7, 2015.

17. R.K. closed prescription no. 1230834 in the pharmacy computer system.

18. R.K. created a new prescription for carbamazepine 200 mg. tablets with the correct directions for use. The computer designated the prescription as no. 1237552.

Respondents, and each of them, have fully considered the factual allegations contained in the Notice of Intended Action and Accusation in this matter, and the terms of this Stipulation, and have freely and voluntarily agreed to the factual statements set forth herein. These Stipulated Facts supersede and replace the factual allegations in the Notice of Intended Action and Accusation.

Acknowledged and Agreed

Nevada State Board of Pharmacy
By:

S. Paul Edwards
Attorney for Nevada Board of Pharmacy

Dated: 10/13/17

Respondents
By:

William J. Stilling
Of and for Kimball Legal
Attorneys for
Willie Edward Bawarski, RPh
Walgreens Pharmacy #07864

Dated: 10/18/17

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	**CASE NO. 15-043-RPH-A-S**
	)	**15-043-RPH-B-S**
Petitioner,	)	**15-043-PH-S**
v.	)	
	)	
WILLIE EDWARD BAWARSKI, RPH	)	
Certificate of Registration No. 17952,	)	**NOTICE OF INTENDED ACTION**
	)	**AND ACCUSATION**
JENNIFER T. CHAN, RPH	)	
Certificate of Registration No. 14660, and	)	
	)	
WALGREENS PHARMACY #07864	)	
Certificate of Registration No. PH01977,	)	
	)	
Respondents.	/	

Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, makes the following that will serve as both a notice of intended action under Nevada Revised Statutes (NRS) 233B.127(3), and as an accusation under NRS 639.241.

JURISDICTION

I.

The Nevada State Board of Pharmacy (Board) has jurisdiction over this matter and these respondents because at the time of the alleged events, Respondent Willie Edward Bawarski, Certificate of Registration No. 17952 (Mr. Bawarski), and Respondent Jennifer T. Chan, Certificate of Registration No. 14660 (Ms. Chan) were pharmacists registered by the Board; and Respondent Walgreens Pharmacy #07864, Certificate of Registration No. PH01977 (Walgreens) was a pharmacy registered by the Board.

FACTUAL ALLEGATIONS

II.

On or about May 20, 2015, Patient J.C. saw her physician and received a prescription for Tegretol 100 mg. tablets with instructions to take one tablet every day for seven (7) days, then

take one tablet every twelve (12) hours as needed.

III.

J.C. tendered the prescription to Walgreens on May 20, 2015, where pharmaceutical technician N.H. entered the data into Walgreens' computer system. The computer system designated the prescription as no. 1230834.

IV.

Walgreens did not have the name brand product Tegretol (generic name carbamazepine) in stock.

V.

During data entry, N.H. substituted generic ***carbamazepine 200 mg.*** tablets for the ***Tegretol 100 mg.*** tablets prescribed.

VI.

The substitution of carbamazepine 200 mg. tablets required N.H. to convert the dosage to equate the strength prescribed for the 100 mg. Tegretol tablets.

VII.

N.H. entered erroneous instructions for use during the data entry of carbamazepine 200 mg. tablets.

VIII.

The following table lists the drug names with the directions for use prescribed and the incorrect directions for use included on the prescription label dispensed to J.C.:

Medication	Directions for Use
Prescribed: Tegretol 100 mg. tablets	take 1 tablet each day for 7 days (100 mg/day) then take 1 tablet every 12 hours (***200 mg/day***)
Dispensed: Carbamazepine 200 mg. tablets	take ½ tablet each day for 7 days (100 mg/day) then take 1 tablet every 12 hours as needed (***400 mg/day***)

IX.

The label on the dispensed carbamazepine included the correct dosage strength for the initial seven-day course of treatment. The dosing instructions for the subsequent days was double the strength prescribed.

X.

Mr. Bawarski was the verifying pharmacist for prescription no. 1230834. Mr. Bawarski failed to detect the dosing error when he verified data entry and the final product as accurate.

XI.

Mr. Bawarski admits that he "did not realize the dosage issue" during verification and does not look at the prescription image unless he has a question or concern regarding the medication.

XII.

Pharmacy records show that patient counseling was declined. The counseling pharmacist of record was Ms. Chan.

XIII.

J.C.'s husband picked up the medication from Walgreens and maintains that counseling was not provided or offered.

XIV.

J.C. ingested carbamazepine at two times the prescribed dose for twelve (12) days, which caused her to experience adverse effects including migraines, nausea, lightheadedness, and extreme fatigue for approximately one month.

XV.

Pharmacist R.K. detected the error during the data review process when refilling J.C.'s prescription on June 7, 2015. R.K. closed prescription no. 1230834 in the pharmacy computer system. R.K. created a new prescription for carbamazepine 200 mg. tablets with the correct directions for use. The computer designated the prescription as no. 1237552.

FIRST CAUSE OF ACTION

(Respondent Bawarski)

XVI.

Nevada Administrative Code (NAC) 639.945(1)(d) defines unprofessional conduct to include the failure by a licensee to follow strictly the instructions of a prescriber when filling, labeling and dispensing a prescription. Unprofessional conduct also includes performing duties in an "incompetent, unskillful or negligent manner". *See* NAC 639.945(1)(i).

Mr. Bawarski violated NAC 639.945(1)(d) and/or (i) by verifying the data entry and final product of prescription no. 1237552, in which a technician's erroneous data entry of the directions for use resulted in the patient ingesting two times the prescribed dose. Mr. Bawarski verified as accurate carbamazepine 200 mg. tablets with instructions to take ½ tablet each day for 7 days (100 mg/day) then take 1 tablet every 12 hours (***400 mg/day***); rather than the prescribed carbamazepine 100 mg. tablets with instructions to take tablet 1 each day for 7 days (100 mg/day) then take 1 tablet every 12 hours (***200 mg/day***).

SECOND CAUSE OF ACTION

(Respondent Chan)

XVII.

NRS 639.266 requires a pharmacist, on receipt of a prescription and after review of the patient's record, to communicate with the patient, or a person caring for the patient, matters that will enhance the patient's therapy through drugs. NAC 639.707(1) and (2) require that discussion to include, among other things, the name of the drug, dosage and administration instructions, the intended use of the drug, common side effects, and other information that is necessary for the safe and effective use of the drug. Further, NAC 639.945(1)(i) defines unprofessional conduct as performing duties in an "incompetent, unskillful or negligent manner".

Ms. Chan violated NRS 639.266, NAC 639.707(1) and (2), and NAC 639.945(1)(i), when

she failed to adequately counsel J.C's husband regarding the new prescription for carbamazepine 200 mg tablets (prescription no. 1230834) . That error, combined with other errors within the pharmacy, caused the pharmacy to dispense the medication with the incorrect directions for use.

THIRD CAUSE OF ACTION

(Respondent Bawarski)

XVIII.

As the managing pharmacist/pharmacist in charge of Walgreens Pharmacy #07864 at the time of each of the violations alleged herein, Respondent Bawarski is responsible for those violations, including those of his employees. *See* NRS 639.0087, NRS 639.210(15), NRS 639.220(3)(c), NAC 639.702 and NAC 639.910(2).

FOURTH CAUSE OF ACTION

(Respondent Walgreens #07864)

XIX.

As the pharmacy in which the violations alleged above occurred, Walgreens is responsible for the actions of respondents Willie Edward Bawarski and Jennifer T. Chan, as alleged herein, pursuant to NAC 639.945(2).

For the forgoing error and violations, the license(s)/registration(s) of Respondents, and each of them, are subject to discipline, suspension, or revocation pursuant to the previously cited statutes and regulations, including, but not limited to, NRS 639.210(4), (11). (12), and/or (15), as well as NRS 639.230(5) and/or NRS 639.255.

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

Signed this 13th day of September, 2017.

J. David Wuest, Deputy Executive Secretary
Nevada State Board of Pharmacy on behalf of
Larry L. Pinson, Executive Secretary

NOTICE TO RESPONDENT

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements regarding your certificate of registration. To do so, you must mail to the Board within 15 days of your receipt of this Notice of Intended Action and Accusation a written statement showing your compliance.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	**ANSWER AND**
	)	**NOTICE OF DEFENSE**
Petitioner,	)	
v.	)	
	)	
WILLIE EDWARD BAWARSKI, RPH	)	**CASE NO. 15-043-RPH-A-S**
Certificate of Registration No. 17952	)	
	)	
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, 2017.

_____

WILLIE EDWARD BAWARSKI, R.PH.

4C

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	**CASE NO. 17-070-RPH-S**
	)	**17-070-PH-S**
Petitioner,	)	
v.	)	
	)	
JAIME CORDOBA-HERNANDEZ, RPH	)	**NOTICE OF INTENDED ACTION**
Certificate of Registration No. 17533, and	)	**AND ACCUSATION**
	)	
ALL CITY PHARMACY, LLC	)	
Certificate of Registration No. PH03609,	)	
	)	
Respondents.	)	
	/	

Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, makes the following that will serve as both a notice of intended action under Nevada Revised Statutes (NRS) 233B.127(3) and as an accusation under NRS 639.241.

JURISDICTION

I.

The Nevada State Board of Pharmacy (Board) has jurisdiction over this matter and these respondents because at the time of the alleged events, respondents Jaime Cordoba-Hernandez (Cordoba-Hernandez), Certificate of Registration No. 17533, was a pharmacist registered by the Board, and respondent All City Pharmacy, LLC, Certificate of Registration No. PH03609 (All City Pharmacy), was a pharmacy registered by the Board.

DISCIPLINARY HISTORY

II.

In September 2012, the Board entered a Findings of Fact, Conclusions of Law and Order (Order) in the case of *Board of Pharmacy v. Jaime Cordoba-Hernandez*, Case No. 12-056-RPH-S. In that case, Cordoba-Hernandez dispensed a dangerous drug without a legitimate medical need and without a lawful prescription. He created a fraudulent prescription and dispensed the

dangerous drug to a patient who was a personal friend. As a result, the Board revoked Cordoba-Hernandez's pharmacist registration.

III.

In March 2014, Cordoba-Hernandez appeared before the Board and requested reinstatement of his pharmacist registration. The Board reinstated Cordoba-Hernandez's pharmacist registration subject to a two-year probation with conditions.

IV.

In February 2015, the Board entered another Order against Cordoba-Hernandez in *Board of Pharmacy v. Jaime Cordoba-Hernandez,* Case 14-086-RPH-S. In that Order, the Board found Cordoba-Hernandez guilty of unprofessional conduct for failing to fully comply with the terms and conditions of his probation set forth by the Board at the March 2014, board meeting and September 2012 Order. The Board revoked Cordoba-Hernandez's pharmacist registration, stayed the revocation, and placed his pharmacist registration on probation for two years with conditions.

FACTUAL ALLEGATIONS

V.

On July 18, 2017, Dr. Dhaval Shah sent a prescription to Alta Care Home Health (Alta Care) for IV Vancomycin 1G every 12Hr for 2 weeks for patient P.L. The physician clearly stated on the prescription that "Pharm to dose Abx" and "Vanco trough weekly".

VI.

Justin Reyes, a quality assurance representative from Alta Care, called Cordoba-Hernandez regarding the prescription. Cordoba-Hernandez was the managing pharmacist at All City Pharmacy. Cordoba-Hernandez represented that All City Pharmacy could provide the intravenous medication for the patient and the prescription was subsequently transmitted by facsimile machine to All City Pharmacy.

VII.

Thereafter, without consulting Dr. Shah, Cordoba-Hernandez accepted a verbal prescription from Mr. Reyes, who is not a clinician and not an agent of the prescribing physician, to change the Vancomycin quantity to 30 vials instead of the prescribed 28. The label for this medication lists Dr. Shah as the ordering practitioner.

VIII.

On July 19, 2017, Cordoba-Hernandez prepared 30 Vancomycin 1gm vials that were delivered to the patient's home unreconstituted. Cordoba-Hernandez dispensed the Vancomycin lyophilized powder without a diluent and had no discussion with health professionals at Alta Care on how the product should be mixed.

IX.

R.N. Gerlie Comahig of Alta Care subsequently contacted Cordoba-Hernandez inquiring as to missing infusion supplies and medications. Thereafter, without consulting Dr. Shah, Cordoba-Hernandez accepted a verbal prescription from R.N. Comahig, who was not an agent of the prescribing physician, for Sodium Chloride 0.9% flushing solution and Heparin 100u/ml flushing solution. The labels for each of these medications list Dr. Shah as the ordering practitioner.

X.

Cordoba-Hernandez admitted to Board investigators that he lacks clinical knowledge and training on infusions and the requirements of Dr. Shah's prescription, specifically:

(1) That he dispensed the Vancomycin lyophilized powder without a diluent and without a discussion with Alta Care on how the product should be mixed, and that he wasn't aware that the product had to be mixed.

(2) That he was unable to verbalize what strength of Heparin would be utilized to flush a central line.

(3) That he was unable to verbalize the name of any central lines (i.e. PICC, Port, Hickman, Groshong)

(4) That he was unable to verbalize normal Vancomycin trough levels.

(5) That he was unable to verbalize side effects related to Vancomycin.

(6) That he had no discussions with Alta Care regarding BUD of the product.

(7) That he had no discussions with Alta Care regarding when Vancomycin levels would be drawn and how the results would be provided to the pharmacist.

(8) That he had no verbal discussion with the patient regarding side effects.

XI.

P.L. experienced edema after the medication was administered and was hospitalized with congestive heart failure and renal failure.

FIRST CAUSE OF ACTION

Unprofessional Conduct and Conduct Contrary to the Public Interest

(Respondent Cordoba-Hernandez)

XII.

Unprofessional conduct and conduct contrary to the public interest includes the failure by a registrant to follow strictly the instructions of the prescribing practitioner when labeling and dispensing a prescription. NAC 639.945(1)(d). Unprofessional conduct also includes failing to confer with the prescribing practitioner if there is an error or omission in a prescription which should be questioned. NAC 639.945(1)(e). Unprofessional conduct also includes performing one's duties as a registrant in an "incompetent, unskillful or negligent manner." NAC 639.945(1)(i). Furthermore, NAC 639.690(2) provides: "The managing pharmacist shall ensure that all pharmacists engaging in compounding parenteral solutions have the proper training in the safe handling, compounding and therapy related to parenteral solutions, including cytotoxic agents."

Respondent Cordoba-Hernandez engaged in unprofessional conduct and conduct contrary to the public interest in violation of NAC 639.945(1)(d), (e) and (i), and violated NAC 639.690(2) as the managing pharmacist, by attempting to fill and dispense the prescription for P.L. without the necessary knowledge and proper training, by accepting verbal prescriptions from a nurse and a non-clinician who were not agents of the prescribing physician, by failing to follow the prescription written by the prescribing physician, and by failing to consult Dr. Shaw as the prescribing physician. For that conduct, Cordoba-Hernandez is subject to discipline pursuant to NRS 639.210(4) and (12), and NRS 639.255.

SECOND CAUSE OF ACTION

Failure to Adequately Counsel

(Respondent Cordoba-Hernandez)

XIII.

NRS 639.266 requires a pharmacist, on receipt of a prescription and after review of the patient's record, to communicate with the patient, or a person caring for the patient, matters that will enhance the patient's therapy through drugs. NAC 639.707(1) and (2) require that discussion to include, among other things, the name of the drug, dosage and administration instructions, the intended use of the drug, common side effects, and other information that is necessary for the safe and effective use of the drug. A pharmacist who performs those duties in an "incompetent, unskillful or negligent manner" is guilty of unprofessional conduct pursuant to NAC 639.945(1)(i).

Respondent Cordoba-Hernandez violated NRS 639.266, NAC 639.707(1) and (2) and engaged in unprofessional conduct and conduct contrary to the public interest as defined in NAC 639.945(1)(i) by failing to counsel P.L. regarding the prescription. That error, combined with Cordoba-Hernandez's lack of clinical knowledge and proper training in parenteral solutions, caused harmed to P.L. For that conduct, Cordoba-Hernandez is subject to discipline pursuant to NRS 639.210(4) and (12), and NRS 639.255.

THIRD CAUSE OF ACTION
Pharmacy/Pharmacy Owner Responsibility
(Respondent All City Pharmacy)

XIV.

NRS 639.230(5) provides: "Any violation of any of the provisions of this chapter [NRS Chapter 639] by a managing pharmacist or by personnel of the pharmacy under the supervision of the managing pharmacist is cause for the suspension or revocation of the license of the pharmacy by the Board."

Additionally, "[t]he owner of a pharmacy, the managing pharmacist of the pharmacy and the registered pharmacist on duty at the pharmacy are responsible for the acts and omissions of pharmaceutical technicians and other personnel who are not pharmacists working in or for the pharmacy, including, but not limited to, any errors committed or unauthorized work performed by such personnel, if the owner, managing pharmacist or registered pharmacist knew or reasonably should have known of the act or omission." NAC 639.702.

Further, the owner of any business or facility licensed, certified or registered by the Board is responsible for the acts of all personnel in his or her employ. NAC 639.945(2).

As the pharmacy/pharmacy owner at which the violations of law alleged herein occurred, All City Pharmacy is responsible for those violations, including those of Respondent Cordoba-Hernandez pursuant to NRS 639.230(5), NAC 639.702 and NAC 639.945(2). All City Pharmacy is therefore subject to discipline pursuant to NRS 639.210(4) and (12) and NRS 639.255.

XV.

For the errors, misconduct and violations alleged above in the First, Second and Third Causes of Action, Respondents, and each of them, are subject to discipline pursuant NRS 639.210, as well as NRS 639.230(5) and/or NRS 639.255.

XVI.

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

Signed this 13th day of December 2018.

J. David Wuest, Deputy Executive Secretary
Nevada State Board of Pharmacy on behalf of
Larry L. Pinson, Executive Secretary

NOTICE TO RESPONDENT

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements regarding your certificate of registration. To do so, you must mail to the Board within 20 days of your receipt of this Notice of Intended Action and Accusation a written statement showing your compliance.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	**CASE NO. 17-070-RPH-S**
	)	
Petitioner,	)	
v.	)	
	)	**STATEMENT TO THE RESPONDENT**
JAIME CORDOBA-HERNANDEZ, RPH	)	**NOTICE OF INTENDED ACTION**
Certificate of Registration No. 17533	)	**AND ACCUSATION**
	)	**RIGHT TO HEARING**
Respondent.	)	
	/	

TO THE RESPONDENT ABOVE-NAMED: PLEASE TAKE NOTICE THAT:

I.

Pursuant to the authority and jurisdiction conferred upon the Nevada State Board of Pharmacy (Board) by NRS 639.241 to NRS 639.2576, inclusive, and NRS chapter 233B, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, Larry L. Pinson, Executive Secretary for the Board, alleging grounds for imposition of disciplinary action by the Board against you, as is more fully explained and set forth in the Notice of Intended Action and Accusation served herewith and hereby incorporated reference herein.

II.

You have the right to a hearing before the Board to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. Should you desire a hearing, it is required that you complete two copies of the Answer and Notice of Defense documents served herewith and file said copies with the Board within twenty (20) days of receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within.

III.

The Board has scheduled your hearing on this matter for Wednesday, January 16, 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.

Failure to complete and file your Notice of Defense with the Board and thereby request a hearing within the time allowed shall constitute a waiver of your right to a hearing in this matter and give cause for the entering of your default to the Notice of Intended Action and Accusation filed herein, unless the Board, in its sole discretion, elects to grant or hold a hearing nonetheless.

DATED this 13th day of December, 2018.

J. David Wuest, Deputy Executive Secretary,
Nevada State Board of Pharmacy on behalf of
Larry L. Pinson, Executive Secretary

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	**CASE NO. 17-070-RPH-S**
	)	
Petitioner,	)	
v.	)	
	)	
JAIME CORDOBA-HERNANDEZ, RPH	)	**ANSWER AND NOTICE**
Certificate of Registration No. 17533	)	**OF DEFENSE**
	)	
Respondent.	/	

Respondent above named, in answer to the Notice of Intended Action and Accusation filed in the above-entitled matter before the Nevada State Board of Pharmacy, declares:

1. That his objection to the Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against him, is hereby interposed on the following grounds: (State specific objections or insert "none").

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

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

DATED this ___ day of _____, 2018.

_____
JAIME CORDOBA-HERNANDEZ, RPH

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 13th day of December 2018, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

Jaime Cordoba-Hernandez, RPH
2077 Anglia Street
Las Vegas, NV 89142

SHIRLEY HUNTING

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	
	)	**Case No. 12-056-RPH-S**
Petitioner,	)	
v.	)	**FINDINGS OF FACT,**
	)	**CONCLUSIONS OF LAW AND**
JAIME CORDOBA HERNANDEZ, RPH	)	**ORDER**
Certificate of Registration No. 17533,	)	
	)	
Respondent.	/	

The Nevada State Board of Pharmacy (the "Board") heard this matter at its regular meeting on January 16, 2013, in Las Vegas, Nevada. Carolyn J. Cramer represented the Board in her capacity as its General Counsel. Respondent JAIME CORDOBA HERNANDEZ, RPH appeared and represented himself. Hernandez took the witness stand and gave sworn testimony before the Board. Based on the evidence, the testimony presented and the public records in the Board's possession and control, the Board issues the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. The Board received written notice from Smith's Pharmacy ("Smith's") in August 2012, indicating that it terminated Hernandez's employment. Smith's took that action after finding, through an internal investigation, that Hernandez created and filled fraudulent prescriptions for a friend, who is a cyclist and resident of Indiana (the "Patient").

2. Hernandez claimed that an Indiana physician, also a friend of his, initially called Smith's with a prescription for the Patient, for a quantity of 6 Procrit 4,000 unit vials. The patient was using Procrit to increase his endurance. At the time of Hernandez's conduct, the Patient was no longer seeing the physician in Indiana because the Patient was using the Procrit for endurance, not for a legitimate medical purpose. Hernandez subsequently admitted, and the Board finds, that Hernandez knew

of the purpose for which the Patient was using the drug, and that the Patient was not seeing a physician, but he continued to fill the prescriptions for the Patient.

3. Hernandez admitted, and the Board finds, that the physician did not authorize any refills, and that he (Hernandez) regenerated the refills himself based on the initial prescription.

4. The initial fill and first refill were for 6 Procrit 4,000 unit vials. The subsequent three refills were filled by substituting a quantity of 10 Epogen 4,000 unit vials, due to the unavailability of Procrit. Hernandez did not obtain authorization from the physician for the substitution or the increased quantity.

5. The pharmacy computer system automatically generates an electronic request for substitutions. Hernandez overrode the request and processed the refills as a new prescription.

6. Hernandez improperly used his personal Smith's discount card and/or coupons to buy the prescriptions in order to save his friend money. Those practices were unethical and violations of Smith's company policy, which Hernandez admits.

7. Hernandez admitted the allegations in the Notice of Intended Action and Accusation in his October 10, 2012 Answer and Notice of Defense.

8. The Board's findings are consistent with the allegations in the Notice of Intended Action and Accusation, and with Hernandez's admissions.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter because Hernandez was a pharmacist licensed by the Board at the time of the conduct set forth above.

2. In dispensing a dangerous drug without a legitimate medical need, and without a lawful prescription, Hernandez violated Nevada Revised Statute (NRS) 639.210(1), (4), (12), 454.221(1) and 454.311(3)(b). He also violated Nevada Administrative Code (NAC) 639.945(1)(h).

3. In dispensing a dangerous drug to a patient with whom the prescribing practitioner did not have a bona fide therapeutic relationship, Hernandez violated Nevada Revised Statute (NRS) 639.210(1), (4) and (12), and Nevada Administrative Code (NAC) 639.945(1)(h) and(3)(a).

ORDER

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

JAIME CORDOBA HERNANDEZ's license as a pharmacist (Certificate of Registration No. 17533) is revoked. Mr. Hernandez may not work in any facility licensed by the Board, including a pharmacy, in any capacity unless and until he has applied to the Board for reinstatement of his pharmacist's license and the Board has reinstated the registration.

Signed and effective this 1 day of February, 2013.

Kirk Wentworth, Interim President
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,
Petitioner,

v.

NOTICE OF INTENDED ACTION AND ACCUSATION

JAIME CORDOBA HERNANDEZ, RPH
Certificate of Registration No. 17533,
Respondent.
_____/

Case No. 12-056-RPH-S

COMES NOW Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, and makes the following that will serve as both a notice of intended action under Nevada Revised Statutes (NRS) 233B.127(3) and as an accusation under NRS 639.241.

I.

The Nevada State Board of Pharmacy has jurisdiction over this matter because Respondent Hernandez is a registered pharmacist with the Board.

II.

On August 31, 2012, the Nevada State Board of Pharmacy received notice from Smith's Pharmacy that Jaime Cordoba Hernandez was terminated from employment. An investigation by Smith's found that Mr. Hernandez had been creating and filling fraudulent prescriptions for a friend who resides in Indiana. Mr. Hernandez claims that an Indiana physician, also a friend of his, initially called in a prescription for a quantity of 6 Procrit 4,000 unit vials with three refills to Smith's Pharmacy. The patient is a cyclist and was using Procrit to increase his endurance. The patient was not seeing the physician in Indiana any longer because he was using the Procrit for endurance rather than a medical need. Mr. Hernandez admitted that he knew what the patient was using the drug for and continued to provide him with Procrit even though he knew it was

unethical and being used for illicit purposes. Mr. Hernandez was using his Smith's discount card when processing the prescriptions to save his friend money.

III.

In his statement, Mr. Hernandez admitted that the initial prescription was from the physician but it is unclear if the refills had been approved by the physician. The original prescription had not been initialed or signed by Mr. Hernandez as the pharmacist receiving the phoned-in prescription. The initial fill and first refill were for 6 Procrit 4,000 unit vials. A quantity of 10 Epogen 4,000 unit vials were dispensed for the subsequent three refills due to the unavailability of Procrit. Mr. Hernandez did not obtain authorization from the physician for the substitution or the increased quantity. The pharmacy computer system automatically generates an electronic request for substitutions. Mr. Hernandez would override the request and process the refills as a new prescription.

FIRST CAUSE OF ACTION

IV.

In dispensing a dangerous drug without a lawful prescription, Mr. Hernandez violated Nevada Revised Statute (NRS) 639.210(1), and/or (4), and/or (12) and/or 454.221(1) and/or 454.311(3)(b) and/or 454.321 and Nevada Administrative Code (NAC) 639.945(1)(h) and/or 639.918 (2) and/or (4).

SECOND CAUSE OF ACTION

V.

In dispensing a dangerous drug to a patient with whom the prescribing practitioner does not have a bona fide therapeutic relationship, Mr. Hernandez violated Nevada Revised Statute (NRS) 639.210(1), and/or (4), and/or (12) and Nevada Administrative Code (NAC) 639.945(1)(h) and/or (3)(a).

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

Signed this 18th day of September, 2012.

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

NOTICE TO RESPONDENT

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements regarding your certificate of registration. To do so, you must mail to the Board within 15 days of your receipt of this Notice of Intended Action and Accusation a written statement showing your compliance.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	**CASE NO. 14-086-RPH-S**
Petitioner,	)	
v.	)	**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**
JAIME CORDOBA-HERNANDEZ, R.PH.	)	
Certificate of Registration No. 17533	)	
Respondent.	)	

This matter came before the Nevada State Board of Pharmacy (Board) at its regularly scheduled meeting on Wednesday, January 21, 2015, in Las Vegas, Nevada. S. Paul Edwards, Esq., appeared in his capacity as the Board's General Counsel. Respondent Jaime Cordoba-Hernandez, R.Ph., Certificate of Registration No. 17533 ("Mr. Cordoba-Hernandez"), filed an *Answer and Notice of Defense*, and appeared without counsel.

Based on evidence presented at the hearing, including documentary evidence and the testimony from Mr. Cordoba-Hernandez, the Board enters the following findings of fact, conclusions of law and order:

FINDINGS OF FACT

1. On February 1, 2013, the Board entered Findings of Fact, Conclusions of Law and Order in the case *Board of Pharmacy v. Cordoba-Hernandez* (Case No. 12-056-RPH-S).

2. In its Order, the Board revoked Mr. Cordoba-Hernandez's pharmacist license for violations related to the filling and dispensing of a dangerous drug without a lawful prescription.

Mr. Cordoba-Hernandez created and filled fraudulent prescriptions for Procrit for a cyclist friend who used the Procrit to increase his cycling endurance.

3. At the Board's March 5, 2014 Board meeting, Mr. Cordoba-Hernandez appeared and requested reinstatement of his pharmacist license. The Board reinstated Mr. Cordoba-Hernandez's license subject to a two-year probation with the requirement that Mr. Cordoba-Hernandez attend the Board's meetings in Las Vegas for one year.

4. Subsequent to the Board's March 2014 Order, Mr. Cordoba-Hernandez attended one Board meeting on April 17, 2014, in Las Vegas, Nevada.

5. In July 2014, Mr. Cordoba-Hernandez informed Board Staff that he had moved to New York. At Mr. Cordoba-Hernandez's request, Board Staff agreed to allow him to attend New York Board of Pharmacy (New York Board) meetings in order to comply with the condition set forth by the Board as a term of his probation. Board Staff made arrangements with the New York Board to monitor Mr. Cordoba-Hernandez's attendance.

6. On November 19, 2014, the New York Board informed Board Staff that Mr. Cordoba-Hernandez has not attended the New York Board meetings as required.

7. On December 18, 2014, Board Staff served a Notice of Intended Action and Accusation in this matter on Mr. Cordoba-Hernandez by certified mail sent to his last address of record.

8. The foregoing findings are supported by evidence in the record, including the documents admitted as Exhibits 1 through 8, along with Mr. Cordoba-Hernandez's hearing testimony.

CONCLUSIONS OF LAW

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

9. The Board has jurisdiction over this matter and this respondent because at the time of the events alleged herein, Mr. Cordoba-Hernandez was a pharmacist licensed by the Board.

10. By failing to fully comply with the terms and conditions of his probation as set forth by the Board at the March 5, 2014 Board meeting, Jaime Cordoba-Hernandez is guilty of unprofessional conduct as that term is defined in Nevada Administrative Code (NAC) 639.945(1)(l).

11. That violation is grounds for action pursuant to Nevada Revised Statute (NRS) 639.210(1) and/or (4), and NRS 639.255.

THEREFORE, THE BOARD HEREBY ORDERS:

12. The registration of respondent Jaime Cordoba-Hernandez, R.Ph., Certificate of Registration No. 17533, is hereby revoked. The revocation is stayed and Mr. Cordoba-Hernandez's license is placed on probation for two years from the date of this Order.

13. During the probationary period, Mr. Cordoba-Hernandez must attend at least six (6) meetings held by the New York State Board of Pharmacy. As evidence of his attendance at each meeting, Mr. Cordoba-Hernandez must (a) sign in on any attendance roll made available at the meeting, and (b) make his attendance known by introducing himself to the board executive.

14. At the end of the probationary period, Board Staff shall have authority to lift the suspension and return Mr. Cordoba-Hernandez's license to active status without requiring Mr.

Cordoba-Hernandez to reappear before the Board, so long as he has complied with the terms of this Order and any other outstanding orders by the Board.

Signed and effective this 18 day of February, 2015.

Kamlesh Gandhi, President
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	
	)	**CASE NO. 14-086-RPH-S**
Petitioner,	)	
v.	)	
	)	
JAIME CORDOBA-HERNANDEZ, R.PH.	)	**NOTICE OF INTENDED ACTION**
Certificate of Registration No. 17533	)	**AND ACCUSATION**
	)	
	)	
Respondent.	)	
	/	

Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, makes the following that will serve as both a notice of intended action under Nevada Revised Statutes (NRS) 233B.127(3) and as an accusation under NRS 639.241.

I.

The Nevada State Board of Pharmacy (Board) has jurisdiction over this matter because Respondent Jaime Cordoba-Hernandez (Mr. Cordoba-Hernandez), Certificate of Registration No. 17533, is a registered pharmacist with the Board.

II.

On February 1, 2013, the Board entered a Findings of Fact, Conclusion of Law and Order in the case of Mr. Cordoba-Hernandez (Case No. 12-056-RPH-S). In its Order, the Board revoked Mr. Cordoba-Hernandez's pharmacist license for violations related to the filling and dispensing of a dangerous drug without a lawful prescription. Mr. Cordoba-Hernandez created and filled fraudulent prescriptions for Procrit for a cyclist friend who used the Procrit to increase his cycling endurance.

III.

At the March 5, 2014 Board meeting, Mr. Cordoba-Hernandez appeared and requested

reinstatement of his pharmacist license. The Board reinstated Mr. Cordoba-Hernandez's license subject to a two year probation with the requirement that Mr. Cordoba-Hernandez attend the Board's meetings in Las Vegas for one year.

IV.

Subsequent to the Board's March 2014 Order, Mr. Cordoba-Hernandez attended one Board meeting on April 17, 2014, in Las Vegas, Nevada.

V.

In July 2014, Mr. Cordoba-Hernandez informed Board Staff that he had moved to New York. Board Staff agreed to allow Mr. Cordoba-Hernandez to attend the New York Board of Pharmacy (New York Board) meetings in order to comply with the condition set forth by the Board as a term of his probation. Board Staff made arrangements with the New York Board to monitor Mr. Cordoba-Hernandez's attendance.

VI.

On November 19, 2014, the New York Board informed Board Staff that Mr. Cordoba-Hernandez has not attended the New York Board meetings as required.

FIRST CAUSE OF ACTION

VII.

By failing to fully comply with the terms and conditions of his probation as set forth by the Board at the March 5, 2014 Board meeting, Jaime Cordoba-Hernandez is guilty of unprofessional conduct as that term is defined in Nevada Administrative Code (NAC) 639.945(1)(l), which violation is grounds for action pursuant to Nevada Revised Statute (NRS) 639.210(1) and/or (4), and NRS 639.255.

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

Signed this 17th day of December, 2014.

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

NOTICE TO RESPONDENT

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements regarding your certificate of registration. To do so, you must mail to the Board within 15 days of your receipt of this Notice of Intended Action and Accusation a written statement showing your compliance.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	
	)	**CASE NO. 14-086-RPH-S**
Petitioner,	)	
v.	)	
	)	**ANSWER AND**
JAIME CORDOBA-HERNANDEZ, R.PH.	)	**NOTICE OF DEFENSE**
Certificate of Registration No. 17533	)	
	)	
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 _____, 2014.

_____
Jaime Cordoba-Hernandez, R.Ph.

4D

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	**CASE NO. 17-070-PH-S**
	)	
Petitioner,	)	
v.	)	
	)	
ALL CITY PHARMACY, LLC	)	**ANSWER AND NOTICE**
Certificate of Registration No. PH03609	)	**OF DEFENSE**
	)	
Respondent.	)	
	/	

Respondent above named, in answer to the Notice of Intended Action and Accusation filed in the above-entitled matter before the Nevada State Board of Pharmacy, declares:

1. That his objection to the Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against him, is hereby interposed on the following grounds: (State specific objections or insert "none").

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

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

DATED this ___ day of _____, 2018.

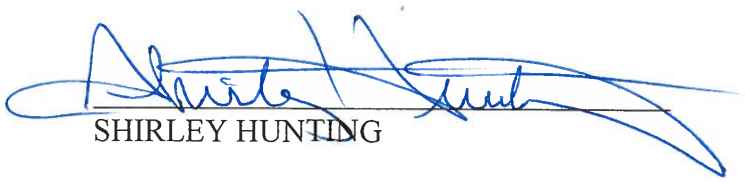
_____
Type or print name

_____
Authorized Representative for:
ALL CITY PHARMACY, LLC

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 13th day of December 2018, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

All City Pharmacy
821 N. Lamb Blvd., #4
Las Vegas, NV 89110



SHIRLEY HUNTING

4E

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	**CASE NOS. 17-098-S**
	)	
Petitioner,	)	**NOTICE OF INTENDED ACTION**
v.	)	**AND ACCUSATION**
	)	
RAANAN POKROY, M.D.,	)	
Certificate of Registration No. CS25754,	)	
	)	
Respondent.	/	

Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, makes the following that will serve as both a notice of intended action under Nevada Revised Statutes (NRS) 233B.127(3), and as an accusation under NRS 639.241.

JURISDICTION

I.

The Nevada State Board of Pharmacy (Board) has jurisdiction over this matter and this respondent because at the time of the events alleged herein, Respondent Raanan Pokroy, M.D. (Dr. Pokroy), Nevada Controlled Substance Registration No. CS25754, was registered by the Board.

FACTUAL ALLEGATIONS

II.

Dr. Pokroy owns and is the Medical Director of Reviv, which provides concierge/mobile intravenous hydration and injection services at its locations in the MGM and Palazzo hotel properties in Las Vegas, Nevada.

III.

Reviv, under Dr. Pokroy's ownership and direction, misled patients and deceitfully and/or fraudulently allowed patients to believe that Reviv could lawfully engage in the practice of medicine and provide medical treatment, including the administration of dangerous drugs,

without an examination by a practitioner, without a practitioner onsite, and without a practitioner's supervision.

IV.

Dr. Pokroy stored dangerous drugs at each of his Reviv locations.

V.

Dr. Pokroy allowed Reviv's staff, including RNs, access to his locked cabinets where dangerous drugs were stored and to access his inventory of dangerous drugs at those locations without a practitioner onsite and without a practitioner's supervision.

VI.

Dr. Pokroy allowed Reviv's staff, including RNs, to administer dangerous drugs by IV and/or by injection to patients without a lawful examination by a licensed practitioner and without a practitioner's supervision.

VII.

Dr. Pokroy allowed Reviv's staff, including RNs, to administer dangerous drugs without a diagnosis or other determination by a licensed practitioner that the dangerous drugs were medically necessary.

VIII.

For off-site services, Dr. Pokroy allowed and directed Reviv's staff, including RNs, to access, possess and transport dangerous drugs that were not included on a lawful chart order.

IX.

For off-site services, Dr. Pokroy provided Reviv's staff, including RNs, with an inventory of dangerous drugs that are not listed on, and/or that exceeded the quantity called for on a lawful chart order.

X.

Dr. Pokroy purchased dangerous drugs from an unlicensed pharmacy for administration to Reviv's patients.

APPLICABLE LAW

XI.

No person may possess a dangerous drug in Nevada without specific statutory authority to do so. *See* NRS 454.213, NRS 454.316, NRS 454.321.

XII.

A practitioner can give a registered nurse (RN) limited authority to possess and administer dangerous drugs without the practitioner onsite by way of NRS 454.213(1)(c), which says in relevant part:

> a drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by . . . a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, *or pursuant to a chart order, for administration to a patient at another location.*

NRS 454.213(1)(a)(*emphasis added*); *see also* NRS 639.100.

XIII.

Chart orders must be written (NRS 454.223) and are patient-specific and medication-specific.[1]

---

[1] *See* NRS 639.004 "Chart order" means an order entered on the chart of a patient in a hospital, facility for intermediate care or facility for skilled nursing which is licensed as such by the Division of Public and Behavioral Health of the Department of Health and Human Services or on the chart of a patient under emergency treatment in a hospital by a practitioner or on the written or oral order of a practitioner authorizing the administration of a drug to the patient.

XIV.

"Except as otherwise specifically provided, every person who violates any provision of NRS 454.181 to 454.371, inclusive, is guilty of a misdemeanor." NRS 454.356.

XV.

A practitioner must first establish a *bona fide therapeutic relationship* with a patient by examination before he or she can determine that a medication is medically necessary and direct and/or authorize a RN to possess and administer a dangerous drug on-site or issue a chart order for off-site administration of a dangerous drug to treat the patient's medical condition. *See* NAC 639.945(1)(o) and NRS 454.213(1)(a).

XVI.

> [A] bona fide therapeutic relationship between the patient and practitioner shall be deemed to exist if the patient was examined in person, electronically, telephonically or by fiber optics . . . by the practitioner within the 6 months immediately preceding the date the practitioner . . . prescribes a drug to the patient and, as a result of the examination, the practitioner diagnosed a condition for which a given drug therapy is prescribed.

NRS 639.945(3).

XVII.

> An outsourcing facility that is engaged in the compounding of sterile drugs in this State [Nevada] or for shipment into this State shall:
>
> 1. Obtain a license from the Board as a manufacturer in accordance with NRS 639.100 and 639.233;
> 2. Comply with the provisions of NAC 639.609 to 639.619, inclusive; and
> 3. Comply with all the requirements of 21 U.S.C. § 353b.

NAC 639.6915

XVIII.

"Supplying . . . medicines, substances or devices which are legally sold in pharmacies or by wholesalers, so that unqualified persons can circumvent any law pertaining to the legal sale of

such articles" constitutes "unprofessional conduct and conduct contrary to the public interest." NAC 639.945(1)(g).

XIX.

"Performing or in any way being a party to any fraudulent or deceitful practice or transaction" constitutes "unprofessional conduct and conduct contrary to the public interest." NAC 639.945(1)(h).

XX.

A licensee "[p]erforming any of his or her duties as the holder of a license, certificate or registration issued by the Board . . . in an incompetent, unskillful or negligent manner" constitutes "unprofessional conduct and conduct contrary to the public interest." NAC 639.945(1)(i).

XXI.

"Aiding or abetting a person not licensed to practice pharmacy in the State of Nevada" constitutes "unprofessional conduct and conduct contrary to the public interest." NAC 639.945(1)(j).

XXII.

"Performing any act, task or operation for which licensure, certification or registration is required without the required license, certificate or registration" constitutes "unprofessional conduct and conduct contrary to the public interest." NAC 639.945(1)(k).

XXIII.

"Prescribing a drug as a prescribing practitioner to a patient with whom the prescribing practitioner does not have a bona fide therapeutic relationship" constitutes "unprofessional conduct and conduct contrary to the public interest." NAC 639.945(1)(o).

XXIV.

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).

XXV.

Engaging in conduct that constitutes unprofessional conduct or that is contrary to the public interest is grounds for suspension or revocation of any license issued by the Board. NRS 639.210(4).

XXVI.

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 issued by the Board. NRS 639.210(12).

FIRST CAUSE OF ACTION

Unlawful Access and Possession of Dangerous Drugs (Statutory Violations)

XXVII.

By allowing Reviv's staff, including RNs, none of whom were practitioners and none of whom were licensed to prescribe dangerous drugs, to operate Reviv and to use his authority to obtain, access and/or possess an inventory of dangerous drugs when he was not onsite and without his supervision, Dr. Pokroy violated, or assisted and abetted his staff in violating, NRS 454.213(1)(c), NRS 454.311, and/or NRS 454.316. *See also* NRS 630.305(1)(e), NRS 454.321 and NRS 454.356. Because of that conduct, Dr. Pokroy's controlled substance registration, Certificate of Registration No. CS25754, is subject to discipline pursuant to NRS 639.210(12) and/or NRS 639.255.

SECOND CAUSE OF ACTION

Unlawful Access and Possession of Dangerous Drugs (Unprofessional Conduct)

XXVIII.

By allowing Reviv's staff, including RNs, none of whom were practitioners and none of whom were licensed to prescribe dangerous drugs, to use his authority to operate Reviv and to obtain, access and/or possess an inventory of dangerous drugs when he was not onsite and without his supervision, Dr. Pokroy engaged in unprofessional conduct as defined in NAC 639.945(g), (h), (i), (j) and (k). For that conduct, Dr. Pokroy's controlled substance registration, Certificate of Registration No. CS25754, is subject to discipline pursuant to NRS 639.210(4) and NRS 639.255.

THIRD CAUSE OF ACTION

Unlawful Administration of Dangerous Drugs – No Authority to Determine Medical Necessity

XXIX.

By authorizing Reviv's staff, including RNs, none of whom were licensed practitioners, to use his authority to operate Reviv and to determine that a dangerous drug was medically necessary and to administer a dangerous drug to Reviv's patients, Dr. Pokroy violated, and/or aided and abetted Reviv's staff in violating Nevada law, including NRS 630.305(e) and NRS 454.221(1), and he acted unprofessionally. *See* NAC 639.945(1)(k) and (o). Because of that conduct, Dr. Pokroy's controlled substance registration, Certificate of Registration No. CS25754 is subject to discipline pursuant to NRS 639.210(4) and (12) and/or NRS 639.255.

FOURTH CAUSE OF ACTION
Unlawful Administration of Dangerous Drugs - No Bona Fide Therapeutic Relationship

XXX.

By authorizing RNs on Reviv's staff, including RNs, none of whom were licensed practitioners, to administer a dangerous drug to patients who had not been examined by a practitioner, with whom he did not have a bona fide therapeutic relationship and for whom he had not made any diagnosis or determination that the dangerous drug was medically necessary, Dr. Pokroy violated, and/or aided and abetted Reviv's staff in violating Nevada law, including NRS 630.305(e) and NRS 454.221(1), and he acted unprofessionally. *See* NAC 639.945(1)(k) and (o). Because of that conduct, Dr. Pokroy's controlled substance registration, Certificate of Registration No. CS25754 is subject to discipline pursuant to NRS 639.210(4) and (12) and/or NRS 639.255. *See also* NRS 630.306.

FIFTH CAUSE OF ACTION
Purchasing Compounded Drugs from an Unlicensed Pharmacy

XXXI.

By purchasing compounded dangerous drugs from a pharmacy not licensed with the Board, Dr. Pokroy violated, or assisted and abetted that pharmacy in violating, NRS 639.285 and/or NAC 639.6915. Because of that conduct, Dr. Pokroy's controlled substance registration, Certificate of Registration No. CS25754 is subject to discipline pursuant to NRS 639.210(4) and (12) and/or NRS 639.255.

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

Signed this 14th day of December 2018.

J. David Wuest, Deputy Executive Secretary,
Nevada State Board of Pharmacy on behalf of
Larry L. Pinson, Executive Secretary

NOTICE TO RESPONDENT

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements regarding your certificate of registration. To do so, you must mail to the Board within twenty (20) days of your receipt of the Notice of Intended Action and Accusation a written statement showing your compliance.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	**CASE NO. 17-098-S**
	)	
Petitioner,	)	
v.	)	
	)	**STATEMENT TO THE RESPONDENT**
RAANAN POKROY, M.D.,	)	**NOTICE OF INTENDED ACTION**
Certificate of Registration No. CS25754,	)	**AND ACCUSATION**
	)	**RIGHT TO HEARING**
Respondent.	)	
	/	

TO THE RESPONDENT ABOVE-NAMED: PLEASE TAKE NOTICE THAT:

I.

Pursuant to the authority and jurisdiction conferred upon the Nevada State Board of Pharmacy (Board) by NRS 639.241 to NRS 639.2576, inclusive, and NRS chapter 233B, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, Larry L. Pinson, Executive Secretary for the Board, alleging grounds for imposition of disciplinary action by the Board against you, as is more fully explained and set forth in the Notice of Intended Action and Accusation served herewith and hereby incorporated reference herein.

II.

You have the right to a hearing before the Board to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. Should you desire a hearing, it is required that you complete two copies of the Answer and Notice of Defense documents served herewith and file said copies with the Board within twenty (20) days of receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within.

III.

The Board has scheduled your hearing on this matter for Wednesday, January 16, 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.

Failure to complete and file your Notice of Defense with the Board and thereby request a hearing within the time allowed shall constitute a waiver of your right to a hearing in this matter and give cause for the entering of your default to the Notice of Intended Action and Accusation filed herein, unless the Board, in its sole discretion, elects to grant or hold a hearing nonetheless.

DATED this 14th day of December, 2018.

J. David Wuest, Pharm.D.,
Deputy Executive Secretary for and on behalf of
Larry L. Pinson, Pharm.D., Executive Secretary
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	**CASE NO. 17-098-S**
	)	
Petitioner,	)	
v.	)	
	)	
RAANAN POKROY, M.D.,	)	**ANSWER AND NOTICE**
Certificate of Registration No. CS25754,	)	**OF DEFENSE**
	)	
Respondent.	)	
	/	

Respondent above named, in answer to the Notice of Intended Action and Accusation filed in the above-entitled matter before the Nevada State Board of Pharmacy, declares:

1. That his objection to the Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against him, is hereby interposed on the following grounds: (State specific objections or insert "none").

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

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

DATED this ___ day of _____, 2018.

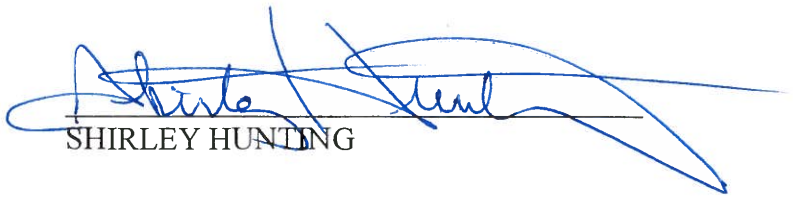
_____

RAANAN POKROY, M.D.,

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 14th day of December 2018, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

Raanan Pokroy, MD
9788 Newport Coast Circle
Las Vegas, NV 89147



SHIRLEY HUNTING