

July 1, 2009

AGENDA

◆ PUBLIC NOTICE ◆

NEVADA STATE BOARD OF PHARMACY

BOARD MEETING

at the

Las Vegas Chamber of Commerce
6671 Las Vegas Blvd South
Las Vegas

Wednesday, July 15, 2009 – 9:00 am

Thursday, July 16, 2009 – 9:00 am

Please Note: The Nevada State Board of Pharmacy may address agenda items out of sequence to accommodate persons appearing before the Board or to aid in the efficiency or effectiveness of the meeting.

Public comment is welcomed by the Board, but will be heard only when that item on the agenda is reached and will be limited to five minutes per person. The president may allow additional time to a given speaker as time allows and in his sole discretion.

◆ CONSENT AGENDA ◆

The Consent Agenda contains matters of routine acceptance. The Board Members may approve the consent agenda items as written or, at their discretion, may address individual items for discussion or change.

July 2009 Board Meeting Agenda

- * 1. [Approval of June 3-4, 2009, Minutes](#)
- * 2. [Applications](#) for Out-of-State MDEG – Non Appearance:
 - A. Boston Scientific Corporation – Fremont, CA
 - B. Boston Scientific CRM – St Paul, MN
 - C. Boston Scientific Neuromodulation Corporation – Valencia, CA
 - D. CareFusion Corporation – McGaw Park, IL
 - E. Caremax RM Corporation – La Habra, CA
 - F. CarePoint Health Products – Diamedix – Richmond, VA
 - G. Meni Mobility – Northbrook, IL
 - H. Orbit Medical of Indianapolis, Inc. – Indianapolis, IN
 - I. Roche Diagnostics Corporation – Indianapolis, IN
 - J. Smiths Medical MD, Inc. – Oakdale, MN

Applications for Out-of-State Pharmacy – Non Appearance:

- K. Ameridose, LLC – Framingham, MA
- L. Ameridose, LLC – Westborough, MA
- M. Basic Home Infusion - Fair Lawn, NJ
- N. Clinical Solutions, LLC – Nashville, TN
- O. Diabetes Specialty Center – Salt Lake City, UT
- P. Excellence Rx – Philadelphia, PA
- Q. Fresenius Medical Care Rx – Nashville, TN
- R. Hueneme Family Pharmacy – Port Hueneme, CA
- S. KRS Global Biotechnology – Boca Raton, FL
- T. Professional Arts Pharmacy – Lafayette, LA
- U. SeniorMed, LLC – Coppell, TX
- V. The Rx Co. – West Fargo, ND

Applications for Out-of-State Wholesaler – Non Appearance:

- W. Alaven Pharmaceutical LLC – Marietta, GA
- X. DSC Logistics, Inc. – Rancho Cucamonga, CA
- Y. Martek Pharmacal – Toms River, NJ
- Z. Ranbaxy Pharmaceuticals, Inc. – Jacksonville, FL
- AA. Sanofi-Aventis U.S. LLC – St Louis, MO
- BB. UPS Supply Chain Solutions, Inc. – Hebron, KY
- CC. Victor Medical Company – Irvine, CA

Applications for Nevada MDEG – Non Appearance:

- DD. ABC Medical Supplies – Las Vegas
- EE. Everything Medical – Las Vegas
- FF. Nocturna Sleep Center LLC – Henderson
- GG. Nocturna Sleep Therapy LP – Henderson

July 2009 Board Meeting Agenda

Application for Nevada Pharmacy – Non Appearance:

HH. ABC Pharmacy – Las Vegas

◆ REGULAR AGENDA ◆

- * 3. [Applications for Out-of-State Pharmacy](#) – Appearance
 - A. Apothecure, Inc. – Dallas, TX
 - B. Zoopharm – Laramie, WY
- * 4. [Applications for Nevada MDEG](#) – Appearance:
 - A. A Plus A Medical Supplies, LLC – Las Vegas
 - B. Caring Medical Supply, LLC – Henderson
 - C. Day One DME – Las Vegas
 - D. Freemotion Plus Medical Supply – Las Vegas
- * 5. [Disciplinary Actions](#): Note – The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of any of the below named parties.
 - A. Tammy Lynn Hernandez, PT (09-034-PT-S)
 - B. Huy Duong, R.Ph (08-042-RPH-S)
 - C. Walgreens #03842 (08-042-PH-S)
 - D. Vadim K. Parker, Jr, PTT (09-030-PT-S)
- * 6. [Requests for Reinstatement of Pharmacist License](#) – Appearance:
 - A. Michael J. Adams (03-060-RPH-S)
 - B. Karen A. Kinan (07-012-RPH-S)
- * 7. [Dutchess Recalculation of Fines](#)
- * 8. [Discussion and Determinations](#):
 - A. Licensing Fees
 - B. Workload Sharing Via Remote Order Entry in Hospitals
 - C. Physician Assistants and APN's
 - D. Disaster Response Policy Statement
 - E. Your Success Rx
- * 9. General Counsel Report

July 2009 Board Meeting Agenda

*10. [Executive Secretary Report:](#)

- A. Financial Report
- B. Investment Report
- C. Budget – 2009-2010
- D. Temporary Licenses
- E. Staff Activities
 - 1. CE Programs
 - 2. Legislative Update
 - a. Hillerby Report
- F. Report to Board
 - 1. Botanica Maya
- G. Board Related News
- H. Activities Report

11. Next Board Meeting:

September 2-3, 2009 – Reno

*12. Public Comments and Discussion of and Deliberation Upon Those Comments

Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken. (NRS 241.020)

* Board action may be taken on these items.

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Nevada State Board of Pharmacy, 431 W Plumb Lane, Reno, Nevada 89509, or call Jeri Walter at (775) 850-1440, as soon as possible.

Anyone desiring additional information regarding the meeting is invited to call the board office at (775) 850-1440.

Continuing Education credit of 4 hours, including 1 hour of law, will be given per day of Board meeting attendance. You are required to attend the board meeting for a full day to receive CE credit including the law credit.

This notice has been posted at the following locations:

Elko County Courthouse – Elko
Mineral County Courthouse – Hawthorne
Washoe County Courthouse – Reno
Nevada State Board of Pharmacy – Reno and Las Vegas



Nevada State Board of Pharmacy

431 W. PLUMB LANE • RENO, NEVADA 89509
(775) 850-1440 • 1-800-364-2081 • FAX (775) 850-1444
E-mail: pharmacy@pharmacy.nv.gov • Website: bop.nv.gov

BOARD MEETING

at the

Airport Plaza Hotel
1981 Terminal Way
Reno

Wednesday, June 3, 2009

Thursday, June 4, 2009

The meeting was called to order at 9:00 a.m. by Don Fey, Board President.

Board Members Present:

Keith Macdonald
Donald Fey
Mary Lau

Leo Basch
Chad Luebke

David Chan
Kam Gandhi

Board Members Absent:

Keith Macdonald absent on June 4, 2009

Board Staff Present:

Larry Pinson

Jeri Walter

Carolyn Cramer

Keith Marcher

CONSENT AGENDA

1. Approval of April 15, 2009, Minutes
2. Applications for Out-of-State MDEG – Non Appearance:
 - A. American Diabetes Wholesale, LLC – Pompano Beach, FL
 - B. Atos Medical, Inc. – West Allis, WI
 - C. Avnet, Inc. – Chandler, AZ
 - D. Destiny Medical Supply, Inc. – Aurora, CO
 - E. Diabetes Care Club, LLC – Brentwood, TN
 - F. Kolob Oxygen + Medical Equipment – St. George, UT
 - G. Optigen Inc. – Jacksonville Beach, FL

- H. Total eMedical, Inc. – Pompano Beach, FL
- I. Walgreen Medical Supply, LLC – Tinley Park, IL
- J. Wilmington Medical Supply, Inc. – Wilmington, NC

Applications for Out-of-State Pharmacy – Non Appearance:

- K. Apothecary Shop of Scottsdale – Scottsdale, AZ
- L. Apothecary Shop of Tucson – Tucson, AZ
- M. Axelacare Health Solutions LLC – Lenexa, KS
- N. Benecard Central Fill – Mechanicsburg, PA
- O. Mayo Clinic Pharmacy – Rochester, MN
- P. Meds for Vets – Sandy, UT
- Q. San Ysidoro Pharmacy – Santa Barbara, CA
- R. Specialty Compounding, LLC – Cedar Park, TX

Applications for Out-of-State Wholesaler – Non Appearance:

- S. Abbott Laboratories, Inc. – Fontana, CA
- T. Ace Surgical Supply Co., Inc. – Brockton, MA
- U. Bryant Ranch Prepack – North Hollywood, CA
- V. Cardinal Health – St Charles, MO
- W. DSC Logistics, Inc. – Roanoke, TX
- X. Sanvita, Inc. – Tampa, FL
- Y. Septodont, Inc. – New Castle, DE

Application for Nevada MDEG – Non Appearance:

- Z. Airgas, Northern California & Nevada – Winnemucca, NV

Applications for Nevada Pharmacy – Non Appearance:

- AA. Center for Surgical Intervention, LLC – Las Vegas
- BB. Solutions II – LTC – Henderson
- CC. Target Pharmacy T-2569 – Las Vegas

Discussion:

The consent agenda applications and supporting documents were reviewed.

NOTE: Leo Basch recused from participation in the vote on item 2 I as he is employed by Walgreens. Mary Lau recused from participation in the vote on items 2 I and CC as Walgreens and Target are members of RAN.

Board Action:

Motion: Leo Basch found the consent agenda application information and minutes to be accurate and complete and moved for approval with the exception of items I and CC.

Second: Kam Gandhi

Action: Passed Unanimously.

Motion: Chad Luebke moved to approve items 2 I and CC.

Second: David Chan

Action: Passed Unanimously.

REGULAR AGENDA

3. Applications for Out-of-State Pharmacy – Appearance

A. College Pharmacy – Colorado Springs, CO

Jerry Gillick appeared and was sworn by President Fey prior to answering questions or offering testimony.

Carolyn Cramer prefaced Mr. Gillick's testimony by reviewing the documents he provided and asked why he was appearing when he still had two more violations that had not be cleared up with his Board Order in Colorado. Mr. Gillick explained that other states have licensed College Pharmacy and have paralleled the seven year federal probation. He indicated that he had fixed all of the problems in the pharmacy and feels that this was a good time to get licensed in Nevada. He also stated that he had been with College Pharmacy since May, 2005, and the federal investigation was already in process against the previous owner, Tom Bader. Tom Bader is no longer associated with College Pharmacy in any manner, they do not compound HGH any longer and they do not intend to in the future.

The Board asked Mr. Gillick why he had not checked that College Pharmacy is a retail pharmacy and they will be shipping parenteral products into Nevada on his application. Mr. Gillick indicated that it was an oversight.

Board Action:

Motion: Leo Basch moved to approve the application for out-of-state pharmacy for College Pharmacy.

Second: Kam Gandhi

Action: Passed With One Negative vote

B. Med Shop Total Care – Longview, TX

Dee Downing appeared and was sworn by President Fey prior to answering questions or offering testimony.

Ms. Downing indicated that she was the pharmacist in charge for Med Shop Total Care. They are going to work with a surgery center in Nevada to provide a three day post-op pain product to the surgery center for patient specific orders. They have worked out the specifics with the facility and the consulting pharmacist. They are 797 and 795 compliant and have two clean rooms. Ms. Downing advised that Med Shop Total Care is a family owned pharmacy. Her father and sister are both pharmacists in this practice and she has another sister just graduating from pharmacy school and she may also be working at Med Shop Total Care.

Board Action:

Motion: Kam Gandhi moved to approve the application for Med Shop Total Care.

Second: Chad Luebke

Action: Passed Unanimously

4. Disciplinary Action

A. Walgreens #05295 (08-076-PH-N)

Mary Lau recused from participation in this matter as Walgreens is a member of RAN. Leo Basch recused from participation in this matter as he is employed by Walgreens. Kam Gandhi recused from participation in this matter as he has a working relationship with Debra Dorigatti.

Rob Graham was present to represent Walgreens.

Debra Dorigatti, pharmacist for Walgreens, Angela Ortiz, complainant, and Joe Depczynski, Board investigator, appeared and were sworn by President Fey prior to answering questions or offering testimony.

Carolyn Cramer presented 21 exhibits that were accepted into the record.

Rob Graham presented one exhibit, Audit/Board of Pharmacy Inspection Report, that was marked Exhibit A and accepted into the record.

Carolyn Cramer called Angela Ortiz to testify. Ms. Ortiz explained that her father, Enrique Ortiz, had amputated his finger in a work related accident. Mr. Ortiz was taken to Concentra Medical Center where he was treated by Dr. Mikel Meyer. Dr. Meyer dressed the wound and provided Mr. Ortiz with a bottle of cephalexin 500 mg. tablets and a prescription for Vicodin. Dr. Meyer also referred Mr. Ortiz to a hand surgeon. The hand surgeon was not immediately available so Mr. Ortiz went to Renown Medical Center where he was seen by Dr. S. Shepherd. Dr. Shepherd wrote additional prescriptions for Vicodin and Keflex. The following day Ms. Ortiz took her father's prescriptions to her work, Sparks Pediatrics, where she copied the prescriptions written by Dr. Shepherd and the prescription for Vicodin from Concentra onto one piece of paper, and faxed the prescriptions to Walgreens #05295. Ms. Ortiz explained that she asked her brother to pick up the prescriptions for her father, however Walgreens

#05295 would not give them to her brother. Ms. Ortiz and her mother went to Walgreens #05295 later that day with Mr. Ortiz's identification so they would release the medication since this was a worker's comp claim. Ms. Ortiz testified that she and Ms. Dorigatti had a heated argument because Ms. Dorigatti would not dispense the Keflex prescription. Ms. Ortiz advised that she was very concerned about her father getting an infection and could not understand why Ms. Dorigatti would not release the medication to her. Ms. Dorigatti gave Ms. Ortiz the filled prescription for Vicodin and she left the store. Ms. Ortiz was questioned regarding counseling and Ms. Ortiz was adamant that she was not counseled upon receiving the Vicodin. Ms. Cramer asked if she ever received the Keflex from Walgreens #05295 and Ms. Ortiz stated that she never went back to Walgreens #05295 nor had any of her family members.

Mr. Graham cross examined Ms. Ortiz, specifically, regarding her testimony on not being counseled by Ms. Dorigatti.

Ms. Cramer had redirect.

Carlos Marquez, an audience member that speaks Spanish, appeared and was sworn by President Fey prior to interpreting Mr. Ortiz's testimony.

Carolyn Cramer and Rob Graham asked Mr. Ortiz questions, through Mr. Marquez, regarding picking up his medications at Walgreens #05295. David Chan asked if Mr. Ortiz still had the empty prescription vials and he indicated that he no longer had them.

Ms. Cramer called Joe Depczynski to testify. Ms. Cramer led Mr. Depczynski through the 21 staff exhibits and he described what each represented. He testified to the specifics he learned from his investigation regarding the Walgreens computer. Mr. Depczynski interviewed Carla Knight, the managing pharmacist for Walgreens #05295, who helped him understand the filling process of Mr. Ortiz's prescriptions. He indicated he used a paper trail to determine who was responsible for the filling and verifying of these prescriptions.

There was discussion about the date in the Walgreens computer that indicated someone was counseled for the Keflex that had not been dispensed to Mr. Ortiz or any member of his family. The date was earlier, actually the fill date, than the prescription was dispensed.

Mr. Graham cross examined Mr. Depczynski and seemed to discount Mr. Depczynski's investigation procedures because he asked Ms. Ortiz if she had been counseled. Mr. Depczynski explained that was part of what he tries to determine when he is doing an investigation. Mr. Graham noted that if Mr. Depczynski was unable to locate records all he had to do was ask because the records are always available either in the store or on a national level. Mr. Graham produced a copy of the Audit/Board of Pharmacy Inspection Report and indicated that all of the information was on this report. Mr. Depczynski stated that he had never seen that report and was unaware that it existed.

The Board questioned Mr. Depczynski and discussed the case at length. After a break, Carolyn Cramer and Rob Graham presented a stipulated agreement to the Board.

Carolyn Cramer recommended dismissing this matter, however in future investigations she would expect that the Audit/Board of Pharmacy Inspection Report and the CAPS reports be given to the Board's staff.

Board Action:

Motion: Chad Luebke moved to dismiss this matter with the agreement Ms. Cramer suggested.

Second: Kam Gandhi

Action: Passed Unanimously

B. Smith's Pharmacy #392 (08-070-PH-N)

NOTE: Mary Lau recused from participation in this matter as Smith's is a member of RAN.

Carolyn Cramer presented the details of this matter noting it was an instance of a patient receiving a prescription for bupropion SR 150 mg. tablets that belonged to someone else. The stipulated agreement was for a \$500.00 fine and a \$295.00 administrative fee.

Board Action:

Motion: Keith Macdonald moved to accept the stipulated agreement as presented.

Second: Chad Luebke

Action: Passed With One Negative Vote

5. Requests for Reinstatement – Appearance:

Henry A. Miller (08-006-RPH-S)

NOTE: Chad Luebke recused from participation in this matter as Mr. Miller was employed by CVS, Mr. Luebke's employer.

Henry Miller and Larry Espadero appeared and were sworn by President Fey prior to answering questions or offering testimony.

Carolyn Cramer advised the Board that Mr. Miller was present to request reinstatement of his pharmacist license. She noted that the terms of Mr. Miller's previous Board Order required him to pay restitution to Smith's and One Point. Mr. Miller indicated that he had paid restitution to both parties to their satisfaction and copies of the letters from Smith's and One Point should be in the Board's files, which they were. Ms. Cramer also noted that Mr. Miller was not to request reinstatement of his license until after June

5th, 2009. Since it is the day before the 5th, the Board determined they would hear Mr. Miller at this time.

Mr. Miller stated that he joined PRN-PRN and has learned how to deal with his problems and others because he has a support system now. He is in recovery, has been clean and sober for over a year, and has learned how to make better decisions in his life. He indicated that rather than using controlled substances for the pain in his knee from a college football injury, he now seeks help from physical therapy and takes Advil.

Mr. Espadero testified that Mr. Miller is an entirely different person than he was a year ago when he first appeared before the Board. His biggest attribute is that he has learned humility. Mr. Espadero is very happy with Mr. Miller's progress and recommends that he be allowed to practice pharmacy at this time.

The Board questioned Mr. Miller and he showed genuine humility and shared some of his experiences. When asked what he had been doing for a living, he indicated that he was a chauffeur. This experience has made him realize how much he took his pharmacist profession for granted and now he knows that he has to earn the respect of his peers back again. Mr. Miller was asked if he had sought employment as a pharmacist yet and if he had any leads. Mr. Miller stated that he had not looked until he learned the outcome of today's appearance. Mr. Miller also noted that he has kept up with his continuing education.

Board Action:

Motion: Keith Macdonald moved to lift the suspension of Mr. Miller's pharmacist license effective June 5, 2009 providing he continue with his PRN-PRN program.

Second: Kam Gandhi

Action: Passed Unanimously

6. General Counsel Report

Carolyn Cramer gave a legislative update. She noted that everything we were tracking has been signed by the Governor. The cancer drug donation bill passed and we will need to do some rule making on this. There were minor modifications to the prescription monitoring program and we will not need to do any rule making. The satellite pharmacy bill was amended to include rural settings for doctors to see patients remotely. Long term care facilities will be able to return drugs for re-dispensing. Pharmacists will be able to do blood glucose testing. The Board will be seeing regulation Workshops and Public Hearings to define these newly signed laws.

7. Executive Secretary Report:

- A. Financial Report
- B. Investment Report

The financial and investment reports were presented to the Boards satisfaction.

C. Temporary Licenses

Mr. Pinson approved three temporary licenses since the last Board meeting.

D. Staff Activities

1. Meetings

a. PT Committee (4/22)

We conducted another Pharmaceutical Technician Committee meeting and discussed the three issues they had sent to the Board and were pleased to learn that pharmaceutical technicians will now be responsible to obtain one CE on Nevada law presented by Board staff or by attending a Board meeting for the whole day, just like pharmacists.

b. Telepharmacy/Telemedicine (4/23 & 4/28)

Meetings were held with the Nevada Health Center's staff exploring the details of both Telepharmacy and telemedicine.

c. NABP – Miami

One of the topics at the NABP annual meeting was problems with dispensing practitioners across the nation. Nevada is one of the few states that actually license them but most states do not. Mr. Pinson indicated the states that do not license prescribing physicians were very interested in learning how we operate to stop the questionable dispensing practices in their states.

2. Legislative Update

a. Hillerby Report

Mr. Pinson noted that Fred Hillerby's report was in the Board book. He also noted that the bill requiring a black box warning did not pass.

E. Reports to Board

1. Abuse of Emergency CII Rx Rule

There appears to be an abuse of the emergency CII prescription rule within the long-term care community. The DEA said long-term care facilities cannot abuse the emergency CII rule for their patients.

2. Ryan Haight Act

This act was passed by Congress and signed into law and will strengthen the prevention of illicit internet pharmacy practices.

3. Virginia PMP Hack

Larry Pinson reported on the security breach of the prescription monitoring program in Virginia. The hackers were demanding \$10,000,000.00 for return of the data. We did a security check of our system and we are OK. We are still trying to contract with McKesson. Otech was the company that Virginia was using when their computer system was compromised, which is the company we are currently using. We have blocked Otech from access to our data. If they need to make a change, they send it to Joanee Quirk on a CD.

4. Tech School Requirements

Previous Board discussions on the fact that past criminal activity and drug abuse may impact a tech school student's ability to get licensed prompted Mr. Pinson to contact David Perlman of the Nevada Commission on Post Secondary Education. Often the students were unaware of these circumstances until well into the program and after paying tuition. Mr. Perlman graciously responded by notifying all pharm tech schools that incoming students must be advised of the above, prior to beginning the program.

5. Temporary Regulations

The two temporary regulations that we had during this session of the legislature have been passed. One requiring pharmaceutical technicians to acquire one hour of Nevada law and amendments to the MDEG regulations. They will be heard again when LCB drafts language for permanent adoption. We are working on multiple ways of notifying pharmacies, pharmacists and pharmaceutical technicians of this new requirement.

F. Board Related News

Because of the hysteria on the swine flu issue, Mr. Pinson advised the Board that he will bring a D and D item to them on disaster planning and asked the Board to be thinking of ideas and bring them to the July meeting. We have a framework in place now because of Keith Macdonald's forethought to put something together, but now we need to refine it.

Ray Seidlinger has been working on the AB128 re-ups. Mr. Seidlinger has had difficulty obtaining immunization data. Liz Macmenamin will be getting information to Mr. Seidlinger from the retail community. Immunization is more complex and time consuming than AB128 was.

Mr. Pinson introduced Mark Stechschulte who is a representative of Sharps. Mr. Stechschulte gave a presentation on expired medication disposal. Sharps provides containers for the drug disposal, when the container is full it is mailed via USPS to Sharps where the container is incinerated. Sharps does not open the containers, they go directly to the incinerator. The program does not allow controlled substance disposal. The containers are approved for shipment through the postal service.

G. Activities Report

8. Personnel Review

A. Personnel Evaluation and Salary Review

B. Executive Secretary Evaluation

Larry Pinson gave the Board the CPI figures for them to make a determination about a salary increase. He advised that the Board is independent, self funded and solvent and can afford an increase. He presented the CPI with no merit recommendations. The Board was very complimentary of all Board staff and made the following motion:

Board Action:

Motion: Keith Macdonald moved to accept the CPI for Board staff's salary increase.

Second: David Chan

Action: Passed Unanimously

9. Review and Approval of 2010 Board Meeting Dates

The Board approved the proposed 2010 Board meeting dates as presented.

WORKSHOP

10. **Proposed Regulation Amendment Workshop**

1. **Amendment of Nevada Administrative Code 639.707** Counseling of Patients: Duties of pharmacist or intern pharmacist; documentation.

Carolyn Cramer noted that this was the recommendation Keith Macdonald had requested removal of the list of specific topics that need to be addressed during counseling. LCB would not allow that since statute requires the list but now we are trying to find language that will be appropriate and address Mr. Macdonald's issues. It was determined that adding the words "and may consider" to section 2 and 4 should satisfy Mr. Macdonald and the LCB. Ms. Cramer also indicated that she added black box language due to the recent legislation proposed this session. Mary Lau indicated that she did not like the term "black box" and it was specifically directed to doctors, not pharmacists. Mr. Pinson indicated that this is just a proactive step. There was discussion and it was determined that the black box warning was in the drug packaging insert where contraindications are indicated. Liz Macmenamin appeared and noted that the FDA considers it a "box" warning, not a "black box" warning and indicated that her members did not want reference to it in the counseling regs. Russ Smith, a pharmacist, appeared and advised how he approaches the black box issues when he counsels and points the patient to the package insert and advises them to read the therapeutic contraindications as they are more in depth. The Board determined that they wanted "and may consider" added to section two and change the language in 4(c) to add "box warnings".

Board Action:

Motion: Leo Basch moved to bring this language to Public Hearing with the changes discussed.

Second: Chad Luebke

Action: Passed Unanimously

2. **Amendment of Nevada Administrative Code 639.7125 Use of fulfillment pharmacy by dispensing pharmacy.**

Carolyn Cramer explained that the language presented was the result of the input from the Fulfillment Committee. Liz Macmenamin, representing RAN, Bill Okuna and Jim Palm, both representing Raley's gave input regarding the language presented by Board staff. Ms. Macmenamin had concerns regarding the NDC codes and why the language still included that requirement. Mr. Pinson advised that the NDC code identifies the drug and if there is a recall, it would be necessary to identify the drugs that were dispensed. This was an issue from Cookie Quandt who represented Long's and she is no longer employed with Long's since CVS bought the chain. Mr. Pinson noted that he did not think CVS was going to use fulfillment pharmacies and Mr. Luebke confirmed this so it is not an issue. Mr. Okuna noted that he thought in section II (f) "pharmacy personnel" was going to be substituted for "pharmaceutical technician". Mr. Pinson advised that he did not think it was appropriate for a clerk to do the verification process. After discussion staff was given direction and a motion was made.

Board Action:

Motion: Mary Lau moved to approve with changes and bring to Public Hearing.

Second: Leo Basch

Action: Passed Unanimously

3. **Amendment of Nevada Administrative Code 639.694 MDEG Administrator required.**

The Board discussed the language as presented and found it to be an accurate representation of what was necessary for an applicant to be a facility administrator in an MDEG facility.

Board Action:

Motion: Mary Lau moved to take this regulation to Public Hearing.

Second: David Chan

Action: Passed Unanimously

4. **Amendment of Nevada Administrative Code 639.725 Use of mechanical counting device for dispensing medications to be taken orally.**

After discussion and input from Liz Macmenamin and Robert Mai it was determined to abandon further consideration of this regulation amendment.

Board Action:

Motion: Chad Luebke moved to abandon this regulation amendment.

Second: Leo Basch

Action: Passed Unanimously

5. **Amendment of Nevada Administrative Code 639.528** Preparation and storage of food in prescription department of pharmacy.

Carolyn Cramer advised that this is a staff initiated request resulting from an issue brought up by Ray Seidlinger while he was inspecting a pharmacy. He found food in the refrigerator where drugs were stored. It was noted that Arkansas has passed regulations prohibiting food in pharmacy refrigerator's where drugs are stored. Further research found that the Joint Commission does not allow food storage in a refrigerator containing drugs in the hospital setting. Board inspectors have found horrible things in refrigerators and feel it would be best if food and drinks were kept in separate refrigerators from pharmacy drugs. Chad Luebke clarified that the food kept in the pharmacy would be for pharmacy personnel's own consumption and suggested that "for his own personal consumption" be left in the language.

Board Action:

Motion: Chad Luebke moved to bring this amendment to Public Hearing with the suggested change.

Second: Mary Lau

Action: Passed Unanimously

Mary Lau requested that the Public Hearing on these topics be held in September so she could participate since she was not going to be present for the July Board meeting.

11. Next Board Meeting:

July 15-16, 2009 – Las Vegas

12. Public Comments and Discussion of and Deliberation Upon Those Comments

There were no public comments.

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane - Reno, NV 89509 - or (775) 850-1440

APPLICATION FOR OUT-OF-STATE MDEG PROVIDER - CORPORATION

FEE: **\$500.00** (non-refundable and not transferable) -Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New MDEG Provider ☒ Ownership Change ☐ Name Change ☐ Location Change ☐

FACILITY INFORMATION

Facility Name: BOSTON SCIENTIFIC CORPORATION

Physical Address: 47900 Bayside Parkway, Fremont CA 94538

Mailing Address: 47900 Bayside Parkway

City: Fremont State: CA Zip Code: 94538

Telephone Number: 510-440-7700 Fax Number: 510-440-7600

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

Mon: 8 AM to 5 PM Tue: 8 AM to 5 PM Wed: 8 AM to 5 PM Thu: 8 AM to 5 PM
Fri: 8 AM to 5 PM Sat: to Sun: to Holidays: to

FACILITY ADMINISTRATOR INFORMATION

Name: Katherine Mack

Address: 47900 Bayside Pkwy

City: Fremont State: CA Zip Code: 94538

Telephone Number: 510-440-7700

TYPE OF MDEG PRODUCTS THAT WILL BE PROVIDED (CHECK ALL APPLICABLE)

☐ Medical Gases ☐ Assistive Equipment ☐ Respiratory Equipment
☐ Parenteral and Enteral Equipment ☐ Life-sustaining equipment
Prescription and non-prescription medical devices and related accessories

If providing life-sustaining equipment, provide a 24-hour contact number: ()

Board Use Only

Received JUN 22 2009 Check Number 927 Amount 500 -

50664
530

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane - Reno, NV 89509 - or (775) 850-1440

APPLICATION FOR OUT-OF-STATE MDEG PROVIDER - CORPORATION

FEE: \$500.00 (non-refundable and not transferable) -Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New MDEG Provider ☒ Ownership Change ☐ Name Change ☐ Location Change ☐

FACILITY INFORMATION

Facility Name: BOSTON SCIENTIFIC CRM

Physical Address: 4100 HAMLINE AVE NORTH

Mailing Address: SAME

City: ST. PAUL State: MN Zip Code: 55112

Telephone Number: 651-582-5656 Fax Number: 651-582-4522

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

Mon: 8 to 5 Tue: 8 to 5 Wed: 8 to 5 Thu: 8 to 5
Fri: 8 to 5 Sat: to Sun: to Holidays: to

FACILITY ADMINISTRATOR INFORMATION

Name: CHRIS HAMMOND SS#:

Address: 4100 HAMLINE AVE NORTH

City: ST. PAUL State: MN Zip Code: 55112

Telephone Number: 651-582-5656

TYPE OF MDEG PRODUCTS THAT WILL BE PROVIDED (CHECK ALL APPLICABLE)

☐ Medical Gases ☐ Assistive Equipment ☐ Respiratory Equipment

☐ Parenteral and Enteral Equipment ☐ Life-sustaining equipment

☒ PRESCRIPTION AND NON-PRESCRIPTION MEDICAL DEVICES AND ACCESSORIES

If providing life-sustaining equipment, provide a 24-hour contact number: ()

Board Use Only

Received 356 Check Number 500 Amount 500

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane - Reno, NV 89509 - or (775) 850-1440

APPLICATION FOR OUT-OF-STATE MDEG PROVIDER - CORPORATION

FEE: **\$500.00** (non-refundable and not transferable) -Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New MDEG Provider ☒ Ownership Change ☐ Name Change ☐ Location Change ☐

FACILITY INFORMATION

Facility Name: Boston Scientific Neuromodulation Corporation

Physical Address: 25155 RYE CANYON LOOP.

Mailing Address: 25155 Rye Canyon Loop

City: Valencia State: CA Zip Code: 91355

Telephone Number: 1-661-949-4000 Fax Number: 1-866-789-5981

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

Mon: 5am to 5pm PT Tue: 5am to 5pm PT Wed: 5am to 5pm PT Thu: 5am to 5pm PT

Fri: 5am to 5pm PT Sat: 5amX to 530p PT Sun: 5amX to 530p PT Holidays: X to X

FACILITY ADMINISTRATOR INFORMATION

Name: X JOHN MICHAEL ONOSCHECK SS#:

Address: X 25155 RYE CANYON LOOP

City: X VALENCIA State: X CA Zip Code: X 91355

Telephone Number: X 661-949-4102

TYPE OF MDEG PRODUCTS THAT WILL BE PROVIDED (CHECK ALL APPLICABLE)

☐ Medical Gases ☐ Assistive Equipment ☐ Respiratory Equipment
☐ Parenteral and Enteral Equipment ☐ Life-sustaining equipment

☒ Prescription and non-prescription medical devices and related accessories
If providing life-sustaining equipment, provide a 24-hour contact number: ()

Board Use Only

Received JUN 09 2009 Check Number 827 Amount 500.00

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane - Reno, NV 89509 - or (775) 850-1440

APPLICATION FOR OUT-OF-STATE MDEG PROVIDER - CORPORATION

FEE: **\$500.00** (non-refundable and not transferable) -Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New MDEG Provider ☒ Ownership Change ☐ Name Change ☐ Location Change ☐

FACILITY INFORMATION

Facility Name: CareFusion Corporation

Physical Address: 1210 Waukegan Rd. Bldg D

Mailing Address: 1210 Waukegan Rd. Bldg D

City: McGaw Park State: IL Zip Code: 60085

Telephone Number: (847) 578-6501 Fax Number: (847) 473-0829

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

Mon: 5am to 7pm Tue: 5am to 7pm Wed: 5am to 7pm Thu: 5am to 7pm

Fri: 5am to 7pm Sat: to Sun: to Holidays: to

FACILITY ADMINISTRATOR INFORMATION

Name: Bobby Speaks

Address: 1210 Waukegan Rd. Bldg D

City: McGaw Park State: IL Zip Code: 60085

Telephone Number: (847) 578-6501

TYPE OF MDEG PRODUCTS THAT WILL BE PROVIDED (CHECK ALL APPLICABLE)

☐ Medical Gases ☐ Assistive Equipment ☒ RX Devices
☐ Parenteral and Enteral Equipment ☐ Life-sustaining equipment

If providing life-sustaining equipment, provide a 24-hour contact number: ()

Board Use Only

Received JUN 22 2009 Check Number 355 Amount 500

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane - Reno, NV 89509 - or (775) 850-1440

APPLICATION FOR OUT-OF-STATE MDEG PROVIDER - CORPORATION

FEE: **\$500.00** (non-refundable and not transferable) -Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New MDEG Provider ☒ Ownership Change ☐ Name Change ☐ Location Change ☐

FACILITY INFORMATION

Facility Name: CAREMAX RM CORPORATION

Physical Address: 1351 S. BEACH BLVD, STE O LA HABRA, CA 90631

Mailing Address: P.O. BOX 2902

City: LA HABRA State: CA Zip Code: 90632-2903

Telephone Number: (562) 902-2622 Fax Number: (562) 902-2624

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

Mon: 8 to 5:30 Tue: 8:00 to 5:30 Wed: 8:00 to 5:30 Thu: 8:00 to 5:30

Fri: 8:00 to 5:30 Sat: == to == Sun: == to == Holidays: -- to --

FACILITY ADMINISTRATOR INFORMATION

Name: RICHARD MALUYO

Address: 1351 S. BEACH BLVD STE. O

City: LA HABRA State: CA Zip Code: 90631

Telephone Number: (562) 902-2622

TYPE OF MDEG PRODUCTS THAT WILL BE PROVIDED (CHECK ALL APPLICABLE)

☐ Medical Gases ☒ Assistive Equipment ☒ Respiratory Equipment
☒ Parenteral and Enteral Equipment ☐ Life-sustaining equipment

If providing life-sustaining equipment, provide a 24-hour contact number: ()

Board Use Only

Received JUN 04 2009 Check Number 172 Amount 500.00

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane - Reno, NV 89509 - or (775) 850-1440

APPLICATION FOR OUT-OF-STATE MDEG PROVIDER - CORPORATION

FEE: **\$500.00** (non-refundable and not transferable) -Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New MDEG Provider ☒ Ownership Change ☐ Name Change ☐ Location Change ☐

FACILITY INFORMATION

Facility Name: Oramedix Healthcare LLC DBA CarePoint HealthPartners - Oramedix

Physical Address: 6641 West Broad St.

Mailing Address: _____

City: Richmond State: VA Zip Code: 23230

Telephone Number: 804-747-8900 Fax Number: 804-592-2437

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

Mon: 8 to 5 Tue: 8 to 5 Wed: 8 to 5 Thu: 8 to 5

Fri: 8 to 5 Sat: _____ to _____ Sun: _____ to _____ Holidays: _____ to _____

FACILITY ADMINISTRATOR INFORMATION

Name: Shana Eason / Tammi Eisele

Address: 6641 W. Broad St.

City: Richmond State: VA Zip Code: 23230

Telephone Number: 804-441-2039

TYPE OF MDEG PRODUCTS THAT WILL BE PROVIDED (CHECK ALL APPLICABLE)

☐ Medical Gases ☐ Assistive Equipment ☐ Respiratory Equipment

☐ Parenteral and Enteral Equipment ☐ Life-sustaining equipment

☒ Other: Back braces, Diabetic testing supplies, aquatherapy pumps, ed pumps.

If providing life-sustaining equipment, provide a 24-hour contact number: (_____) _____

Board Use Only

Received JUN 24 2009 Check Number 196 Amount 500

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane - Reno, NV 89509 - or (775) 850-1440

APPLICATION FOR OUT-OF-STATE MDEG PROVIDER - CORPORATION

FEE: **\$500.00** (non-refundable and not transferable) -Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New MDEG Provider ☒ Ownership Change ☐ Name Change ☐ Location Change ☐

FACILITY INFORMATION

Facility Name: MONI MOBILITY

Physical Address: 3334 COMMERCIAL AVENUE

Mailing Address: 3334 COMMERCIAL AVENUE

City: NORTHBROOK State: IL Zip Code: 60062

Telephone Number: 847-412-9000 Fax Number: 847-412-10446

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

Mon: 9 to 3 Tue: 9 to 3 Wed: 9 to 3 Thu: 9 to 3
Fri: 9 to 3 Sat: - to - Sun: - to - Holidays: - to -

FACILITY ADMINISTRATOR INFORMATION

Name: SARA POTUCHA

Address: 3334 COMMERCIAL

City: NORTHBROOK State: IL Zip Code: 60062

Telephone Number: 847-412-9073

TYPE OF MDEG PRODUCTS THAT WILL BE PROVIDED (CHECK ALL APPLICABLE)

☐ Medical Gases ☒ Assistive Equipment ☐ Respiratory Equipment
☐ Parenteral and Enteral Equipment ☐ Life-sustaining equipment

If providing life-sustaining equipment, provide a 24-hour contact number: ()

Board Use Only

Received JUN 11 2009 Check Number 924 Amount 500.00

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane - Reno, NV 89509 - or (775) 850-1440

APPLICATION FOR OUT-OF-STATE MDEG PROVIDER - CORPORATION

FEE: **\$500.00** (non-refundable and not transferable) -Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New MDEG Provider ☒ Ownership Change ☐ Name Change ☐ Location Change ☐

FACILITY INFORMATION

Facility Name: Orbit Medical of Indianapolis, Inc.

Physical Address: 8665 Bash St. Indianapolis, IN 46256

Mailing Address: 716 E. 4500 S. Ste. 260

City: Salt Lake City State: UT Zip Code: 84107

Telephone Number: 801-713-2039 Fax Number: 801-713-5339

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

Mon: 9 to 4 Tue: 9 to 4 Wed: 9 to 4 Thu: 9 to 4

Fri: 9 to 4 Sat: to Sun: to Holidays: to

FACILITY ADMINISTRATOR INFORMATION

Name: Patrick McGinley SS#:

Address: 8665 Bash St.

City: Indianapolis State: IN Zip Code: 46256

Telephone Number: 317-813-0205

TYPE OF MDEG PRODUCTS THAT WILL BE PROVIDED (CHECK ALL APPLICABLE)

☐ Medical Gases ☒ Assistive Equipment ☐ Respiratory Equipment
☐ Parenteral and Enteral Equipment ☐ Life-sustaining equipment

If providing life-sustaining equipment, provide a 24-hour contact number: ()

Board Use Only

Received JUN 22 2009 Check Number 1018 Amount 500.00

50663
539

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane - Reno, NV 89509 - or (775) 850-1440

APPLICATION FOR OUT-OF-STATE MDEG PROVIDER - CORPORATION

FEE: **\$500.00** (non-refundable and not transferable) -Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New MDEG Provider ☒ Ownership Change ☐ Name Change ☐ Location Change ☐

FACILITY INFORMATION

Facility Name: Roche Diagnostics Corporation

Physical Address: 9115 Hague Road

Mailing Address: 9115 Hague Road

City: Indianapolis State: Indiana Zip Code: 46250

Telephone Number: (317) 521-2517 Fax Number: (317) 521-3028

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

Mon: 8:00a to 5:00p Tue: 8:00a to 5:00p Wed: 8:00a to 5:00p Thu: 8:00a to 5:00p

Fri: 8:00a to 5:00p Sat: to Sun: to Holidays: to

FACILITY ADMINISTRATOR INFORMATION

Name: Joyce Irwin

Address: 9115 Hague Road

City: Indianapolis State: Indiana Zip Code: 46250

Telephone Number: (317) 521-2517

TYPE OF MDEG PRODUCTS THAT WILL BE PROVIDED (CHECK ALL APPLICABLE)

☐ Medical Gases ☐ Assistive Equipment ☐ Respiratory Equipment

☐ Parenteral and Enteral Equipment ☐ Life-sustaining equipment

☒ DME

If providing life-sustaining equipment, provide a 24-hour contact number: ()

Board Use Only

JUN 29 2009

Received Check Number 9002 Amount 500.⁰⁰

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane - Reno, NV 89509 - or (775) 850-1440

APPLICATION FOR OUT-OF-STATE MDEG PROVIDER - CORPORATION

FEE: \$500.00 (non-refundable and not transferable) -Application must be printed legibly

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New MDEG Provider X Ownership Change Name Change Location Change

FACILITY INFORMATION

Facility Name: Smiths Medical MD, Inc.

Physical Address: 3350 Granada Avenue North, Oakdale MN

Mailing Address: 1265 Grey Fox Road (Attn: Brian Haugstad) 55128

City: St. Paul State: MN Zip Code: 55112

Telephone Number: 651-633-2556 Fax Number: 651-628-7457

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

Mon: 8AM to 5PM Tue: 8AM to 5PM Wed: 8AM to 5PM Thu: 8AM to 5PM

Fri: 8AM to 5PM Sat: N/A to Sun: N/A to Holidays: N/A to

FACILITY ADMINISTRATOR INFORMATION

Name: Philip Fumo, (Distribution Center Mgr)

Address: 3350 Granada Avenue North

City: Oakdale State: MN Zip Code: 55112

Telephone Number: 651-628-7214

TYPE OF MDEG PRODUCTS THAT WILL BE PROVIDED (CHECK ALL APPLICABLE)

X Medical Devices

 Medical Gases Assistive Equipment Respiratory Equipment

 Parenteral and Enteral Equipment Life-sustaining equipment

If providing life-sustaining equipment, provide a 24-hour contact number: (800) 426-2442

Board Use Only

Received JUN 04 2009 Check Number 282 Amount 500.00

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane – Reno, NV 89509 – (775) 850-1440
APPLICATION FOR OUT-OF-STATE PHARMACY LICENSE
CORPORATION

FEE \$500.00 (non-refundable and not transferable)
Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New Pharmacy ☒ Ownership Change ☐ Name Change ☐ Location Change ☐
(Please provide current license number if making changes: PH _____)

GENERAL INFORMATION

Pharmacy Name: Ameridose, LLC
Physical Address: 50 Fountain Street, Framingham, MA 01702
Mailing Address: 50 Fountain Street
City: Framingham State: MA Zip Code: 01702
Telephone Number: (508)656-2633 Fax Number: (508)820-0622
Toll Free Number: (888)820-0622
E-mail: gcnigliaro@ameridose.com Website: www.ameridose.com
Managing Pharmacist: Sophia Pasedis License Number: PH20217

Hours of Operation:

Monday thru Friday 5 am 8 pm Saturday 8 am 12 pm
Sunday 8 am 12 pm 24 Hours _____

TYPE OF PHARMACY

SERVICES PROVIDED

- ☐ Retail
- ☐ Hospital (# beds _____)
- ☐ Internet
- ☐ Nuclear
- ☒ Out of State
- ☐ Ambulatory Surgery Center

- ☐ Off-site Cognitive Services
- ☐ Parenteral
- ☐ Parenteral (outpatient)
- ☐ Outpatient/Discharge
- ☒ Mail Service
- ☐ Long Term Care

Board Use Only

Received: JUN 22 2009 Check Number: 343 Amount: 500.00

50660
1531

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane – Reno, NV 89509 – (775) 850-1440
APPLICATION FOR OUT-OF-STATE PHARMACY LICENSE
CORPORATION

FEE \$500.00 (**non-refundable** and **not transferable**)
Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New Pharmacy ☒ Ownership Change ☐ Name Change ☐ Location Change ☐
(Please provide current license number if making changes: PH _____)

GENERAL INFORMATION

Pharmacy Name: Ameridose, LLC
Physical Address: 205 Flanders Road, Westborough, MA 01581
Mailing Address: 50 Fountain Street
City: Framingham State: MA Zip Code: 01702
Telephone Number: (508) 656-2633 Fax Number: (508) 820-0644
Toll Free Number: (888) 820-0622
E-mail: gconigliaro@ameridose.com Website: www.ameridose.com
Managing Pharmacist: Bryan M. O'Neill License Number: PH

Hours of Operation:

Monday thru Friday 6 am 8 pm Saturday 6 am 6 pm
Sunday Closed am _____ pm 24 Hours _____

TYPE OF PHARMACY

SERVICES PROVIDED

- ☐ Retail
- ☐ Hospital (# beds _____)
- ☐ Internet
- ☐ Nuclear
- ☒ Out of State
- ☐ Ambulatory Surgery Center

- ☐ Off-site Cognitive Services
- ☐ Parenteral
- ☐ Parenteral (outpatient)
- ☐ Outpatient/Discharge
- ☒ Mail Service
- ☐ Long Term Care

Board Use Only

Received: JUN 2 2009 Check Number: 344 Amount: 500

50773
1547

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane • Reno, NV 89509 • (775) 850-1440
APPLICATION FOR OUT-OF-STATE PHARMACY LICENSE
CORPORATION

FEE \$500.00 (non-refundable and not transferable)
Application must be printed legibly

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New Pharmacy ☒

Ownership Change ☐ Name Change ☐

(Please provide current license number if making changes: PH _____)

GENERAL INFORMATION

Pharmacy Name: Basic Home Infusion

Physical Address: 17-17 Broadway

Mailing Address: SAME

City: Fair Lawn State: NJ Zip: 07401

Telephone Number: 201 475-0500 Fax Number: 201 475-9630

Toll Free Number: 1 888 822-7428 E-mail address: R.Putrino@Basichi.com

Managing Pharmacist: Roy C. Putrino License Number: 28R101634000

Hours of Operation:

Monday thru Friday 8:30am 5:30pm Saturday on call am pm
Sunday on call am pm 24 Hours yes

DEA#: B04796201 NCPDP #: 3138890

TYPE OF PHARMACY

SERVICES PROVIDED

- ☐ Retail
- ☐ Hospital (# beds __)
- ☐ Correctional (# inmates __)
- ☐ Nuclear
- ☒ Out of State
- ☐ Internet

- ☐ Off-site Cognitive Services
- ☐ Parenteral
- ☐ Parenteral (outpatient)
- ☐ Outpatient/Discharge
- ☒ Mail Service
- ☐ Long Term Care

Board Use Only

Received JUN 24 2009 Check Number 1075 Amount 500-

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane – Reno, NV 89509 – (775) 850-1440
APPLICATION FOR OUT-OF-STATE PHARMACY LICENSE
PARTNERSHIP

FEE \$500.00 (non-refundable and not transferable)

Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New Pharmacy ☒ Ownership Change ☐ Name Change ☐ Location Change ☐
(Please provide current license number if making changes: PH _____)

GENERAL INFORMATION

Pharmacy Name: Clinical Solutions LLC
Physical Address: 618 Grassmere Park Dr. Ste 5 Nashville, TN 37211
Mailing Address: P.O. Box 3309
City: Brentwood State: TN Zip Code: 37024
Telephone Number: 615-333-9852 Fax Number: 615-333-9869
Toll Free Number: 1-877-826-5488
E-mail: syd@clinicalsolutionspharmacy.com Website: www.clinicalsolutionspharmacy.com
Managing Pharmacist: Syd Mulder, PharmD License Number: TN 10949

Hours of Operation:

Monday thru Friday 8 am 5 pm Saturday _____ am _____ pm
Sunday _____ am _____ pm 24 Hours ON-call

TYPE OF PHARMACY

SERVICES PROVIDED

- ☐ Retail
- ☐ Hospital (# beds _____)
- ☐ Internet
- ☐ Nuclear
- ☒ Out of State
- ☐ Ambulatory Surgery Center

- ☐ Off-site Cognitive Services
- ☐ Parenteral
- ☐ Parenteral (outpatient)
- ☐ Outpatient/Discharge
- ☒ Mail Service -correctional
- ☐ Long Term Care

Board Use Only

Received: JUN 03 2009 Check Number: 1074 Amount: 500.00

50510
1511

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane • Reno, NV 89509 • (775) 850-1440
APPLICATION FOR OUT-OF-STATE PHARMACY LICENSE
CORPORATION

FEE \$500.00 (non-refundable and not transferable)
Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New Pharmacy ☒

Ownership Change ☐ Name Change ☐
(Please provide current license number if making changes: PH _____)

GENERAL INFORMATION

Pharmacy Name: Diabetes Specialty Center
Physical Address: 3793 South State St.
Mailing Address: - Same as above -
City: Salt Lake City State: UT Zip: 84115
Telephone Number: (801) 268-9699 Fax Number: (801) 268-9929
Toll Free Number: 800-775-4372 E-mail address: Scuellette@dscutah.co
Managing Pharmacist: Stephen Scuellette License Number: 6656161-170

Hours of Operation:

Monday thru Friday 9 am 5 pm Saturday am pm
Sunday am pm 24 Hours
DEA#: BD9909271 NCPDP #: 4695384

TYPE OF PHARMACY

- ☒ Retail
☐ Hospital (# beds ____)
☐ Correctional (# inmates ____)
☐ Nuclear
☒ Out of State
☐ Internet

SERVICES PROVIDED

- ☐ Off-site Cognitive Services
☐ Parenteral
☐ Parenteral (outpatient)
☐ Outpatient/Discharge
☒ Mail Service
☒ Long Term Care

Board Use Only

Received JUN 09 2009 Check Number 1093 Amount 500.00

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane – Reno, NV 89509 – (775) 850-1440
APPLICATION FOR OUT-OF-STATE PHARMACY LICENSE
CORPORATION

FEE \$500.00 (non-refundable and not transferable)
Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New Pharmacy ☒ Ownership Change ☐ Name Change ☐ Location Change ☐
(Please provide current license number if making changes: PH _____)

GENERAL INFORMATION

Pharmacy Name: EXCELLE RX
Physical Address: 1601 Cherry St., Suite 1700, Philadelphia, PA 19102
Mailing Address: SAME AS ABOVE
City: Philadelphia State: PA Zip Code: 19102
Telephone Number: 877-882-7820 Fax Number: 215-282-1587
Toll Free Number: 877-882-7820
E-mail: dnielands@excellerx.com Website: www.excellerx.com
Managing Pharmacist: John Schiavo License Number: RP0297967

Hours of Operation:

Monday thru Friday 8:30 am 11 pm Saturday 9 am 8 pm
Sunday 9 am 8 pm 24 Hours ☒ - Someone 'On-Call

TYPE OF PHARMACY

SERVICES PROVIDED

- | | |
|--|--|
| <input type="checkbox"/> Retail | <input type="checkbox"/> Off-site Cognitive Services |
| <input type="checkbox"/> Hospital (# beds _____) | <input type="checkbox"/> Parenteral |
| <input type="checkbox"/> Internet | <input type="checkbox"/> Parenteral (outpatient) |
| <input type="checkbox"/> Nuclear | <input type="checkbox"/> Outpatient/Discharge |
| <input checked="" type="checkbox"/> Out of State | <input checked="" type="checkbox"/> Mail Service |
| <input type="checkbox"/> Ambulatory Surgery Center | <input type="checkbox"/> Long Term Care |

Board Use Only

Received: MAY 27 2009 Check Number: 8082 Amount: 500.00

50459
1506

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane – Reno, NV 89509 – (775) 850-1440
APPLICATION FOR OUT-OF-STATE PHARMACY LICENSE
CORPORATION

FEE \$500.00 (non-refundable and not transferable)

Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New Pharmacy _____ Ownership Change ☒ Name Change ☒ Location Change _____
(Please provide current license number if making changes: PH 01882)

GENERAL INFORMATION

Pharmacy Name: Fresenius Medical Care Rx
Physical Address: 220 Athens Way, Suite 150 Nashville, TN 3722
Mailing Address: 220 Athens Way, Suite 150
City: Nashville State: TN Zip Code: 37228
Telephone Number: 615-312-4003 Fax Number: 615-846-6665
Toll Free Number: 800-947-3131
E-mail: _____ Website: _____
Managing Pharmacist: Rudyea Woodberry License Number: 9069

Hours of Operation: PHARMACIST ON CALL 24/7

Monday thru Friday 8 am 5 pm Saturday Closed am _____ pm
Sunday Closed am _____ pm 24 Hours _____

TYPE OF PHARMACY

SERVICES PROVIDED

- ☐ Retail
- ☐ Hospital (# beds _____)
- ☐ Internet
- ☐ Nuclear
- ☒ Out of State
- ☐ Ambulatory Surgery Center

- ☐ Off-site Cognitive Services
- ☐ Parenteral
- ☐ Parenteral (outpatient)
- ☐ Outpatient/Discharge
- ☒ Mail Service
- ☐ Long Term Care

Board Use Only

Received: MAY 27 2009 Check Number: 252 Amount: 500.00

50460
1504

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane – Reno, NV 89509 – (775) 850-1440
APPLICATION FOR OUT-OF-STATE PHARMACY LICENSE
CORPORATION

FEE \$500.00 (non-refundable and not transferable)
Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New Pharmacy ☒ Ownership Change _____ Name Change _____ Location Change _____
(Please provide current license number if making changes: PH _____)

GENERAL INFORMATION

Pharmacy Name: Hueneme Family Pharmacy
Physical Address: 248 E. Scott St.
Mailing Address: same
City: Port Hueneme State: CA Zip Code: 93041
Telephone Number: 805-488-8200 Fax Number: 805-488-8211
Toll Free Number: 877-488-8202
E-mail: contact@huenemefamily.com Website: www.huenemefamily.com
Managing Pharmacist: Duane Griffin License Number: RPH 45650

Hours of Operation:

Monday thru Friday 9:30 am 6:30 pm Saturday 10:00 am 2:00 pm
Sunday closed am _____ pm 24 Hours ☒ phone

TYPE OF PHARMACY

SERVICES PROVIDED

- ☐ Retail
- ☐ Hospital (# beds _____)
- ☐ Internet
- ☐ Nuclear
- ☒ Out of State
- ☐ Ambulatory Surgery Center

- ☐ Off-site Cognitive Services
- ☐ Parenteral
- ☐ Parenteral (outpatient)
- ☐ Outpatient/Discharge
- ☒ Mail Service
- ☐ Long Term Care

Board Use Only

Received: MAY 28 2009 Check Number: 461 Amount: 500.00

50476
1509

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane – Reno, NV 89509 – (775) 850-1440
APPLICATION FOR OUT-OF-STATE PHARMACY LICENSE
CORPORATION

FEE \$500.00 (non-refundable and not transferable)
Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

<div style="border: 1px solid black; border-radius: 50%; width: 100px; height: 40px; display: flex; align-items: center; justify-content: center;">New Pharmacy</div>	Ownership Change _____ Name Change _____ Location Change _____ (Please provide current license number if making changes: PH _____)
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GENERAL INFORMATION

Pharmacy Name: KRS Global Biotechnology
Physical Address: 791 Park of Commerce Blvd Suite 600
Mailing Address: SAME
City: Boca Raton State: FL Zip Code: 33487
Telephone Number: 888 242 7996 Fax Number: 866 480 3322
Toll Free Number: 888 242 7996
E-mail: customerservice@gbtrx.net Website: www.gbtrx.com
Managing Pharmacist: John Niagara License Number: PS28518

Hours of Operation:

Monday thru Friday <u>10</u> am <u>6</u> pm	Saturday <u> </u> am <u> </u> pm
Sunday <u> </u> am <u> </u> pm	24 Hours <u> </u>

TYPE OF PHARMACY

SERVICES PROVIDED

- ☐ Retail
- ☐ Hospital (# beds _____)
- ☐ Internet
- ☐ Nuclear
- ☒ Out of State
- ☐ Ambulatory Surgery Center

- ☐ Off-site Cognitive Services
- ☐ Parenteral
- ☐ Parenteral (outpatient)
- ☐ Outpatient/Discharge
- ☒ Mail Service
- ☐ Long Term Care

Board Use Only

Received: MAY 27 2009 Check Number: 421 Amount: 500.00

50461
1505

NEVADA STATE BOARD OF PHARMACY
555 Double Eagle Court #1100 • Reno, NV 89521 • (775) 850-1440
APPLICATION FOR OUT-OF-STATE PHARMACY LICENSE
CORPORATION

FEE \$500.00 (non-refundable and not transferable)

Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New Pharmacy ☒

Ownership Change ☐ Name Change ☐

(Please provide current license number if making changes: PH _____)

GENERAL INFORMATION

Pharmacy Name: Compounding Pharmacies of Louisiana
dba / Professional Arts Pharmacy

Physical Address: 120 Guilbeau Rd Ste A

Mailing Address: "Same as above"

City: Lafayette State: LA Zip: 70506

Telephone Number: (337) 991-0101 Fax Number: (337) 991-9844

Toll Free Number: 888-237-4737 E-mail address: debbie@professionalarts.com

Managing Pharmacist: David Mayer License Number: 14770

Hours of Operation:

Monday thru Friday 8 am 5:30 pm

Saturday Closed am _____ pm

Sunday Closed am _____ pm

24 Hours _____

DEA#: BP5680005

NCPDP #: 1927978

TYPE OF PHARMACY

SERVICES PROVIDED

- ☒ Retail
- ☐ Hospital (# beds _____)
- ☐ Correctional (# inmates _____)
- ☐ Nuclear
- ☒ Out of State
- ☐ Internet

- ☐ Off-site Cognitive Services
- ☐ Parenteral
- ☐ Parenteral (outpatient)
- ☐ Outpatient/Discharge
- ☒ Mail Service
- ☐ Long Term Care

Board Use Only

Received JUN 22 2009 Check Number 261 Amount 500.00

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane – Reno, NV 89509 – (775) 850-1440
APPLICATION FOR OUT-OF-STATE PHARMACY LICENSE
CORPORATION

FEE \$500.00 (non-refundable and not transferable)
Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New Pharmacy ☒ Ownership Change _____ Name Change _____ Location Change _____
(Please provide current license number if making changes: PH _____)

GENERAL INFORMATION

Pharmacy Name: SeniorMed, LLC
Physical Address: 480 Wrangler Drive, Suite 400, Coppell, TX 75019
Mailing Address: PO Box 901
City: Deerfield State: IL Zip Code: 60015
Telephone Number: 972-304-3700 Fax Number: 972-303-3730
Toll Free Number: 800-378-5978
E-mail: _____ Website: _____
Managing Pharmacist: Maryann Tomechko License Number: 47906

Hours of Operation:

Monday thru Friday 7:30 am 6:00 pm Saturday CLOSED am _____ pm
Sunday CLOSED am _____ pm 24 Hours ON CALL

TYPE OF PHARMACY

SERVICES PROVIDED

- | | |
|--|--|
| <input type="checkbox"/> Retail | <input type="checkbox"/> Off-site Cognitive Services |
| <input type="checkbox"/> Hospital (# beds _____) | <input type="checkbox"/> Parenteral |
| <input type="checkbox"/> Internet | <input type="checkbox"/> Parenteral (outpatient) |
| <input type="checkbox"/> Nuclear | <input type="checkbox"/> Outpatient/Discharge |
| <input checked="" type="checkbox"/> Out of State | <input checked="" type="checkbox"/> Mail Service |
| <input type="checkbox"/> Ambulatory Surgery Center | <input type="checkbox"/> Long Term Care |

Board Use Only

Received: JUN 29 2009 Check Number: 488 Amount: 500.00

50819
1549

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane – Reno, NV 89509 – (775) 850-1440
APPLICATION FOR OUT-OF-STATE PHARMACY LICENSE
PARTNERSHIP

FEE \$500.00 (non-refundable and not transferable)

Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New Pharmacy ☒ Ownership Change _____ Name Change _____ Location Change _____
(Please provide current license number if making changes: PH _____)

GENERAL INFORMATION

Pharmacy Name: The Rx Co.
Physical Address: 550 13th Ave East, West Fargo, ND, 58078
Mailing Address: 550 13th Ave East West Fargo ND, 58078
City: West Fargo, State: ND, Zip Code: 58078
Telephone Number: 701-373-0685 Fax Number: 701-373-0686
Toll Free Number: 1-800-323-3873
E-mail: therxco@therxco.com Website: therxco.com
Managing Pharmacist: John R. Summa License Number: 3561

Hours of Operation:

Monday thru Friday 9 am 5:30 pm
Saturday 9 am 4 pm
Sunday Closed am _____ pm
24 Hours ☒

TYPE OF PHARMACY

SERVICES PROVIDED

- | | |
|--|--|
| <input checked="" type="checkbox"/> Retail | <input type="checkbox"/> Off-site Cognitive Services |
| <input type="checkbox"/> Hospital (# beds _____) | <input type="checkbox"/> Parenteral |
| <input type="checkbox"/> Internet | <input type="checkbox"/> Parenteral (outpatient) |
| <input type="checkbox"/> Nuclear | <input type="checkbox"/> Outpatient/Discharge |
| <input checked="" type="checkbox"/> Out of State | <input checked="" type="checkbox"/> Mail Service |
| <input type="checkbox"/> Ambulatory Surgery Center | <input type="checkbox"/> Long Term Care |

Board Use Only

Received: JUN 04 2009 Check Number: 689 Amount: 500.00

50554
1514

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane • Reno, NV 89509 • (775) 850-1440
APPLICATION FOR OUT-OF-STATE WHOLESALE LICENSE
CORPORATION

FEE \$500.00 (non-refundable and not transferable)

Application must be typed or printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New Wholesaler ☒

Ownership Change ☐ Name Change ☐

(Please provide current license number if making changes: WH _____)

FACILITY INFORMATION

Facility Name: Alaven Pharmaceutical LLC

Physical Address: 2260 Northwest Parkway Suite A

Mailing Address: 200 Cobb Pkwy North Suite 428
Marietta GA 30067

City: Marietta State: GA Zip Code: 30067

Telephone Number: 678-589-7000 Fax Number: 678-589-0500

E-mail: CustomerService@Alavenpharm.com

Facility Manager: Mary Alonso

Professional qualifications and experience of facility manager: _____

Please see exhibit A.

Types of licensed outlets or authorized persons firm will serve:

☐ Pharmacies ☐ Practitioners ☐ Hospitals ☒ Wholesalers
☐ Other _____

Type of Products to be handled or wholesaled by firm

☒ Legend Pharmaceuticals, Supplies or Devices ☐ Hypodermic Devices
☐ Poisons or Chemicals ☐ Veterinary Legend Drugs
☒ Controlled Substances (include copy of DEA certificate) Exhibit B
☐ Other _____

Board Use Only

Received JUN 22 2009 Check Number 266 Amount 500-

50670
850

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane • Reno, NV 89509 • (775) 850-1440
APPLICATION FOR OUT-OF-STATE WHOLESALER LICENSE
CORPORATION

FEE \$500.00 (non-refundable and not transferable)
Application must be typed or printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New Wholesaler ☒

Ownership Change ☐ Name Change ☐
(Please provide current license number if making changes: WH _____)

FACILITY INFORMATION

Facility Name: DSC Logistics, Inc.

Physical Address: 11599 Arrow Route, Rancho Cucamonga, CA 91730

Mailing Address: 1750 South Wolf Road

City: Des Plaines State: IL Zip Code: 60018

Telephone Number: 909.390.4883 Fax Number: 909.605.1027

E-mail: susan.winter@dsclogistics.com

Facility Manager: Frank Fernandez

Professional qualifications and experience of facility manager: _____

Types of licensed outlets or authorized persons firm will serve:

☐ Pharmacies ☒ Practitioners ☒ Hospitals ☒ Wholesalers
☒ Other Acute care facilities

Type of Products to be handled or wholesaled by firm

☐ Legend Pharmaceuticals, Supplies or Devices ☐ Hypodermic Devices
☐ Poisons or Chemicals ☐ Veterinary Legend Drugs
☐ Controlled Substances (include copy of DEA certificate)
☒ Other Non-Rx Medical Devices

Board Use Only

Received JUN 22 2009 Check Number 135 Amount 500.00

50669
851

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane • Reno, NV 89509 • (775) 850-1440
APPLICATION FOR OUT-OF-STATE WHOLESALER LICENSE
CORPORATION

FEE \$500.00 (non-refundable and not transferable)
Application must be typed or printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New Wholesaler ☒

Ownership Change ☐ Name Change ☐
(Please provide current license number if making changes: WH _____)

FACILITY INFORMATION

Facility Name: Martek PHARMACAL
Physical Address: 1575 Route 37 WEST Toms River, NJ 08755
Mailing Address: Same AS Above
City: Toms River State: NJ Zip Code: 08755
Telephone Number: 732-557-0000 Fax Number: 732-557-0027
E-mail: MartekPharmacal@hotmail.com
Facility Manager: Andrew Steck, Jr.

Professional qualifications and experience of facility manager: _____
20 years exp. in field. 10+ years owner of Martek.
Martek in family since 1969.

Types of licensed outlets or authorized persons firm will serve:

☐ Pharmacies ☒ Practitioners ☐ Hospitals ☐ Wholesalers
☐ Other _____

Type of Products to be handled or wholesaled by firm

☐ Legend Pharmaceuticals, Supplies or Devices ☐ Hypodermic Devices
☐ Poisons or Chemicals ☐ Veterinary Legend Drugs
☒ Controlled Substances (include copy of DEA certificate)
☐ Other _____

Board Use Only

Received JUN 29 2009 Check Number 944 Amount 500.00

4845

180-
5918 857

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane • Reno, NV 89509 • (775) 850-1440
APPLICATION FOR OUT-OF-STATE WHOLESALER LICENSE
CORPORATION

FEE \$500.00 (non-refundable and not transferable)
Application must be typed or printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New Wholesaler ☒

Ownership Change ☐ Name Change ☐
(Please provide current license number if making changes: WH _____)

FACILITY INFORMATION

Facility Name: Ranbaxy Pharmaceuticals, Inc.

Physical Address: 9431 Florida Mining Blvd. East, Jacksonville, FL 32257

Mailing Address: same

City: Jacksonville State: FL Zip Code: 32257-3644

Telephone Number: 904/470-6000 Fax Number: 904/880-9645

E-mail: james.meehan@ranbaxy.com

Facility Manager: James F. Meehan

Professional qualifications and experience of facility manager: _____

Mr. Meehan has been involved in the wholesale drug industry for 30+ years. He has extensive experience in all matters pertaining to the distribution of prescription medication.

Types of licensed outlets or authorized persons firm will serve:

☒ Pharmacies ☐ Practitioners ☐ Hospitals ☒ Wholesalers
☒ Other Chain pharmacy warehouses; generic distributors

Type of Products to be handled or wholesaled by firm

☒ Legend Pharmaceuticals, Supplies or Devices ☐ Hypodermic Devices
☐ Poisons or Chemicals ☐ Veterinary Legend Drugs
☒ Controlled Substances (include copy of DEA certificate)
☐ Other _____

Board Use Only

Received MAY 27 2009 Check Number 894 Amount 500.00
893 135-
50462 84

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane • Reno, NV 89509 • (775) 850-1440
APPLICATION FOR OUT-OF-STATE WHOLESALER LICENSE
CORPORATION

FEE \$500.00 (non-refundable and not transferable)
Application must be typed or printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New Wholesaler ☒

Ownership Change ☐ Name Change ☐
(Please provide current license number if making changes: WH _____)

FACILITY INFORMATION

Facility Name: sanofi-aventis U.S. LLC

Physical Address: 6239 Lemay Ferry Road St. Louis, MO 63129

Mailing Address: 2500 Southpoint Drive Forest Park, GA 30297

City: St. Louis State: MO Zip Code: 63129

Telephone Number: (314) 416-3100 Fax Number: (314) 416-1826

E-mail: rob.matthews@sanofi-aventis.com

Facility Manager: Don Holmes

Professional qualifications and experience of facility manager: Bachelors degree in Engineering; Managed current facility for last 7 years; 15+ years experience in pharmaceutical industry in various positions

Types of licensed outlets or authorized persons firm will serve:

☒ Pharmacies ☐ Practitioners ☒ Hospitals ☒ Wholesalers
☐ Other _____

Type of Products to be handled or wholesaled by firm

☒ Legend Pharmaceuticals, Supplies or Devices ☐ Hypodermic Devices
☐ Poisons or Chemicals ☐ Veterinary Legend Drugs
☒ Controlled Substances (include copy of DEA certificate)
☐ Other _____

Board Use Only

Received JUN 22 2009 Check Number 344 Amount 500.00

PT

50669
852

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane • Reno, NV 89509 • (775) 850-1440
APPLICATION FOR OUT-OF-STATE WHOLESALER LICENSE
CORPORATION

FEE \$500.00 (non-refundable and not transferable)
Application must be typed or printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New Wholesaler ☒

Ownership Change ☐ Name Change ☐

(Please provide current license number if making changes: WH _____)

FACILITY INFORMATION

Facility Name: UPS Supply Chain Solutions, Inc.

Physical Address: 1545 Worldwide Blvd.

Mailing Address: (220 Lake Drive Newark DE 19702)

City: Hebron State: Ky Zip Code: 41048

Telephone Number: (859) 586-3060 Fax Number: (859) 334-8656

E-mail: vrduer@ups.com

Facility Manager: David Kidd

Professional qualifications and experience of facility manager: _____

see attachment

Types of licensed outlets or authorized persons firm will serve:

☒ Pharmacies ☒ Practitioners ☒ Hospitals ☒ Wholesalers
☐ Other _____

Type of Products to be handled or wholesaled by firm

☒ Legend Pharmaceuticals, Supplies or Devices ☐ Hypodermic Devices
☐ Poisons or Chemicals ☐ Veterinary Legend Drugs
☐ Controlled Substances (include copy of DEA certificate)
☐ Other _____

Board Use Only

Received JUN 09 2009 Check Number 633 Amount 500.00

50575
848

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane • Reno, NV 89509 • (775) 850-1440
APPLICATION FOR OUT-OF-STATE WHOLESALER LICENSE
CORPORATION

FEE \$500.00 (non-refundable and not transferable)

Application must be typed or printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New Wholesaler ☒

Ownership Change ☐ Name Change ☐

(Please provide current license number if making changes: WH _____)

FACILITY INFORMATION

Facility Name: Victor Instruments Inc. DBA Victor Medical Company

Physical Address: 50 Bunsen

Mailing Address: _____

City: Irvine State: CA Zip Code: 92618

Telephone Number: 949-788-0330 Fax Number: 949-585-9146

E-mail: dknea@victormedical.com

Facility Manager: Dennis Knea

Professional qualifications and experience of facility manager: I have been an employee of Victor Medical for 29 years. I became General Manager in 1993. I am licensed by the CA Board of Pharmacy as the Designated Representative-In-Charge for Victor Medical Company.

Types of licensed outlets or authorized persons firm will serve:

☐ Pharmacies ☐ Practitioners ☐ Hospitals ☐ Wholesalers
☒ Other Veterinary Clinics and Hospitals

Type of Products to be handled or wholesaled by firm

☒ Legend Pharmaceuticals, Supplies or Devices ☒ Hypodermic Devices
☐ Poisons or Chemicals ☒ Veterinary Legend Drugs
☒ Controlled Substances (include copy of DEA certificate)
☐ Other _____

Board Use Only

Received 5-26-09 Check Number 50064 Amount 500.00
65
135-
50448 796

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane – Reno, NV 89509 – (775) 850-1440

APPLICATION FOR NEVADA MDEG PROVIDER

NON PUBLICLY TRADED CORPORATION

FEE: **\$500.00** (non-refundable and not transferable) - Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New MDEG ☒ Ownership Change ☐ Name Change ☐ Location Change ☐
Please provide current license number if making changes: _____

FACILITY INFORMATION

Facility Name: ABC MEDICAL SUPPLIES

Physical Address: 3050 E. BONANZA RD #140, LAS VEGAS NV 89101
(This must be a business address, we can not issue a license to a home address)

Mailing Address: 3050 E. BONANZA RD #140

City: LAS VEGAS State: NV Zip Code: 89101

Telephone Number: N/A Fax Number: N/A

E-mail: N/A Website: N/A

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

Mon: 9am to 6pm Tue: 9am to 6pm Wed: 9am to 6pm Thu: 9am to 6pm
Fri: 9am to 6pm Sat: 9am to 3pm Sun: Closed Holidays: Closed

FACILITY ADMINISTRATOR INFORMATION

Name: ANOLIE, AKUNNODIKE JOHN RPh SS#:

Address: 6537 BLACK STAR POINT CT

City: N. LAS VEGAS State: NV Zip Code: 89084

TYPE OF MDEG PRODUCTS THAT WILL BE SOLD (CHECK ALL APPLICABLE)

- ☐ Medical Gases
- ☒ Respiratory Equipment
- ☐ Life-sustaining equipment
- ☒ Diabetic Supplies

- ☒ Assistive Equipment
- ☐ Parenteral and Enteral Equipment
- ☒ Orthotics and Prosthesis
- Other: _____

Board Use Only

Received JUN 22 2009 Check Number 1021 Amount 500

50661
540

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane – Reno, NV 89509 – (775) 850-1440

APPLICATION FOR NEVADA MDEG PROVIDER

NON PUBLICLY TRADED CORPORATION

FEE: **\$500.00** (non-refundable and not transferable) - Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New MDEG ☒ Ownership Change ☐ Name Change ☐ Location Change ☐
Please provide current license number if making changes: _____

FACILITY INFORMATION

Facility Name: Everything Medical

Physical Address: 6960 W. Warm Springs #100 Las Vegas, NV 89113
(This must be a business address, we can not issue a license to a home address)

Mailing Address: PO Box 33958

City: Las Vegas State: NV Zip Code: 89133

Telephone Number: (702) 914-0222 Fax Number: (702) 227-9534

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

Mon: 9 to 6 Tue: 9 to 6 Wed: 9 to 6 Thu: 9 to 6

Fri: 9 to 6 Sat: 9 to 6 Sun: to Holidays: to

FACILITY ADMINISTRATOR INFORMATION

Name: Jeffrey Kelemen SS#: _____

Address: 6960 W. Warm Springs Rd Las Vegas NV 89113

City: Las Vegas State: NV Zip Code: 89113

TYPE OF MDEG PRODUCTS THAT WILL BE SOLD (CHECK ALL APPLICABLE)

☐ Medical Gases
☒ Respiratory Equipment
☐ Life-sustaining equipment
☐ Other: _____

☒ Assistive Equipment
☐ Parenteral and Enteral Equipment
☒ Orthotics and Prosthesis

Board Use Only

Received JUN 03 2009 Check Number 649 Amount 500.00

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane – Reno, NV 89509 – (775) 850-1440
APPLICATION FOR NEVADA MDEG PROVIDER
NON PUBLICLY TRADED CORPORATION

FEE: **\$500.00** (non-refundable and not transferable) - Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New MDEG ☒ Ownership Change ☐ Name Change ☐ Location Change ☐
Please provide current license number if making changes: _____

FACILITY INFORMATION

Facility Name: Nocturna Sleep Center LLC
Physical Address: 9077 S Pecos Road, Suite 3700, Henderson, NV 89074-7181
(This must be a business address, we can not issue a license to a home address)
Mailing Address: 210 Park Ave., Suite 1350
City: Oklahoma City State: OK Zip Code: 73102-5636
Telephone Number: 405-600-1950 Fax Number: 405-600-1949

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

Mon: 8am to 5pm Tue: 8am to 5pm Wed: 8am to 5pm Thu: 8am to 5pm
Fri: 8am to 5pm Sat: to Sun: to Holidays: to

FACILITY ADMINISTRATOR INFORMATION

Name: Nellie Duran SS#: _____
Address: 9077 S. Pecos Road, Suite 3700
City: Henderson State: NV Zip Code: 89074-7181

TYPE OF MDEG PRODUCTS THAT WILL BE SOLD (CHECK ALL APPLICABLE)

<input type="checkbox"/> Medical Gases	<input type="checkbox"/> Assistive Equipment
<input checked="" type="checkbox"/> Respiratory Equipment	<input type="checkbox"/> Parenteral and Enteral Equipment
<input type="checkbox"/> Life-sustaining equipment	<input type="checkbox"/> Orthotics and Prosthesis
<input type="checkbox"/> Other: _____	

Board Use Only

Received JUN 09 2009 Check Number 632 Amount 500.00

431 W Plumb Lane – Reno, NV 89509 – (775) 850-1440

NON PUBLICLY TRADED CORPORATION

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

50662
541

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane – Reno, NV 89509 – (775) 850-1440
APPLICATION FOR NEVADA PHARMACY LICENSE
NON PUBLICLY TRADED CORPORATION

FEE \$500.00 (non-refundable and not transferable)

Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New Pharmacy ☒ Ownership Change _____ Name Change _____ Location Change _____
(Please provide current license number if making changes: PH _____)

GENERAL INFORMATION

Pharmacy Name: ABC PHARMACY
Physical Address: 3050 E. BONANZA RD #140, ~~LV NV 89101~~
Mailing Address: 3050 E. BONANZA RD #140
City: LAS VEGAS State: NV Zip Code: 89101
Telephone Number: _____ Fax Number: _____
Toll Free Number: _____
E-mail: NA Website: N/A
Managing Pharmacist: FELIX EGBASE License Number: 17240

Hours of Operation:

Monday thru Friday 9 am 6 pm Saturday 9 am 3 pm
Sunday CLOSED am _____ pm 24 Hours NO

TYPE OF PHARMACY

SERVICES PROVIDED

- ☒ Retail
☐ Hospital (# beds _____)
☐ Internet
☐ Nuclear
☐ Out of State
☐ Ambulatory Surgery Center

- ☐ Off-site Cognitive Services
☐ Parenteral
☐ Parenteral (outpatient)
☐ Outpatient/Discharge
☐ Mail Service
☐ Long Term Care

Board Use Only

Received: JUN 22 2009 Check Number: 1022 Amount: 500 -

50657
1534



December 24, 2008

Mr. Donald Fey
President
Nevada State Board of Pharmacy
431 Plumb Lane
Reno, NV 89509

DEC 30

Re: ApothéCure, Inc.
Out of State Pharmacy Application

Dear Mr. Fey,

ApothéCure applied for an out of state license in your state. We were told because of the state of Texas Attorney General's lawsuit against us, to call when the lawsuit was concluded.

The lawsuit is based on certain alleged violations of the Texas Food, Drug and Cosmetic Act (which is substantially the Federal Food, Drug and Cosmetic Act). The most significant allegation is that ApothéCure is a manufacturer of drugs beyond the scope of the practice of pharmacy in Texas. To make this allegation, the State relies upon the FDA definition of a manufacturer. Simply put, the FDA, through the Texas AG and the Texas Department of State Health Services desires to deem ApothéCure a small manufacturer as opposed to a large compounder.

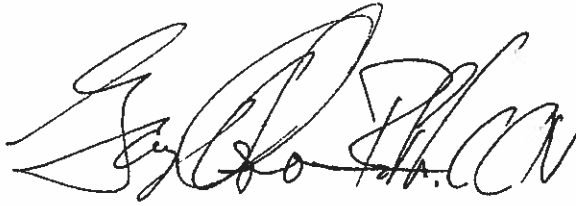
Since there are no allegations of violations of the practice of pharmacy, the Texas State Board of Pharmacy (TSBP) is not a party to the lawsuit. This is a not so "veiled attempt" by the FDA to impose its authority over compounding which is consistent with the FDA appeal of *Medical Center Pharmacy v. Mukasey*.

We will admit to being one of the largest compounders in the country over the past 17 years with a perfect record in the practice of pharmacy in our own state of Texas. We have recently completed an \$112,000 expansion and upgraded our IV facilities to surpass all state and USP 797 requirements.

With this new information from our attorneys and since the lawsuit is not predicated on the practice of pharmacy, we feel we should be awarded a license in your state as we are doing nothing different than the compounders in your state.

For additional information, please contact Jarvis Savage, Finance Manager, at jsavage@apothecure.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Osborn". The signature is fluid and cursive, with the first name "Gary" written in a larger, more prominent script than the last name "Osborn".

Gary Osborn
President

ApothéCure, Inc.

4001 McEwen Road, Suite 100 - Dallas, Texas 75244 - 800-969-6601 or 972-960-6601 - www.apothecure.com

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane • Reno, NV 89509 • (775) 850-1440
APPLICATION FOR OUT-OF-STATE PHARMACY LICENSE
CORPORATION

FEE \$500.00 (non-refundable and not transferable)
Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New Pharmacy ☒

Ownership Change ☐ Name Change ☐

(Please provide current license number if making changes: PH _____)

GENERAL INFORMATION

Pharmacy Name: APOTHECURE, INC.
Physical Address: 4001 McEWEN ROAD SUITE 100 DALLAS TX 75244
Mailing Address: 4001 McEWEN ROAD SUITE 100
City: DALLAS State: TX Zip: 75244
Telephone Number: 972-960-6601 Fax Number: 800-687-5252
Toll Free Number: 800-969-6601 E-mail address: JSavage@Apothecure.com
Managing Pharmacist: GARY OSBORN License Number: 26249 TX

Hours of Operation:

Monday thru Friday 9:30 am 6:00 pm Saturday 10 am 12 pm
Sunday N/A am N/A pm 24 Hours N/A

DEA#: BA 2893609

NCPDP #: N/A

TYPE OF PHARMACY

SERVICES PROVIDED

- ☒ Retail
☐ Hospital (# beds ____)
☐ Correctional (# inmates ____)
☐ Nuclear
☒ Out of State
☐ Internet

- ☐ Off-site Cognitive Services
☒ Parenteral
☐ Parenteral (outpatient)
☐ Outpatient/Discharge
☒ Mail Service
☐ Long Term Care

Board Use Only

Received NOV 03 2007 Check Number 6421 Amount 500.00

OWNERSHIP IS A CORPORATION

State of Incorporation: TEXAS
Parent Company if any: N/A
Mailing Address: 4001 McEWEN ROAD SUITE 100
City: DALLAS State: TX Zip: 75244
Telephone Number: 972-960-6601 Fax Number: 972-960-6921
Contact Person: JARVIS SAVAGE

Ownership Information – Complete Section 1 or 2
DO NOT USE N/A IN THIS SECTION. SECTION 1 or 2 MUST BE COMPLETED.

Section 1: List the corporations four largest shareholders:

(Name, professional degree, occupation, address, city, state, zip and percentage of ownership)

<u>Name</u>	<u>Percentage</u>
a) <u>GARY OSBORN, BS-PHARMACY, PHARMACIST, 4001 McEWEN ROAD SUITE 100, DALLAS TX 75244, 100% OWNERSHIP</u>	
b) _____	
c) _____	
d) _____	

Section 2: If any corporation that holds an ownership interest in the applicant is a publicly traded corporation, the applicant shall identify the officers of that corporation, the date the corporation received its registration with the Securities and Exchange Commission, the registration number issued, and the exchange at which the stock is being traded.

Date of Incorporation: N/A
Registration Number Issued: _____
Stock Exchange: _____

List any physician shareholders and percentage of ownership:

N/A

If corporation is a subsidiary, list name and state of incorporation of the parent corporation, and include a list of its officers.

N/A

Within the last five (5) years:

- 1) Has the firm or any owner(s), shareholder(s) with at least 10% interest, officer(s) or director(s) thereof, ever been charged, or convicted of a felony or gross misdemeanor (including by way of a guilty plea or no contest plea)? Yes ☐ No ☒
- 2) Has the firm or any owner(s), shareholder(s) with a least 10% interest, officer(s) or director(s) thereof, ever been denied a license, permit or certificate of registration? Yes ☒ No ☐
- 3) Has the firm or any owner(s), shareholder(s) with at least 10% interest, officer(s) or director(s) thereof, ever been the subject of an administrative action or proceeding relating to the pharmaceutical industry? Yes ☒ No ☐
- 4) Has the firm or any owner(s), shareholder(s) with at least 10% interest, officer(s) or director(s) thereof, ever been found guilty, pled guilty or entered a plea of nolo contendere to any offense federal or state, related to controlled substances? Yes ☐ No ☒
- 5) Has the firm or any owner(s), shareholder(s) with a least 10% interest, officer(s) or director(s) thereof, ever surrendered a license, permit or certificate of registration voluntarily or otherwise (other than upon voluntary close of a facility)? Yes ☐ No ☒

If the answer to any question 1 through 5 is "yes", a signed statement of explanation must be attached. If the firm, owners, shareholders, officers or directors have previously submitted information regarding the above 5 questions and no new or changed actions have occurred since the last submission, do not provide repetitious documentation. Please give information only about new or changed actions. Copies of any documents that identify the circumstance or contain an order, agreement, or other disposition may be required.

I hereby certify that the answers given in this application and attached documentation are true and correct. I understand that any infraction of the laws of the State of Nevada regulating the operation of an authorized pharmacy may be grounds for the revocation of this permit.


Signature of owner or executive officer

11/1/17
Date

GARY OSBORN, PRESIDENT
Print or Type name and title



ApotheCure, Inc. is currently under investigation with the Texas State Board of Pharmacy concerning colchicine.

Summary of the events leading up to the colchicine recall:

ApotheCure was initially notified by the Center for Integrative Medicine in Oregon on April 1, 2007 that there may be a problem with the Colchicine that was received on February 8, 2007. The initial notification was two full weeks after the Center for Integrative Medicine experienced an incident. ApotheCure immediately researched this issue and found that the batch in question was shipped only to this clinic; it was an isolated incident and initiated a recall. ApotheCure then participated in a FDA recall for all colchicine that had been purchased within the past twelve months.

Lot #26, the batch in question was later identified to be super potent by the Oregon medical examiner or too much active ingredient was weighed out for that batch. The pharmacists and technician involved have been questioned as to how this got past our extensive check and double check system as we have compounded over 60,000 mls of this compound and are regretful that this small batch was made in error. Corrective and preventative measures are already in place to prevent a reoccurrence of this type for any of our compounded preparations. Colchicine compounding requires that the raw materials be weighed in the dark in order to prevent degradation. The scales that are used by ApotheCure have a lighted panels that allows for this. Our corrective measures include all raw materials be weighed in the light and covering the measuring plates instead.

We have discontinued the compounding of Colchicine.

Status of the recall: The recall has been completed and all information submitted to the FDA.

Corrective action taken:

- a. ApotheCure no longer compounds colchicine.
- b. On going, documented technician training by our pharmacists concerning scale usage.
- c. On going re-testing for technicians.
- d. New "Standard Operating Procedure" that requires all chemicals that are weighed to have a weight ticket printed and attached for pharmacists review and sign off.
- e. Potency testing on every batch of all low LD 50 compounds.


Signature


Date

Gary Osborn
Owner



ApotheCure, Inc. has had a license denied by the Indiana Board of Pharmacy. ApotheCure, Inc. is currently in the process of an appeal. The next review will take place on November 5th, 2007.

Summary of the events:

April 09, 2007 ApotheCure, Inc. sent a non-resident pharmacy application to the Indiana Board of Pharmacy.

April 23, 2007 The Texas State Board of Pharmacy sent a verification form concerning ApotheCure, Inc. to the Indiana Board of Pharmacy that contained erroneous information.

May 14, 2007 The Indiana Board of Pharmacy denied ApotheCure, Inc.'s non-resident pharmacy application.

October 01, 2007 Gary Osborn, owner of ApotheCure, Inc. attended an administrative hearing concerning the denial. A corrected letter issued from the Texas State Board of Pharmacy did not arrive in Indiana until after the hearing

November 05, 2007 ApotheCure, Inc. will attend an administrative hearing concerning the denial.


Signature


Date

Gary Osborn
Owner, ApotheCure, Inc.

CORPORATE STATEMENT OF RESPONSIBILITY
FOR PHARMACIES LOCATED OUTSIDE OF THE STATE OF NEVADA

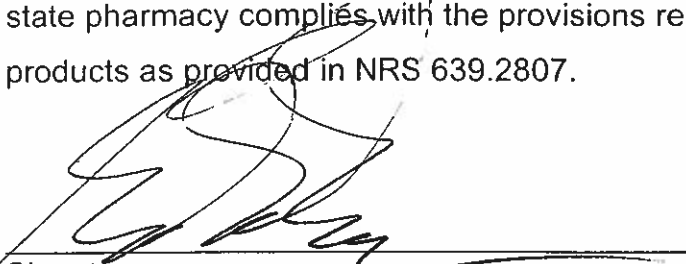
I, GARY OSBORN

Corporate Officer of APOTHECURE, INC.

Inc. hereby acknowledge and understand that in addition to the corporation's responsibility, my fellow officers and I, as corporate officers of said corporation, may be responsible for any violations of pharmacy law that may occur in a pharmacy owned or operated by said corporation.

I further acknowledge and understand that the corporate officers may be named in any action taken by the Nevada State Board of Pharmacy against a pharmacy owned or operated by said corporation.

I further acknowledge and understand that the corporation cannot require or permit the pharmacist(s) in said pharmacy to violate any provision of any local, state or federal laws or regulations pertaining to the practice of pharmacy or operation of a pharmacy in Nevada, including the statute providing that an out-of-state pharmacy complies with the provisions required for compounded parenteral products as provided in NRS 639.2807.


Signature

10/22/07
Date

PRESIDENT
Title

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane – Reno, NV 89509 – (775) 850-1440
APPLICATION FOR OUT-OF-STATE PHARMACY LICENSE
CORPORATION

FEE \$500.00 (non-refundable and not transferable)

Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New Pharmacy X Ownership Change _____ Name Change _____ Location Change _____
(Please provide current license number if making changes: PH _____)

GENERAL INFORMATION

Pharmacy Name: Zoopharm

Physical Address: 3131 E. Grand Ave, Suite B

Mailing Address: same

City: Laramie State: WY Zip Code: 82070

Telephone Number: 307-742-4587 Fax Number: 307-721-3801

Toll Free Number: 888-742-4602

E-mail: zoopharm@qwest.net Website: www.zoopharm.net

Managing Pharmacist: Waldo Roth, RPH License Number: WY2366

Hours of Operation:

Monday thru Friday 8 am 5 pm Saturday _____ am _____ pm

Sunday _____ am _____ pm 24 Hours on-call

TYPE OF PHARMACY

SERVICES PROVIDED

- ☐ Retail
- ☐ Hospital (# beds _____)
- ☐ Internet
- ☐ Nuclear
- ☒ Out of State
- ☐ Ambulatory Surgery Center

- ☐ Off-site Cognitive Services
- ☒ Parenteral
- ☐ Parenteral (outpatient)
- ☐ Outpatient/Discharge
- ☐ Mail Service
- ☐ Long Term Care

Board Use Only

Received: JUN 22 2009 Check Number: 167 Amount: 500.00

50658
1533

OWNERSHIP IS A CORPORATION

State of Incorporation: Wyoming
Parent Company if any: Wildlife Laboratories, Inc.
Corporation Name: Zoopharm, Inc.
Mailing Address: 3131 Grand Avenue, Suite B
City: Laramie State: WY Zip: 82070
Telephone: (307) 742-4587 Fax: (307) 721-3801
License Contact Person: Jenna Roth
Professional Compliance Contact Person: Waldo Roth

Ownership Information – Complete Section 1 or 2
Do not use N/A in this section – Section 1 or 2 must be completed.

Section 1: List the corporations four largest shareholders:
(Name and percentage of ownership)

1. <u>Wildlife Laboratories, Inc.</u>	%: <u>100</u>
2. _____	%: _____
3. _____	%: _____
4. _____	%: _____

Section 2: If the corporation that holds an ownership interest in the applicant is a publicly traded corporation, the applicant shall identify the officers of that corporation, the date the corporation received its registration with the SEC, the registration number issued and the exchange at which the stock is being traded. You can provide a copy of the SEC report or copy of Form 10-K.

Date of Incorporation: _____
Registration number issued: _____
Stock Exchange: _____

List any physician shareholders and percentage of ownership:

_____	_____
_____	_____

If corporation is a subsidiary, list name and state of incorporation of the parent corporation and include a list officers.

Wildlife Laboratories, Inc. Fort Collins, Colorado

List of officers attached.

Within the last five (5) years:

- 1) Has the firm or any owner(s), shareholder(s) with at least 10% interest, officer(s) or director(s) thereof, ever been charged, or convicted of a felony or gross misdemeanor (including by way of a guilty plea or no contest plea)? Yes ☐ No ☒
- 2) Has the firm or any owner(s), shareholder(s) with at least 10% interest, officer(s) or director(s) thereof, ever been denied a license, permit or certificate of registration? Yes ☐ No ☒
- 3) Has the firm or any owner(s), shareholder(s) with at least 10% interest, officer(s) or director(s) thereof, ever been the subject of an administrative action or proceeding relating to the pharmaceutical industry? Yes ☐ No ☒
- 4) Has the firm or any owner(s), shareholder(s) with at least 10% interest, officer(s) or director(s) thereof, ever been found guilty, pled guilty or entered a plea of nolo contendere to any offense federal or state, related to controlled substances? Yes ☐ No ☒
- 5) Has the firm or any owner(s), shareholder(s) with at least 10% interest, officer(s) or director(s) thereof, ever surrendered a license, permit or certificate of registration voluntarily or otherwise (other than upon voluntary close of a facility)? Yes ☐ No ☒

If the answer to any question 1 through 5 is "yes", a signed statement of explanation must be attached. Copies of any documents that identify the circumstance or contain an order, agreement, or other disposition may be required.

I hereby certify that the answers given in this application and attached documentation are true and correct. I understand that any infraction of the laws of the State of Nevada regulating the operation of an authorized pharmacy may be grounds for the revocation of this permit.

I have read all questions, answers and statements and know the contents thereof. I hereby certify, under penalty of perjury, that the information furnished on this application are true, accurate and correct. I hereby authorize the Nevada State Board of Pharmacy, its agents, servants and employees, to conduct any investigation(s) of the business, professional, social and moral background, qualification and reputation, as it may deem necessary, proper or desirable.



Signature of owner or executive officer

June 17, 2009

Date

William R. Lance, CEO

Print or Type name and title

CORPORATE STATEMENT OF RESPONSIBILITY
FOR PHARMACIES LOCATED OUTSIDE OF NEVADA

I, William R. Lance

Corporate Officer of Zoopharm, Inc.

hereby acknowledge and understand that in addition to the corporation's responsibilities, my fellow officers and I, as corporate officers of said corporation, may be responsible for any violations of pharmacy law that may occur in a pharmacy owned or operated by said corporation.

I further acknowledge and understand that the corporate officers may be named in any action taken by the Nevada State Board of Pharmacy against a pharmacy owned by or operated by said corporation.

I further acknowledge and understand that the corporation cannot require or permit the pharmacist(s) in said pharmacy to violate any provision of any local, state or federal laws or regulations pertaining to the practice of pharmacy or operation of a pharmacy in Nevada.

I further acknowledge and understand that upon the change of managing pharmacist in the pharmacy, the corporation must assure that an accountability audit of all controlled substances shall be performed jointly by the departing managing pharmacist and the new managing pharmacist.


Signature

June 17, 2009
Date



Nevada State Board of Pharmacy

431 W. PLUMB LANE • RENO, NEVADA 89509
(775) 850-1440 • 1-800-364-2081 • FAX (775) 850-1444
E-mail: pharmacy@pharmacy.nv.gov • Website: bop.nv.gov

Must be completed and returned with application.

PHARMACY LICENSE VERIFICATION

Name: Zoopharm

Address: 3131 E Grand Ave. Suite B

City: Laramie State: WY Zip: 82070

I hereby authorize the Wyoming State Board of Pharmacy to furnish to the Nevada State Board of Pharmacy, the information requested below.

Signature of Applicant Walter R. Prots

THIS FORM MUST BE FORWARDED TO THE HOME STATE
LICENSING AGENCY FOR COMPLETION
DO NOT WRITE BELOW THIS LINE

License Number	License Status	Date License Issued	Date License Expires
52-82070	In Good Standing	11/5/2000	6/30/2010

Has this license been encumbered in any way? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of Encumbrance: (if any) <input type="checkbox"/> Revoked <input type="checkbox"/> Surrendered <input type="checkbox"/> Limited <input type="checkbox"/> Suspended <input type="checkbox"/> Restricted <input type="checkbox"/> Probation Please attach copies of any pertinent legal documents
---	---

USE REVERSE SIDE OF THIS FORM FOR EXPLANATIONS IF NECESSARY

Has the applicant been convicted of any federal, state or local laws relating to drug samples, wholesale or retail drug distribution, or distribution of controlled substances? (If yes, please explain) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
Has the applicant furnished any false or fraudulent material in any applications made in connection with drug manufacturing or distribution? (if yes, please explain) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
Have any inspections of the applicant resulted in deficient ratings? (If yes, please explain) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
Has applicant met all licensing requirements of your state? (If no, please explain) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
Signature of State Official	Title	State	Date	State Seal
<u>Jessie Stewart</u>	<u>Admin. Specialist</u>	<u>WY</u>	<u>6/10/09</u>	

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane • Reno, NV 89509 • (775) 850-1440

APPLICATION FOR NEVADA MDEG PROVIDER - PARTNERSHIP

FEE: **\$300.00** (non-refundable and not transferable) - Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New MDEG Provider ☒

Ownership Change ☐

Name Change ☐

(Please provide current license number if making change: MP)

FACILITY INFORMATION

Facility Name: A PLUS A MEDICAL SUPPLIES, LLC

Physical Address: 1055 E. TROPICANA AVE. #130

(This must be a business address, we can not issue a license to a home address)

Mailing Address: 1055 E. TROPICANA AVE. #130

City: LAS VEGAS State: NV Zip Code: 89119

Telephone Number: (702) 262-2252 Fax Number: (702) 438-2252

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

Mon: 10am to 5pm Tue: 10am to 5pm Wed: 10am to 5pm Thu: 10am to 5pm

Fri: 10am to 5pm Sat: to CLOSED Sun: to CLOSE Holidays: to CLOSE

FACILITY ADMINISTRATOR INFORMATION

Name: KAREN, GERY DADYAN

SS#:

Address: 1055 E. TROPICANA AVE #130

City: LAS VEGAS State: NV Zip Code: 89119

TYPE OF MDEG PRODUCTS THAT WILL BE SOLD (CHECK ALL APPLICABLE)

☒ Medical Gases

☐ Respiratory Equipment

☐ Life-sustaining equipment

☐ Other:

☒ Assistive Equipment

☒ Parenteral and Enteral Equipment

☒ Orthotics and Prosthesis

If providing life-sustaining equipment, provide a 24-hour contact number: ()

Board Use Only

Received JUN 24 2009 Check Number 1089 Amount 300-

OWNERSHIP IS A PARTNERSHIPGeneral ☒Limited ☐Partnership Name: ARSEN DADYANMailing Address: 14952 COBALT STCity, State Zip Code: SYLMAR, CA 91342Telephone Number: (702) 767-9927 Fax Number: (818) 788-8668Contact Person: ARMINE

List each partner and identify whether (G)eneral or (L)imited partner and percentage of ownersh
Use separate sheet if necessary

<u>Name</u>	<u>G or L</u>	<u>Percentage</u>
<u>ARMENI, ARMINE BEZOYAN</u>	<u>G</u>	<u>50%</u>
<u>ARSEN DADYAN</u>	<u>G</u>	<u>50%</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
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<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

Each individual partner is required to complete page 3 and 4 of this application.
Please make the appropriate number of copies and submit as part of the application.

List all Medicare and Medicaid provider numbers registered to the business or its owner:

ANG MEDICAL SUPPLIES, LLCPROVIDER # 5619930001

- 1) Do any partners hold an interest ownership or have management in any type of business or facility which are licensed by the State of Nevada or another political jurisdiction? Yes ☒ No ☐ If yes, list the persons, their address and their business name

a) ARMENUI, ARMINE BEZOYAN. 6332 W. SAHARA AVE, LAS VEGAS, NV
Name Address 8

ANG MEDICAL SUPPLIES & EQUIPMENTS, LLC
Business

b) ARSEN DADYAN 6332 W. SAHARA AVE. LAS VEGAS, NV 89146
Name Address

ANG MEDICAL SUPPLIES & EQUIPMENTS, LLC
Business

c)

Name

Address

Business

d)

Name

Address

Business

- 2) Have any of the partners in the last 10 years been associated with any person, business health care entity in which MDEG products were sold, dispensed or distributed? Yes ☒ No ☐ If yes, list the persons, their address and their business names.

a) ARMENUI, ARMINE BEZOYAN. 6332 W. SAHARA AVE. LAS VEGAS, NV 89146
Name Address

ANG MEDICAL SUPPLIES, LLC
Business

b) ARSEN DADYAN. 6332 W. SAHARA AVE. LAS VEGAS, NV 89146
Name Address

ANG MEDICAL SUPPLIES, LLC
Business

c)

Name

Address

Business

- 3) Are any of the partners health professionals? If yes, please list name.

N/A

___ Practitioner	Name: _____
___ Advanced Practitioner of Nursing	Name: _____
___ Physician's Assistant	Name: _____
___ Physical Therapist	Name: _____
___ Occupational Therapist	Name: _____
___ Registered Nurse	Name: _____
___ Respiratory Therapist	Name: _____

Within the last five (5) years:

- 4) Have the any of the partners ever been charged, or convicted of a felony or gross misdemeanor (including by way of a guilty plea or no contest plea)? Yes ☐ No ☒
- 5) Have any of the partners ever been denied a license, permit or certificate of registration? Yes ☐ No ☒
- 6) Have any of the partners ever been the subject of an administrative action or proceeding relating to the pharmaceutical industry? Yes ☐ No ☒
- 7) Have any of the partners ever been found guilty, pled guilty or entered a plea of nolo contendere to any offense federal or state, related to controlled substances? Yes ☐ No ☒
- 8) Have any of the partners ever surrendered a license, permit or certificate of registration voluntarily or otherwise (other than upon voluntary close of a facility)? Yes ☐ No ☒

If the answer to any question 4 through 8 is "yes", a signed statement of explanation must be attached. Copies of any documents that identify the circumstance or contain an order, agreement or other disposition may be required.

I hereby certify that the answers given in this application and attached documentation are true and correct. I understand that any infraction of the laws of the State of Nevada regulating the operation of an authorized MDEG provider may be grounds for the revocation of this permit.

I have read all questions, answers and statements and know the contents thereof. I hereby certify under penalty of perjury, that the information furnished on this application are true, accurate and correct. I hereby authorize the Nevada State Board of Pharmacy, its agents, servants and employees, to conduct any investigation(s) of the business, professional, social and moral background, qualification and reputation, as it may deem necessary, proper or desirable.

Armenuni Bezoyan
Signature of partner

3-20-09
Date

ARMENUNI BEZOYAN
Print name of partner

Within the last five (5) years:

- 4) Have the any of the partners ever been charged, or convicted of a felony or gross misdemeanor (including by way of a guilty plea or no contest plea)? Yes ☐ No ☒
- 5) Have any of the partners ever been denied a license, permit or certificate of registration? Yes ☐ No ☒
- 6) Have any of the partners ever been the subject of an administrative action or proceeding relating to the pharmaceutical industry? Yes ☐ No ☒
- 7) Have any of the partners ever been found guilty, pled guilty or entered a plea of nolo contendere to any offense federal or state, related to controlled substances? Yes ☐ No ☒
- 8) Have any of the partners ever surrendered a license, permit or certificate of registration voluntarily or otherwise (other than upon voluntary close of a facility)? Yes ☐ No ☒

If the answer to any question 4 through 8 is "yes", a signed statement of explanation must be attached. Copies of any documents that identify the circumstance or contain an order, agreemer or other disposition may be required.

I hereby certify that the answers given in this application and attached documentation are true an correct. I understand that any infraction of the laws of the State of Nevada regulating the operation of an authorized MDEG provider may be grounds for the revocation of this permit.

I have read all questions, answers and statements and know the contents thereof. I hereby certifi under penalty of perjury, that the information furnished on this application are true, accurate and correct. I hereby authorize the Nevada State Board of Pharmacy, its agents, servants and employees, to conduct any investigation(s) of the business, professional, social and moral background, qualification and reputation, as it may deem necessary, proper or desirable.


Signature of partner

3-20-09
Date

ARSEN DADYAN
Print name of partner

Date 6-17-09

GENERAL INSTRUCTIONS

Type an answer to every question. If a question does not apply to you, so state with N/A. If space available is insufficient, continue on page 10 or use a separate sheet and precede each answer with the appropriate title. Do not misstate or omit any material fact(s) as each statement made hererin is subject to verification. Applicant must initial each page, as provided in lower right hand corner. By placing his initials on each page, the applicant is attesting to the accuracy and completeness of the information contained on that page.

All applicants are advised that this personal history record is an official document and misrepresentation or failure to reveal information requested may be deemed to be sufficient cause for the refusal or revocation of a license.

All applicants are further advised that an application for a license, finding of suitability or for other action may not be withdrawn without the permission of the licensing agency.

Application for DURABLE MEDICAL EQUIPMENTS

A PLUS A MEDICAL SUPPLIES, LLC. 1055 E. TROPICANA AVE #130

Name and Address of Establishment for Which License Is Requested

LAS VEGAS, NV 89110

If applicable, Name Under Which It Is Now Operated

1. PERSONAL INFORMATION:

Last Name <u>BEZOYAN</u>	First Name <u>ARMENI</u>	Middle Name <u>ARMINE</u>
Alias(es, Nicknames, Maiden Name, Other Name Changes, Legal or Otherwise)		

Present Residence Address-Street or RFD <u>8983 LILY TOUCHSTONE CT</u>	City <u>LAS VEGAS</u>	State/Zip <u>NV 89148</u>
Dates <u>6/1/08</u>		

Present Business Address <u>6332 W. SAHARA AVE</u>	City <u>LAS VEGAS</u>	State/Zip <u>NV 89146</u>
Dates <u>12/1/07</u>		

Occupation <u>OWNER</u>	Phone: Residence Business Fax
----------------------------	--

Date of Birth <u>1-1-67</u>	Place of Birth (City, County, State) <u>YEREVAN, ARMENIA</u>
--------------------------------	---

Age <u>42</u>	Social Security Number	Sex <u>F</u>
------------------	------------------------	-----------------

Color of Eyes <u>BROWN</u>	Color of Hair <u>BROWN</u>	Complexion <u>FAIR</u>	Weight <u>170 LB</u>	Build <u>LG.</u>	Height <u>5'3</u>
-------------------------------	-------------------------------	---------------------------	-------------------------	---------------------	----------------------

Scars, tattoos or distinguishing marks and/or characteristics NONE

Are you a citizen of the United States? Yes ☒ No ☐ If alien, registration No _____

If naturalized, certificate No _____ Date _____

Place _____ (If naturalized, document must be verified.)

2. MARITAL INFORMATION:

Single ☐ Married ☐ Separated ☐ Divorced ☒ Widowed ☐ Engaged ☐

Applicant's initial AB

A. **Current Marriage** N/A

Date _____ City, County and State _____
 Spouse's full name (Maiden) _____ S.S. No. _____

Date of Birth _____ Place of Birth _____

Resident address _____
 Street City State Zip

Telephone: Residence (_____) Business (_____) _____

Spouse's employer _____ Occupation _____

Address of employer _____
 Street City State Zip

B. **Previous Marriages:** If ever legally separated, divorced, or annulled, indicate below:

Name of Spouse	Date of Order or Decree	Date of Place of Marriage	Nature of Action	City County and State
HAYKARAM	02/2002	07/2001		VEREVAN, ARMEN.

List of names, current address and telephone numbers of previous spouses:

Name	Street	City	State	Zip	Telephone
	N/A				

3. FAMILY INFORMATION:

A. Children and Dependents:

List all children, including step-children and adopted children and give the following information:

Name	Birth Date	Birth Place	Residence Address
		N/A	

B. Child Support Information:

Please mark the appropriate response:

☒ I am not subject to a court order for the support of child.

☐ I am subject to a court order for the support of one or more children and am in compliance with a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order; or

☐ I am subject to a court order for the support of one or more children and NOT in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

Applicant's initial AB

District attorney or public agency responsible for enforcing the child support order:

Name

Address

Contact person

C. Parents:

List names, residence addresses, dates of birth and most recent occupations of parents, step-parents, parent in-law or legal guardian. If retired or deceased, list last address and occupation.

Name (Maiden)	Birth Date	Address	Occupation
Father YERVAND	01/10/1945	12623 BARBARA ANN ST NORTH HOLLYWOOD, CA 91605	DISABLE
Mother TAGUI	04/16/1947	12623 BARBARA ANN ST #B NO. HOLLYWOOD, CA 91605	DISABLE
Father-in-Law N/A			
Mother-in-Law N/A			

D. Brothers and Sisters:

List names, residence addresses, dates of birth and most recent occupations of brothers and sisters and of their respective spouses.

Name (Maiden)	Birth Date	Address	Occupation
ARAM	10/17/1967	6854 BABCOCK AVE NO. HOLLYWOOD, CA 91605	self-employed
Spouse MARIAM	8/14/1975	6854 BABCOCK AVE NO. HOLLYWOOD, CA 91605	self-employed
NUNE	2/11/1971	6854 BABCOCK AVE NO. HOLLYWOOD, CA 91605	student
Spouse			
Spouse			
Spouse			

4. EDUCATION:

Name of School	Location	Dates Attended	Graduate
Grammar School IN ARMENIA			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
High School IN ARMENIA			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
College UNIVERSITY OF	WOODLAND HILLS	01/25/05	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Other PHOENIX	CA		Yes <input type="checkbox"/> No <input type="checkbox"/>

Type of degree obtained, if any SOCIAL SERVICES

College or university where obtained UNIVERSITY OF PHOENIX, CA

Applicant's initial

AB

A. Have you ever served in any armed forces? Yes ☐ No ☒

Branch _____ Date of entry-active service _____

Date of separation _____ Type of discharge _____

Rating at separation _____ Serial number _____

While in the military service were you ever arrested for an offense which resulted in summary action, a trial or special or general court martial? Yes ☐ No ☐ If yes, furnish details on page 10. (List all incidents regardless of where they occurred-foreign or domestic.)

B. Have you registered for the draft? Yes ☐ No ☒

County _____ State _____ Date registered _____

6. ARRESTS, DETENTIONS, LITIGATIONS AND ARBITRATIONS: (Include those arrests in which you were not convicted.)

A. Have you ever been arrested, detained, charged, indicted or summoned to answer for any criminal offense or violation for any reason whatsoever, regardless of the disposition of the event? (Except minor traffic citations. Yes ☐ No ☒ If yes, give details in space provided below. List all cases without exception.

Date of Arrest	Age	Charge	Location-City and State	Deposition/Date	Arresting Agency

B. Has a criminal indictment, information or complaint ever been returned against you, but for which you were not arrested or in which you were named as an unindicted co-party? Yes ☐ No ☒ If yes, furnish details on page 10.

C. Have you ever been questioned or deposed by a city, state, federal or law enforcement agency, commission or committee? Yes ☐ No ☒

D. Have you ever been subpoenaed to appear or testify before a federal, state or county grand jury, board or commission? Yes ☐ No ☒

E. Have you ever been subpoenaed to testify for any civil, criminal or administrative proceeding or hearing? Yes ☐ No ☒

F. Have you every had a civil or criminal record expunged or sealed by a court order? Yes ☐ No ☒ If yes, when? _____ city, county and state

G. Have you ever received a pardon or deferred prosecution for any criminal offense? Yes ☐ No ☒ If yes when? _____ city, county and state

H. Has any member of your family or of your spouse's family ever been convicted of a felony? Yes ☐ No ☒ If you answer to any of the above questions (B through H) is yes, furnish details on page 10.

Name	Relationship	Charge	Location	Date

Applicant's initial AB _____ Pag

- I. Have you, as an individual, member of a partnership, or owner, director or officer of a corporation, ever been a part to a lawsuit as either a plaintiff or defendant or an arbitration as either a claimant or respondent?

Yes ☐ No ☒ (Other than divorces)

If yes, give details below. List all cases without exception, including bankruptcies:

Plaintiff/Defendant or Claimant/Respondent	Date Filed	Court and Case Number	City, County and State	Disposition/Date
N/A				

- J. Has any general partnership, business venture, sole proprietorship or closely held corporation (while you were associated with it as an owner, officer, director or partner) been a party to a lawsuit, arbitration or bankruptcy?

Yes ☐ No ☒ If yes, complete the following:

Name of Entity	Type of Entity	Approximate Date(s) of Lawsuit/Arbitration/Bankruptcy
N/A		

7. RESIDENCES:

List all residences you have had for the last 25 years:

Month and Year (From-To)	Street and Number	City	State or County
10/1/88-8/1/95	1626 N. KINGSLEY DR LOS ANGELES, CA 90027	LOS ANGELES	CA
8/1/95-5/15/08	6854 BABCOCK AVE	NO. HOLLYWOOD	CA
6/1/08-present	3983 LILY ROCKSTONE CT	LAS VEGAS	NV

Applicant's initial

AB

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Beginning with your current employment, list your work history, all businesses with which you have been involved, and/or all periods of unemployment since 18 years of age. Also, list all corporations, partnerships or any other business ventures with which you have been associated as an officer, director, stockholder or related capacity.

Month and Year 8/18/05	Name/Mailing Address of Employer/Business ANG MEDICAL SUPPLIES, LLC	Reason for Leaving NONE
Title VICE PRESIDENT	Description of Duties VICE PRESIDENT / OPERATOR	Name of Supervisor self

Month and Year 09/10/03	Name/Mailing Address of Employer/Business GTS H.H.S 13363 SATICOY ST. #101	Reason for Leaving business
Title MANAGER	Description of Duties MANAGER / COORDINATOR	Name of Supervisor MYSELF

Month and Year 200 - 2003	Name/Mailing Address of Employer/Business SHERMAN OAKS MEDICAL GROUP 4529 SHERMAN OAKS, CA	Reason for Leaving TO HELP MY SISTER ON A BUSINESS
Title X-RAY	Description of Duties TECHNICIAN	Name of Supervisor MICHAEL KIRSCH

Month and Year 09-01-96-3/99	Name/Mailing Address of Employer/Business NAT'S COFFEE SHOP 1432 4th ST. SANTA MONICA, CA	Reason for Leaving FOR CAREER
Title OWNER	Description of Duties OPERATOR	Name of Supervisor self


Month and Year	Name/Mailing Address of Employer/Business	Reason for Leaving
Title	Description of Duties	Name of Supervisor

Month and Year	Name/Mailing Address of Employer/Business	Reason for Leaving
Title	Description of Duties	Name of Supervisor

Month and Year	Name/Mailing Address of Employer/Business	Reason for Leaving
Title	Description of Duties	Name of Supervisor

Month and Year	Name/Mailing Address of Employer/Business	Reason for Leaving
Title	Description of Duties	Name of Supervisor

If additional space is needed, continue on page 10 or provide attachment.

Applicant's initial  Page

List five character reference who have know you five years or more. Do not include relatives, present employer or employees.

Name of Where Employed	Street	City	State	Zip	Telephone	Years Known
Name <u>SONIA</u>	<u>12543 SATILOV ST</u>	<u>NO. HOLLYWOOD, CA</u>				<u>83 9 yrs</u>
Employer <u>HOUSEWIFE</u>	Business					
Name <u>TAMARA/Housewife</u>	<u>2400 SEWEECA ST.</u>	<u>PASADENA CA</u>				<u>21 28 yrs</u>
Employer <u>NELLI</u>	<u>6218 RANCHO ST.</u>	<u>VAN NUYS, CA</u>				<u>85 9 yrs</u>
Name <u>SELF</u>	Home				<u>SAME</u>	
Employer	Business					
Name	Home					
Employer	Business					
Name	Home					
Employer	Business					

10. Do you have any safe deposit box or other such depository, access to any depository or do you use any other person's depository? Yes ☐ No ☒
If yes, complete the following:

Box Number or Type of Depository	Location	City and State	Authorized Users
<u>N/A</u>			

11. Have you ever held a privileged, occupational or professional license in any state, including but not limited to the following:

Liquor	Lawyer	Race horse/race dog owner	Securities dealer	Insurance
Doctor	Contractor	Real estate broker or salesman	Barber/Cosmetologist	Gaming
Accountant	Pilot	Sports promoter	Trainer or manager	Educator

Yes ☐ No ☒

If yes, state type, where and years held

N/A

12. Have you ever applied for a city, county or state business, venture or industry license or held a financial interest in a licensed business or industry OUTSIDE the State of Nevada? Yes ☐ No ☐

If yes, state type, when and where and give names and locations of the businesses in which you were involved, the names and address of all partners and the agency responsible for licensing said business, venture or industry.

N/A

Applicant's initial AB Page

any reason whatsoever? Yes ☐ No ☒

14. Have you ever been denied a personal license, permit, certificate or registration for a privileged, occupational or professional activity? Yes ☐ No ☒

If yes to the above, state where, when and for what reason:

15. Have you ever been refused a business or industry license or related finding of suitability or been a participant in any group which has been denied a business or industry license or related finding of suitability? Yes ☐ No ☒

16. Have you or any person with whom you have been a participant in any group been the subject of an administrative action or proceeding relating to the pharmaceutical industry? Yes ☐ No ☒

17. Have you or any person with whom you have been a participant in any group ever been found guilty, plead guilty or entered a plea of nolo contendere to any offense, federal or state, related to prescription drugs and/c controlled substances? Yes ☐ No ☒

18. Have you or any person with whom you have been a participant in any group ever surrendered a license, permit or certificate of registration relating to the pharmaceutical industry voluntarily or otherwise (other than upon voluntary close of a wholesaler) Yes ☐ No ☒

19. Do you have any relatives within the fourth degree of consanguinity associated with or employed in the pharmaceutical or drug related industry? Yes ☐ No ☒



Date of photograph.....

Applicant's initial AB

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COUNTY OF _____

I, ARMENI BEZOYAN, being duly sworn, depose and say I have read the foregoing application and know the contents thereof; that the statements contained herein are true and correct and contain a full and true account of the information requested; that I executed this statement with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for denial or revocation of wholesaler license; that I am voluntarily submitting this application with full knowledge that Nevada Revised Statutes 639.210 (10) provides denial or revocation of the application of any person for a certificate, license, registration or permit if the holder or applicant "Has obtained any certificate, certification, license or permit by the filing of an application, or any record, affidavit or other information in support thereof, which is false or fraudulent," and further, that I have familiarized myself with the contents of Nevada Statutes on Pharmacists and Wholesaler and the Controlled Substances Act, as amended, and the Regulations of the Nevada State Board of Wholesaler as promulgated thereunder and agree, if licensed, to abide thereby,

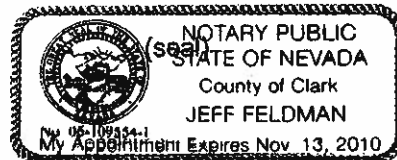
I hereby expressly waive, release and forever discharge the State of Nevada, the licensing agency and their agents from any and all manner of action and causes of action whatsoever which I, my administrators or executors can shall or may have against the State of Nevada, the licensing agency and their agents, as a result of my applying for a wholesaler license in the State of Nevada.

Armenius Bezoian
Signature of Applicant

Subscribed and Sworn to before me this 24 day of

Feb., 2009

Jeff Feldman Clark County Nevada
Notary Public



Applicant's initial AB Page 1

Date 6-17-09**GENERAL INSTRUCTIONS**

Type an answer to every question. If a question does not apply to you, so state with N/A. If space available is insufficient, continue on page 10 or use a separate sheet and precede each answer with the appropriate title. Do not misstate or omit any material fact(s) as each statement made herein is subject to verification. Applicant must initial each page, as provided in lower right hand corner. By placing his initials on each page, the applicant is attesting to the accuracy and completeness of the information contained on that page.

All applicants are advised that this personal history record is an official document and misrepresentation or failure to reveal information requested may be deemed to be sufficient cause for the refusal or revocation of a license.

All applicants are further advised that an application for a license, finding of suitability or for other action may not be withdrawn without the permission of the licensing agency.

Application for DURABLE MEDICAL EQUIPMENTS
 Nature of License
A PLUS A MEDICAL SUPPLIES, LLC - 1055 E. TROPICANA AVE #130
 Name and Address of Establishment for Which License Is Requested LAS VEGAS, NV 89
 If applicable, Name Under Which It Is Now Operated

1. PERSONAL INFORMATION:

Last Name <u>DADYAN</u>	First Name <u>ARSEN</u>	Middle Name
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Alias(es), Nicknames, Maiden Name, Other Name Changes, Legal or Otherwise)

Present Residence Address-Street or RFD <u>14952 COBALT ST</u>	Dates <u>1/10/08</u>	City <u>SYLMAR</u>	State/Zip <u>CA 91342</u>
---	----------------------	--------------------	---------------------------

Present Business Address <u>6332 W. SAHARA AVE</u>	Dates <u>12/1/07</u>	City <u>LAS VEGAS</u>	State/Zip <u>NV 89146</u>
---	----------------------	-----------------------	---------------------------

Occupation <u>OWNER</u>	Phone: Residence Business Fax
----------------------------	--

Date of Birth	Place of Birth (City, County, State) <u>YEREVAN, ARMENIA</u>
---------------	---

Age <u>27</u>	Social Security Number	Sex <u>M</u>
------------------	------------------------	-----------------

Color of Eyes <u>BROWN</u>	Color of Hair <u>BROWN</u>	Complexion <u>FAIR</u>	Weight <u>200 LB</u>	Build <u>ATHLETIC</u>	Height <u>6'3</u>
-------------------------------	-------------------------------	---------------------------	-------------------------	--------------------------	----------------------

Scars, tattoos or distinguishing marks and/or characteristics SCAR ON CHIN, ABS, LOWER ABD

Are you a citizen of the United States? Yes ☒ No ☐ If alien, registration No. _____

If naturalized, certificate No. _____ Date _____

Place _____ (If naturalized, document must be verified.)

2. MARITAL INFORMATION:

Single ☒ Married ☐ Separated ☐ Divorced ☐ Widowed ☐ Engaged ☐

Applicant's initial AD

A. **Current Marriage** N/A
 Date _____ City, County and State _____
 Spouse's full name (Maiden) _____ S.S. No. _____
 Date of Birth _____ Place of Birth _____
 Resident address _____
 Street _____ City _____ State _____ Zip _____
 Telephone: Residence (_____) _____ Business (_____) _____
 Spouse's employer _____ Occupation _____
 Address of employer _____
 Street _____ City _____ State _____ Zip _____

B. **Previous Marriages:** If ever legally separated, divorced, or annulled, indicate below:

Name of Spouse	Date of Order or Decree	Date of Place of Marriage	Nature of Action	City County and State
	N/A			

List of names, current address and telephone numbers of previous spouses:

Name	Street	City	State	Zip	Telephone
	N/A				

3. FAMILY INFORMATION:

A. Children and Dependents:

List all children, including step-children and adopted children and give the following information:

Name	Birth Date	Birth Place	Residence Address
N/A			

B. Child Support Information:

Please mark the appropriate response:

☒ I am not subject to a court order for the support of child.

☐ I am subject to a court order for the support of one or more children and am in compliance with a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order; or

☐ I am subject to a court order for the support of one or more children and NOT in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

Applicant's initial AD

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District attorney or public agency responsible for enforcing the child support order:

Name

Address

Contact person

C. Parents:

List names, residence addresses, dates of birth and most recent occupations of parents, step-parents, parent-in-law or legal guardian. If retired or deceased, list last address and occupation.

Name (Maiden)	Birth Date	Address	Occupation
Father GEGAM DADYAN	06/06/1955	14952 COBALT ST SYLMAR, CA 91342	DISABLE
Mother GRETA AKOPIAN	05/03/1960	14952 COBALT ST SYLMAR, CA 91342	MANAGER
Father-in-Law N/A			
Mother-in-Law N/A			

D. Brothers and Sisters:

List names, residence addresses, dates of birth and most recent occupations of brothers and sisters and of their respective spouses.

Name (Maiden)	Birth Date	Address	Occupation
GAREN DADYAN	6/1/1978	14952 COBALT ST SYLMAR, CA 91342	MANAGER
Spouse			
TAMMY DADYAN	10/31/79	14952 COBALT ST SYLMAR, CA 91342	REAL ESTATE
Spouse			
Spouse			
Spouse			

4. EDUCATION:

Name of School	Location	Dates Attended	Graduate
Grammar School ERWIN ST. ELEMENTARY	VAN NUYS, CA	1988-1992	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
High School US GRANT HIGH	VAN NUYS, CA	1996-2000	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
College LOS ANGELES VALLEY	VAN NUYS, CA	2000-2002	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Other CAL STATE UNIVERSITY	NORTHridge	2002-2006	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Type of degree obtained, if any AA at VALLEY COLLAGE IN 2002

College or university where obtained LOS ANGELES VALLEY COLLAGE

Applicant's initial

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A. Have you ever served in any armed forces?

Yes ☐ No ☒

Branch _____ Date of entry-active service _____

Date of separation _____ Type of discharge _____

Rating at separation _____ Serial number _____

While in the military service were you ever arrested for an offense which resulted in summary action, a trial or special or general court martial? Yes ☐ No ☐ If yes, furnish details on page 10. (List all incidents regardless of where they occurred-foreign or domestic.)

B. Have you registered for the draft?

Yes ☐ No ☒

County _____ State _____ Date registered _____

6. ARRESTS, DETENTIONS, LITIGATIONS AND ARBITRATIONS: (Include those arrests in which you were not convicted.)

A. Have you ever been arrested, detained, charged, indicted or summoned to answer for any criminal offense or violation for any reason whatsoever, regardless of the disposition of the event? (Except minor traffic citations.) Yes ☐ No ☐ If yes, give details in space provided below. List all cases without exception.

Date of Arrest	Age	Charge	Location-City and State	Deposition/Date	Arresting Agency
N/A					

B. Has a criminal indictment, information or complaint ever been returned against you, but for which you were not arrested or in which you were named as an unindicted co-party? Yes ☐ No ☒ If yes, furnish details on page 10.

C. Have you ever been questioned or deposed by a city, state, federal or law enforcement agency, commission or committee? Yes ☐ No ☒

D. Have you ever been subpoenaed to appear or testify before a federal, state or county grand jury, board or commission? Yes ☐ No ☒

E. Have you ever been subpoenaed to testify for any civil, criminal or administrative proceeding or hearing? Yes ☐ No ☒

F. Have you every had a civil or criminal record expunged or sealed by a court order? Yes ☐ No ☒ If yes, when? _____ city, county and state _____

G. Have you ever received a pardon or deferred prosecution for any criminal offense? Yes ☐ No ☒ If yes when? _____ city, county and state _____

H. Has any member of your family or of your spouse's family ever been convicted of a felony? Yes ☐ No ☒ If you answer to any of the above questions (B through H) is yes, furnish details on page 10.

Name	Relationship	Charge	Location	Date
N/A				

Applicant's initial

A.D

- I. Have you, as an individual, member of a partnership, or owner, director or officer of a corporation, ever been part to a lawsuit as either a plaintiff or defendant or an arbitration as either a claimant or respondent?

Yes ☐ No ☒ (Other than divorces)

If yes, give details below. List all cases without exception, including bankruptcies:

Plaintiff/Defendant or Claimant/Respondent	Date Filed	Court and Case Number	City, County and State	Disposition/Date
N/A				

- J. Has any general partnership, business venture, sole proprietorship or closely held corporation (while you were associated with it as an owner, officer, director or partner) been a party to a lawsuit, arbitration or bankruptcy?

Yes ☐ No ☒ If yes, complete the following:

Name of Entity	Type of Entity	Approximate Date(s) of Lawsuit/Arbitration/Bankruptcy
N/A		

7. RESIDENCES:

List all residences you have had for the last 25 years:

Month and Year (From-To)	Street and Number	City	State or County
2002-Present	14952 COBALT ST	SYLMAR	CA 91342
2000-2002	13242 ENAHITAS AVE	SYLMAR	CA 91342
1994-2000	WYONDOTTE AVE	NORTH HOLLYWOOD	CA 91405
1988-1994	ARCHWOOD AVE	NORTH HOLLYWOOD	CA 91405
1982-1988	YEREVAN, ARMENIA		

Applicant's initial

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Beginning with your current employment, list your work history, all businesses with which you have been involved, and/or all periods of unemployment since 18 years of age. Also, list all corporations, partnerships or any other business ventures with which you have been associated as an officer, director, stockholder or related capacity.

Month and Year 06/01-PRESENT	Name/Mailing Address of Employer/Business SECURE LINE MEDICAL SUPPLIES 5158 VAN NUTS, CA 91403	Reason for Leaving NONE
Title PRESIDENT	Description of Duties RUN DAY TO DAY TASKS	Name of Supervisor ARSEN DADYAN

Month and Year 01/01-6/01	Name/Mailing Address of Employer/Business L.A FITNESS, SHERMAN OAKS, CA	Reason for Leaving BETTER PAYING JOB
Title FLOOR MANAGER	Description of Duties MANAGER / TO keep clean	Name of Supervisor JEAN PIERRE WILKS

Month and Year	Name/Mailing Address of Employer/Business	Reason for Leaving
Title	Description of Duties	Name of Supervisor

Month and Year	Name/Mailing Address of Employer/Business	Reason for Leaving
Title	Description of Duties	Name of Supervisor

Month and Year	Name/Mailing Address of Employer/Business	Reason for Leaving
Title	Description of Duties	Name of Supervisor

Month and Year	Name/Mailing Address of Employer/Business	Reason for Leaving
Title	Description of Duties	Name of Supervisor

Month and Year	Name/Mailing Address of Employer/Business	Reason for Leaving
Title	Description of Duties	Name of Supervisor

Month and Year	Name/Mailing Address of Employer/Business	Reason for Leaving
Title	Description of Duties	Name of Supervisor

If additional space is needed, continue on page 10 or provide attachment.

Applicant's initial AD Page

List five character reference who have know you five years or more. Do not include relatives, present employer or employees.

Name of Where Employed	Street	City	State	Zip	Telephone	Years Known
Name <u>DENNIS YARAMOTO</u>	Home	<u>WOODLAND HILLS, CA</u>			()	<u>17 yrs</u>
Employer <u>ANGELS YOUTH SERVICE</u>	Business	<u>YOUTH SERVICE</u>			() SAME	<u>—</u>
Name <u>KRISTINA</u>	Home	<u>WOODLAND HILLS, CA</u>			()	<u>13 yrs</u>
Employer <u>ANGELS YOUTH</u>	Business	<u>YOUTH SERVICE</u>			() same	<u>—</u>
Name	Home				()	
Employer	Business				()	
Name	Home				()	
Employer	Business				()	
Name	Home				()	
Employer	Business				()	

10. Do you have any safe deposit box or other such depository, access to any depository or do you use any other person's depository? Yes ☐ No ☒
If yes, complete the following:

Box Number or Type of Depository	Location	City and State	Authorized Users
<u>N/A</u>			

11. Have you ever held a privileged, occupational or professional license in any state, including but not limited to the following:

Liquor	Lawyer	Race horse/race dog owner	Securities dealer	Insurance
Doctor	Contractor	Real estate broker or salesman	Barber/Cosmetologist	Gaming
Accountant	Pilot	Sports promoter	Trainer or manager	Educator

Yes ☐ No ☒

If yes, state type, where and years held

N/A

12. Have you ever applied for a city, county or state business, venture or industry license or held a financial interest in a licensed business or industry OUTSIDE the State of Nevada? Yes ☐ No ☒

If yes, state type, when and where and give names and locations of the businesses in which you were involved, the names and address of all partners and the agency responsible for licensing said business, venture or industry.

N/A

Applicant's initial

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any reason whatsoever? Yes ☐ No ☒

14. Have you ever been denied a personal license, permit, certificate or registration for a privileged, occupational or professional activity? Yes ☐ No ☒

If yes to the above, state where, when and for what reason:

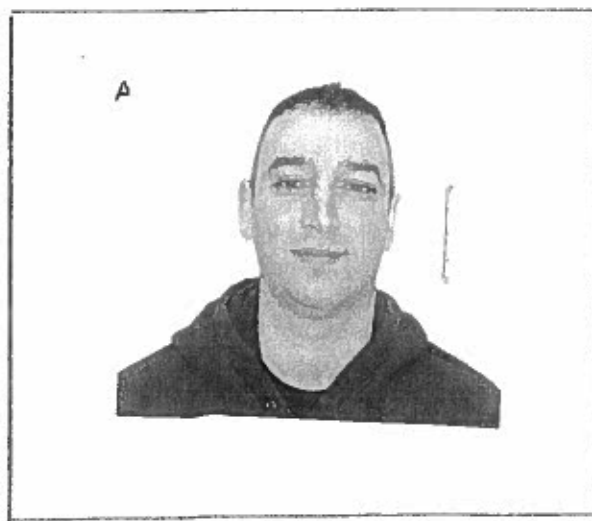
15. Have you ever been refused a business or industry license or related finding of suitability or been a participant in any group which has been denied a business or industry license or related finding of suitability? Yes ☐ No ☒

16. Have you or any person with whom you have been a participant in any group been the subject of an administrative action or proceeding relating to the pharmaceutical industry? Yes ☐ No ☒

17. Have you or any person with whom you have been a participant in any group ever been found guilty, plead guilty or entered a plea of nolo contendere to any offense, federal or state, related to prescription drugs and/or controlled substances? Yes ☐ No ☒

18. Have you or any person with whom you have been a participant in any group ever surrendered a license, permit or certificate of registration relating to the pharmaceutical industry voluntarily or otherwise (other than upon voluntary close of a wholesaler) Yes ☐ No ☒

19. Do you have any relatives within the fourth degree of consanguinity associated with or employed in the pharmaceutical or drug related industry? Yes ☐ No ☒



Date of photograph _____

Applicant's initial AD

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COUNTY OF Los Angeles

I, ARSEN DADYAN, being duly sworn, depose and say I have read the foregoing application and know the contents thereof; that the statements contained herein are true and correct and contain a full and true account of the information requested; that I executed this statement with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for denial or revocation of wholesaler license; that I am voluntarily submitting this application with full knowledge that Nevada Revised Statutes 639.210 (10) provides denial or revocation of the application of any person for a certificate, license, registration or permit if the holder or applicant "Has obtained any certificate, certification, license or permit by the filing of an application, or any record, affidavit or other information in support thereof, which is false or fraudulent," and further, that I have familiarized myself with the contents of Nevada Statutes on Pharmacists and Wholesaler and the Controlled Substances Act, as amended, and the Regulations of the Nevada State Board of Wholesaler as promulgated thereunder and agree, if licensed, to abide thereby,

I hereby expressly waive, release and forever discharge the State of Nevada, the licensing agency and their agents from any and all manner of action and causes of action whatsoever which I, my administrators or executors or shall or may have against the State of Nevada, the licensing agency and their agents, as a result of my applying for a wholesaler license in the State of Nevada.



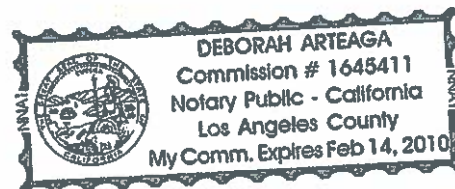
Signature of Applicant

Subscribed and Sworn to before me this 25th day of March, 2009



Notary Public

(seal)



Applicant's Initial

AD

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NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane • Reno, NV 89509 • (775) 850-1440

APPLICATION FOR NEVADA MDEG PROVIDER – NON-PUBLICLY TRADED CORPORAT

FEE: \$500.00 (non-refundable and not transferable) - Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New MDEG Provider X

Ownership Change _____ Name Change _____
(Please provide current license number if making change: MP _____)

FACILITY INFORMATION

Facility Name: Caring Medical Supply, LLC

Physical Address: 734-A S. Boulder Hwy

(This must be a business address, we can not issue a license to a home address)

Mailing Address: Same as above

City: Henderson State: NV Zip Code: 89015

Telephone Number: 702-886-3385 Fax Number: 702-866-3384

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

Mon: 9 to 4 Tue: 9 to 4 Wed: 9 to 4 Thu: 9 to 4

Fri: 9 to 4 Sat: Off Sun: Off Holidays: Off

FACILITY ADMINISTRATOR INFORMATION

Name: NORMAN G. HICKS

SS#: _____

Address: 5505 MESQUITE MEADOW Ct

City: LAS VEGAS

State: NV Zip Code: 89131

TYPE OF MDEG PRODUCTS THAT WILL BE SOLD (CHECK ALL APPLICABLE)

☐ Medical Gases

☐ Respiratory Equipment

☐ Life-sustaining equipment

☒ Other: Diabetes Testing Supplies

☒ Assistive Equipment

☐ Parenteral and Enteral Equipment

☐ Orthotics and Prosthesis

If providing life-sustaining equipment, provide a 24-hour contact number: (N/A)

Board Use Only

Received MAR 19 2009 Check Number 1063 Amount 500.00

OWNERSHIP IS A NON PUBLICLY TRADED CORPORATION

State of Incorporation: NV
Parent Company if any: N/A
Corporation Name: Caring Medical Supply, LLC
Mailing Address: 734-A S. Boulder Hwy
City, State and Zip: Henderson, N. 89015
Telephone Number: 702-856-3385 Fax Number: 702-856-3384
License Contact Person: NORMAN G. HICKS
Professional Compliance Contact Person: MICHAEL G. BARBERA

NAME AND TITLE OF EACH OFFICER AND DIRECTOR (Use separate sheet if necessary)

<u>Officer or director name</u>	<u>Officer or director title</u>
<u>Norman Hicks</u>	<u>DIRECTOR</u>

For any corporation non publicly traded, disclose the following:

- 1) List any persons to whom the shares were issued by the corporation?

a)	<u> </u>	<u> </u>
	Name	Address
b)	<u> </u>	<u> </u>
	Name	Address
c)	<u> </u>	<u> </u>
	Name	Address
d)	<u> </u>	<u> </u>
	Name	Address

(Note: A diagonal line is drawn through the table, and "N/A" is written across it.)

NOTE: All persons who are stockholders must accurately complete a personal history record form.

- 2) Provide the number of shares issued by the corporation. N/A
- 3) What was the price paid per share? N/A
- 4) What date did the corporation actually receive the cash assets? N/A
- 5) Provide a copy of the corporations stock register evidencing the above information.

If the non publicly traded corporation is a subsidiary, list name and state of incorporation of the parent corporation, and include a list of its officers.

N/A

List all Medicare and Medicaid provider numbers registered to the business or its owner:

N/A

Pending

- 1) Do any shareholders hold an interest ownership or have management in any type of business or facility which are licensed by the State of Nevada or another political jurisdiction? Yes ☐ No ☐ If yes, list the persons, their address and their business name

a) ~~Name Address Business~~
b) ~~Name Address Business~~
c) ~~Name Address Business~~
d) ~~Name Address Business~~

- 2) Are you or have you in the last 10 years been associated with any person, business or health care entity in which MDEG products were sold, dispensed or distributed? Yes ☒ No ☐ If yes, list the persons, their address and their business names.

a) MICHAEL G. BARBERA 7888 GARDEN STREAM CT

Name Address
LAS VEGAS NV 89131

Business

b) Norman Hicks 5505 Mesquite Meadow Ct Las Vegas, NV 89013

Name Address

Diabetic Life Supply

Business

c)

Name

Address

Business

- 3) Are any of the owners health professionals? If yes, please list name.

<input type="checkbox"/> Practitioner	Name: _____
<input type="checkbox"/> Advanced Practitioner of Nursing	Name: _____
<input type="checkbox"/> Physician's Assistant	Name: _____
<input type="checkbox"/> Physical Therapist	Name: _____
<input type="checkbox"/> Occupational Therapist	Name: _____
<input type="checkbox"/> Registered Nurse	Name: _____
<input type="checkbox"/> Respiratory Therapist	Name: _____

N/A

Within the last five (5) years:

- 4) Has the firm or any owner(s), shareholder(s) with any interest, officer(s) or director(s) thereof, ever been charged, or convicted of a felony or gross misdemeanor (including by way of a guilty plea or no contest plea)? Yes ☐ No ☒
- 5) Has the firm or any owner(s), shareholder(s) with any interest, officer(s) or director(s) thereof, ever been denied a license, permit or certificate of registration? Yes ☐ No ☒
- 6) Has the firm or any owner(s), shareholder(s) with any interest, officer(s) or director(s) thereof, ever been the subject of an administrative action or proceeding relating to the pharmaceutical industry? Yes ☐ No ☒
- 7) Has the firm or any owner(s), shareholder(s) with any interest, officer(s) or director(s) thereof, ever been found guilty, pled guilty or entered a plea of nolo contendere to any offense federal or state, related to controlled substances? Yes ☐ No ☒
- 8) Has the firm or any owner(s), shareholder(s) with any interest, officer(s) or director(s) thereof, ever surrendered a license, permit or certificate of registration voluntarily or otherwise (other than upon voluntary close of a facility)? Yes ☐ No ☒

If the answer to any question 4 through 8 is "yes", a signed statement of explanation must be attached. Copies of any documents that identify the circumstance or contain an order, agreement or other disposition may be required.

I hereby certify that the answers given in this application and attached documentation are true and correct. I understand that any infraction of the laws of the State of Nevada regulating the operation of an authorized MDEG provider may be grounds for the revocation of this permit.

I have read all questions, answers and statements and know the contents thereof. I hereby certify under penalty of perjury, that the information furnished on this application are true, accurate and correct. I hereby authorize the Nevada State Board of Pharmacy, its agents, servants and employees, to conduct any investigation(s) of the business, professional, social and moral background, qualification and reputation, as it may deem necessary, proper or desirable.

Norman G. Hicks
Signature of corporation officer

3-12-09
Date

NORMAN G. HICKS DIRECTOR
Type name and title

PERSONAL HISTORY RECORD

Date 3-12-09

GENERAL INSTRUCTIONS

Type an answer to every question. If a question does not apply to you, so state with N/A. If space available is insufficient, continue on page 10 or use a separate sheet and precede each answer with the appropriate title. Do not misstate or omit any material fact(s) as each statement made herein is subject to verification. Applicant must initial each page, as provided in lower right hand corner. By placing his initials on each page, the applicant is attesting to the accuracy and completeness of the information contained on that page.

All applicants are advised that this personal history record is an official document and misrepresentation or failure to reveal information requested may be deemed to be sufficient cause for the refusal or revocation of a license.

All applicants are further advised that an application for a license, finding of suitability or for other action may not be withdrawn without the permission of the licensing agency.

Application for Pharmacy For Nevada MDEG Provider
Caring Medical Supply LLC ^{Nature of License}
734-A S. Boulder Hwy. Henderson, NV 89015
^{Name and Address of Establishment for Which License is Requested}
N/A
^{If applicable, Name Under Which It is Now Operated}

1. PERSONAL INFORMATION:

Last Name <u>Barbera</u>		First Name <u>Michael</u>	Middle Name <u>Guy</u>
Alias(es, Nicknames, Maiden Name, Other Name Changes, Legal or Otherwise) <u>None</u>			
Present Residence Address-Street or RFD <u>7888 Garden Stream Ct</u> ^{Dates} <u>11-06</u>		City <u>Las Vegas</u>	State/Zip <u>NV 89131</u>
Present Business Address <u></u> ^{Dates}		City <u></u>	State/Zip <u></u>
Occupation <u>Pharmacist</u>			Phone: Residence Business Fax
Date of Birth <u>12-27-46</u>	Place of Birth (City, County, State) <u>New York, N.Y.</u>		
Age <u>62</u>	Social Security Number <u></u>		Sex <u>Male</u>
Color of Eyes <u>Brown</u>	Color of Hair <u>Gray</u>	Complexion <u>Caucasian</u>	Weight <u>185</u>
Build <u>Medium</u>		Height <u>5' 11"</u>	

Scars, tattoos or distinguishing marks and/or characteristics None

Are you a citizen of the United States? Yes ☒ No ☐ If alien, registration No.

If naturalized, certificate No. Date

Place (If naturalized, document must be verified.)

2. MARITAL INFORMATION:

Single ☐ Married ☒ Separated ☐ Divorced ☐ Widowed ☐ Engaged ☐

Applicant's initial UMB

A. Current Marriage 9-14-92 BREA, ORANGE COUNTY, CA.
 Date City, County and State
 Spouse's full name (Maiden) Deidre ANN ERFURTH S.S. No. _____
 Date of Birth 4-25-52 Place of Birth SAN ANTONIO, TEXAS
 Resident address 7888 GARDEN STREAM CT LAS VEGAS, NV 89131
 Street City State Zip
 Telephone: Residence (702) _____ 3 Business () SAME
 Spouse's employer REALTY ONE Occupation REALTOR
 Address of employer 1333 N. BUFFALO DR. STE. 190 LAS VEGAS, NV 891
 Street City State Zip

B. Previous Marriages: If ever legally separated, divorced, or annulled, indicate below:

Name of Spouse	Date of Order or Decree	Date of Place of Marriage	Nature of Action	City County and State
JANET WILKERSON	06-74	LAS VEGAS, NV	DIVORCE	SAN BERNARDINO, CA
CAROLYN GRIFFITH	08-76	LAS VEGAS, NV	DIVORCE	LAS VEGAS, CLARK LAS VEGAS, NV
TINA GAINES	02-81	LAS VEGAS, NV	DIVORCE	SAN BERNARDINO, CA

List of names, current address and telephone numbers of previous spouses:

Name	Street	City	State	Zip	Telephone
JANET WILKERSON	?	SAN BERNARDINO	CA	—	—
CAROLYN GRIFFITH	?	LAS VEGAS	NV	—	—
TINA GAINES	deceased				

3. FAMILY INFORMATION:

A. Children and Dependents:

List all children, including step-children and adopted children and give the following information:

Name	Birth Date	Birth Place	Residence Address
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

B. Child Support Information:

Please mark the appropriate response:

- ☒ I am not subject to a court order for the support of child.
- ☐ I am subject to a court order for the support of one or more children and am in compliance with a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order; or
- ☐ I am subject to a court order for the support of one or more children and NOT in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

Applicant's initial _____

Page _____

FAMILY INFORMATION-Continued

District attorney or public agency responsible for enforcing the child support order:

Name

NA

Address

Contact person

C. Parents:

List names, residence addresses, dates of birth and most recent occupations of parents, step-parents, parent-in-law or legal guardian. If retired or deceased, list last address and occupation.

Name (Maiden)	Birth Date	Address	Occupation
Father Joseph BARBERA	7-22	LAS VEGAS, NV.	deceased
Mother Estelle BARBERA	2-22	LAS VEGAS, NV.	deceased
Father-in-Law			
Mother-in-Law			

D. Brothers and Sisters:

List names, residence addresses, dates of birth and most recent occupations of brothers and sisters and of their respective spouses.

Name (Maiden)	Birth Date	Address	Occupation
Philip C. BARBERA	7-50	180 CAROL CYN DR.	PROPERTY MGR.
Spouse CAROL A. BARBERA	6-52	SEDONA, AZ 86336	DAY CARE
Spouse RONALD BARBERA	8-51	777 SEA COTTAGE WAY OCEANSIDE, CA 92054	ATTORNEY @ LAW
Spouse			
Spouse			

4. EDUCATION:

Name of School	Location	Dates Attended	Graduate
Grammar School Foothill Elementary	Rialto, CA		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
High School Eisenhower High School	Rialto, CA	1962 - 1965	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
College University of Arizona	Tucson, AZ	1967 - 1971	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Other College of Pharmacy			Yes <input type="checkbox"/> No <input type="checkbox"/>

Type of degree obtained, if any Bachelors of Science - Pharmacy

College or university where obtained University of Arizona, Tucson, AZ.

Applicant's Initial

JS

A. Have you ever served in any armed forces?

Yes ☐ No ☒

Branch

Date of entry-active service

Date of separation

Type of discharge

Rating at separation

Serial number

While in the military service were you ever arrested for an offense which resulted in summary action, a trial special or general court martial? Yes ☐ No ☐ If yes, furnish details on page 10. (List all incidents regardless of where they occurred-foreign or domestic.)

B. Have you registered for the draft?

Yes ☒ No ☐

County SAN BERNARDINO State CA

Date registered 197-1965

6. ARRESTS, DETENTIONS, LITIGATIONS AND ARBITRATIONS: (Include those arrests in which you were not convicted.)

A. Have you ever been arrested, detained, charged, indicted or summoned to answer for any criminal offense violation for any reason whatsoever, regardless of the disposition of the event? (Except minor traffic citation) Yes ☐ No ☒ If yes, give details in space provided below. List all cases without exception.

Date of Arrest	Age	Charge	Location-City and State	Disposition/Date	Arresting Agency
<u>NA</u>					

B. Has a criminal indictment, information or complaint ever been returned against you, but for which you were arrested or in which you were named as an unindicted co-party? Yes ☐ No ☒ If yes, furnish details on page 10.

C. Have you ever been questioned or deposed by a city, state, federal or law enforcement agency, commissioner or committee? Yes ☐ No ☒

D. Have you ever been subpoenaed to appear or testify before a federal, state or county grand jury, board or commission? Yes ☒ No ☐

E. Have you ever been subpoenaed to testify for any civil, criminal or administrative proceeding or hearing? Yes ☐ No ☒

F. Have you ever had a civil or criminal record expunged or sealed by a court order? Yes ☐ No ☒ If yes, when? _____ city, county and state

G. Have you ever received a pardon or deferred prosecution for any criminal offense? Yes ☐ No ☒ If yes when? _____ city, county and state

H. Has any member of your family or of your spouse's family ever been convicted of a felony? Yes ☐ No ☒ If you answer to any of the above questions (B through H) is yes, furnish details on page 10.

Name	Relationship	Charge	Location	Date

Applicant's Initial

MEG

Page

- I. Have you, as an individual, member of a partnership, or owner, director or officer of a corporation, ever been part to a lawsuit as either a plaintiff or defendant or an arbitration as either a claimant or respondent?
 Yes ☐ No ☒ (Other than divorces)
 If yes, give details below. List all cases without exception, including bankruptcies:

Plaintiff/Defendant or Claimant/Respondent	Date Filed	Court and Case Number	City, County and State	Disposition/Date

- J. Has any general partnership, business venture, sole proprietorship or closely held corporation (while you were associated with it as an owner, officer, director or partner) been a party to a lawsuit, arbitration or bankruptcy?
 Yes ☐ No ☒ If yes, complete the following:

Name of Entity	Type of Entity	Approximate Date(s) of Lawsuit/Arbitration/Bankruptcy

7. RESIDENCES:

List all residences you have had for the last 25 years:

Month and Year (From-To)	Street and Number	City	State or County
11-06 - current	7888 GARDEN STREET CT.	LAS VEGAS	LAS VEGAS, NEVADA
4-02-11-06	7620 BLUE WHIRLPOOL ST.	LAS VEGAS	LAS VEGAS, NEVADA
3-00-4-02	12 LOCKHEAVEN ST.	HENDERSON	HENDERSON, NEVADA
9-92-3-00	DOUGLAS CIR	HENDERSON	HENDERSON, NEVADA
9-91-9-92	HARVEST LN.	BREA	BREA, CALIF

Applicant's initial 

Beginning with your current employment, list your work history, all businesses with which you have been involved, and/or all periods of unemployment since 18 years of age. Also, list all corporations, partnerships or any other business ventures with which you have been associated as an officer, director, stockholder or related capacity.

Month and Year 3-06	Name/Mailing Address of Employer/Business WALMART Pharmacy 3625 So. RAINBOW BLVD LAS VEGAS, NV.	Reason for Leaving PRESENT
Title STAFF RST	Description of Duties Pharmacy operations	Name of Supervisor JACK DALTON
Month and Year 3-01-3-06	Name/Mailing Address of Employer/Business VONS Food + Drug Sky Pointe Dr. LAS VEGAS, NV.	Reason for Leaving New position
Title STAFF RST	Description of Duties Pharmacy operations	Name of Supervisor APRIL MAYES-GAREB
Month and Year Mar-96-3-01	Name/Mailing Address of Employer/Business LONGS DRUGS 1725 So. RAINBOW BLVD LAS VEGAS, NV.	Reason for Leaving MEDICAL
Title Mgr-Exist	Description of Duties Pharmacy Manager	Name of Supervisor CHRIS GONG
Month and Year '91-'96	Name/Mailing Address of Employer/Business PRN-Pharmacist Relieve A Network Henderson, NV.	Reason for Leaving SOLD Comp.
Title OWNER	Description of Duties Recruit. of Pharmists + Techs.	Name of Supervisor OWNER
Month and Year '88-'91	Name/Mailing Address of Employer/Business CAMERON + Comp Raymond Blvd, CA.	Reason for Leaving DANNING NEW. Comp
Title V.P.	Description of Duties V.P. operations	Name of Supervisor RAN CAMERON
Month and Year '80-'88	Name/Mailing Address of Employer/Business Therley Douglas Los Angeles, CA.	Reason for Leaving CHAIN SOLD
Title MANAGER STAFF RST	Description of Duties District manager, Reg Manager, STAFF RST	Name of Supervisor ROCK NEARHOUSE
Month and Year '77-80	Name/Mailing Address of Employer/Business Nemala Drugs Boulder City, NV.	Reason for Leaving SOLD
Title OWNER-Part	Description of Duties Drugstore Owner	Name of Supervisor OWNER
Month and Year 74-77	Name/Mailing Address of Employer/Business Walley Drugs - Las Vegas, NV.	Reason for Leaving OWNER
Title OWNER-Part	Description of Duties Drugstore OWNER	Name of Supervisor OWNER

If additional space is needed, continue on page 10 or provide attachment.

Applicant's initial

CHARACTER REFERENCES:

List five character reference who have know you five years or more. Do not include relatives, present employer or employees.

Name of Where Employed	Street	City	State	Zip	Telephone	Years Known
Name <u>Ken Lampkin</u>	Home <u>5515 Royal Springs Rd.</u>			<u>89131</u>		<u>7 yrs</u>
Employer <u>Retired</u>	Business			<u>Las Vegas</u>		
Name <u>Robt Taylor</u>	Home					<u>10 yrs</u>
Employer <u>CPA</u>	Business <u>1050 Indigo #110</u>			<u>Las Vegas NV</u>		
Name <u>Jos Johnson</u>	Home					
Employer <u>Doctor</u>	Business <u>106 Lake Mead Henderson</u>					<u>20 yrs</u>
Name <u>Kevin Khashaid</u>	Home					
Employer <u>DPS</u>	Business <u>1725 So. Rainbow</u>			<u>Las Vegas NV</u>		<u>15 yrs</u>
Name <u>April Mayes</u>	Home					
Employer <u>VPMS</u>	Business <u>6450 Skyline Dr.</u>			<u>Las Vegas</u>		<u>7 yrs</u>

10. Do you have any safe deposit box or other such depository, access to any depository or do you use any other person's depository? Yes ☐ No ☒
If yes, complete the following:

Box Number or Type of Depository	Location	City and State	Authorized Users

11. Have you ever held a privileged, occupational or professional license in any state, including but not limited to the following:

Liquor	Lawyer	Race horse/race dog owner	Securities dealer	Insurance
Doctor	Contractor	Real estate broker or salesman	Barber/Cosmetologist	Gaming
Accountant	Pilot	Sports promoter	Trainer or manager	Educator

Yes ☒ No ☐
If yes, state type, where and years held

Pharmacy; Nevada 71 - Present
California ✓
Arizona ✓

12. Have you ever applied for a city, county or state business, venture or industry license or held a financial interest in a licensed business or industry OUTSIDE the State of Nevada? Yes ☒ No ☐
If yes, state type, when and where and give names and locations of the businesses in which you were involved, the names and address of all partners and the agency responsible for licensing said business, venture or industry.

Waterman Pharmacy 1971-1974
1700 N. Waterman Ave
San Bernardino, CA.

Applicant's initial

BB

any reason whatsoever? Yes ☒ No ☐ *C.F. credits expired*

14. Have you ever been denied a personal license, permit, certificate or registration for a privileged, occupational or professional activity? Yes ☐ No ☒

If yes to the above, state where, when and for what reason:

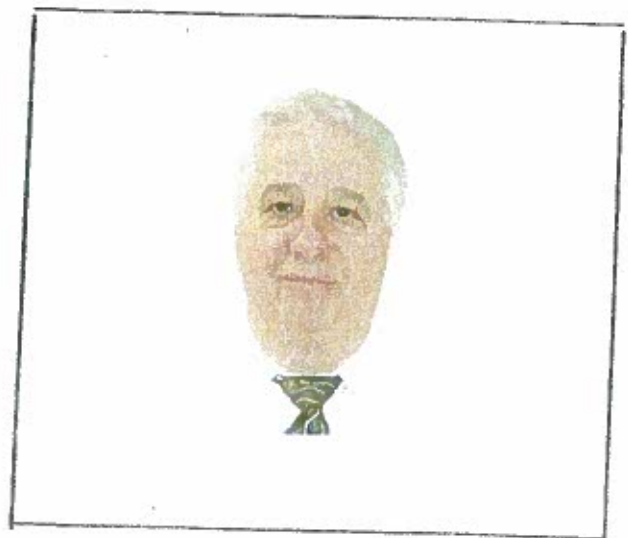
15. Have you ever been refused a business or industry license or related finding of suitability or been a participant in any group which has been denied a business or industry license or related finding of suitability? Yes ☐ No ☒

16. Have you or any person with whom you have been a participant in any group been the subject of an administrative action or proceeding relating to the pharmaceutical industry? Yes ☐ No ☒

17. Have you or any person with whom you have been a participant in any group ever been found guilty, plead guilty or entered a plea of nolo contendere to any offense, federal or state, related to prescription drugs and controlled substances? Yes ☐ No ☒

18. Have you or any person with whom you have been a participant in any group ever surrendered a license, permit or certificate of registration relating to the pharmaceutical industry voluntarily or otherwise (other than upon voluntary close of a wholesaler)? Yes ☐ No ☒

19. Do you have any relatives within the fourth degree of consanguinity associated with or employed in the pharmaceutical or drug related industry? Yes ☐ No ☒



Date of photograph *3-12-09*

Applicant's initial *WCS*

NEVADA BOARD OF PHARMACY. LICENSING, C.E. expired credit.

Employment History Cont.;

71-74 WATERMAN PHARMACY OWNER SOLD
SAN BERNARDINO, CA.

65-71 NORTH RIALTO DRUGS STAFF LIST WENT
BASELINE AVE. STOCK BUY TO CALIFORNIA
RIALTO, CA TOM BATTICE

PERSONAL HISTORY RECORD

Date 12-30-08

GENERAL INSTRUCTIONS

Type an answer to every question. If a question does not apply to you, so state with N/A. If space available is insufficient, continue on page 10 or use a separate sheet and precede each answer with the appropriate title. Do not misstate or omit any material fact(s) as each statement made herein is subject to verification. Applicant must initial each page, as provided in lower right hand corner. By placing his initials on each page, the applicant is attesting to accuracy and completeness of the information contained on that page.

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All applicants are further advised that an application for a license, finding of suitability or for other action may not be withdrawn without the permission of the licensing agency.

Application for Pharmacy for Nevada MDEG Provider
Caring Medical Supply, LLC ^{Nature of License} 734-A.S. Boulder Hwy Henderson, NV 89015
 Name and Address of Establishment for Which License Is Requested
N/A
 If applicable, Name Under Which It Is Now Operated

1. PERSONAL INFORMATION:

Last Name <u>HICKS</u>		First Name <u>NORMAN</u>		Middle Name <u>GRADY</u>	
Alias(es, Nicknames, Maiden Name, Other Name Changes, Legal or Otherwise) <u>NONE</u>					
Present Residence Address-Street or RFD <u>5505 Mesquite Meadow Ct</u> ^{Dates} <u>03-08</u>			City <u>LAS VEGAS</u>		State/Zip <u>NV 89131</u>
Present Business Address <u>NA</u>			City		State/Zip
Occupation <u>Retired LAW ENFORCEMENT</u>				Phone: Residence () Business () Fax ()	
Date of Birth <u>06/12/41</u>		Place of Birth (City, County, State) <u>Bakersfield - KERN - CALIFORNIA</u>			
Age <u>67</u>		Social Security #		Sex <u>M</u>	
Color of Eyes <u>BLUE</u>	Color of Hair <u>GRAY-BROWN</u>	Complexion <u>FAIR</u>	Weight <u>230</u>	Build <u>Heavy</u>	Height <u>5'11"</u>

Scars, tattoos or distinguishing marks and/or characteristics NONE

Are you a citizen of the United States? Yes ☒ No ☐ If alien, registration No _____

If naturalized, certificate No _____ Date _____

Place _____ (If naturalized, document must be verified.)

2. MARITAL INFORMATION:

Single ☐ Married ☒ Separated ☐ Divorced ☐ Widowed ☐ Engaged ☐

Applicant's initial NH Page _____

MARITAL INFORMATION-Continued

A. Current Marriage Nov 29, 1986 STATELINE NEVADA Douglas
 Date City, County and State
 Spouse's full name (Maiden) LINDA S.S. No. _____
 Date of Birth Feb 24, 1948 Place of Birth MONTEREY CALIF.
 Resident address 5505 MESQUITE MEADOW Las Vegas NV 89131
 Street City State Zip
 Telephone: Residence (702) _____ Business (_____) _____
 Spouse's employer Retired Occupation BANKING
 Address of employer NA
 Street City State Zip

B. Previous Marriages: If ever legally separated, divorced, or annulled, indicate below:

Name of Spouse	Date of Order or Decree	Date of Place of Marriage	Nature of Action	City County and State
<u>RENATE BETLINE</u>	<u>11/14/1986</u>	<u>12-14-61 GERMANY</u>	<u>DISSOLUTION</u>	<u>MONTEREY COUN SALINAS CALIFOR</u>

List of names, current address and telephone numbers of previous spouses:

Name	Street	City	State	Zip	Telephone
<u>RENATE HICKS</u>	<u>12930 JASPER WAY</u>	<u>SALINAS</u>	<u>CA</u>	<u>93906</u>	<u>(831) 443-8063</u>

3. FAMILY INFORMATION:

A. Children and Dependents:

List all children, including step-children and adopted children and give the following information:

Name	Birth Date	Birth Place	Residence Address
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

B. Child Support Information:

Please mark the appropriate response:

☒ I am not subject to a court order for the support of child.

☐ I am subject to a court order for the support of one or more children and am in compliance with a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order; or

☐ I am subject to a court order for the support of one or more children and NOT in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

Applicant's initial

FAMILY INFORMATION-Continued

District attorney or public agency responsible for enforcing the child support order:

Name _____

Address _____

Contact person _____

C. Parents:

List names, residence addresses, dates of birth and most recent occupations of parents, step-parents, parent-in-law or legal guardian. If retired or deceased, list last address and occupation.

Name (Maiden)	Birth Date	Address	Occupation
Father WILLIAM GRADY HICKS		DECEASED 1983	
Mother NEOMA HICKS/SCROGGINS		DECEASED 1993	
Father-in-Law CURTIS E GARNER	-	419 E PIERCE ST MANGUM, OK 735	
Mother-in-Law FLORA D GARNER	-	" " " " "	RETIRED

D. Brothers and Sisters:

List names, residence addresses, dates of birth and most recent occupations of brothers and sisters and of their respective spouses.

Name (Maiden)	Birth Date	Address	Occupation
JACK D. HICKS Spouse		UNKNOWN	LIC BERKLEY
SHARON Mechie Spouse		UNKNOWN	POSTAL SERVICE
GENEVA BENGSTON Spouse	UNKNOWN	21810 Geneva Ave	Retired
DON BENGSTON	"	LEMOORE CA 93245	Retired
Spouse			

4. EDUCATION:

Name of School	Location	Dates Attended	Graduate
Grammar School AZTEC	BAKERSFIELD	1950 - 1955	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
High School NORTH HI	BAKERSFIELD	1955 - 1959	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
College HARTWELL JC SALINAS	SALINAS	1965 - 1973	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
University UNIVERSITY SAN FRANCISCO	VIRGINIA	1973 - 1976	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Other FBI ACADEMY	VIRGINIA	1985	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Type of degree obtained, if any... BA

College or university where obtained... USF

Applicant's initial

Date

5 MILITARY INFORMATION:

A. Have you ever served in any armed forces? Yes ☒ No ☐

Branch ARMY Date of entry-active service _____

Date of separation MARCH 20, 1963 Type of discharge HONORABLE

Rating at separation SGT E-5 Serial number RA 19644139

While in the military service were you ever arrested for an offense which resulted in summary action, a trial or special or general court martial? Yes ☐ No ☒ If yes, furnish details on page 10. (List all incidents regardless of where they occurred-foreign or domestic.)

B. Have you registered for the draft? Yes ☒ No ☐

County KERN State CALIF Date registered 1959

6. ARRESTS, DETENTIONS, LITIGATIONS AND ARBITRATIONS: (Include those arrests in which you were not convicted.)

A. Have you ever been arrested, detained, charged, indicted or summoned to answer for any criminal offense or violation for any reason whatsoever, regardless of the disposition of the event? (Except minor traffic citations. Yes ☐ No ☒ If yes, give details in space provided below. List all cases without exception.

Date of Arrest	Age	Charge	Location-City and State	Deposition/Date	Arresting Agency

B. Has a criminal indictment, information or complaint ever been returned against you, but for which you were not arrested or in which you were named as an unindicted co-party? Yes ☐ No ☒ If yes, furnish details on page 10.

C. Have you ever been questioned or deposed by a city, state, federal or law enforcement agency, commission or committee? Yes ☒ No ☐

D. Have you ever been subpoenaed to appear or testify before a federal, state or county grand jury, board or commission? Yes ☐ No ☒

E. Have you ever been subpoenaed to testify for any civil, criminal or administrative proceeding or hearing? Yes ☒ No ☐

F. Have you every had a civil or criminal record expunged or sealed by a court order? Yes ☐ No ☒ If yes, when? _____ city, county and state _____

G. Have you ever received a pardon or deferred prosecution for any criminal offense? Yes ☐ No ☒ If yes when? _____ city, county and state _____

H. Has any member of your family or of your spouse's family ever been convicted of a felony? Yes ☒ No ☐ If you answer to any of the above questions (B through H) is yes, furnish details on page 10.

Name	Relationship	Charge	Location	Date
<u>MORGAN HICKS</u>	<u>Step SON</u>	<u>DRUGS/THEFT</u>	<u>SALINAS CALIF</u>	<u>1999 to 2003</u>

Applicant's initial WHP Page 1

ARRESTS, DETENTIONS, LITIGATIONS AND ARBITRATIONS-Continued

- I. Have you, as an individual, member of a partnership, or owner, director or officer of a corporation, ever been part to a lawsuit as either a plaintiff or defendant or an arbitration as either a claimant or respondent?
 Yes ☐ No ☒ (Other than divorces)
 If yes, give details below. List all cases without exception, including bankruptcies:

Plaintiff/Defendant or Claimant/Respondent	Date Filed	Court and Case Number	City, County and State	Disposition/Date

- J. Has any general partnership, business venture, sole proprietorship or closely held corporation (while you were associated with it as an owner, officer, director or partner) been a party to a lawsuit, arbitration or bankruptcy?
 Yes ☐ No ☒ If yes, complete the following:

Name of Entity	Type of Entity	Approximate Date(s) of Lawsuit/Arbitration/Bankruptcy

7. RESIDENCES:

List all residences you have had for the last 25 years:

Month and Year (From-To)	Street and Number	City	State or County
4-2003 - PRESENT	5505 MESQUITE MARROW 89131	LAS VEGAS	NEVADA
12-1986 to 4-2003	19820 AUGUSTA COURT SALINAS 93906	SALINAS	CALIF
1973 to 1986	12930 JASPER WAY	SALINAS	CALIF

Applicant's initial



9. EMPLOYMENT:

Beginning with your current employment, list your work history, all businesses with which you have been involved, and/or all periods of unemployment since 18 years of age. Also, list all corporations, partnerships or any other business ventures with which you have been associated as an officer, director, stockholder or related capacity.

Month and Year 1999-PRESENT	Name/Mailing Address of Employer/Business HICKS + ASSOCIATES 1267 PO BOX SALINAS CA.	Reason for Leaving
Title OWNER	Description of Duties INVESTIGATIONS + CONSULTING	Name of Supervisor
Month and Year 7-1-2001	Name/Mailing Address of Employer/Business MIDSTATE INVESTIGATIONS PO BOX 1267 SALINAS CA 93902	Reason for Leaving SOLD
Title PRESIDENT	Description of Duties LAW ENFORCEMENT BACKGROUNDS	Name of Supervisor
Month and Year 7-1963 to 7-1999	Name/Mailing Address of Employer/Business MONTEREY COUNTY SHERIFF'S DEPT 1414 NATIVID RD SALINAS CA 93906	Reason for Leaving Retired
Title SHERIFF	Description of Duties ELECTED SHERIFF-	Name of Supervisor
Month and Year OCT 1959 1963	Name/Mailing Address of Employer/Business US ARMY US GERMANY CRYPTO - ARMY SECURITY	Reason for Leaving DISCHARGE
Title	Description of Duties	Name of Supervisor
Month and Year	Name/Mailing Address of Employer/Business	Reason for Leaving
Title	Description of Duties	Name of Supervisor
Month and Year	Name/Mailing Address of Employer/Business	Reason for Leaving
Title	Description of Duties	Name of Supervisor
Month and Year	Name/Mailing Address of Employer/Business	Reason for Leaving
Title	Description of Duties	Name of Supervisor
Month and Year	Name/Mailing Address of Employer/Business	Reason for Leaving
Title	Description of Duties	Name of Supervisor

If additional space is needed, continue on page 10 or provide attachment.

Applicant's initial

Page

9. CHARACTER REFERENCES:

List five character reference who have know you five years or more. Do not include relatives, present employer or employees.

Name of Where Employed	Street	City	State	Zip	Telephone	Years Known
Name <u>PHIL TULL</u>	Home	<u>1014 KENTFIELD DR</u>				<u>8</u> <u>40</u>
Employer <u>RETIRED</u>	Business	<u>SALINAS CA 93901</u>				
Name <u>KEN BROWN</u>	Home	<u>51335 Calle ENCINA</u>				<u>12</u> <u>37</u>
Employer <u>RETIRED</u>	Business	<u>SIERRA VISTA AZ 85650</u>				
Name <u>ROGER KLINE</u>	Home	<u>8359 MOUNTAINVIEW Rd</u>				<u>1</u> <u>44</u>
Employer <u>RETIRED</u>	Business	<u>Bakersfield CA 93307</u>				
Name <u>ELVIA ARELLANO</u>	Home	<u>1056 MELVILLE ST</u>				<u>28</u>
Employer <u>MCSO</u>	Business	<u>SALINAS CA 93906</u>				<u>53</u>
Name <u>YOLANDA GARRETT</u>	Home	<u>1022 KENTFIELD DR</u>				<u>8</u> <u>45</u>
Employer <u>CIMINO BROS</u>	Business	<u>SALINAS CA 93901</u>				<u>0</u>

10. Do you have any safe deposit box or other such depository, access to any depository or do you use any other person's depository? Yes ☐ No ☒
If yes, complete the following:

Box Number or Type of Depository	Location	City and State	Authorized Users

11. Have you ever held a privileged, occupational or professional license in any state, including but not limited to the following:

Liquor Lawyer Race horse/race dog owner Securities dealer Insurance
 Doctor Contractor Real estate broker or salesman Barber/Cosmetologist Gaming
 Accountant Pilot Sports promoter Trainer or manager Educator

Yes ☒ No ☐

If yes, state type, where and years held

Held A SALESMAN FOR REAL ESTATE IN CALIFORNIA - 1978
To 1988.

12. Have you ever applied for a city, county or state business, venture or industry license or held a financial interest in a licensed business or industry OUTSIDE the State of Nevada? Yes ☒ No ☐

If yes, state type, when and where and give names and locations of the businesses in which you were involved, the names and address of all partners and the agency responsible for licensing said business, venture or industry.

PRIVATE INVESTIGATIONS LICENSE - CALIFORNIA 1998 - PRESENT
PO Box 1267 SALINAS CA 93902. HICKS + ASSOCIATES - OWNER
ALSO MID-STATE INVESTIGATIONS - PARTNER PHIL TULL

Applicant's initial

WAT

13. Have you ever appeared before any licensing agency or similar authority in or outside the State of Nevada, any reason whatsoever? Yes ☐ No ☒

14. Have you ever been denied a personal license, permit, certificate or registration for a privileged, occupation, or professional activity? Yes ☐ No ☒

If yes to the above, state where, when and for what reason:

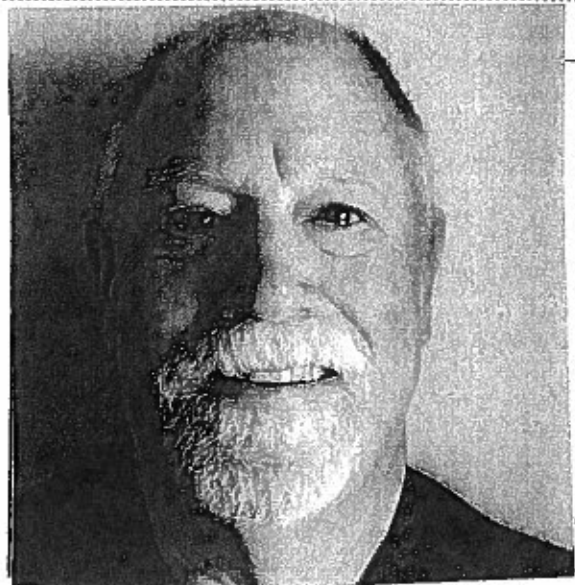
15. Have you ever been refused a business or industry license or related finding of suitability or been a participant in any group which has been denied a business or industry license or related finding of suitability? Yes ☐ No ☒

16. Have you or any person with whom you have been a participant in any group been the subject of an administrative action or proceeding relating to the pharmaceutical industry? Yes ☐ No ☒

17. Have you or any person with whom you have been a participant in any group ever been found guilty, plead guilty or entered a plea of nolo contendere to any offense, federal or state, related to prescription drugs and/or controlled substances? Yes ☐ No ☒

18. Have you or any person with whom you have been a participant in any group ever surrendered a license, permit or certificate of registration relating to the pharmaceutical industry voluntarily or otherwise (other than upon voluntary close of a wholesaler) Yes ☐ No ☒

19. Do you have any relatives within the fourth degree of consanguinity associated with or employed in the pharmaceutical or drug related industry? Yes ☐ No ☒



Date of photograph 12-29-2008

Applicant's initial

[Handwritten initials]

STATE OF _____

SS.

COUNTY OF CLARK

I, NORMAN G. HICKS, being duly sworn, depose and say I have read the foregoing application and know the contents thereof; that the statements contained herein are true and correct and contain a full and true account of the information requested; that I executed this statement with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for denial or revocation of my wholesaler license; that I am voluntarily submitting this application with full knowledge that Nevada Revised Statute 639.210 (10) provides denial or revocation of the application of any person for a certificate, license, registration or permit if the holder or applicant "Has obtained any certificate, certification, license or permit by the filing of an application, or any record, affidavit or other information in support thereof, which is false or fraudulent," and further, I have familiarized myself with the contents of Nevada Statutes on Pharmacists and Wholesaler and the Controlled Substances Act, as amended, and the Regulations of the Nevada State Board of Wholesaler as promulgated thereunder and agree, if licensed, to abide thereby,

I hereby expressly waive, release and forever discharge the State of Nevada, the licensing agency and their agents from any and all manner of action and causes of action whatsoever which I, my administrators or executors shall or may have against the State of Nevada, the licensing agency and their agents, as a result of my applying for wholesaler license in the State of Nevada.

Norman G. Hicks
Signature of Applicant

Subscribed and Sworn to before me this 30th day of

DECEMBER, 2008

[Signature]
Notary Public



Applicant's initial

NH

ADDITIONAL INFORMATION

PAGE 2 #3A MORGAN G HICKS 64-76 CAMP PENDLETON CA
CA PRISON SYSTEM
SONORA, CA

Applicant's initial



NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane – Reno, NV 89509 – (775) 850-1440

APPLICATION FOR NEVADA MDEG PROVIDER

NON PUBLICLY TRADED CORPORATION

FEE: **\$500.00** (non-refundable and not transferable) - Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New MDEG ☒ Ownership Change ☐ Name Change ☐ Location Change ☐
Please provide current license number if making changes: _____

FACILITY INFORMATION

Facility Name: DAY one Dme

Physical Address: 3305^W Spring mtn Rd #46 Las Vegas, NV 89102
(This must be a business address, we can not issue a license to a home address)

Mailing Address: 3305 W. Spring mtn #46 Las Vegas, NV 89102

City: Las Vegas, NV State: NV Zip Code: 89102

Telephone Number: (702) 682-2210 Fax Number: None yet N/A

E-mail: N/A Website: N/A

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

Mon: 8am to 5pm Tue: 8am to 5pm Wed: 8am to 5pm Thu: 8am to 5pm //
Fri: 8am to 5pm Sat: 8am to 5pm Sun: 8 to 5pm Holidays: 8am to 5pm

FACILITY ADMINISTRATOR INFORMATION

Name: Greb Milton SS#: _____

Address: 3305 W Spring mtn #46

City: Las Vegas, NV State: NV Zip Code: 89102

TYPE OF MDEG PRODUCTS THAT WILL BE SOLD (CHECK ALL APPLICABLE)

- | | |
|---|---|
| <input type="checkbox"/> Medical Gases | <input checked="" type="checkbox"/> Assistive Equipment |
| <input checked="" type="checkbox"/> Respiratory Equipment | <input type="checkbox"/> Parenteral and Enteral Equipment |
| <input type="checkbox"/> Life-sustaining equipment | <input type="checkbox"/> Orthotics and Prosthesis |
| <input type="checkbox"/> Other: _____ | |

Board Use Only

Received JUN 22 2009 Check Number 250 Amount 500.00

50665
537

OWNERSHIP IS A NON PUBLICLY TRADED CORPORATION

State of Incorporation: Nevada
Parent Company if any: NA
Corporation Name: Day One DME
Mailing Address: 3305 Springmountain # 46
City, State and Zip: Las Vegas NV 89146
Telephone Number: 702 682-2210 Fax Number: _____
License Contact Person: Scott E. Field
Professional Compliance Contact Person: Greg Milton

NAME AND TITLE OF EACH OFFICER AND DIRECTOR (Use separate sheet if necessary)

<u>Officer or director name</u>	<u>Officer or director title</u>
<u>Scott Field</u>	<u>CEO</u>
<u>Greg Milton</u>	<u>president</u>

For any corporation non publicly traded, disclose the following:

- 1) List any persons to whom the shares were issued by the corporation?

a) <u>NA</u>	<u>NA</u>
Name	Address
b) <u>NA</u>	<u>NA</u>
Name	Address
c) <u>NA</u>	<u>NA</u>
Name	Address
d) <u>NA</u>	<u>NA</u>
Name	Address

NOTE: All persons who are stockholders must accurately complete a personal history record form.

- 2) Provide the number of shares issued by the corporation. NA
- 3) What was the price paid per share? NA
- 4) What date did the corporation actually receive the cash assets? NA
- 5) Provide a copy of the corporations stock register evidencing the above information.

If the non publicly traded corporation is a subsidiary, list name and state of incorporation of the parent corporation, and include a list of its officers.

N/A

List all Medicare and Medicaid provider numbers registered to the business or its owner:

None yet applied

- 1) Do any shareholders hold an interest ownership or have management in any type of business or facility which are licensed by the State of Nevada or another political jurisdiction? Yes ☐ No ☒ If yes, list the persons, their address and their business names:

a) N/A

Name

Address

N/A

Business

b) N/A

Name

Address

N/A

Business

c) N/A

Name

Address

N/A

Business

d) N/A

Name

Address

N/A

Business

- 2) Are you or have you in the last 10 years been associated with any person, business or health care entity in which MDEG products were sold, dispensed or distributed? Yes ☒ No ☐ If yes, list the persons, their address and their business names.

a) AA Medical 5818 W. Springmountain Rd. Las Vegas NV 891

Name

Address

Prax Air

Business

7685 Commercial Way Henderson NV 891

b) American Home Patient 2411 Tech. Center CT LV NV 8

Name

Address

Ehlers Health Supply

Business

9 W. Locust St Lodi CA 952

c)

Name

Address

Business

3) Are any of the owners health professionals? If yes, please list name. No

<input type="checkbox"/> Practitioner	Name: _____
<input type="checkbox"/> Advanced Practitioner of Nursing	Name: _____
<input type="checkbox"/> Physician's Assistant	Name: _____
<input type="checkbox"/> Physical Therapist	Name: _____
<input type="checkbox"/> Occupational Therapist	Name: _____
<input type="checkbox"/> Registered Nurse	Name: _____
<input type="checkbox"/> Respiratory Therapist	Name: _____

Within the last five (5) years:

- 4) Has the firm or any owner(s), shareholder(s) with any interest, officer(s) or director(s) thereof, ever been charged, or convicted of a felony or gross misdemeanor (including by way of a guilty plea or no contest plea)? Yes ☐ No ☒
- 5) Has the firm or any owner(s), shareholder(s) with any interest, officer(s) or director(s) thereof, ever been denied a license, permit or certificate of registration? Yes ☐ No ☒
- 6) Has the firm or any owner(s), shareholder(s) with any interest, officer(s) or director(s) thereof, ever been the subject of an administrative action or proceeding relating to the pharmaceutical industry? Yes ☐ No ☒
- 7) Has the firm or any owner(s), shareholder(s) with any interest, officer(s) or director(s) thereof, ever been found guilty, pled guilty or entered a plea of nolo contendere to any offense federal or state, related to controlled substances? Yes ☐ No ☒
- 8) Has the firm or any owner(s), shareholder(s) with any interest, officer(s) or director(s) thereof, ever surrendered a license, permit or certificate of registration voluntarily or otherwise (other than upon voluntary close of a facility)? Yes ☐ No ☒

If the answer to any question 4 through 8 is "yes", a signed statement of explanation must be attached. Copies of any documents that identify the circumstance or contain an order, agreement, or other disposition may be required.

I hereby certify that the answers given in this application and attached documentation are true and correct. I understand that any infraction of the laws of the State of Nevada regulating the operation of an authorized MDEG provider may be grounds for the revocation of this permit. I have read all questions, answers and statements and know the contents thereof. I hereby certify, under penalty of perjury, that the information furnished on this application are true, accurate and correct. I hereby authorize the Nevada State Board of Pharmacy, its agents, servants and employees, to conduct any investigation(s) of the business, professional, social and moral background, qualification and reputation, as it may deem necessary, proper or desirable.

Scott Field
Signature of corporation officer

6/8/2009
Date

Scott Field CEO
Type name and title

PERSONAL HISTORY RECORD

Date 6/8/2009

GENERAL INSTRUCTIONS

Type an answer to every question. If a question does not apply to you, so state with N/A. If space available is insufficient, continue on page 10 or use a separate sheet and precede each answer with the appropriate title. Do not misstate or omit any material fact(s) as each statement made herein is subject to verification. Applicant must initial each page, as provided in lower right hand corner. By placing his initials on each page, the applicant is attesting to the accuracy and completeness of the information contained on that page.

All applicants are advised that this personal history record is an official document and misrepresentation or failure to reveal information requested may be deemed to be sufficient cause for the refusal or revocation of a license.

All applicants are further advised that an application for a license, finding of suitability or for other action may not be withdrawn without the permission of the licensing agency.

Application for DME Sales & Rentals
3305 W Spingmountain #46 Las Vegas NV 89102
 Nature of License
 Name and Address of Establishment for Which License is Requested
 If applicable, Name Under Which It is Now Operated

1. PERSONAL INFORMATION:

Last Name <u>Field</u>		First Name <u>Scott</u>		Middle Name <u>Francis</u>	
Alias(es, Nicknames, Maiden Name, Other Name Changes, Legal or Otherwise) <u>NO</u>					
Present Residence Address-Street or RFD <u>3151 Vincent</u>		City <u>Las Vegas</u>		State/Zip <u>NV 89146</u>	
Present Business Address <u>3305 Spingmountain</u>		City <u>Las Vegas</u>		State/Zip <u>NV 89102</u>	
Occupation <u>CEO</u>		Phone:		Residence Business Fax	
Date of Birth <u>11/22/62</u>		Place of Birth (City, County, State) <u>Stockton San Joaquin CA</u>			
Age <u>46</u>	Social Security Number		Sex <u>male</u>		
Color of Eyes <u>BRN</u>	Color of Hair <u>BLK</u>	Complexion <u>Light</u>	Weight <u>210</u>	Build <u>Stocky</u>	Height <u>5'8"</u>
Scars, tattoos or distinguishing marks and/or characteristics <u>Right Hand Skin Graph</u>					

Are you a citizen of the United States? Yes ☒ No ☐ If alien, registration No. _____

If naturalized, certificate No. _____ Date _____

Place _____ (If naturalized, document must be verified.)

2. MARITAL INFORMATION:

Single ☐ Married ☒ Separated ☐ Divorced ☐ Widowed ☐ Engaged ☐
 Applicant's initial SF Page

MARITAL INFORMATION-Continued

A. **Current Marriage** 4/24/94 Las Vegas, Clark, Nevada
Date City, County and State
 Spouse's full name (Maiden) Constance Knight 1170
S.S. No.
 Date of Birth 4/30/64 Place of Birth Syracuse, NY
 Resident address 3151 Vincent St Las Vegas, NV 89146
Street City State Zip
 Telephone: Residence _____ Business (702) 869-4300
 Spouse's employer Majestic Behavioral Health Occupation Executive Director
 Address of employer 3670 N. Rancho Las Vegas, NV 89130
Street City State Zip

B. **Previous Marriages:** If ever legally separated, divorced, or annulled, indicate below:

Name of Spouse	Date of Order or Decree	Date of Place of Marriage	Nature of Action	City County and State
<u>N/A</u>				

List of names, current address and telephone numbers of previous spouses:

Name	Street	City	State	Zip	Telephone
<u>N/A</u>					

3. **FAMILY INFORMATION:**

A. **Children and Dependents:**

List all children, including step-children and adopted children and give the following information:

Name	Birth Date	Birth Place	Residence Address
<u>MAJESTIC PRK</u>		<u>CLARK, NV</u>	<u>3151 VINCENT ST, NV 89146</u>

B. **Child Support Information:**

Please mark the appropriate response:

☒ I am not subject to a court order for the support of child.

☐ I am subject to a court order for the support of one or more children and am in compliance with a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order; or

☐ I am subject to a court order for the support of one or more children and NOT in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

Applicant's initial SJ

Page

FAMILY INFORMATION-Continued

District attorney or public agency responsible for enforcing the child support order:

 Name NA

Address

Contact person

C. Parents:

List names, residence addresses, dates of birth and most recent occupations of parents, step-parents, parents-in-law or legal guardian. If retired or deceased, list last address and occupation.

Name (Maiden)	Birth Date	Address	Occupation
Father			
William J Field	Dec 12, 1930	5708 Cherokee Rd. STOCKTON CA 95215	Sales Retired
Mother			
Patricia M. Jordan	Aug 31, 1932	5708 Cherokee Rd. Stockton CA 95215	Hospital Worker Deceased
Father-in-Law			
Coary Kutch	1/4/1952	Las Vegas, NV 89031	(Supervisor) Pit Boss, Casino
Mother-in-Law			
Charlene Knight	12/20/1949	2422 Sunrise Springs CT Las Vegas, NV 89031	Retired

D. Brothers and Sisters:

List names, residence addresses, dates of birth and most recent occupations of brothers and sisters and of their respective spouses.

Name (Maiden)	Birth Date	Address	Occupation
William J Field JR.	Aug 13, 1950	10755 Scrips Poway Pkwy San Diego CA 92131	Shuttle Driver
Spouse			
NA			
Mike Field	Dec 8, 1955	3049 Wilmarth Rd. Stockton CA 95215	Counselor
Spouse			
NA			
John E Field	July 24, 1959	5708 Cherokee Rd. Stockton CA 95215	Accountant
Spouse			
NA			
Patricia M. Field JR.	June 7, 1958	unknown	unknown
Spouse			
unknown		Please See Additional Information Sheet	

4. EDUCATION:

Name of School	Location	Dates Attended	Graduate
Grammar School Waverly Elm.	Stockton CA	1969 1977	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
High School Linden High School	Linden CA	1978 1981	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
College San Joaquin Delta College	Stockton CA	1986	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Other		EMT-1	Yes <input type="checkbox"/> No <input type="checkbox"/>
Type of degree obtained, if any	NA		

College or university where obtained

 Applicant's initial ST

5 MILITARY INFORMATION:

A. Have you ever served in any armed forces?

Yes ☐ No ☒

Branch N/A Date of entry-active service N/A

Date of separation N/A Type of discharge N/A

Rating at separation N/A Serial number N/A

While in the military service were you ever arrested for an offense which resulted in summary action, a trial or special or general court martial? Yes ☐ No ☐ If yes, furnish details on page 10. (List all incidents regardless of where they occurred-foreign or domestic.)

B. Have you registered for the draft?

Yes ☒ No ☒

County N/A State N/A Date registered N/A

6. ARRESTS, DETENTIONS, LITIGATIONS AND ARBITRATIONS: (Include those arrests in which you were not convicted.)

A. Have you ever been arrested, detained, charged, indicted or summoned to answer for any criminal offense or violation for any reason whatsoever, regardless of the disposition of the event? (Except minor traffic citations.) Yes ☒ No ☐ If yes, give details in space provided below. List all cases without exception.

Date of Arrest	Age	Charge	Location-City and State	Deposition/Date	Arresting Agency
march 1987	23	DUI 2	Stockton CA	1987	sherriffs
please see	Additional Information sheet			1988	San Joaquin

B. Has a criminal indictment, information or complaint ever been returned against you, but for which you were not arrested or in which you were named as an unindicted co-party? Yes ☐ No ☒ If yes, furnish details on page 10.

C. Have you ever been questioned or deposed by a city, state, federal or law enforcement agency, commission or committee? Yes ☐ No ☒

D. Have you ever been subpoenaed to appear or testify before a federal, state or county grand jury, board or commission? Yes ☐ No ☒

E. Have you ever been subpoenaed to testify for any civil, criminal or administrative proceeding or hearing? Yes ☐ No ☒

F. Have you every had a civil or criminal record expunged or sealed by a court order? Yes ☐ No ☒ If yes, when? _____ city, county and state _____

G. Have you ever received a pardon or deferred prosecution for any criminal offense? Yes ☐ No ☒ If yes when? _____ city, county and state _____

H. Has any member of your family or of your spouse's family ever been convicted of a felony? Yes ☐ No ☒ If you answer to any of the above questions (B through H) is yes, furnish details on page 10.

Name	Relationship	Charge	Location	Date
N/A				
N/A				
N/A				

Applicant's initial ST

ARRESTS, DETENTIONS, LITIGATIONS AND ARBITRATIONS-Continued

- I. Have you, as an individual, member of a partnership, or owner, director or officer of a corporation, ever been a part to a lawsuit as either a plaintiff or defendant or an arbitration as either a claimant or respondent?
 Yes ☐ No ☒ (Other than divorces)

If yes, give details below. List all cases without exception, including bankruptcies:

Plaintiff/Defendant or Claimant/Respondent	Date Filed	Court and Case Number	City, County and State	Disposition/Date
N/A				
N/A				
N/A				

- J. Has any general partnership, business venture, sole proprietorship or closely held corporation (while you were associated with it as an owner, officer, director or partner) been a party to a lawsuit, arbitration or bankruptcy?
 Yes ☐ No ☒ If yes, complete the following:

Name of Entity	Type of Entity	Approximate Date(s) of Lawsuit/Arbitration/Bankruptcy
N/A		
N/A		
N/A		
N/A		

7. RESIDENCES:

List all residences you have had for the last 25 years:

Month and Year (From-To)	Street and Number	City	State or County
Aug 08- present	3151 Vincent St. Las Vegas NV 89146	Las Vegas	NV Clark
Sept 07 Aug 08	10043 Sparrow Ridge 89117	Las Vegas	NV Clark
2004 Sept 07	7212 W. Blizzard 89145	Las Vegas	NV Clark
2003 2004	4501 W Sahara 89117	Las Vegas	NV Clark
1998 2002	4965 Moss Creek Circle Stockton CA 95219	Stockton	CA San Joaquin
1996 1997	unknown Calhoun way 95207	Stockton	CA San Joaquin
1195 1996	unknown W. Park St. 95203	Stockton	CA San Joaquin
1994 1995	unknown Palisades 95210	Stockton	CA San Joaquin
1980 1993	5708 Cherokee Rd.	Stockton	CA San Joaquin

Applicant's initial

SZ

8. EMPLOYMENT:

Beginning with your current employment, list your work history, all businesses with which you have been involved, and/or all periods of unemployment since 18 years of age. Also, list all corporations, partnerships or any other business ventures with which you have been associated as an officer, director, stockholder or related capacity.

Month and Year 02/07 - 11-07	Name/Mailing Address of Employer/Business AA MEDICAL 5818 Spring Mountain Las Vegas 89146 DME	Reason for Leaving Start own Business
Title Supervisor Route Delivery	Description of Duties Set up & Deliveries of all DME	Name of Supervisor Joe Patterson
Month and Year 2005 02/07	Name/Mailing Address of Employer/Business Praxair 7585 Commercial Way Henderson NV 89011 DME	Reason for Leaving Wage Increase
Title Route Supervisor	Description of Duties Liquid Oxygen (LOX) Route & DME (Training of all Del. Drivers)	Name of Supervisor Art Jacobo
Month and Year 2003 2005	Name/Mailing Address of Employer/Business American Home Patient Care 4020 Al. Babbalini 89119	Reason for Leaving Wage Increase management position
Title Liquid Oxygen Route Driver	Description of Duties Training Route Drivers S/U of all DME & (LOX) Route	Name of Supervisor Debbie Tiegle
Month and Year 2001 2002	Name/Mailing Address of Employer/Business ABC MEDICAL OUT OF BUSINESS Lodi CA	Reason for Leaving moved to Southern NV
Title Del. Route Driver	Description of Duties S/U of all DME & (LOX) Route	Name of Supervisor Dennis Stevens Deborah
Month and Year 1996 1997	Name/Mailing Address of Employer/Business Hometech Medical Enterprises Stockton CA out of Bus.	Reason for Leaving Wage Increase
Title Route Driver	Description of Duties S/U of All DME Equip	Name of Supervisor Jeff Herrera
Month and Year 1996 1997	Name/Mailing Address of Employer/Business Linicare Stockton CA moved	Reason for Leaving Wage Increase
Title LOX Route Driver	Description of Duties Del S/U of All DME & (LOX) Route	Name of Supervisor Casey McCalliss
Month and Year 1993 1996	Name/Mailing Address of Employer/Business Unemployed	Reason for Leaving N/A
Title N/A	Description of Duties N/A	Name of Supervisor N/A
Month and Year 1982-1993	Name/Mailing Address of Employer/Business W. Acacia ST Stockton CA 95203	Reason for Leaving Married Home with
Title Transport Orderly	Description of Duties Shipping Receiving Transfer to Radiology Trans Port Orderly	Name of Supervisor Tom Beck
If additional space is needed, continue on page 10 or provide attachment.		Reason for Leaving

1997-1999 Ehlers Health Supply Wage Increase
9 W. Locust St. Lodi CA Supervisor
95240 Mark Ehlers

Applicant's initial S J

9. CHARACTER REFERENCES:

List five character reference who have know you five years or more. Do not include relatives, present employer or employees.

Name of Where Employed	Street	City	State	Zip	Telephone	Years Known
Name <u>Troy Manke</u>	Home	<u>901 Duck Horn</u>	<u>CA</u>	<u>905 LUNU 8914</u>		<u>5 years</u>
Employer <u>AA MED.</u>	Business	<u>5819 Spring Mountain</u>	<u>CA</u>	<u>90146</u>		<u>7</u>
Name <u>Janet Milton</u>	Home	<u>9209 Vosburgh</u>	<u>CA</u>	<u>90117</u>		<u>6 years</u>
Employer <u>Imm I</u>	Business	<u>3010 Charleston</u>	<u>CA</u>	<u>90102</u>		
Name <u>Art Jacobo</u>	Home	<u>430 S. Neil's Blvd</u>	<u>CA</u>	<u>90121</u>		<u>10 years</u>
Employer <u>Prox Air</u>	Business	<u>7685 Commercial Way</u>	<u>CA</u>	<u>90111</u>		
Name <u>Bruce Davis</u>	Home	<u>5736 Cherokee Rd</u>	<u>CA</u>	<u>95215</u>		<u>35 years</u>
Employer <u>Self Employed</u>	Business	<u>5736 Cherokee Rd</u>	<u>CA</u>	<u>95215</u>		<u>7</u>
Name <u>Charlotte Davis</u>	Home	<u>5736 Cherokee Rd</u>	<u>CA</u>	<u>95215</u>		<u>35 years</u>
Employer <u>Retired Post Office</u>	Business	<u>NA</u>				<u>NA</u>

10. Do you have any safe deposit box or other such depository, access to any depository or do you use any other person's depository? Yes ☐ No ☒
If yes, complete the following:

Box Number or Type of Depository	Location	City and State	Authorized Users
<u>NA</u>			
<u>NA</u>			
<u>NA</u>			

11. Have you ever held a privileged, occupational or professional license in any state, including but not limited to the following:
- | | | | | |
|------------|------------|--------------------------------|----------------------|-----------|
| Liquor | Lawyer | Race horse/race dog owner | Securities dealer | Insurance |
| Doctor | Contractor | Real estate broker or salesman | Barber/Cosmetologist | Gaming |
| Accountant | Pilot | Sports promoter | Trainer or manager | Educator |
- Yes ☐ No ☒
If yes, state type, where and years held

12. Have you ever applied for a city, county or state business, venture or industry license or held a financial interest in a licensed business or industry OUTSIDE the State of Nevada? Yes ☐ No ☒
If yes, state type, when and where and give names and locations of the businesses in which you were involved, the names and address of all partners and the agency responsible for licensing said business, venture or industry.

Applicant's initial

ST

Page 7

13. Have you ever appeared before any licensing agency or similar authority in or outside the State of Nevada, for any reason whatsoever? Yes ☐ No ☒

14. Have you ever been denied a personal license, permit, certificate or registration for a privileged, occupational or professional activity? Yes ☐ No ☒

If yes to the above, state where, when and for what reason:

15. Have you ever been refused a business or industry license or related finding of suitability or been a participant in any group which has been denied a business or industry license or related finding of suitability? Yes ☐ No ☒

16. Have you or any person with whom you have been a participant in any group been the subject of an administrative action or proceeding relating to the pharmaceutical industry? Yes ☐ No ☒

17. Have you or any person with whom you have been a participant in any group ever been found guilty, plead guilty or entered a plea of nolo contendere to any offense, federal or state, related to prescription drugs and/or controlled substances? Yes ☐ No ☒

18. Have you or any person with whom you have been a participant in any group ever surrendered a license, permit or certificate of registration relating to the pharmaceutical industry voluntarily or otherwise (other than upon voluntary close of a manufacturer) Yes ☐ No ☒

19. Do you have any relatives within the fourth degree of consanguinity associated with or employed in the pharmaceutical or drug related industry? Yes ☐ No ☒



Date of photograph 6-10-2009

Applicant's initial S. J.

STATE OF Nevada

ss.

COUNTY OF Clark

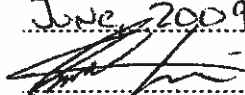
I, Scott Francis Field, being duly sworn, depose and say I have read the foregoing application and know the contents thereof; that the statements contained herein are true and correct and contain a full and true account of the information requested; that I executed this statement with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for denial or revocation of manufacturer license; that I am voluntarily submitting this application with full knowledge that Nevada Revised Statutes 639.210 (10) provides denial or revocation of the application of any person for a certificate, license, registration or permit if the holder or applicant "Has obtained any certificate, certification, license or permit by the filing of an application, or any record, affidavit or other information in support thereof, which is false or fraudulent," and further, that I have familiarized myself with the contents of Nevada Statutes on Pharmacists and Manufacturer and the Controlled Substances Act, as amended, and the Regulations of the Nevada State Board of Manufacturer as promulgated thereunder and agree, if licensed, to abide thereby,

I hereby expressly waive, release and forever discharge the State of Nevada, the licensing agency and their agents from any and all manner of action and causes of action whatsoever which I, my administrators or executors or assigns shall or may have against the State of Nevada, the licensing agency and their agents, as a result of my applying for a manufacturer license in the State of Nevada.


Signature of Applicant

State of Nevada
County of Clark

Subscribed and Sworn to before me this 10th day of

June 2009 by Scott F Field

Notary Public



(seal)

Applicant's initial SD Pag

ADDITIONAL INFORMATION

Barbara A. De Soto 29735 St. Andrews ^{CT} Murrieta ^{CA} 92563
 D.O.B. 12-11-54 RN (Registered Nurse)

Kathy Perez 1209 W Willow Stockton CA 95204
 D.O.B. Nov. 19, 1953 ^{Doc} School Teacher

Joe Field 8534 19th Don Stockton CA 95209
 D.O.B. July 7, 1952 Route Driver

Tom Field 1807 Milton Stockton CA 95205
 D.O.B. Nov 27, 1956 RN (Registered Nurse)

Kevin Field Not Availble Sac., CA Address unknown
 D.O.B. Aug 22 1960 ^{Medical} ^{Eng.} ^{computer} ^{program}

Applicant's initial

S.R.

ADDITIONAL INFORMATION

To Nevada State Board of Pharmacy

I have worked in the DME Business for the past 13 years
and had a commercial license with (Hazmat) endorsement
while maintaining a clean Record

Just J. Miller

Applicant's initial

SJ

Page 1

Second: Chad Luebke

Action: Passed Unanimously

REGULAR AGENDA

3. Application for Nevada Pharmacy – Appearance:

TPS LLC – Las Vegas

Robert Gussenhoven appeared and was sworn by President Fey prior to answering questions or offering testimony.

Mr. Gussenhoven described his facility as a pain management compounding pharmacy. He answered questions regarding their model and policy and procedures to the Board's satisfaction.

Board Action:

Motion: Keith Macdonald moved to approve TPS's application for Nevada pharmacy pending inspection.

Second: Kam Gandhi

Action: Passed Unanimously

4. Applications for Nevada MDEG – Appearance:

A. Caring Medical Supply, LLC – Henderson

Caring Medical Supply withdrew their application.

B. Freemotion Plus – Las Vegas

The application for Freemotion Plus was tabled as they did not appear.

C. Gabel Distributors, LLC – Las Vegas

Gabel Distributors will appear at the April Board meeting.

5. Applications for Out-of-State Pharmacy – Appearance:

A. DCRX Infusion – Sunrise, FL

Miguel Martin appeared and was sworn by President Fey prior to answering questions or offering testimony.

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane – Reno, NV 89509 – (775) 850-1440

APPLICATION FOR NEVADA MDEG PROVIDER

NON PUBLICLY TRADED CORPORATION

FEE: **\$500.00** (non-refundable and not transferable) - Application must be printed legibly

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

2020

MP00353

New MDEG	Ownership Change	NAME CHANGED ONLY	Name Change	Location Change
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Please provide current license number if making changes:				

FACILITY INFORMATION

Facility Name: FREEMOTION PLUS MEDICAL SUPPLY

Physical Address: 501 S RANCHO DRIVE STE A1 & A2 LAS VEGAS NV 89106
(This must be a business address, we can not issue a license to a home address)

Mailing Address: 501 S RANCHO DRIVE STE A1 & A2 LAS VEGAS NV 89106

City: LAS VEGAS State: NV Zip Code: 89106

Telephone Number: 702 982-3859 Fax Number: 702-982-1601

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

Mon: CLOSED to Tue: 10 to 5pm Wed: 10 to 5pm Thu: 10 to 5pm
Fri: 10 to 5pm Sat: BY APPOINTMENT ONLY Sun: to Holidays: to

FACILITY ADMINISTRATOR INFORMATION

Name: ALEGRIA PHANKONSY SS#:

Address: 9203 BRONZE RIVER AVENUE

City: LAS VEGAS NV State: NV Zip Code: 89149

TYPE OF MDEG PRODUCTS THAT WILL BE SOLD (CHECK ALL APPLICABLE)

☐ Medical Gases ☐ Assistive Equipment
☐ Respiratory Equipment ☐ Parenteral and Enteral Equipment
☐ Life-sustaining equipment ☐ Orthotics and Prosthesis
☒ Other: wheelchairs, scooters and beds only

Board Use Only

Received 5-26-09 Check Number 1003 Amount 500.00

OWNERSHIP IS A NON PUBLICLY TRADED CORPORATION

State of Incorporation: _____

Parent Company if any: _____

Corporation Name: _____

Mailing Address: _____

City, State and Zip: _____

Telephone Number: _____ Fax Number: _____

License Contact Person: _____

Professional Compliance Contact Person: _____

NAME AND TITLE OF EACH OFFICER AND DIRECTOR (Use separate sheet if necessary)

Officer or director name

Officer or director title

For any corporation non publicly traded, disclose the following:

1) List any persons to whom the shares were issued by the corporation?

a) _____
Name Address

b) _____
Name Address

c) _____
Name Address

d) _____
Name Address

NOTE: All persons who are stockholders must accurately complete a personal history record form.

2) Provide the number of shares issued by the corporation. _____

3) What was the price paid per share? _____

4) What date did the corporation actually receive the cash assets? _____

5) Provide a copy of the corporations stock register evidencing the above information.

If the non publicly traded corporation is a subsidiary, list name and state of incorporation of the parent corporation, and include a list of its officers.

List all Medicare and Medicaid provider numbers registered to the business or its owner:

none

- 1) Do any shareholders hold an interest ownership or have management in any type of business or facility which are licensed by the State of Nevada or another political jurisdiction? Yes ☐ No ☒ If yes, list the persons, their address and their business names.

a) not applicable

Name

Address

Business

b) not applicable

Name

Address

Business

c) not applicable

Name

Address

Business

d) not applicable

Name

Address

Business

- 2) Are you or have you in the last 10 years been associated with any person, business or health care entity in which MDEG products were sold, dispensed or distributed? Yes ☒ No ☐ If yes, list the persons, their address and their business names.

a) Divine Health / self 501 S Ranch Dr

Name

Address

Divine Health

Las Vegas NV 89106

Business

b) Self

Name

Address

PerForma

800 N Rainbow Blvd

Business

c) Las Vegas NV 89107

Name

Address

Business

3) Are any of the owners health professionals? If yes, please list name.

~~___ Practitioner~~
~~___ Advanced Practitioner of Nursing~~
~~___ Physician's Assistant~~
~~___ Physical Therapist~~
~~___ Occupational Therapist~~
~~___ Registered Nurse~~
~~___ Respiratory Therapist~~

~~Name: _____~~
~~Name: _____~~
~~Name: _____~~
~~Name: _____~~
~~Name: _____~~
~~Name: _____~~

Within the last five (5) years:

- 4) Has the firm or any owner(s), shareholder(s) with any interest, officer(s) or director(s) thereof, ever been charged, or convicted of a felony or gross misdemeanor (including by way of a guilty plea or no contest plea)? Yes ☐ No ☒
- 5) Has the firm or any owner(s), shareholder(s) with any interest, officer(s) or director(s) thereof, ever been denied a license, permit or certificate of registration? Yes ☐ No ☒
- 6) Has the firm or any owner(s), shareholder(s) with any interest, officer(s) or director(s) thereof, ever been the subject of an administrative action or proceeding relating to the pharmaceutical industry? Yes ☐ No ☒
- 7) Has the firm or any owner(s), shareholder(s) with any interest, officer(s) or director(s) thereof, ever been found guilty, pled guilty or entered a plea of nolo contendere to any offense federal or state, related to controlled substances? Yes ☐ No ☒
- 8) Has the firm or any owner(s), shareholder(s) with any interest, officer(s) or director(s) thereof, ever surrendered a license, permit or certificate of registration voluntarily or otherwise (other than upon voluntary close of a facility)? Yes ☐ No ☒

If the answer to any question 4 through 8 is "yes", a signed statement of explanation must be attached. Copies of any documents that identify the circumstance or contain an order, agreement or other disposition may be required.

I hereby certify that the answers given in this application and attached documentation are true and correct. I understand that any infraction of the laws of the State of Nevada regulating the operation of an authorized MDEG provider may be grounds for the revocation of this permit.

I have read all questions, answers and statements and know the contents thereof. I hereby certify under penalty of perjury, that the information furnished on this application are true, accurate and correct. I hereby authorize the Nevada State Board of Pharmacy, its agents, servants and employees, to conduct any investigation(s) of the business, professional, social and moral background, qualification and reputation, as it may deem necessary, proper or desirable.

Alegria Mammery 5/18/09
Signature of corporation officer Date
Alegria /owner
Type name and title

PERSONAL HISTORY RECORD

Date 5/10/2009

GENERAL INSTRUCTIONS

Type an answer to every question. If a question does not apply to you, so state with N/A. If space available is insufficient, continue on page 10 or use a separate sheet and precede each answer with the appropriate title. Do not misstate or omit any material fact(s) as each statement made hererin is subject to verification. Applicant must initial each page, as provided in lower right hand corner. By placing his initials on each page, the applicant is attesting to the accuracy and completeness of the information contained on that page.

All applicants are advised that this personal history record is an official document and misrepresentation or failure to reveal information requested may be deemed to be sufficient cause for the refusal or revocation of a license.

All applicants are further advised that an application for a license, finding of suitability or for other action may not be withdrawn without the permission of the licensing agency.

Application for

change of name ONLY

Nature of License
FREEMOTION PLUS MEDICAL SUPPLY

Name and Address of Establishment for Which License Is Requested
DIVINE HEALTH PRODUCTS

If applicable, Name Under Which It Is Now Operated

1. PERSONAL INFORMATION:

Same as Previous applicat

Last Name PHANKONSY	First Name ALEGRIA	Middle Name C
------------------------	-----------------------	------------------

Alias(es, Nicknames, Maiden Name, Other Name Changes, Legal or Otherwise)

Present Residence Address-Street or RFD (203 BRONZE RIVER AVENUE	City LAS VEGAS	State/Zip NV 89149
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Present Business Address 501 S RANCHO CDRIVE STE A1	City LAS VEGAS	State/Zip NV 89106
--	-------------------	-----------------------

Occupation OWNER	Phone: Residence / Business Fax
---------------------	--

Date of Birth 12/22/69	Place of Birth (City, County, State) FOUNTAIN VALLEY
---------------------------	---

Age 39	Social Security Number *	Sex FEMALE
-----------	-----------------------------	---------------

Color of Eyes BROWN	Color of Hair BROWN	Complexion FAIR	Weight 108	Build Petite	Height 5'2
------------------------	------------------------	--------------------	---------------	-----------------	---------------

Scars, tattoos or distinguishing marks and/or characteristics
mole on the rt nose

Are you a citizen of the United States? Yes ☒ No ☐ If alien, registration No

If naturalized, certificate No Date

Place (If naturalized, document must be verified.)

2. MARITAL INFORMATION:

Single ☐ Married ☒ Separated ☐ Divorced ☐ Widowed ☐ Engaged ☐

Applicant's initial

AO

A. **Current Marriage** 11/18/93 Normal, Calif U.S.A
 Date
 Spouse's full name (Maiden) Red S Phankomshy City, County and State 5
 S.S. No. 5
 Date of Birth 8-8-1970 Place of Birth Las Vegas NV
 Resident address 9203 Brynne River Ave Street City State Zip 89149
 Telephone: Residence 702 Business 702 982-3859
 Spouse's employer self employed Occupation self employed
 Address of employer self employed Street City State Zip

B. **Previous Marriages:** If ever legally separated, divorced, or annulled, indicate below: NO

Name of Spouse	Date of Order or Decree	Date of Place of Marriage	Nature of Action	City County and State
<u>none</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>

List of names, current address and telephone numbers of previous spouses:

Name	Street	City	State	Zip	Telephone
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>

3. **FAMILY INFORMATION:**

A. **Children and Dependents:**

List all children, including step-children and adopted children and give the following information:

Name	Birth Date	Birth Place	Residence Address
<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>
<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>
<u>...</u>	<u>...</u>	<u>...</u>	<u>...</u>

B. **Child Support Information:**

Please mark the appropriate response:

- ☒ I am not subject to a court order for the support of child.
- ☐ I am subject to a court order for the support of one or more children and am in compliance with a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order; or
- ☐ I am subject to a court order for the support of one or more children and NOT in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

Applicant's initial AP

FAMILY INFORMATION-Continued

District attorney or public agency responsible for enforcing the child support order:

Name none
 Address _____
 Contact person _____

C. Parents:

List names, residence addresses, dates of birth and most recent occupations of parents, step-parents, parent-in-law or legal guardian. If retired or deceased, list last address and occupation.

Name (Maiden)	Birth Date	Address	Occupation
Father <u>IRA</u>	<u>July 1926</u>	<u>19120 Jacob ave Cerritos CA</u>	<u>Retired</u>
Mother <u>NORMA</u>	<u>July 1930</u>	<u>19120 Jacob ave Cerritos, CA</u>	
Father-in-Law <u>Sombang</u>	<u>IDK</u>	<u>Dead</u>	
Mother-in-Law <u>Sengchanh</u>	<u>IDK</u>	<u>65 Edgewood Irvine, CA</u>	<u>Ret</u>

D. Brothers and Sisters:

List names, residence addresses, dates of birth and most recent occupations of brothers and sisters and of their respective spouses.

Name (Maiden)	Birth Date	Address	Occupation
Spouse <u>not known</u>			
Spouse			
Spouse			
Spouse			

4. EDUCATION:

Name of School	Location	Dates Attended	Graduate
Grammar School <u>Holy Spirit Catholic</u>	<u>Cerritos CA</u>	<u>1980</u>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
High School <u>ST Joseph / Sahr</u>	<u>Cerritos CA</u>	<u>1988</u>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
College <u>Phoenix University</u>	<u>Irvine CA</u>	<u>1992</u>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Other _____			Yes <input type="checkbox"/> No <input type="checkbox"/>

Type of degree obtained, if any _____

College or university where obtained _____

Applicant's initial

DD

5. MILITARY INFORMATION:

A. Have you ever served in any armed forces? Yes ☐ No ☒

Branch _____ Date of entry-active service _____

Date of separation _____ Type of discharge _____

Rating at separation _____ Serial number _____

While in the military service were you ever arrested for an offense which resulted in summary action, a trial or special or general court martial? Yes ☐ No ☒ If yes, furnish details on page 10. (List all incidents regardless of where they occurred-foreign or domestic.)

B. Have you registered for the draft? Yes ☐ No ☒

County _____ State _____ Date registered _____

6. ARRESTS, DETENTIONS, LITIGATIONS AND ARBITRATIONS: (Include those arrests in which you were not convicted.)

A. Have you ever been arrested, detained, charged, indicted or summoned to answer for any criminal offense or violation for any reason whatsoever, regardless of the disposition of the event? (Except minor traffic citations.) Yes ☐ No ☒ If yes, give details in space provided below. List all cases without exception.

Date of Arrest	Age	Charge	Location-City and State	Deposition/Date	Arresting Agency
NO					

B. Has a criminal indictment, information or complaint ever been returned against you, but for which you were not arrested or in which you were named as an unindicted co-party? Yes ☐ No ☒ If yes, furnish details on page 10.

C. Have you ever been questioned or deposed by a city, state, federal or law enforcement agency, commission or committee? Yes ☐ No ☒

D. Have you ever been subpoenaed to appear or testify before a federal, state or county grand jury, board or commission? Yes ☐ No ☒

E. Have you ever been subpoenaed to testify for any civil, criminal or administrative proceeding or hearing? Yes ☐ No ☒

F. Have you every had a civil or criminal record expunged or sealed by a court order? Yes ☐ No ☒ If yes, when? _____ city, county and state _____

G. Have you ever received a pardon or deferred prosecution for any criminal offense? Yes ☐ No ☒ If yes when? _____ city, county and state _____

H. Has any member of your family or of your spouse's family ever been convicted of a felony? Yes ☐ No ☒ If you answer to any of the above questions (B through H) is yes, furnish details on page 10.

Name	Relationship	Charge	Location	Date
nm				

Applicant's initial

AS

- I. Have you, as an individual, member of a partnership, or owner, director or officer of a corporation, ever been a part to a lawsuit as either a plaintiff or defendant or an arbitration as either a claimant or respondent?
 Yes ☐ No ☒ (Other than divorces)

If yes, give details below. List all cases without exception, including bankruptcies:

Plaintiff/Defendant or Claimant/Respondent	Date Filed	Court and Case Number	City, County and State	Disposition/Date
<i>no</i>				

- J. Has any general partnership, business venture, sole proprietorship or closely held corporation (while you were associated with it as an owner, officer, director or partner) been a party to a lawsuit, arbitration or bankruptcy?
 Yes ☐ No ☒ If yes, complete the following:

Name of Entity	Type of Entity	Approximate Date(s) of Lawsuit/Arbitration/Bankruptcy
<i>no</i>		

7. RESIDENCES:

List all residences you have had for the last 25 years:

Month and Year (From-To)	Street and Number	City	State or County
<i>Jan 2008 - present</i>	<i>9203 Bronze River</i>	<i>Las Vegas</i>	<i>NV / Clark</i>
<i>Dec 2004 - Jan 2008</i>	<i>9215 Avon Park</i>	<i>Las Vegas</i>	<i>NV / Clark</i>
<i>Oct 2004 - Dec 2004</i>	<i>7215 Edge Cutting</i>	<i>Las Vegas</i>	<i>NV / Clark</i>
<i>2002-2004</i>	<i>16755 Tamarind</i>	<i>Chino Hill</i>	<i>Calif / San Bern.</i>
<i>1998-2002</i>	<i>16632 Paramount</i>	<i>Chino Hills</i>	<i>Calif / San Bern.</i>

Applicant's initial

DD

Beginning with your current employment, list your work history, all businesses with which you have been involved, and/or all periods of unemployment since 18 years of age. Also, list all corporations, partnerships or any other business ventures with which you have been associated as an officer, director, stockholder or related capacity.

Month and Year 2004 to present	Name/Mailing Address of Employer/Business Freemotion Plus Medical	Reason for Leaving NOT leaving yet
Title owner	Description of Duties Administrative / owner	Name of Supervisor Self Business
Month and Year 2004 to present	Name/Mailing Address of Employer/Business DD Foxma	Reason for Leaving CWI&D
Title ADM	Description of Duties Administrative / manager	Name of Supervisor
Month and Year 1997 to 2004	Name/Mailing Address of Employer/Business RcJ medical + surgery	Reason for Leaving Started my own
Title ADM	Description of Duties Administrator / manager	Name of Supervisor Alma Reyes
Month and Year /	Name/Mailing Address of Employer/Business /	Reason for Leaving /
Title /	Description of Duties /	Name of Supervisor /
Month and Year /	Name/Mailing Address of Employer/Business /	Reason for Leaving /
Title /	Description of Duties /	Name of Supervisor /
Month and Year /	Name/Mailing Address of Employer/Business /	Reason for Leaving /
Title /	Description of Duties /	Name of Supervisor /
Month and Year /	Name/Mailing Address of Employer/Business /	Reason for Leaving /
Title /	Description of Duties /	Name of Supervisor /
Month and Year /	Name/Mailing Address of Employer/Business /	Reason for Leaving /
Title /	Description of Duties /	Name of Supervisor /

If additional space is needed, continue on page 10 or provide attachment.

Applicant's initial

AD

List five character reference who have know you five years or more. Do not include relatives, present employer or employees.

Name of Where Employed	Street	City	State	Zip	Telephone	Years Known
Name <u>Elsie Kerr</u>	Home	<u>Reno</u>	<u>Nevada</u>			<u>18 years</u>
Employer <u>Sierra County</u>	Business					
Name <u>Diane Maisa</u>	Home	<u>Las Vegas NV</u>				<u>5 yrs</u>
Employer <u>Juamarior</u>	Business					
Name <u>John</u>	Home	<u>Las Vegas NV</u>				<u>7 yrs</u>
Employer <u>Vereracion</u>	Business					
Name <u>Theresa</u>	Home	<u>Las Vegas NV</u>				<u>8 yrs</u>
Employer <u>Buenavista</u>	Business					
Name <u>Susana</u>	Home	<u>Las Vegas NV</u>				<u>5 yrs</u>
Employer <u>Pinca Peter</u>	Business					

10. Do you have any safe deposit box or other such depository, access to any depository or do you use any other person's depository? Yes ☐ No ☒
If yes, complete the following:

Box Number or Type of Depository	Location	City and State	Authorized Users

11. Have you ever held a privileged, occupational or professional license in any state, including but not limited to the following:

Liquor	Lawyer	Race horse/race dog owner	Securities dealer	Insurance
Doctor	Contractor	Real estate broker or salesman	Barber/Cosmetologist	Gaming
Accountant	Pilot	Sports promoter	Trainer or manager	Educator

Yes ☒ No ☐

If yes, state type, where and years held

5 years

ADA Diabetic consultant certificate, orthosis fitter and fabricated

12. Have you ever applied for a city, county or state business, venture or industry license or held a financial interest in a licensed business or industry OUTSIDE the State of Nevada? Yes ☐ No ☒
If yes, state type, when and where and give names and locations of the businesses in which you were involved, the names and address of all partners and the agency responsible for licensing said business, venture or industry.

Applicant's initial

AD

any reason whatsoever? Yes ☐ No ☒

14. Have you ever been denied a personal license, permit, certificate or registration for a privileged, occupational or professional activity? Yes ☐ No ☒

If yes to the above, state where, when and for what reason:

15. Have you ever been refused a business or industry license or related finding of suitability or been a participant in any group which has been denied a business or industry license or related finding of suitability? Yes ☐ No ☒

16. Have you or any person with whom you have been a participant in any group been the subject of an administrative action or proceeding relating to the pharmaceutical industry? Yes ☐ No ☒

17. Have you or any person with whom you have been a participant in any group ever been found guilty, plead guilty or entered a plea of nolo contendere to any offense, federal or state, related to prescription drugs and/or controlled substances? Yes ☐ No ☒

18. Have you or any person with whom you have been a participant in any group ever surrendered a license, permit or certificate of registration relating to the pharmaceutical industry voluntarily or otherwise (other than upon voluntary close of a wholesaler) Yes ☐ No ☒

19. Do you have any relatives within the fourth degree of consanguinity associated with or employed in the pharmaceutical or drug related industry? Yes ☐ No ☒



Date of photograph

5/14/09

Applicant's initial

SP

COUNTY OF _____

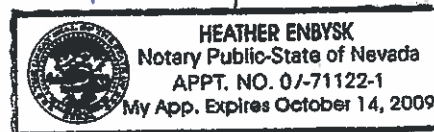
I, _____, being duly sworn, depose and say I have read the foregoing application and know the contents thereof; that the statements contained herein are true and correct and contain a full and true account of the information requested; that I executed this statement with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient case for denial or revocation of wholesaler license; that I am voluntarily submitting this application with full knowledge that Nevada Revised Statutes 639.210 (10) provides denial or revocation of the application of any person for a certificate, license, registration or permit if the holder or applicant "Has obtained any certificate, certification, license or permit by the filing of an application, or any record, affidavit or other information in support thereof, which is false or fraudulent," and further, that I have familiarized myself with the contents of Nevada Statutes on Pharmacists and Wholesaler and the Controlled Substances Act, as amended, and the Regulations of the Nevada State Board of Wholesaler as promulgated thereunder and agree, if licensed, to abide thereby,

I hereby expressly waive, release and forever discharge the State of Nevada, the licensing agency and their agents from any and all manner of action and causes of action whatsoever which I, my administrators or executors can shall or may have against the State of Nevada, the licensing agency and their agents, as a result of my applying for a wholesaler license in the State of Nevada.

Alycia Morrey
Signature of Applicant

Subscribed and Sworn to before me this 19 day of May

[Signature]
Notary Public



MP00353

(seal)

Applicant's initial AP

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

TAMMY LYNN HERNANDEZ, PT
Certificate of Registration No.: PT09619
Respondent.

NOTICE OF INTENDED ACTION
AND ACCUSATION

Case No. 09-034-PT-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 Tammy Lynn Hernandez is a registered pharmaceutical technician with the Board.

II.

On July 7, 2008, the Nevada State Board of Pharmacy received an application from Ms. Hernandez for a pharmaceutical technician registration and answered "*I have not*" on the question on the application that asks, "I have or I have not been charged, arrested or convicted of a misdemeanor or felony." On June 26, 2008, Ms. Hernandez was indicted on felony charges in the state of Arizona, Case No. CR-2008-679, on twelve counts including theft – a Class 2 Felony, fraudulent schemes and artifices – a Class 2 Felony, and forgery – a Class 4 Felony. On October 2, 2008 Ms. Hernandez was found guilty of Count 1, Theft, a Class 2 Felony for committing theft of money from K-Mart in an amount over \$25,000.00 between January 1, 2007 and June 17, 2008.

FIRST CAUSE OF ACTION

III.

By indicating on her original application that she had not been charged, arrested or convicted of a misdemeanor or felony, which was untrue, Ms. Hernandez violated NRS 639.210(4), (7)(c) and (10) and/or 639.281.

SECOND CAUSE OF ACTION

For having been convicted of a Class 2 Felony on October 2, 2008, Ms. Hernandez violated NRS 639.210(4) and/or NAC 639.945(h).

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 12th day of May, 2009.


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,

**Petitioner, STATEMENT TO THE RESPONDENT
NOTICE OF INTENDED ACTION
AND ACCUSATION
RIGHT TO HEARING
Case No. 09-034-PT-S**

v.

**TAMMY LYNN HERNANDEZ, PT
Certificate of Registration No.: PT09619
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 by NRS 639.241 to NRS 639.2576, inclusive, and NRS chapter 233B, a Notice of Intended Action and Accusation has been filed with the board by the Petitioner, Larry L. Pinson, Executive Secretary for the board, alleging grounds for imposition of disciplinary action by the board against you, as is more fully explained and set forth in the Notice of Intended Action and Accusation served herewith and hereby incorporated reference herein.

II

You have the right to a hearing before the Nevada State Board of Pharmacy to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. 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 Nevada State Board of Pharmacy within fifteen (15) days of receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within.

The Board has reserved Wednesday, July 15, 2009 as the date for a hearing on this matter at the Las Vegas Chamber of Commerce, 6671 Las Vegas Boulevard South, Las Vegas, Nevada. The hour of the hearing will be set by letter to follow.

IV

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

DATED this 12th day of May, 2009.



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

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**TAMMY LYNN HERNANDEZ, PT
Certificate of Registration No.: PT09619
Respondent.**

**ANSWER AND NOTICE
OF DEFENSE**

Case No. 09-034-PT-S

_____/

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 _____, 2009.

Tammy Lynn Hernandez, PT

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

V.

HUY DUONG, R.PH

Certificate of Registration No. 17147

Case No. 08-042-RPH-S

WALGREENS #03842

Certificate of Registration No. PH01249

Respondents.

Case No. 08-042-PH-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 and these Respondents because Respondent Huy Duong, R.Ph, (Certificate Number 17147) is a registered pharmacist with the Board and Respondent Walgreens #03842 is a pharmacy licensed by the Board, located at 2389 East Windmill Lane, Las Vegas, Nevada.

II.

Heidi Almase was prescribed Synthroid 75 mcg. tablets with five refills by physician assistant, Kevin Thorn, on or about February 21, 2008. Physician assistant Thorn wrote "Dispense As Written", in his own hand, on the prescription. Ms. Almase had been taking Synthroid samples that PAC Thorn had provided to her. Ms. Almase ultimately took the prescription to Walgreens #03842 to be filled on or about April 12, 2008. Ms. Duong was the pharmacist responsible for filling this prescription #1160923.

III.

Ms. Almase had the prescription refilled in May 2008. In mid-May Ms. Almase began experiencing stabbing pains in her chest as well as noticing a severe loss of hair. She made an appointment with her physician, Dr. Reid Litchfield, for June 5, 2008.

Upon seeing Ms. Almase, he prescribed Synthroid 88 mcg. tablets. Dr. Litchfield checked a box on the prescription next to the words, "Dispense As Written, Brand Medically Necessary". Ms. Almase took this prescription to Walgreens #03842 to be filled. On June 5, 2008 pharmacist Aimee Cheng filled the prescription Dr. Litchfield had written. Ms. Cheng filled the prescription #1182824 with generic Synthroid, levothyroxine, as Dr. Litchfield had not written "Dispense As Written" in his own hand and the checked box was not legal in Nevada. Ms. Cheng checked Ms. Almase's patient profile in the pharmacy computer and noticed that the original prescription was filled with generic levothyroxine and did not question her decision to continue her filling process with the generic product.

IV.

Ms. Almase went to the emergency room on June 23, 2008 because she was experiencing severe chest pains, dizziness and numbness in her extremities. Ms. Almase learned that she had been taking generic levothyroxine rather than the prescribed brand name Synthroid and attributed her condition to having taken the generic medication.

FIRST CAUSE OF ACTION

V.

In failing to strictly follow the directions on the prescription written for Heidi Almase by filling her original Synthroid prescription with generic levothyroxine when "Dispense As Written" was hand written on the prescription, Ms. Duong violated Nevada Revised Statutes (NRS) 639.210(4) and/or Nevada Administrative Code (NAC) 639.945(1)(d) and (i).

SECOND CAUSE OF ACTION

VI.

In owning and operating the pharmacy in which Ms. Duong committed the above violations, in particular in which Ms. Almase's prescription was misfilled, Walgreens #03842 violated NRS 639.210(4) and/or NAC 639.945(1)(d) and (i) and (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 12th day of May, 2009.


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,

Petitioner,

v.

**STATEMENT TO THE RESPONDENT
NOTICE OF INTENDED ACTION
AND ACCUSATION
RIGHT TO HEARING**

**HUY DUONG, R.PH
Certificate of Registration No. 17147**

Case No. 08-042-RPH-S

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

II

You have the right to a hearing before the Nevada State Board of Pharmacy to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. 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 Nevada State Board of Pharmacy within fifteen (15) days of receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within.

The Board has reserved Wednesday, July 15, 2009 as the date for a hearing on this matter at the Las Vegas Chamber of Commerce, 6671 Las Vegas Boulevard South, Las Vegas, Nevada. The hour of the hearing will be set by letter to follow.

IV.

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

DATED this 12th day of May, 2009.



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

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

ANSWER AND NOTICE OF DEFENSE
OF ACTION AND ACCUSATION

HUY DUONG, R.PH

Certificate of Registration No. 17147

Case No. 08-042-RPH-S

WALGREENS #03842

Certificate of Registration #PH01249

Case No. 08-042-PH-S

Respondents

_____/

COME NOW RESPONDENTS, WALGREENS #03842 (Certificate of Registration #PH01249), and HUY DUON, R.PH. (Certificate of Registration #PH01249), by and through their counsel of record, ROBERT C. GRAHAM, ESQ., of the law firm of ROB GRAHAM & ASSOCIATES, do hereby answer as follows:

1. That a hearing on the Notice of Intended Action and Accusation is requested.
2. That as to the factual assertion that a prescription was refilled in May of 2008, it is not at all clear that the prescription was filled at this time. Walgreens does not have a record of that transaction. If the prescription was not filled, it may show an interruption in the treatment due to the complainant running out of her first course of medication from the April fill. As a result, Respondents expressly deny the assertion made in the complaint as it does not have adequate information and the assertion made is material to the basis of the complaint, e.g., that the improper medication filled by the pharmacist caused physical complications to the Complainant.
3. The Board's evidence shows that the following prescriptions that were issued:
New Rx#1 dispensed 4/12/08 for Levothyroxine 75mcg (prescription at issue)
New Rx#2 dispensed 6/5/08 for Levothyroxine 88 mcg
Refill Rx#2 dispensed 7/1/08 for Levothyroxine 88mcg

New Rx#3 dispensed 7/12/08 for Synthroid 88mcg

4. There appears to be a gap in the regimen that is unexplained. Walgreens has checked its records and cannot find a prescription fill for any period between April and June. Walgreens is trying to determine if its records are incomplete, but believe that the records retrieved to date are reliable. The complainant may be able to provide additional insight as to this gap in the treatment. Walgreens is unable to provide any additional insight as to this apparent lapse of treatment at the time of the drafting of this Response.
5. Walgreens denies that the Complainant's physical difficulties resulted from the substitution of the generic brand for Synthroid. To support this, Walgreens has reviewed medical records of the Complainant and the records indicate that the Complainant was tested for thyroid function test on or about 6/04/08 and the levels were normal.
6. Generally, Respondents do not contest that the substitution was made, but assert a defense against the injury alleged.
7. More specifically, as to the First Cause of Action asserted, Ms. Huy Duong does not contest the assertions made, but asserts that there are issues in mitigation that must be addressed by the Board. These issues are set forth below under the heading, "Issues in Mitigation."
8. That as to the Second Cause of Action, Walgreens does not contest the assertions made, but asserts that there are issues in mitigation that must be addressed by the Board. These issues are set forth below under the heading, "Issues in Mitigation."

ISSUES IN MITIGATION

9. The patient in the instant matter received a generic drug for Synthroid 75 mcg called by its generic name Levothyroxine. Those who are within the field of pharmaceuticals will understand the substantial debate surrounding the bioequivalence of Synthroid and Levothyroxine.
10. Bioequivalence is a term in pharmacokinetics used to assess the expected biological equivalence or similarity of effect of two drugs. If two products are said to be bioequivalent it means that they

would be expected to be, for all intents and purposes, the same. (See <http://www.merriam-webster.com/dictionary/bioequivalence>)

11. The issue of bioequivalence between Synthroid and Levothyroxine is literally the "Who's Who" of controversies, with the maker of Synthroid fighting aggressively against consumer groups and the FDA in an attempt to show non-equivalence against the weight of accepted scientific study.
12. This controversy is rehearsed in a letter sent to the Commissioners of the FDA from Drs. Peter Lurie, MD, MPH and Sidney M. Wolfe, MD of the Public Citizen's Health Research Group in 1999, which was closely followed by the Wall Street Journal and thyroid consumer advocates.
13. The following segment of the letter gives a synopsis of the history of the controversy and indicates that independent research supports the bioequivalence of Synthroid and Levothyroxine – which essentially means that there is no material difference in therapy outcomes between the two, and the generic can be readily substituted by the pharmacist to save the consumer money.

Here is the salient portion of the letter to the FDA Commissioners in question:

FDA's failure to regulate has also permitted the outrageous chain of events related to Synthroid outlined in the Wall Street Journal on April 25, 1996. In summary, in 1986, Knoll [the prior manufacturer of Synthroid] approached researchers at the University of California, San Francisco (UCSF) to do a study comparing the bioequivalence of four brands of Levothyroxine, including Knoll's own formulation, Synthroid. . . .

The research, completed in 1990, found the four forms of Levothyroxine (two brand name and two generic) to be "bioequivalent" and a manuscript reporting this was submitted to and accepted for publication by the prestigious Journal of the American Medical Association in late 1994. However, fearing a threatened lawsuit from Knoll, which had signed a contract with UCSF preventing the researchers from publishing any data without Knoll's permission, UCSF pressured its own researchers to withdraw the manuscript one day prior to the journal's going to press.

Subsequently, Knoll employees produced a new manuscript based on the UCSF data claiming that the UCSF study was flawed and that the four Levothyroxine preparations were "therapeutically inequivalent." A paper reflecting this perspective was published in June 1995 under the title "Limitations of Levothyroxine bioequivalence evaluation: analysis of an attempted study" in the obscure American Journal of Therapeutics, whose Associate Editor is the first author on the revised manuscript. The publication of this latter manuscript, which did not include any of the UCSF researchers as co-authors, may well preclude publication of the version accepted by the Journal of the American Medical Association.

The cost implications of this perversion of the scientific process are staggering. While most medications that lose patent protection (which usually occurs 17 years after the patent is filed) rapidly lose market share, in 1993 Synthroid still retained 85 percent or \$235 million of the \$276 million wholesale Levothyroxine market, even though Levothyroxine was initially marketed over half a century ago. If, as a result of these important findings being made public, Knoll's market share had fallen to 25 percent of prescriptions--comparable to the market share of Valium about a decade after it lost patent--at least \$258 million (wholesale) would have been saved between 1993, by which time the results should have been published, and the present. However, thanks to Knoll's heavy-handed tactics and UCSF's failure to resist them, physicians and patients have been denied this basic information and American consumers have paid the price.

As mentioned above, another reason that Knoll has cornered such a disproportionate share of the market is that, except for standards governing Good Manufacturing Practice, the FDA has failed to regulate Levothyroxine. The absence of any FDA guidelines on Levothyroxine bioequivalence or on how studies to assess bioequivalence should be conducted, **has permitted the perpetuation of myths of generic Levothyroxine inferiority.** This is not the first time Levothyroxine bioequivalence has been an issue. In 1982, for example, Knoll reformulated Synthroid. Many patients ended up receiving inordinately high doses of Synthroid because the pre-1982 formulation of Synthroid had contained only about 78 percent of the expected potency. Although bioequivalence standards exist for most drugs marketed in the United States, Levothyroxine's status as a pre-1938 drug has allowed it to evade adequate regulation.

The events described in the Wall Street Journal date back to March 1986 when Drs. Betty J. Dong and Francis S. Greenspan at UCSF's Schools of Pharmacy and Medicine were approached by Knoll and asked to conduct a clinical trial comparing Synthroid to three other forms of Levothyroxine. By February 1988, the study had been designed and had the approval of both Knoll and UCSF's Committee on Human Research. A contract to perform the work was signed in May 1988. The contract stipulated the study design and methods of statistical analysis, consistent with standard methods for bioequivalence determination. The contract also contained the following sentence: "Data obtained by the investigator while carrying out this study is [sic] also considered confidential and is not to be published or otherwise released without consent from Flint Laboratories, Inc" (later known as Knoll). The contract was so similar to other pharmaceutical company contracts being routinely approved by UCSF (and other institutions), that Dr. Dong was not required to pass it through UCSF's Contracts and Grants office prior to signing it. UCSF's legal counsel at the time, Joe Cowan, JD, reviewed the contract on several occasions after it had been signed but before problems arose with Knoll, and stated that it would not represent a barrier to publication and that the university would defend her should any problems arise. (Subsequently, in the Fall of 1995, UCSF issued guidelines urging researchers not to sign contracts with clauses precluding publication without the sponsor's approval. However, such gag clauses may still be employed at other universities.)

Between 1988 and June 1990, the study was conducted according to the guidelines described in the contract, whereupon the study blood samples were sent to the University of Chicago for analysis. These results were provided to Knoll and the UCSF authors in December 1990. It was only when the results of the study became available that Knoll began to raise questions about the conduct of the study and its interpretation, a controversy that would continue for four years. Some of Knoll's comments were

incorporated into the manuscript being prepared by Dr. Dong and her colleagues. Apparently dissatisfied, on March 4, 1994 Knoll Senior Vice President for Research and Development, Neil M. Kurtz, MD, wrote to Dr. Dong and several members of the UCSF faculty and staff, including the Chancellor, all the Vice-Chancellors, and the Chairpersons of Medicine, Family and Community Medicine, and Pharmacy, as well as the Director of UCSF's Program in Medical Ethics. The letter argued that the study had been flawed and should not be published. On August 5, 1994, UCSF Associate Vice-Chancellor for Academic Affairs Karl J. Hittleman, PhD, wrote to Knoll's Dr. Kurtz refusing to suppress the manuscript and saying that to do so would be a violation of academic freedom. In November 1994, the manuscript was accepted by the Journal of the American Medical Association.

Dr. Dong's manuscript, entitled "Bioequivalence of generic and brand Levothyroxine products in the treatment of hypothyroidism" was a randomized, four-way crossover trial comparing the bioavailability of four Levothyroxine preparations: Synthroid (Knoll), Levoxine (Daniels), and two generic formulations manufactured by Pharmaceutical Basics and distributed by Geneva Generics and Rugby. Subjects received all four brands of Levothyroxine for a period of at least six weeks in a randomly assigned sequence that ensured that potential carryover effects from the previous formulation would introduce no bias into the evaluation. Primary investigators were blinded as to which formulation the subjects were taking at any given time.

Three aspects of bioequivalence (area under the curve, peak serum concentration, and time to peak serum concentration) were measured for each of three indices of thyroid function (T4 (Levothyroxine), T3, and free T4 index). **For all nine comparisons, there was no statistically significant difference between the four formulations, indicating that they were bioequivalent, even using a criterion for bioequivalence considerably more stringent than that employed by the FDA for other compounds.** The authors concluded that the four generic and brand Levothyroxine preparations studied were bioequivalent and interchangeable for most patients taking Levothyroxine hormone.

14. After the receipt of this letter and much pressure from consumer groups, the FDA finally agreed to conduct its own evaluation. In 2004, the FDA determined, over the obvious and self-interested objections of Abbott Laboratories, the manufacturer of Synthroid at that time, that the generic Levothyroxine was a bioequivalent of Synthroid and allowed three manufacturers to begin production of the generic form.
(See <http://thyroid.about.com/od/thyroiddrugtreatments/a/generic.htm>).
15. These facts are important to the resolution of this matter as the FDA has determined that the generic form of Synthroid is bioequivalent to Levothyroxine. In other words, the two drugs will have the same biological outcomes.

16. The Complainant is correct in addressing the need to fulfill the desires of the prescribing physician to fill the brand-name medication as a particular preference; however, in this instance the substitution was bioequivalent and would not normally cause any side effects that would not occur in the dispensing of Synthroid.
17. A close examination of the complaint details show that the Complainant is complaining about the side effects of the same drug, to wit, loss of hair, chest pains, etc.
18. The known and published side effects of Levothyroxine are as follows:

Severe allergic reactions (rash; hives; itching; difficulty breathing; flushing; tightness in the chest; swelling of the mouth, face, lips, or tongue; unusual hoarseness); changes in appetite; changes in menstrual periods; chest pain; diarrhea; excessive sweating; fast or irregular heartbeat; fever; heat intolerance; joint pain; leg cramps; mental or mood changes (eg, anxiety, irritability, nervousness); muscle weakness; seizures; severe or persistent headache or fatigue; shortness of breath; stomach cramps; tremors; trouble sleeping; unusual weight gain or weight loss; vomiting; wheezing.

Source: <http://www.drugs.com/sfx/Levothyroxine-side-effects.html>

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Source: <http://www.drugs.com/sfx/synthroid-side-effects.html>

20. Adverse reaction to therapy for Levothyroxine are known and published as being the following:

General:	fatigue, increased appetite, weight loss, heat intolerance, fever, excessive sweating;
Central nervous system:	headache, hyperactivity, nervousness, anxiety, irritability, emotional lability, insomnia;
Musculoskeletal:	tremors, muscle weakness;
Cardiovascular:	palpitations , tachycardia, arrhythmias, increased pulse and blood pressure, heart failure, angina, myocardial infarction, cardiac arrest;
Respiratory:	dyspnea;
Gastrointestinal:	diarrhea, vomiting, abdominal cramps and elevations in liver function tests;
Dermatologic:	hair loss , flushing;

Endocrine:	decreased bone mineral density;
Reproductive:	menstrual irregularities, impaired fertility.

Source: http://www.drugs.com/sfx/Levothyroxine-side-effects.html#professional_Levothyroxine

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22. The Board will note that there are no differences in the side-effects because the drugs are bioequivalent. The FDA has found the same. This Board is bound by that finding as it is a federal regulatory body that has exclusive jurisdiction over matters involving the drugs it regulates.
23. In the end, the complaint before this Board has a substantial element of “brand name” preference involved, but cannot be stated as being non-equivalent dosages or drugs.
24. However, Respondents recognize that the other element of the complaint is perhaps more serious in nature. In the instant matter, where the demarcation of the prescription by the physician was confused by the pharmacist and the intent of the physician for a brand preference was not implemented, there is a concern over an issue of fulfilling the actual intent of the physician. Respondents accept the necessity of addressing this issue.
25. This Board, however, must remain focused on the issue of fulfilling physician intent and must not be side-tracked on a debate over bioequivalence and known and published side-effects of the name brand drug and its generic equivalent. The FDA has already addressed this alleged

- controversy. This Board lacks the jurisdiction and resources to issue a credible conflicting or overriding opinion and must accept the FDA's findings.
26. As to the confusion that led to the pharmacist not following the physician's written prescription, the oral testimony will detail for the Board how the prescription was filled and why the notations of the physician were not followed. The Board may take action as it deems necessary to correct the pharmacists actions.
 27. In mitigation, however, the Board should understand that the substitution in this matter is standard and wide-spread in the industry. It is ultimately intended to benefit the consumer as a cost-saving measure. The pharmacist's choice of this substitution in the matter has been endorsed by the FDA's finding of bioequivalency.
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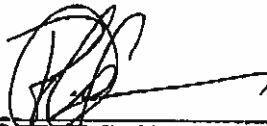
WHEREFORE the Respondents pray for the following:

1. That no issues relating to the bioequivalency of the substitution between Synthroid and the generic Levothyroxine be addressed as this matter has already been resolved by the FDA and the FDA has exclusive jurisdiction in determining bioequivalency of medications under its regulation. Additionally, there are issues relating to the treatment regimen that are likely responsible for the physical side-effects occurring to the client.
2. That normal side-effects of a thyroid regimen not be considered "injury" as the medications in question are bioequivalent and the side-effects are published and well-known in the industry and not as a result of allegedly misfilling the prescription. In short, the Complainant would have suffered the physical consequences in the best of circumstances as the active ingredient and dosage is the same.

3. That the Board take into consideration that this substitution is very common and intended to benefit the consumer and in the instant action the issue was only that of brand preference.
4. That the Board limit its review to the pharmacist's asserted failure to follow the intent of the physician in providing a brand-name product, and not filling the prescription with a less-expensive bioequivalent generic version of the same medication.

DATED THIS 24th day of June, 2009.

ROB GRAHAM & ASSOCIATES



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BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

V.

**HUY DUONG, R.PH
Certificate of Registration No. 17147**

Case No. 08-042-RPH-S

**WALGREENS #03842
Certificate of Registration No. PH01249
Respondents.**

Case No. 08-042-PH-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 and these Respondents because Respondent Huy Duong, R.Ph, (Certificate Number 17147) is a registered pharmacist with the Board and Respondent Walgreens #03842 is a pharmacy licensed by the Board, located at 2389 East Windmill Lane, Las Vegas, Nevada.

II.

Heidi Almase was prescribed Synthroid 75 mcg. tablets with five refills by physician assistant, Kevin Thorn, on or about February 21, 2008. Physician assistant Thorn wrote "Dispense As Written", in his own hand, on the prescription. Ms. Almase had been taking Synthroid samples that PAC Thorn had provided to her. Ms. Almase ultimately took the prescription to Walgreens #03842 to be filled on or about April 12, 2008. Ms. Duong was the pharmacist responsible for filling this prescription #1160923.

III.

Ms. Almase had the prescription refilled in May 2008. In mid-May Ms. Almase began experiencing stabbing pains in her chest as well as noticing a severe loss of hair. She made an appointment with her physician, Dr. Reid Litchfield, for June 5, 2008.

Upon seeing Ms. Almase, he prescribed Synthroid 88 mcg. tablets. Dr. Litchfield checked a box on the prescription next to the words, "Dispense As Written, Brand Medically Necessary". Ms. Almase took this prescription to Walgreens #03842 to be filled. On June 5, 2008 pharmacist Aimee Cheng filled the prescription Dr. Litchfield had written. Ms. Cheng filled the prescription #1182824 with generic Synthroid, levothyroxine, as Dr. Litchfield had not written "Dispense As Written" in his own hand and the checked box was not legal in Nevada. Ms. Cheng checked Ms. Almase's patient profile in the pharmacy computer and noticed that the original prescription was filled with generic levothyroxine and did not question her decision to continue her filling process with the generic product.

IV.

Ms. Almase went to the emergency room on June 23, 2008 because she was experiencing severe chest pains, dizziness and numbness in her extremities. Ms. Almase learned that she had been taking generic levothyroxine rather than the prescribed brand name Synthroid and attributed her condition to having taken the generic medication.

FIRST CAUSE OF ACTION

V.

In failing to strictly follow the directions on the prescription written for Heidi Almase by filling her original Synthroid prescription with generic levothyroxine when "Dispense As Written" was hand written on the prescription, Ms. Duong violated Nevada Revised Statutes (NRS) 639.210(4) and/or Nevada Administrative Code (NAC) 639.945(1)(d) and (i).

SECOND CAUSE OF ACTION

VI.

In owning and operating the pharmacy in which Ms. Duong committed the above violations, in particular in which Ms. Almase's prescription was misfilled, Walgreens #03842 violated NRS 639.210(4) and/or NAC 639.945(1)(d) and (i) and (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 12th day of May, 2009.


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,

v.

**Petitioner, STATEMENT TO THE RESPONDENT
NOTICE OF INTENDED ACTION
AND ACCUSATION
RIGHT TO HEARING**

**WALGREENS #03842
Certificate of Registration No. PH01249**

Case No. 08-042-PH-S

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

II.

You have the right to a hearing before the Nevada State Board of Pharmacy to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. 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 Nevada State Board of Pharmacy within fifteen (15) days of receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within.

III.

The Board has reserved Wednesday, July 15, 2009 as the date for a hearing on this matter at the Las Vegas Chamber of Commerce, 6671 Las Vegas Boulevard South, Las Vegas, Nevada. The hour of the hearing will be set by letter to follow.

IV.

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

DATED this 12th day of May, 2009.


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

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**ANSWER AND NOTICE OF DEFENSE
OF ACTION AND ACCUSATION**

HUY DUONG, R.PH

Certificate of Registration No. 17147

Case No. 08-042-RPH-S

WALGREENS #03842

Certificate of Registration #PH01249

Case No. 08-042-PH-S

Respondents

COME NOW RESPONDENTS, WALGREENS #03842 (Certificate of Registration #PH01249), and HUY DUON, R.PH. (Certificate of Registration #PH01249), by and through their counsel of record, ROBERT C. GRAHAM, ESQ., of the law firm of ROB GRAHAM & ASSOCIATES, do hereby answer as follows:

1. That a hearing on the Notice of Intended Action and Accusation is requested.
2. That as to the factual assertion that a prescription was refilled in May of 2008, it is not at all clear that the prescription was filled at this time. Walgreens does not have a record of that transaction. If the prescription was not filled, it may show an interruption in the treatment due to the complainant running out of her first course of medication from the April fill. As a result, Respondents expressly deny the assertion made in the complaint as it does not have adequate information and the assertion made is material to the basis of the complaint, e.g., that the improper medication filled by the pharmacist caused physical complications to the Complainant.
3. The Board's evidence shows that the following prescriptions that were issued:
 New Rx#1 dispensed 4/12/08 for Levothyroxine 75mcg (prescription at issue)
 New Rx#2 dispensed 6/5/08 for Levothyroxine 88 mcg
 Refill Rx#2 dispensed 7/1/08 for Levothyroxine 88mcg

New Rx#3 dispensed 7/12/08 for Synthroid 88mcg

4. There appears to be a gap in the regimen that is unexplained. Walgreens has checked its records and cannot find a prescription fill for any period between April and June. Walgreens is trying to determine if its records are incomplete, but believe that the records retrieved to date are reliable. The complainant may be able to provide additional insight as to this gap in the treatment. Walgreens is unable to provide any additional insight as to this apparent lapse of treatment at the time of the drafting of this Response.
5. Walgreens denies that the Complainant's physical difficulties resulted from the substitution of the generic brand for Synthroid. To support this, Walgreens has reviewed medical records of the Complainant and the records indicate that the Complainant was tested for thyroid function test on or about 6/04/08 and the levels were normal.
6. Generally, Respondents do not contest that the substitution was made, but assert a defense against the injury alleged.
7. More specifically, as to the First Cause of Action asserted, Ms. Huy Duong does not contest the assertions made, but asserts that there are issues in mitigation that must be addressed by the Board. These issues are set forth below under the heading, "Issues in Mitigation."
8. That as to the Second Cause of Action, Walgreens does not contest the assertions made, but asserts that there are issues in mitigation that must be addressed by the Board. These issues are set forth below under the heading, "Issues in Mitigation."

ISSUES IN MITIGATION

9. The patient in the instant matter received a generic drug for Synthroid 75 mcg called by its generic name Levothyroxine. Those who are within the field of pharmaceuticals will understand the substantial debate surrounding the bioequivalence of Synthroid and Levothyroxine.
10. Bioequivalence is a term in pharmacokinetics used to assess the expected biological equivalence or similarity of effect of two drugs. If two products are said to be bioequivalent it means that they

would be expected to be, for all intents and purposes, the same. (See <http://www.merriam-webster.com/dictionary/bioequivalence>)

11. The issue of bioequivalence between Synthroid and Levothyroxine is literally the "Who's Who" of controversies, with the maker of Synthroid fighting aggressively against consumer groups and the FDA in an attempt to show non-equivalence against the weight of accepted scientific study.
12. This controversy is rehearsed in a letter sent to the Commissioners of the FDA from Drs. Peter Lurie, MD, MPH and Sidney M. Wolfe, MD of the Public Citizen's Health Research Group in 1999, which was closely followed by the Wall Street Journal and thyroid consumer advocates.
13. The following segment of the letter gives a synopsis of the history of the controversy and indicates that independent research supports the bioequivalence of Synthroid and Levothyroxine – which essentially means that there is no material difference in therapy outcomes between the two, and the generic can be readily substituted by the pharmacist to save the consumer money.

Here is the salient portion of the letter to the FDA Commissioners in question:

FDA's failure to regulate has also permitted the outrageous chain of events related to Synthroid outlined in the Wall Street Journal on April 25, 1996. In summary, in 1986, Knoll [the prior manufacturer of Synthroid] approached researchers at the University of California, San Francisco (UCSF) to do a study comparing the bioequivalence of four brands of Levothyroxine, including Knoll's own formulation, Synthroid. . . .

The research, completed in 1990, found the four forms of Levothyroxine (two brand name and two generic) to be "bioequivalent" and a manuscript reporting this was submitted to and accepted for publication by the prestigious Journal of the American Medical Association in late 1994. However, fearing a threatened lawsuit from Knoll, which had signed a contract with UCSF preventing the researchers from publishing any data without Knoll's permission, UCSF pressured its own researchers to withdraw the manuscript one day prior to the journal's going to press.

Subsequently, Knoll employees produced a new manuscript based on the UCSF data claiming that the UCSF study was flawed and that the four Levothyroxine preparations were "therapeutically inequivalent." A paper reflecting this perspective was published in June 1995 under the title "Limitations of Levothyroxine bioequivalence evaluation: analysis of an attempted study" in the obscure American Journal of Therapeutics, whose Associate Editor is the first author on the revised manuscript. The publication of this latter manuscript, which did not include any of the UCSF researchers as co-authors, may well preclude publication of the version accepted by the Journal of the American Medical Association.

The cost implications of this perversion of the scientific process are staggering. While most medications that lose patent protection (which usually occurs 17 years after the patent is filed) rapidly lose market share, in 1993 Synthroid still retained 85 percent or \$235 million of the \$276 million wholesale Levothyroxine market, even though Levothyroxine was initially marketed over half a century ago. If, as a result of these important findings being made public, Knoll's market share had fallen to 25 percent of prescriptions--comparable to the market share of Valium about a decade after it lost patent--at least \$258 million (wholesale) would have been saved between 1993, by which time the results should have been published, and the present. However, thanks to Knoll's heavy-handed tactics and UCSF's failure to resist them, physicians and patients have been denied this basic information and American consumers have paid the price.

As mentioned above, another reason that Knoll has cornered such a disproportionate share of the market is that, except for standards governing Good Manufacturing Practice, the FDA has failed to regulate Levothyroxine. The absence of any FDA guidelines on Levothyroxine bioequivalence or on how studies to assess bioequivalence should be conducted, **has permitted the perpetuation of myths of generic Levothyroxine inferiority.** This is not the first time Levothyroxine bioequivalence has been an issue. In 1982, for example, Knoll reformulated Synthroid. Many patients ended up receiving inordinately high doses of Synthroid because the pre-1982 formulation of Synthroid had contained only about 78 percent of the expected potency. Although bioequivalence standards exist for most drugs marketed in the United States, Levothyroxine's status as a pre-1938 drug has allowed it to evade adequate regulation.

The events described in the Wall Street Journal date back to March 1986 when Drs. Betty J. Dong and Francis S. Greenspan at UCSF's Schools of Pharmacy and Medicine were approached by Knoll and asked to conduct a clinical trial comparing Synthroid to three other forms of Levothyroxine. By February 1988, the study had been designed and had the approval of both Knoll and UCSF's Committee on Human Research. A contract to perform the work was signed in May 1988. The contract stipulated the study design and methods of statistical analysis, consistent with standard methods for bioequivalence determination. The contract also contained the following sentence: "Data obtained by the investigator while carrying out this study is [sic] also considered confidential and is not to be published or otherwise released without consent from Flint Laboratories, Inc" (later known as Knoll). The contract was so similar to other pharmaceutical company contracts being routinely approved by UCSF (and other institutions), that Dr. Dong was not required to pass it through UCSF's Contracts and Grants office prior to signing it. UCSF's legal counsel at the time, Joe Cowan, JD, reviewed the contract on several occasions after it had been signed but before problems arose with Knoll, and stated that it would not represent a barrier to publication and that the university would defend her should any problems arise. (Subsequently, in the Fall of 1995, UCSF issued guidelines urging researchers not to sign contracts with clauses precluding publication without the sponsor's approval. However, such gag clauses may still be employed at other universities.)

Between 1988 and June 1990, the study was conducted according to the guidelines described in the contract, whereupon the study blood samples were sent to the University of Chicago for analysis. These results were provided to Knoll and the UCSF authors in December 1990. It was only when the results of the study became available that Knoll began to raise questions about the conduct of the study and its interpretation, a controversy that would continue for four years. Some of Knoll's comments were

incorporated into the manuscript being prepared by Dr. Dong and her colleagues. Apparently dissatisfied, on March 4, 1994 Knoll Senior Vice President for Research and Development, Neil M. Kurtz, MD, wrote to Dr. Dong and several members of the UCSF faculty and staff, including the Chancellor, all the Vice-Chancellors, and the Chairpersons of Medicine, Family and Community Medicine, and Pharmacy, as well as the Director of UCSF's Program in Medical Ethics. The letter argued that the study had been flawed and should not be published. On August 5, 1994, UCSF Associate Vice-Chancellor for Academic Affairs Karl J. Hittleman, PhD, wrote to Knoll's Dr. Kurtz refusing to suppress the manuscript and saying that to do so would be a violation of academic freedom. In November 1994, the manuscript was accepted by the Journal of the American Medical Association.

Dr. Dong's manuscript, entitled "Bioequivalence of generic and brand Levothyroxine products in the treatment of hypothyroidism" was a randomized, four-way crossover trial comparing the bioavailability of four Levothyroxine preparations: Synthroid (Knoll), Levoxine (Daniels), and two generic formulations manufactured by Pharmaceutical Basics and distributed by Geneva Generics and Rugby. Subjects received all four brands of Levothyroxine for a period of at least six weeks in a randomly assigned sequence that ensured that potential carryover effects from the previous formulation would introduce no bias into the evaluation. Primary investigators were blinded as to which formulation the subjects were taking at any given time.

Three aspects of bioequivalence (area under the curve, peak serum concentration, and time to peak serum concentration) were measured for each of three indices of thyroid function (T4 (Levothyroxine), T3, and free T4 index). **For all nine comparisons, there was no statistically significant difference between the four formulations, indicating that they were bioequivalent, even using a criterion for bioequivalence considerably more stringent than that employed by the FDA for other compounds.** The authors concluded that the four generic and brand Levothyroxine preparations studied were bioequivalent and interchangeable for most patients taking Levothyroxine hormone.

14. After the receipt of this letter and much pressure from consumer groups, the FDA finally agreed to conduct its own evaluation. In 2004, the FDA determined, over the obvious and self-interested objections of Abbott Laboratories, the manufacturer of Synthroid at that time, that the generic Levothyroxine was a bioequivalent of Synthroid and allowed three manufacturers to begin production of the generic form.

(See <http://thyroid.about.com/od/thyroiddrugstreatments/a/generic.htm>).

15. These facts are important to the resolution of this matter as the FDA has determined that the generic form of Synthroid is bioequivalent to Levothyroxine. In other words, the two drugs will have the same biological outcomes.

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23. In the end, the complaint before this Board has a substantial element of "brand name" preference involved, but cannot be stated as being non-equivalent dosages or drugs.
24. However, Respondents recognize that the other element of the complaint is perhaps more serious in nature. In the instant matter, where the demarcation of the prescription by the physician was confused by the pharmacist and the intent of the physician for a brand preference was not implemented, there is a concern over an issue of fulfilling the actual intent of the physician. Respondents accept the necessity of addressing this issue.
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controversy. This Board lacks the jurisdiction and resources to issue a credible conflicting or overriding opinion and must accept the FDA's findings.

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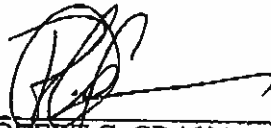
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2. That normal side-effects of a thyroid regimen not be considered "injury" as the medications in question are bioequivalent and the side-effects are published and well-known in the industry and not as a result of allegedly misfilling the prescription. In short, the Complainant would have suffered the physical consequences in the best of circumstances as the active ingredient and dosage is the same.

3. That the Board take into consideration that this substitution is very common and intended to benefit the consumer and in the instant action the issue was only that of brand preference.
4. That the Board limit its review to the pharmacist's asserted failure to follow the intent of the physician in providing a brand-name product, and not filling the prescription with a less-expensive bioequivalent generic version of the same medication.

DATED THIS 24th day of June, 2009.

ROB GRAHAM & ASSOCIATES



ROBERT C. GRAHAM
Attorney for Respondents
Nevada Bar No. 4618
7375 W. Peak Dr., #220
Las Vegas, Nevada 89128
rgraham@lawyerswest.net
(702) 255-6161

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

v.

**VADIM K. PARKER, JR., PTT
Certificate of Registration No. PT09412,**

Case No. 09-030-PT-S

Respondent.

_____ /

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 Parker is a registered pharmaceutical technician in training with the Board.

II.

On or about March 2, 2009, Board staff was notified that Mr. Parker had been terminated from employment as a pharmaceutical technician in training at CVS/pharmacy #8788. An internal investigation into the loss of hydrocodone/APAP 10/500 was conducted at CVS/pharmacy #8788. It was determined through an audit that at least 75 stock bottles of hydrocodone/APAP 10/500 could not be accounted for. Loss prevention personnel reviewed security video from CVS/pharmacy #8788. Mr. Parker was captured on camera taking stock bottles of hydrocodone and concealing them on his person. Mr. Parker was confronted by CVS/pharmacy's loss prevention personnel and officers from the Las Vegas Metropolitan Police Department, who conducted the exit interview, and Mr. Parker admitted in a statement to police officers that he had diverted hydrocodone/APAP 10/500 from CVS/pharmacy #8788.

FIRST CAUSE OF ACTION

III.

In removing controlled substances, namely hydrocodone/APAP 10/500 tablets, without a prescription therefore, Mr. Parker violated (NRS) 453.331(1)(d), 453.336(1) and/or 639.210(1), (4), and/or (12) and/or Nevada Administrative Code (NAC) 639.945(1)(h) and/or (i).

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 29th day of May, 2009.


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,

Petitioner,

v.

**STATEMENT TO THE RESPONDENT
NOTICE OF INTENDED ACTION
AND ACCUSATION
RIGHT TO HEARING**

**VADIM K. PARKER, JR., PTT
Certificate of Registration No. PT09412,**

Case No. 09-030-PT-S

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

II.

You have the right to a hearing before the Nevada State Board of Pharmacy to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. 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 Nevada State Board of Pharmacy within fifteen (15) days of receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within.

III.

The Board has reserved Wednesday, July 15th, 2009 as the date for a hearing on this matter at the Las Vegas Chamber of Commerce, 6671 Las Vegas Boulevard South, Las Vegas, Nevada. The hour of the hearing will be set by letter to follow.

IV.

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

DATED this 29th day of January, 2009.



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

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**ANSWER AND NOTICE
OF DEFENSE**

**VADIM K. PARKER, JR., PTT
Certificate of Registration No. PT09412,**

Case No. 09-030-PT-S

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 _____, 2009.

Vadim K. Parker, Jr., PTT

Dr. Michael J. Adams
6714 Ledgewood Drive
Las Vegas, NV 89103

Dear Sirs:

I would like to take some of your time to discuss the status of my license and the possibility of reinstatement at the July meeting.

Thanks for Your time
Sincerely

Michael J. Adams

1. At hearing, Board staff presented the testimony of Pamela Kennedy, Manager of the Industrial and Preventive Medicine Clinic (IPM). Ms. Kennedy testified that IPM performed bodily fluid testing on behalf of various medical employers, including THC of Nevada. Mr. Adams did not appear or present any written evidence or explanation even though the record showed that Mr. Adams had received the Notice of Intended Action and Accusation in this matter and was aware of the hearing. Based upon the

testimony of Ms. Kennedy and the records in the possession of the Board, the Board finds the following to be the facts of this matter.

2. On September 17, 2003, Mr. Adams was asked by his employer, THC, to provide a urine sample for testing. Mr. Adams initially refused to submit a sample, stating that he would not provide a sample until his wife arrived. When Mrs. Adams arrived, she and Mr. Adams had a brief private conversation, after which Mr. Adams indicated that he would be willing to submit a sample.

3. Preliminary to taking the sample, Mr. Adams was asked to empty his pockets. In Mr. Adams' pockets were 2 tubes of morphine, 2 tubes of hydromorphone, 2 tube holders, 1 25-gauge needle, and 1 Precocity tablet. When Mr. Adams removed his hands from his pockets, a device fell through the leg of his pants and ended up on the floor. The device was called a urinator, and it consisted of a bladder containing urine that was heated by a battery-powered device that was connected through a piece of tubing to a valve through which the heated urine could be released.

4. Once the urinator was discovered, Mr. Adams refused to provide a urine sample. When the Adams' prepared to leave, Mrs. Adams demanded the return of the contents of Mr. Adams' pockets. Ms. Kennedy refused to return the drugs or the urinator. After Ms. Kennedy's refusal to release the contents of Mr. Adams' pockets, Mrs. Adams became verbally abusive and hostile towards Ms. Kennedy. Ms. Kennedy informed Mrs. Adams that the police had been called. Mrs. Adams left the office at that time. Mrs. Adams then returned a few minutes later and was allowed in by one of Mrs. Kennedy's staff. Mrs. Adams again verbally abused Ms. Kennedy, and before she left

for the second time, Mrs. Adams threw the contents of her beverage cup on Ms. Kennedy.

5. On September 25, 2003, Board staff prepared an Order of Summary Suspension of License and served it upon Mr. Adams after receiving notice from Mr. Adams' employer of the incidents that occurred on September 17, 2003.

6. Mr. Adams' history with the Board was extensive. On March 18, 1996, the Board entered Findings of Fact, Conclusions of Law, and Order regarding Mr. Adams. This Order was the result of Mr. Adams' removal and personal use of large quantities of XENIX, a controlled substance, without a lawful prescription therefore and while Mr. Adams was on duty as a pharmacist. Paragraph (1)(g) of the Order provided: "Respondent shall abstain entirely from alcohol and any scheduled or prescription drugs. If Respondent obtains a legitimate prescription from a practitioner, Respondent must immediately advise the Board office in writing."

7. On February 25, 2000, the Board office was notified by PRN-PRN that Mr. Adams had breached his substance abuse treatment contract with PRN-PRN. The basis for PRN-PRN's notification to the Board office was that on February 17, 2000, Mr. Adams had provided a urine sample that proved to be dilute. Mr. Adams claimed to PRN-PRN to be on a diet and that he was drinking increased amounts of water. Mr. Adams provided a second urine sample on February 22, 2000, which sample tested positive for hydromorphone.

8. On March 8, 2000, the Board received a second letter from PRN-PRN that indicated that Mr. Adams had a prescription for hydrocodone that could test as hydromorphone in a urine analysis. Mr. Adams had had a problem with his shoulder

and had visited his physician in October 1999, at which time he had been given a prescription for hydrocodone to alleviate the pain he was experiencing. Mr. Adams filled the prescription, but he claimed that he hoped he would not need to take the medication. Mr. Adams claimed that he did not notify PRN-PRN of the hydrocodone prescription as required in his contract because he was fearful that he would not be allowed to keep or take the medication.

9. On May 17, 2000, the Board issued Findings of Fact, Conclusions of Law, and Order regarding Mr. Adams' diluted urine sample and his testing positive for hydromorphone. In the Order, the Board extended Mr. Adams' PRN-PRN substance abused treatment and monitoring probation for five years from the May 17, 2000 date.

10. On November 21, 2001, the Board issued Findings of Fact, Conclusions of Law, and Order regarding three urine samples that Mr. Adams had submitted that had tested positive for hydrocodone. Although the Board dismissed the Causes of Action because of evidence of explanation produced by Mr. Adams, the Board modified Mr. Adams' 1996 Order to require Mr. Adams to produce records of his prescriptions only to PRN-PRN.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter because Mr. Adams was a pharmacist licensed by the Board.

2. In failing to comply with the Board's Orders and his PRN-PRN contract by attempting to produce an adulterated or false urine sample, Mr. Adams violated NRS 639.210(4) and NAC 639.945(1)(h) and (l).

3. In possessing controlled substances, namely morphine, hydromorphone, and Percocet, without a lawful prescription or order therefore, Mr. Adams violated NRS 453.391(1) and 639.210(1), (4), and (12), and NAC 639.945(1)(h).


ORDER

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

1. Mr. Adams' pharmacist's license (#10850) is revoked. Mr. Adams may not be employed in any business or facility licensed by this Board in any capacity unless and until his license as a pharmacist has been reinstated.

2. Mr. Adams shall return to the Board's Reno office his wallet card(s) and wall certificate within 10 days of his receipt of this Order. His failure to do so will result in a fine of \$1,000 per day until the wallet card(s) and wall certificate are received by the Board office.

Signed and effective this 11th day of February, 2004.


Larry L. Pinson, President
Nevada State Board of Pharmacy

March 30, 2009

NV State Board of Pharmacy
431 W. Plumb Lane
Reno, NV 89509
Tel: 1.775.850.1440

To Whom It May Concern:

I would like to request an appearance in front of the Board for your July 2009 meeting in Las Vegas, Nevada. I have been going to meetings at Monte Vista Hospital since August 2008 with Larry Espadera however, he has not registered me with the PRN program since we last spoke. Thank you for your consideration in reviewing my case.

Sincerely,

A handwritten signature in cursive script that reads "Karen A. Kinan". The signature is written in dark ink and is positioned below the word "Sincerely,".

Karen A. Kinan (License 10421)

APR - 6 2009

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,
v.

FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
ORDER

KAREN A. KINAN, R.Ph.,
Certificate of Registration No. 10421,

Case No. 07-012-RPH-S

Respondent.

_____/

THIS MATTER was heard by the Nevada State Board of Pharmacy (hereinafter Board) at its regular meeting on June 6, 2007 in Las Vegas, Nevada. The Board was represented by Louis Ling, General Counsel to the Board. Respondent Karen A. Kinan appeared and represented herself. Board Staff also presented the testimony of Larry Espadero. Based upon the presentations of the parties, the Board finds the following to be the facts of the matter.

FINDINGS OF FACT

1. At hearing, Ms. Kinan appeared, testified, and represented herself. Board Staff presented the testimony of Larry Espadero, clinical director for PRN-PRN. Based upon the presentations and testimony of the parties, the Board finds the following to be the facts in this matter.

2. On March 20, 2002, the Board entered Findings of Fact, Conclusions of Law, and Order (Case No. 01-125A-RPH-S) regarding Ms. Kinan. In this Order, the Board revoked Ms. Kinan's pharmacist's license and fined her \$20,000.00. The discipline resulted from Ms. Kinan's ownership of a pharmacy through which she directly

participated in the diversion of discounted drugs into the secondary source pharmaceutical market.

3. On May 23, 2003, the Board entered an Order granting Ms. Kinan's request for reinstatement of her pharmacist's license. By the May 23, 2003 Order, Ms. Kinan's license was placed on probation which included the Board's standard terms and conditions regarding Ms. Kinan's treatment for gambling issues with PRN-PRN.

4. After a series of appearances and orders, one of which resulted in Ms. Kinan's suspension, on February 3, 2005, the Board issued an Order Lifting Suspension of License. One of the conditions of the Order read:

Ms. Kinan shall comply with all previous Orders of the Board, and especially, the Board's Order in Case No. 01-125A-RPH-S. Within ten days of the effective date of this Order, Ms. Kinan shall contact the Board's Reno office and negotiate the reestablishment of a plan by which she will pay the sums due under the Board's Order in Case No. 01-125A-RPH-S. Ms. Kinan shall also remain in compliance with her treatment agreement with PRN-PRN under such terms and conditions and for such a period of time as determined by PRN-PRN.

5. Per the February 3, 2005 Order, Ms. Kinan contacted Board Staff and agreed to resume payment of her fine after she became employed. Ms. Kinan made sporadic payments (9/5/03, 10/9/03, 1/22/06, 2/23/06, and 5/11/06) totaling \$1,850.00, leaving an outstanding balance of \$18,150.00.

6. After May 2006, the payments stopped. On September 12, 2006, Ms. Kinan contacted Board Staff and advised that her wages had been garnished for courts costs in a personal matter and that was the reason why she had stopped making payments in May 2006. Ms. Kinan agreed to begin making payments again, beginning with her next paycheck. As of the date of the Accusation in

March 2007, no payments had been received since May 2006. Subsequent to the Accusation, Ms. Kinan made three payments totaling \$250.00.

7. On March 26, 2007, Board Staff received notice from Gerry Primavera, Rite Aid's district manager, that Rite Aid had terminated Ms. Kinan's employment as a pharmacist. Mr. Primavera explained that Ms. Kinan had refilled a prescription for Ambien for herself that had no refills and that were not authorized by her physician at the time that she filled the prescription.

8. At hearing, Ms. Kinan expressed regret for having failed to make payments per her agreements with Board Staff. Ms. Kinan explained that she had four children and that she was recently unemployed and that her employment prior to her most recent employment was sporadic. Ms. Kinan testified that she was seeking employment as a pharmacist and that once she was employed, she intended to begin making payments again.

9. Regarding the unauthorized refill of her Ambien prescription, Ms. Kinan testified that she knew at the time that she filled the refill that she was doing so without physician authorization, but she anticipated that her physician would authorize the refill when she was able to subsequently speak to him. Ms. Kinan further testified that when she finally spoke to her physician, he did authorize the refill that she had given herself several days earlier. Nonetheless, Ms. Kinan admitted knowing that she was giving herself an unauthorized refill of her Ambien prescription. Ms. Kinan explained that she has assured that this will not happen again by not filling her prescriptions at her employing pharmacy and by having them filled at another pharmacy.

10. At hearing, Mr. Espadero expressed his concerns and reservations regarding Ms. Kinan's present mental health. Mr. Espadero explained that Ms. Kinan had been marginally compliant with her PRN-PRN agreement, but that the incident with the Ambien showed that Ms. Kinan's judgment and impulse control were inadequate. Mr. Espadero asked that the Board temporarily suspend Ms. Kinan's ability to serve the public as a pharmacist and to order Ms. Kinan to receive psychological testing and evaluation. After Mr. Espadero's presentation, Ms. Kinan concurred with his recommendation that she seek full psychological testing and analysis to determine why her judgment and impulse control remain compromised and inadequate.

11. Based upon Ms. Kinan's demeanor at hearing and the gravity of the violations in this matter, we share Mr. Espadero's concern regarding Ms. Kinan's mental health. Ms. Kinan appeared unfocused, confused, and unable to understand or explain her own actions. Her concurrence with Mr. Espadero's recommendations shows some insight by Ms. Kinan into her present impaired state, and we are hopeful that the psychological evaluation process will result in further insights toward improvement in judgment and impulse control.

CONCLUSIONS OF LAW

1. The Nevada State Board of Pharmacy has jurisdiction over this matter because Respondent Kinan is a pharmacist licensed by the Board.

2. In breaching her agreement with Board Staff to make payments and thereby violating her previous Board Orders, Respondent Kinan violated NRS 639.210(4) and NAC 639.934(1)(h) and (l).

3. In filling a refill for a controlled substance in schedule IV, namely Ambien, for herself without prior authorization from her physician, and thereby also violating her previous Board Orders, Respondent Kinan violated NRS 639.210(4) and (12) and 639.2396 and NAC 639.945(1)(i) and (l).

ORDER

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

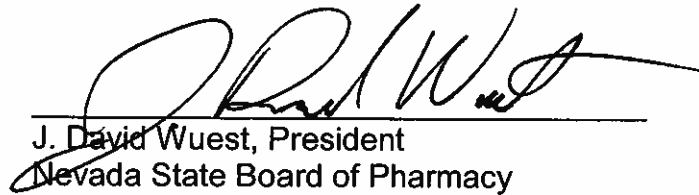
1. Ms. Kinan's license (#10421) shall be suspended effective June 6, 2007 and thereafter for a period of at least 90 days. During the period of suspension, Ms. Kinan shall participate fully and in good faith in a full psychological testing and analysis with such mental health professionals as she and Ms. Espadero can agree will best be able to address Ms. Kinan's present issues. The suspension of Ms. Kinan's license may continue beyond the initial 90 day period, depending upon the recommendations of the psychological analysis and PRN-PRN's assessment. PRN-PRN shall notify Board Staff when it believes that Ms. Kinan is prepared to resume employment as a pharmacist. Upon receipt of such a notice, Board Staff shall schedule an appearance for Mr. Espadero and Ms. Kinan (and one or more of the professionals involved in Ms. Kinan's psychological analysis, if Mr. Espadero and Ms. Kinan believe such an appearance would assist the Board) before the Board, after which appearance the Board will determine whether Ms. Kinan can again safely resume the practice of pharmacy.

2. Ms. Kinan's present probation with PRN-PRN shall be extended for five years, commencing June 6, 2007. The term of the probation may extend beyond June 6, 2012 at the discretion of PRN-PRN. The probation shall continue on the same terms and conditions as are set out in the prior Orders of the Board.

3. When Ms. Kinan commences employment of whatever kind, she shall notify the Board's staff in its Reno office of her employment. Thereafter, Ms. Kinan shall make a payment of \$250.00 by the fifteenth day of each month. Should Board staff not receive any payment by the fifteenth day of a particular month, Board staff shall suspend Ms. Kinan's license until it receives the payment.

4. The failure by Respondent Kinan to comply with any term in this order shall result in the immediate suspension of her registration and will also result in further discipline, up to and including revocation of the registration.

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



J. David Wuest, President
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

**Petitioner,
v.**

**FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
ORDER**

**KAREN A. KINAN, R.Ph.,
Certificate of Registration No. 10421,**

Case No. 07-078-RPH-S

Respondent.

_____/

THIS MATTER was heard by the Nevada State Board of Pharmacy (hereinafter Board) at its regular meeting on October 24, 2007 in Las Vegas, Nevada. The Board was represented by Louis Ling, General Counsel to the Board. Respondent Karen A. Kinan appeared and represented herself. Board Staff also presented the testimony of Larry Espadero. Based upon the presentations of the parties, the Board finds the following to be the facts of the matter.

FINDINGS OF FACT

1. At hearing, Ms. Kinan appeared, testified, and represented herself. Board Staff presented the testimony of Larry Espadero, clinical director for PRN-PRN. Based upon the presentations and testimony of the parties, the Board finds the following to be the facts in this matter.

2. On June 28, 2007, the Board issued Findings of Fact, Conclusions of Law, and Order in Case No. 07-012-RPH-S. The June 28, 2007 Order resulted from a hearing in that matter that was held on June 6, 2007 at which Ms. Kinan and Mr. Espadero appeared and testified. During that hearing, Ms. Kinan's lengthy and involved history with this Board was recounted, and her recent issues involving payments that

were due and unpaid and her refilling a prescription for herself for Ambien before she had authorization from her physician for the refill. At that hearing, Mr. Espadero expressed concerns regarding Ms. Kinan's compliance with her PRN-PRN contract and her psychological state. Ms. Kinan agreed that she was experiencing some psychological difficulties, and she further agreed that she would submit to a psychological evaluation.

3. In the June 28, 2007 Order, the Board ordered Ms. Kinan's license to be suspended for 90 days effective June 6, 2007. During the period of suspension, Ms. Kinan was ordered to participate in "a full psychological testing and analysis with such mental health professionals as she and Mr. Espadero can agree will best be able to address Ms. Kinan's present issues." The June 28, 2007 Order also extended Ms. Kinan's probation for five additional years. Finally, Ms. Kinan was ordered to make a monthly payment of \$250.00 once she became employed again to fulfill her obligation from Case No. -01-125A-RPH-S.

4. On August 15, 2007, Mr. Espadero notified the Board Staff that he had terminated Ms. Kinan from her PRN-PRN program because she had not completed her psychological evaluation as ordered by the Board. Because of Mr. Espadero's notification, Board Staff did not reinstate Ms. Kinan's license in September 2007. Instead, as of the date of the hearing on October 24, 2007, Ms. Kinan's license remained in a suspended status.

5. At hearing, Ms. Kinan presented a copy of a letter from Emmanuel Nwapa that she represented to be the psychological evaluation ordered by the Board. Mr. Espadero testified that he had not seen the letter before the hearing and that he was

unaware that Ms. Kinan had engaged Emmanuel Nwapa to perform an evaluation. Mr. Espadero expressed his opinion that the letter was not a psychological evaluation and analysis and was, instead, a mere summary that would be of marginal value to him. The Board expressed agreement with Mr. Espadero that the letter from Emmanuel Nwapa was not the full psychological evaluation that the Board had sought and ordered.

6. Ms. Kinan testified that she desired to return to the practice of pharmacy and that she felt prepared to do so. The Board questioned Ms. Kinan extensively regarding her failure to comply with the Board's past orders, including her failure to work with Mr. Espadero to obtain the full psychological examination sought and ordered by the Board in its June 28, 2007 Order. The Board found that Ms. Kinan's demeanor and testimony showed that Mr. Espadero's and the Board's concerns with Ms. Kinan's psychological state resultant from her appearance on June 6, 2007 remained unresolved at the time of her appearance before the Board on October 24, 2007.

CONCLUSIONS OF LAW

1. The Nevada State Board of Pharmacy has jurisdiction over this matter because Respondent Kinan is a pharmacist licensed by the Board.

2. In failing to have a psychological examination and analysis and by having her PRN-PRN treatment agreement terminated for non-compliance, Ms. Kinan violated NRS 639.210(4) and NAC 639.945(1)(l).

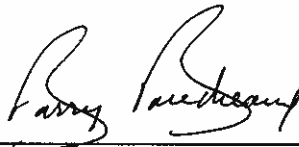
ORDER

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

1. Ms. Kinan's license (#10421) is revoked. Ms. Kinan may not be employed in any business registered by the Board in any capacity unless and until her license has been reinstated.

2. Ms. Kinan shall return to the Board's Reno office her license certificate and wallet card within 10 days of her receipt of this Order. Her failure to do so will result in a fine of \$1,000 per day until the registration certificate is received by the Board office.

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

A handwritten signature in black ink, appearing to read "Barry Boudreaux", is written over a horizontal line.

Barry Boudreaux, President
Nevada State Board of Pharmacy



NEVADA STATE BOARD OF PHARMAC

431 W. Plumb Lane • Reno, NV 89509
(775) 850-1440 • 1-800-364-2081 • FAX (775) 850-1444
E-mail: pharmacy@pharmacy.nv.gov • Web Page: bop.nv.gov

April 2, 2009

Mr. Richard Z. Chesnoff, Esq.
520 South Fourth Street
Las Vegas, Nevada 89101-6593

Re: Remand for Fines in NBOP v. Dutchess Business Services Inc.

Dear Mr. Chesnoff:

Thank you for returning my call today. As you requested the matter scheduled for April 15, 2009 will be rescheduled before the Nevada Board of Pharmacy on July 15, 2009 at 9:00 a.m. at the Las Vegas Chamber of Commerce located at 6671 Las Vegas Blvd. South, Las Vegas, Nevada. Enclosed please find your copy of the documents that will be presented to the Board in this matter for their consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "CJ Cramer", is written over the typed name.

Carolyn J. Cramer
General Counsel
Nevada State Board of Pharmacy

Enclosures

ORD
Carolyn J. Cramer
Nevada Bar No. 3882
Office of the General Counsel
Nevada State Board of Pharmacy
431 W. Plumb Lane
Reno, Nevada 89509
(775) 850-1440

Attorney for Respondent
Nevada State Board of Pharmacy

FILED

2009 JUN 25 A 8:38

Carl B. Smith
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

DUTCHESS BUSINESS SERVICES,
INC., and LEGEND
PHARMACEUTICALS, INC.,

Petitioners,

v.

NEVADA STATE BOARD OF
PHARMACY,

Respondent.

Case No. 04-A-481704-J
Dep't No. XXI
Docket No.

ORDER

On September 11, 2008, The Nevada Supreme Court filed its opinion in this matter remanding the reconsideration and recalculation of fines imposed on Dutchess and Legend. On September 22, 2008, the District Court entered a minute order after reviewing the Supreme Court order remanding to the Pharmacy Board so that they may issue an amended decision specifying which fines are subject to arbitration to which causes of action, and deleting those fines for purportedly violating Nevada Law by conducting business with Overseas International.

Entered this 24th day of June, 2009.

VALERIE ADAIR

DISTRICT JUDGE

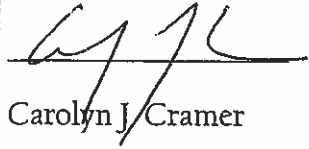
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Submitted by:

Carolyn J. Cramer

Nevada Bar No. 3882

Attorney for Respondent Nevada State Board of Pharmacy

A handwritten signature in black ink, appearing to read 'CJ Cramer', is written over a horizontal line.

Carolyn J. Cramer

DISTRICT CASE INQUIRY MINUTES

District Case Inquiry - Minutes

Home Summary Case Activity Calendar Continuance Minutes Parties Judgments District Case Party Search Corp. Search Atty. Search Bar# Search ID Search Calendar Day Holidays Help Comments & Feedback Legal Notice	<p>Case 04-A-481704-J</p> <p>Plaintiff Dutchess Business Services Inc Defendant Nevada State Board Of Pharmacy Judge Adair, Valerie</p> <p>Event 09/22/2008 at</p> <p>Heard By Adair, Valerie Officers Denise Husted, Court Clerk</p> <p>Parties</p> <table border="0"> <tr> <td>0001 - P1</td> <td>Dutchess Business Services Inc</td> <td>No</td> </tr> <tr> <td>0002 - D1</td> <td>Nevada State Board Of Pharmacy</td> <td>No</td> </tr> <tr> <td>0003 - P</td> <td>Legend Pharmaceuticals Inc</td> <td>No</td> </tr> </table> <p>Pursuant to Supreme Court order, case REMANDED to the Pharmacy Board so that they may issue an amended decision specifying which fines are subject to arbitration to which causes of action, and deleting those fines for purportedly violating Nevada Law by conducting business with Overseas International.</p> <p>CLERK'S NOTE: Copies of this minute order placed in the attorney folder of: David Chesnoff, Esq. L. Ling, Esq.</p> <p>Due to time restraints and individual case loads, the above case record may not reflect all information to date.</p>	0001 - P1	Dutchess Business Services Inc	No	0002 - D1	Nevada State Board Of Pharmacy	No	0003 - P	Legend Pharmaceuticals Inc	No	<p>Status INACTIVE</p> <p>Attorney Chesnoff, David Z. Attorney Ling, Louis A. Dept. 21</p> <p>AT THE REQUEST OF THE COURT PURSUANT TO NSC ORDER</p>
0001 - P1	Dutchess Business Services Inc	No									
0002 - D1	Nevada State Board Of Pharmacy	No									
0003 - P	Legend Pharmaceuticals Inc	No									

Top Of Page

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SUPREME COURT ORDER

124 Nev., Advance Opinion 63
IN THE SUPREME COURT OF THE STATE OF NEVADA

DUTCHESS BUSINESS SERVICES,
INC.; AND LEGEND
PHARMACEUTICALS, INC.,
Appellants,
vs.
NEVADA STATE BOARD OF
PHARMACY,
Respondent.

No. 46345

FILED

SEP 11 2008

TRACIE K. LINDEMAN
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BY *[Signature]*
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Petition for rehearing of Dutchess Business Services v. State Board of Pharmacy, 124 Nev. ___, 184 P.3d 397 (2008) (opinion withdrawn July 17, 2008). Appeal from a district court order denying judicial review of a Nevada State Board of Pharmacy decision. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

Rehearing granted; affirmed in part, reversed in part, and remanded with instructions.

Chesnoff & Schonfeld and Richard A. Schonfeld and David Z. Chesnoff,
Las Vegas,
for Appellants.

Louis A. Ling, General Counsel, Nevada State Board of Pharmacy, Reno,
for Respondent.

BEFORE THE COURT EN BANC.

OPINION

By the Court, HARDESTY, J.:

On May 29, 2008, this court issued an opinion in this matter affirming in part and reversing in part the district court's order and

remanding with instructions. Subsequently, appellants filed a petition for rehearing of that decision. On July 17, 2008, this court withdrew the prior opinion pending resolution of the petition for rehearing. After reviewing the rehearing petition, as well as the briefs and appendix, we conclude that rehearing is warranted under NRAP 40(c)(2), and we grant the petition for rehearing. We now issue this opinion in place of our prior opinion.

In this case, two pharmaceutical wholesalers appeal from the district court's denial of a petition for judicial review of an order by respondent Nevada State Board of Pharmacy revoking the wholesalers' licenses for violations of Nevada's statutes and regulations governing the secondary prescription drug market. After a disciplinary hearing, the Board found that appellants Dutchess Business Services, Inc., and its successor company, Legend Pharmaceuticals, Inc., violated numerous sections of the Nevada Revised Statutes and the Nevada Administrative Code; therefore, the Board revoked Dutchess's and Legend's wholesaler's licenses and imposed fines on the entities. Dutchess and Legend appeal on multiple grounds, four of which raise issues of first impression.

Specifically, after addressing the Board's jurisdiction to discipline Dutchess and Legend for conduct that occurred outside of Nevada, we consider the following issues in the context of resolving Dutchess and Legend's appellate contentions: an administrative agency's discretion concerning joinder in an administrative proceeding; an administrative agency's discretion with respect to discovery in an administrative proceeding; whether intent must be proven to render an entity liable for violating NRS 585.520(1), which prohibits "[t]he manufacture, sale or delivery, holding or offering for sale of any food, drug,

device or cosmetic that is adulterated or misbranded"; and whether a wholesaler that has established an ongoing relationship with a pharmaceutical manufacturer must nonetheless provide a pedigree when reselling the prescription drugs under NAC 639.603(1). Concerning an administrative agency's discretion to decide joinder and discovery issues during an administrative proceeding, we conclude that in the absence of a rule, statute, or regulation governing the type of proceeding before the agency, issues such as joinder and discovery are generally left to the agency's discretion. With regard to determining liability under NRS 585.520(1), because the plain language of that statute does not require intent for its violation, we conclude that the Board may find that a licensee violated NRS 585.520(1) without proving a licensee's intent to cause harm or violate the statute. And with respect to NAC 639.603(1)'s pedigree requirement, that regulation plainly requires authorized distributors to provide pedigrees on subsequent sales of prescription drugs if they purchased the drug from another wholesaler, even if the wholesaler has established an ongoing relationship with the pharmaceutical manufacturer. After addressing those issues, we resolve Dutchess and Legend's remaining contentions.

FACTS

The Board regulates the practice of pharmacy in Nevada. Among its myriad responsibilities, the Board licenses and oversees entities engaged in the buying and selling of pharmaceutical drugs. The Board licensed Dutchess and Legend as pharmaceutical wholesalers in 1998 and 2002, respectively. As pharmaceutical wholesalers, Dutchess and Legend purchased pharmaceuticals from manufacturers, wholesalers, and pharmacies and resold the pharmaceuticals to other wholesalers and pharmacies.

Over a three-year period, Dutchess, and then Legend as Dutchess's successor company, conducted business with a number of questionable entities. Dutchess's and Legend's dealings with these companies formed the basis of an investigation by the Board. As a result of the Board's investigation, in August 2003, the Board filed a Notice of Intended Action and Accusation¹ against Dutchess and Legend. In the accusation, the Board alleged that from 2001 to 2003, Dutchess and Legend bought and sold adulterated and misbranded prescription drugs; failed to make, maintain, and provide accurate pedigrees detailing the sources of the drugs;² failed to make, keep, and provide accurate records of their purchases; and purchased drugs from unlicensed distributors. The following facts are taken from evidence presented to the Board during the five-day hearing it conducted on the charges listed in the accusation.

Dutchess and Legend bought and resold three drugs in particular that form the subject of this action: (1) Lupron, which is used to treat advanced prostate cancer and is manufactured by TAP Pharmaceutical Products, Inc.; (2) Zoladex, which is also used to treat prostate cancer and is manufactured by AstraZeneca; and (3) Serostim,

¹An accusation is a "written statement of the charges alleged." NRS 639.241(2).

²NAC 639.603 requires wholesalers to provide statements of prior sales of drugs, commonly referred to as "pedigrees," which must identify with considerable specificity "each sale of a prescription drug before the prescription drug is sold to another wholesaler or to a pharmacy" under certain conditions.

which is used to treat cachexia³ and is manufactured by EMD Serono, Inc. Dutchess bought and sold multiple shipments of these drugs from three Florida-based wholesalers—Crystal Coast, Inc.; Genendo Purchasing Organization; and Xenigen, Inc.—and one South Carolina-based wholesaler—Rekcus, Inc.

Dutchess bought Lupron, Zoladex, and Serostim from all four wholesalers. Legend bought Lupron from Rekcus. Dutchess's and Legend's purchases from these wholesalers totaled approximately \$8.5 million.

Dutchess's purchases of Serostim from Crystal Coast

Although Crystal Coast represented itself as an authorized distributor of Serostim on the invoices that it sent to Dutchess, it was not an authorized distributor.⁴ Dutchess purchased at least 927 boxes of Serostim from Crystal Coast at prices below the Wholesale Acquisition Cost (WAC),⁵ and 399 of the boxes contained counterfeit Serostim. In late 2000, Serono became aware that counterfeit Serostim was circulating in

³"Cachexia" is a "[c]ondition characterized by extreme weight loss, anemia, wasting of muscles, and weakness; associated with a long-term disease or severe malnutrition." Attorney's Illustrated Medical Dictionary C1 (2002).

⁴According to the Board, an "authorized distributor" is a wholesaler who has an ongoing relationship with a manufacturer pursuant to NAC 639.589. Under NAC 639.589, an "ongoing relationship" is "a continuing business relationship in which a wholesaler distributes a manufacturer's prescription drugs which is established pursuant to NAC 639.594."

⁵The WAC for any given drug is established by each drug company internally and is then published to the marketplace as the price for the drug.

the drug market and sent notification to pharmacists and its customers, including Dutchess. Even though Dutchess received formal notification from Serono and informal notification from its own customers about counterfeit Serostim, Dutchess never asked Crystal Coast to provide invoices to demonstrate Crystal Coast's source of the Serostim. The evidence presented to the Board demonstrated that the person who supplied the counterfeit Serostim to Crystal Coast, before going to federal prison, had apparently conducted a pharmaceutical wholesale business in Florida without a permit, in violation of Florida law. The Board found that these facts should have caused Dutchess to discover the questionable character of Crystal Coast's distributor status.

Dutchess's purchases of Lupron and Zoladex from Genendo, Xenigen, and Rekcus

Genendo and Xenigen both falsely represented that they were authorized distributors of Lupron and Zoladex, and Rekcus falsely represented that it was an authorized distributor of Lupron. Both Dutchess and Legend purchased Lupron at prices below WAC, and Dutchess purchased Zoladex at prices below WAC.

Dutchess's recordkeeping

The record is unclear whether Dutchess conducted business with Cactus RX, another pharmaceutical wholesaler. However, for certain pharmaceutical purchases, Dutchess maintained two sets of pedigrees. One set of pedigrees listed Cactus RX as the original seller and authorized distributor. The other set identified a chain of wholesalers who handled the drug in question before it reached Dutchess, but the Board found that the information identifying that chain had been "crudely redacted." Additionally, Dutchess's records indicate that Dutchess made several

purchases of Serostim from Crystal Coast where no corresponding record of sale of the Serostim was provided.

Dutchess provided only limited shipping records at the hearing. The shipping records that it provided showed that although Dutchess was then conducting business with Crystal Coast, it actually received several shipments from Overseas International, an unlicensed wholesaler in Florida. The Board also found that only 3 of the 29 Crystal Coast transactions for which Dutchess provided shipping records were actually shipped from Crystal Coast's licensed address. Dutchess did not provide any other shipping records for its transactions with Crystal Coast and provided no shipping records for its transactions with Genendo, Xenigen, and Rekcus. Legend also failed to provide shipping records for its transactions with Rekcus.

Dutchess's and Legend's records further provided that, as noted above, Dutchess and Legend purchased Lupron from Crystal Coast, Genendo, Xenigen, and Rekcus. When selling the Lupron to subsequent purchasers, Dutchess and Legend provided pedigrees which indicated that they were authorized distributors of the drug but which did not disclose from whom they had purchased the drug. The Board heard testimony from Barb Tolbert, the manager of customer service for TAP Pharmaceuticals, that Dutchess and Legend were both customers-of-record with TAP.⁶ At the hearing, Paul DeBree, the CEO of Dutchess and

⁶Tolbert testified that TAP uses the terminology, "customer-of-record" to refer to wholesalers whose licenses have been verified and to whom TAP directly sells drugs; she testified that TAP does not use the term "authorized distributor." The parties do not dispute that in this

continued on next page . . .

manager of Legend, testified that Dutchess and Legend obtained and maintained authorized distributor status with TAP so that they could purchase Lupron from wholesalers and then resell the Lupron to other wholesalers without providing a pedigree detailing the prior sales of the Lupron.

Procedural history

After the 5-day hearing on the charges listed in the accusation, the Board unanimously determined that Dutchess and Legend were guilty of 11 violations of Nevada pharmacy law. The Board issued its findings of fact, conclusions of law, and order, in which it revoked Dutchess's and Legend's pharmaceutical wholesaler's licenses, fined Dutchess \$1 million plus fees and costs totaling \$37,609.77, and fined Legend \$371,000 plus fees and costs totaling \$37,609.77.

Dutchess and Legend petitioned for judicial review, and the district court denied the petition in all respects, except that it remanded to the Board for it to reconsider the amount of fines imposed. On remand, the Board issued revised conclusions of law and an order reducing the fines against Dutchess to \$519,750 and the fines against Legend to \$31,250. Dutchess and Legend now appeal the district court's denial of their petition for judicial review.

... continued

circumstance, a customer-of-record is analogous to an authorized distributor.

DISCUSSION

On appeal, Dutchess and Legend argue that the Board (1) lacked jurisdiction to discipline them, (2) improperly joined them as defendants at the administrative hearing causing undue prejudice as a result, (3) deprived them of their due process rights by denying them the right to conduct discovery and by finding them guilty of charges not listed in the accusation, (4) applied incorrect legal standards and misinterpreted certain statutes and regulations, (5) acted arbitrarily and capriciously, and (6) impermissibly pierced their corporate veils to add certain employees as alter egos. After addressing our standard of review, we address each argument in turn.

Standard of review

We review issues pertaining to statutory construction de novo.⁷ We nonetheless defer to an agency's interpretation of its governing statutes or regulations if the interpretation is within the language of the statute.⁸

The Board had jurisdiction to discipline Dutchess and Legend

Dutchess and Legend contend that because each transaction occurred outside Nevada, the Board lacked jurisdiction to discipline them. We disagree.

Dutchess and Legend were both licensed as pharmaceutical wholesalers in the State of Nevada. The Board has jurisdiction to discipline Nevada license holders under NRS 639.210. Specifically, NRS

⁷Torrealba v. Kesmetis, 124 Nev. ___, 178 P.3d 716 (2008).

⁸State, Tax Comm'n v. Nevada Cement Co., 117 Nev. 960, 968-69, 36 P.3d 418, 423 (2001).

639.210(4) authorizes the Board to revoke the license of any holder who is "guilty of unprofessional conduct or conduct contrary to the public interest," and NRS 639.210(12) authorizes the same for any holder who has "violated, attempted to violate, assisted or abetted in the violation of or conspired to violate any of the provisions of [Chapter 639]." The Board is also authorized to impose fines for each count of an accusation, according to a schedule of fines.⁹ It is well established that when statutory language is plain and unambiguous, we will not look beyond the language to ascertain legislative intent.¹⁰ These statutes are plain and unambiguous. Nothing in NRS 639.210(4) limits the Board's review of unprofessional conduct to acts occurring solely in the State of Nevada. Licensees who commit acts of unprofessional conduct, whether in this state or elsewhere, violate the public interest of this state in its licensed pharmaceutical wholesalers. Thus, the Board has jurisdiction to discipline and impose penalties on Dutchess and Legend.

The Board properly joined Dutchess and Legend

Dutchess and Legend argue that they were wrongfully joined as defendants at the hearing because they did not participate in the same transactions or series of transactions constituting any of the offenses. That argument is unpersuasive.

Initially, we acknowledge the absence of controlling Nevada law governing joinder of parties in administrative proceedings. Although NRCP 19 and NRCP 20 allow for mandatory and permissive joinder of

⁹NRS 639.255(1)(f).

¹⁰Meridian Gold v. State, Dep't of Taxation, 119 Nev. 630, 633, 81 P.3d 516, 518 (2003).

parties, respectively, in civil proceedings, NRCP 1 states that Nevada's rules of civil procedure "govern the procedure in the district courts in all suits of a civil nature whether cognizable as cases at law or in equity." Thus, NRCP 19 and NRCP 20 are not binding on a state agency in an adjudicatory proceeding, unless expressly adopted by the agency.¹¹

Notwithstanding the absence of express statutory authority, we determine that the Board was within its discretion to join Dutchess and Legend. Such a determination is within the broad scope of discretion afforded to the Board as an administrative agency.¹² In this case, the Board did not abuse its discretion by joining Dutchess and Legend. Specifically, the evidence showed that Legend acquired Dutchess in a stock purchase, that Legend conducted its operations at the same facilities as Dutchess, and that Legend continued transacting business with Rekus after Dutchess ended its own operations.

We further determine that Dutchess and Legend have failed to establish that either suffered undue prejudice as a result of joinder. Although they allege that the Board penalized Legend for aspects of Dutchess's wrongdoing, as we discuss in greater detail below, the Board did not fine Legend for Dutchess's violations. Dutchess and Legend fail to

¹¹See Yoder v. Ohio State Bd. of Educ., 531 N.E.2d 769, 770 (Ohio Ct. App. 1988) (holding that where state rules of civil procedure "apply to courts of the state," they do not apply to adjudicatory proceedings before state agencies).

¹²See American Beef Packers, Inc. v. U.S. Dep't Agric., 486 F.2d 1048, 1049 (8th Cir. 1973) ("Procedural decisions relating to such matters as pleadings, joinder of parties, and motions to sever, fall well within the administrative agency's discretion.").

claim or establish any other instances of undue prejudice. Accordingly, we conclude that Dutchess and Legend did not suffer undue prejudice resulting from their joinder.

The Board did not deprive Dutchess and Legend of their due process rights

Dutchess and Legend argue that the Board violated their due process rights in the following three ways: (1) by failing to provide them with adequate notice of the factual basis for the charges in the accusation, (2) by finding them guilty of charges not listed in the accusation, and (3) by denying them the ability to conduct discovery or providing a list of witnesses.

Dutchess and Legend received adequate notice of the charges

Dutchess and Legend argue that their due process rights were violated because the Board failed to notify them of the factual bases for the charges against them. Although proceedings before administrative agencies may be subject to more relaxed procedural and evidentiary rules,¹³ due process guarantees of fundamental fairness still apply.¹⁴ Administrative bodies must follow their established procedural guidelines¹⁵ and give notice to the defending party of "the issues on which

¹³McClelland v. Andrus, 606 F.2d 1278, 1285 (D.C. Cir. 1979); Silverman v. Commodity Futures Trading Com'n, 549 F.2d 28, 33 (7th Cir. 1977).

¹⁴Bivins Constr. v. State Contractors' Bd., 107 Nev. 281, 283, 809 P.2d 1268, 1270 (1991); see also McClelland, 606 F.2d at 1285-86; Silverman, 549 F.2d at 33.

¹⁵McClelland, 606 F.2d at 1285-86.

decision will turn and . . . the factual material on which the agency relies for decision so that he may rebut it."¹⁶

Under NRS 639.241, the Board is required to initiate the administrative hearing process by filing an accusation against the entity whose license it seeks to revoke. The accusation is required to set forth in writing the charges alleged and the acts or omissions with which the respondent is charged such that the respondent may prepare a defense.¹⁷ The Board must also serve a copy of the accusation on the respondent.¹⁸ The procedure for preparing and serving an accusation set forth in NRS 639.241 comports with minimum standards of due process by ensuring that a party to a hearing before the Board is apprised of the charges against it and the factual predicates for those charges. Because Dutchess and Legend received the Board's accusation, and it fully stated the factual bases for the charges against them, their due process rights were not violated.

The Board did not adjudicate Dutchess and Legend guilty of charges not listed in the accusation

Dutchess and Legend assert that while the Board found Dutchess guilty of providing inaccurate pedigrees for particular drugs, the closest cause of action listed in the accusation alleged that Dutchess falsely represented itself as an authorized distributor of TAP

¹⁶Bowman Transp. v. Ark.-Best Freight System, 419 U.S. 281, 288-89 n.4 (1974); see also Nevada St. Apprenticeship v. Joint Appren., 94 Nev. 763, 765, 587 P.2d 1315, 1317 (1978).

¹⁷NRS 639.241(2).

¹⁸NRS 639.242(1).

Pharmaceuticals. They argue that because the accusation failed to charge Dutchess with providing inaccurate pedigrees, Dutchess was without notice of the charge and was unable to prepare a defense to it.

Under NRS 639.241(2), the Board is required to give notice in the accusation of the charges alleged:

The accusation is a written statement of the charges alleged and must set forth in ordinary and concise language the acts or omissions with which the respondent is charged to the end that the respondent will be able to prepare his defense. The accusation must specify the statutes and regulations which the respondent is alleged to have violated, but must not consist merely of charges phrased in language of the statute or regulation.

This court has held that, in the context of administrative pleadings, "due process requirements of notice are satisfied where the parties are sufficiently apprised of the nature of the proceedings so that there is no unfair surprise."¹⁹ We explained that it is the opportunity to prepare a defense that defines due process.²⁰

The relevant cause of action in the Board's accusation stated, in pertinent part,

When Dutchess sold the Lupron it had purchased from Crystal Coast, Genendo, Xenigen, and Rekcus to other wholesalers, Dutchess did not show on the pedigrees that the seller was Dutchess' source.

....

¹⁹Nevada St. Apprenticeship, 94 Nev. at 765, 587 P.2d at 1317.

²⁰Id.

Dutchess knew that none of the Lupron it sold had been purchased by Dutchess from TAP Pharmaceuticals and, instead, that all of the Lupron it sold had actually been purchased from Crystal Coast, Genendo, Xenigen, and Rekcus.

....

In making and providing pedigrees to wholesalers for sales of Lupron that made and perpetuated the false representation that Dutchess was the authorized distributor for the Lupron where Dutchess had not purchased any of the Lupron from TAP Pharmaceuticals and, instead, had actually purchased the Lupron from Crystal Coast, Genendo, Xenigen, or Rekcus, Dutchess violated ... NAC 639.603

On this point, the Board concluded that Dutchess had violated NAC 639.603, among other statutes and regulations, by "making and providing pedigrees to pharmaceutical wholesalers for sales of Lupron that made the false representation that Dutchess was the originating [authorized distributor] for the Lupron instead of accurately showing that Dutchess had actually purchased the Lupron from Crystal Coast, Genendo, Xenigen, or Rekcus."

The language in the accusation clearly and unambiguously notified Dutchess that it was charged with failing to provide accurate pedigrees, and the Board found Dutchess guilty of this charge. We thus determine that Dutchess and Legend's argument that the Board adjudicated Dutchess guilty of charges not listed in the accusation is without merit.

Dutchess and Legend do not have a constitutional right to prehearing discovery

Dutchess and Legend argue further that the Board should have permitted prehearing discovery²¹ and been required to produce a witness list. Generally, there is no state or federal constitutional right in administrative proceedings to prehearing discovery that would require disclosure of intended witnesses.²² Furthermore, as discussed, the Nevada Rules of Civil Procedure do not apply to administrative proceedings,²³ and Nevada's Administrative Procedure Act makes no provision for discovery. Thus, the extent to which a party engaged in an administrative hearing before the Board is entitled to discovery is determined by the statutes governing the Board and its adopted regulations.²⁴ The Board has not established any procedures allowing for discovery, and it is within its discretion to decline to do so.²⁵

²¹Dutchess and Legend fail to identify any other prehearing discovery that they requested and that was rejected by the Board.

²²See Kelly v. U.S. E.P.A., 203 F.3d 519, 523 (7th Cir. 2000); Cimarusti v. Superior Court, 94 Cal. Rptr. 2d 336, 342 (Ct. App. 2000); McClelland v. Andrus, 606 F.2d 1278, 1285 (D.C. Cir. 1979).

²³See NRCP 1 ("These rules govern the procedure in the district courts in all suits of a civil nature.").

²⁴See NRS 233B.040(1) (authorizing administrative agencies to adopt "reasonable regulations" to aid in carrying out their duties).

²⁵See id.

Notwithstanding the Board's decision, due process guarantees of fundamental fairness still apply.²⁶ The fundamental fairness of the Board's proceeding against Dutchess and Legend must be examined in light of the procedural protections made available to Dutchess and Legend by the Board's proceeding. Under NRS 639.246(1), the Executive Secretary of the Board must issue subpoenas on behalf of any party to an action before the Board "for the production of witnesses, documents or papers, in accordance with statutory provisions." Thus, Dutchess and Legend had available to them a procedural mechanism for obtaining any evidence necessary to their defense, and the Board argues, without contradiction from Dutchess or Legend, that it provided subpoenas for all witnesses and evidence that Dutchess and Legend requested. Furthermore, NRS 639.2485(2) provides that "[t]he complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records." Therefore, Dutchess and Legend could subpoena witnesses and had access to any statements of potential witnesses that the Board had considered. Again, Dutchess and Legend do not allege that the Board refused access to witness statements. Thus, because the Board's procedures to subpoena witnesses and provide access to their statements comport with due process guarantees of

²⁶Bivins Constr. v. State Contractors' Bd., 107 Nev. 281, 283, 809 P.2d 1268, 1270 (1991); see also Dixon v. Love, 431 U.S. 105, 115 (1977); McClelland, 606 F.2d at 1285-86; Silverman v. Commodity Futures Trading Com'n, 549 F.2d 28, 33 (7th Cir. 1977).

fundamental fairness, Dutchess and Legend have failed to establish that the Board improperly denied them access to witnesses.

The Board properly reached its conclusions of law

Dutchess and Legend argue that the Board applied an incorrect legal standard and misinterpreted a Nevada regulation in reaching several of its conclusions of law. The Board argues in response that its conclusions are well grounded in Nevada and federal law, that they comport with the plain meaning of the respective statutes and regulations, and that they promote public policy. We conclude that all but one of Dutchess's and Legend's arguments lack merit. We conclude that the remaining complained-of conclusions of law are based on a proper application of the law.

Strict liability under NRS 585.520(1)

Dutchess and Legend argue that the Board improperly applied a strict liability standard when it determined that Dutchess had violated NRS 585.520(1), which prohibits "[t]he manufacture, sale or delivery, holding or offering for sale of any food, drug, device or cosmetic that is adulterated or misbranded."²⁷ According to Dutchess and Legend, the administrative hearing was at least a quasi-criminal proceeding because NRS 585.550 provides for certain criminal penalties. Thus, Dutchess and Legend assert, because the proceeding was criminal in nature, certain requirements for imposing criminal liability should apply. Dutchess and Legend argue specifically that (1) NRS 193.190 requires "a union of act and intention, or criminal negligence to constitute a crime"; (2) in the

²⁷Although Legend argues alongside Dutchess for this proposition, the Board only found Dutchess guilty of violating NRS 585.520(1).

absence of clear legislative intent, there is a strong presumption that a crime requires a culpable mental state; (3) the Board did not present any evidence that the Legislature intended NRS 585.520(1) to be a strict liability statute; (4) the Board's staff presented caselaw during their closing argument that was not applicable to the current case and was therefore prejudicial; and (5) Dutchess had no knowledge that any of the drugs it bought or sold were counterfeit. We reject all of Dutchess and Legend's arguments as meritless and determine that the Board used the proper standard in adjudicating Dutchess guilty of violating NRS 585.520(1).

We address first Dutchess and Legend's contention that the administrative hearing was a quasi-criminal proceeding. Although NRS 585.550 provides for criminal penalties for anyone who violates any provision of Chapter 585, NRS 585.540(1) instructs the Attorney General or district attorney to institute "appropriate proceedings . . . in the proper court" after learning from the agency of a violation of Chapter 585. NRS 585.550 thus enables the Attorney General or district attorney, not the Board, to prosecute criminal violations of Chapter 585. In holding its hearings, the Board was not adjudicating alleged criminal violations and was therefore not bound to apply criminal standards, such as that contained in NRS 193.190, when proceeding against Dutchess and Legend.

We next address, as a matter of first impression, whether NRS 585.520(1) contains a knowledge requirement. NRS 585.520(1) states that "[t]he manufacture, sale or delivery, holding or offering for sale of any food, drug, device or cosmetic that is adulterated or misbranded" is prohibited in Nevada. The plain meaning of the statute is evident by its language—it prohibits the sale or delivery of any drug that has been

adulterated or misbranded. The statute does not contain a knowledge requirement, and we decline to impose such a requirement when none exists. Contrary to Dutchess and Legend's contention, the Board did not bear the burden of establishing that the Legislature intended NRS 585.520(1) to be a strict liability statute because under NRS 233B.135(2) "[t]he burden of proof is on the party attacking or resisting the decision." Because Dutchess and Legend were "attacking or resisting" the Board's decision, they have the burden of proving that the statute contained a knowledge requirement.

That NRS 585.520(1) does not contain a knowledge requirement is further supported by the United States Supreme Court's interpretation of NRS 585.520(1)'s federal counterpart, section 331(a) of the Federal Food, Drug, and Cosmetic Act. Section 331(a) prohibits "[t]he introduction or delivery for introduction into interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded."²⁸ In United States v. Dotterweich, the Supreme Court held that section 331 contains no knowledge requirement: "Such legislation dispenses with the conventional requirement for criminal conduct—awareness of some wrongdoing."²⁹ The Court explained that the Federal Food, Drug, and Cosmetic Act was intended to protect consumers, and, although the imposition of liability absent consciousness of wrongdoing may be harsh,

²⁸21 U.S.C. § 331(a) (2000).

²⁹320 U.S. 277, 281 (1943).

Congress determined that the burden was more properly borne by shippers rather than the general public.³⁰

Based on the plain language of NRS 585.520(1), and supported by the Supreme Court's interpretation of the statute's federal counterpart, we conclude that NRS 585.520(1) contains no knowledge requirement and that liability may be imposed under that section absent consciousness of any wrongdoing. The Board did not err by interpreting the statute this way.

Application of a "knew or reasonably should have known" standard in imposing liability for several regulations

Similarly, Dutchess and Legend argue that the Board applied an incorrect knowledge requirement with respect to the parties' violations of NRS 639.210(4) and (12); NAC 639.603; and NAC 639.945(1)(a), (g), (h), and (i). But, as discussed, the Board was not adjudicating Dutchess's and Legend's culpability for alleged criminal violations. Rather, the Board proceeded against Dutchess and Legend pursuant to its administrative authority to discipline license holders for statutory violations.³¹ The Board was therefore not applying criminal knowledge or intent

³⁰Id. Dutchess and Legend also argue that the Board cited prejudicial and inapplicable authority when it referred to several cases, including United States v. Dotterweich, during the hearing. We reject this contention because the cases cited by the Board, Dotterweich, United States v. Park, 421 U.S. 658 (1975), and Triangle Candy Co. v. United States, 144 F.2d 195 (9th Cir. 1944), all discuss the absence of a knowledge requirement in 21 U.S.C. § 331 and are therefore persuasive authority concerning the interpretation of NRS 585.520, the controlling law in the instant case.

³¹See NRS 639.255.

requirements when determining whether the parties' conduct violated the statutes and regulations at issue.

Failing to provide accurate pedigrees

Dutchess and Legend argue that the Board misinterpreted Nevada regulatory law when it determined that Dutchess and Legend violated NAC 639.603 by providing pedigrees on sales of Lupron that did not indicate from whom Dutchess and Legend purchased the drug. Dutchess and Legend contend that NAC 639.603(1) exempts wholesalers that have obtained authorized distributor status with the manufacturer from providing pedigrees with information about prior sales of the drug. The Board responds that NAC 639.603(1) exempts wholesalers from providing information of prior sales on pedigrees only if the wholesaler is an authorized distributor and did not purchase the drug from another wholesaler. We agree with the Board and conclude that Dutchess and Legend were properly found guilty of violating NAC 639.603.

NAC 639.603(1) generally provides the following:

[E]ach wholesaler shall provide a statement of prior sales identifying each sale of a prescription drug before the prescription drug is sold to another wholesaler or to a pharmacy when supplying prescription drugs if the wholesaler:

(a) Has not established an ongoing relationship with the manufacturer from whom the prescription drug was purchased; or

(b) Purchased the prescription drug from another wholesaler.

The regulation is phrased somewhat awkwardly. It sets forth a requirement that wholesalers that are not authorized distributors, i.e.,

wholesalers that do not have an ongoing relationship with the manufacturer³² or that purchased prescription drugs from other wholesalers, must provide pedigrees with all subsequent sales. If a wholesaler meets the description in either subsection (a) or (b), it must provide a pedigree.

Dutchess and Legend argue that subsections (a) and (b) set forth two distinct exceptions to the pedigree requirement and that satisfaction of either subsection exempts a wholesaler from providing pedigrees on subsequent sales. We disagree. The language of the regulation makes clear that a wholesaler must provide a pedigree if it either is not an authorized distributor or if it purchased the drug from another wholesaler. "The word 'or' is typically used to connect phrases or clauses representing alternatives."³³ The regulation's use of "or" indicates that the descriptions in the subsections are "in the alternative to, and [are] not conditioned by" the other subsection.³⁴ If the regulation required all wholesalers to provide pedigrees unless either subsection applied, then both subsections would provide separate exceptions to the requirement. That is not the case here, contrary to Dutchess and Legend's argument. An exception exists only if the wholesaler is both an authorized distributor and purchased the drug from an entity other than another wholesaler.

³²Although NAC 639.603(1) describes "an ongoing relationship with the manufacturer," the parties do not dispute that this term is analogous to the term "authorized distributor."

³³Coast Hotels v. State Labor Comm'n, 117 Nev. 835, 841, 34 P.3d 546, 550 (2001).

³⁴Id.

As indicated, testimony before the Board revealed that Dutchess and Legend were authorized distributors for TAP Pharmaceuticals, the manufacturer of Lupron. But, testimony and documentation also revealed that Dutchess and Legend purchased the Lupron in question from other wholesalers, and not from TAP, before reselling it. So, although Dutchess and Legend were authorized distributors, they were required to provide pedigrees under subsection (b) of NAC 639.603(1) because they purchased the prescription drug from other wholesalers. Therefore, the Board did not err when it concluded that Dutchess and Legend violated NRS 639.603(1) by failing to provide pedigrees on sales of Lupron disclosing the details of prior sales.

Nevertheless, Dutchess and Legend further assert that NAC 639.603 is modeled after the federal statute that likewise sets forth a pedigree requirement. 21 U.S.C. § 353(e)(1)(A) exempts wholesalers who have obtained authorized distributor status from providing pedigrees:

Each person who is engaged in the wholesale distribution of a drug subject to subsection (b) of this section and who is not the manufacturer or an authorized distributor of record of such drug shall, before each wholesale distribution of such drug . . . , provide to the person who receives the drug a statement . . . identifying each prior sale, purchase, or trade of such drug. (Emphasis added.)

However, the language in § 353(e)(1)(A) differs markedly from that in NAC 639.603(1). The federal statute clearly requires all wholesalers, except manufacturers and authorized distributors, to provide pedigrees.³⁵

³⁵See RxUSA Wholesale v. Dept. of Health and Human Serv., 467 F. Supp. 2d 285, 290 (E.D.N.Y. 2006) (finding that a group of pharmaceutical
continued on next page . . .

In contrast to our above comparison of NRS 585.520(1) and its federal counterpart, section 331(a) of the Federal Food, Drug, and Cosmetic Act, here, the federal interpretation of an analogous provision is unpersuasive because the distinct language of the Nevada regulation indicates an intent to deviate from the federal provision. Indeed, the Board counters Dutchess and Legend's argument by stating that when enacting NAC 639.603(1), it intended to prevent the result obtained under the federal provision.

The purpose of requiring a pedigree from wholesalers that meet the descriptions in either subsection (a) or (b) of NAC 639.603(1) is illustrated in a case such as this, when testimony before the Board revealed that Dutchess and Legend maintained authorized distributor status with TAP Pharmaceuticals so they could sell Lupron to other wholesalers without pedigrees, concealing the untrustworthy source of the drug. By requiring wholesalers to provide pedigrees unless they both are an authorized distributor and purchased the drug from an entity other than another wholesaler, NAC 639.603 serves the public policy interest in transparency in the wholesale prescription drug market.

... continued

companies were entitled to a preliminary injunction preventing the implementation of Food and Drug Administration (FDA) regulations that would have required unauthorized distributors "to provide pedigree information for sales all the way back to the manufacturer" because they demonstrated that § 353(e)(1)(A) allowed authorized distributors to sell drugs without pedigrees, and therefore, an unauthorized distributor who purchased drugs from an authorized distributor would be unable to provide the information required by the FDA regulation).

Improperly accepting drugs from an unlicensed company

Dutchess and Legend argue that the Board erred when it determined that Dutchess had violated NRS 639.210(4) and (12)³⁶ and NAC 639.945(1)(g), (h), and (i).³⁷ The Board concluded that Dutchess

³⁶NRS 639.210 provides, in pertinent part:

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

....

4. Is guilty of unprofessional conduct or conduct contrary to the public interest;

....

12. Has violated, attempted to violate, assisted or abetted in the violation of or conspired to violate any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy, or has knowingly permitted, allowed, condoned or failed to report a violation of any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy committed by the holder of a certificate, license, registration or permit.

³⁷NAC 639.945 provides, in pertinent part:

1. The following acts or practices by a holder of any license, certificate or registration issued by the Board or any employee of any business holding any such license, certificate or registration are declared to be, specifically but not

continued on next page . . .

violated those provisions when it accepted and sold drugs that were handled and shipped by Overseas International, a company unlicensed in any state, and by accepting and selling drugs from various addresses at which no pharmaceutical wholesaler was licensed. Dutchess and Legend argue that the Board erred for two reasons: (1) the statute governing licensing requirements, NRS 639.233, did not require a company such as Overseas to maintain a license at the time its transactions with Dutchess took place; and (2) even if Overseas was required to maintain a license, Dutchess never purchased drugs from Overseas because Overseas was merely a shipping agent. We agree and conclude that the Board erred in reaching this conclusion of law.

... continued

by way of limitation, unprofessional conduct and conduct contrary to the public interest:

....

(g) Supplying or diverting drugs, biologicals, 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.

(h) Performing or in any way being a party to any fraudulent or deceitful practice or transaction.

(i) Performing any of his duties as the holder of a license, certificate or registration issued by the Board, or as the owner of a business or an entity licensed by the Board, in an incompetent, unskillful or negligent manner.

NRS 639.233(1) requires wholesalers who furnish drugs to people in this state to be licensed.³⁸ However, the version of the statute effective in 2003 exempted from the licensing requirement wholesalers or manufacturers whose principal place of business was in another state.³⁹ Therefore, Overseas was not then required to be licensed in Nevada to sell controlled substances to Dutchess. We conclude that the Board erred in determining that Dutchess's conduct in accepting and selling to other wholesalers drugs obtained from Overseas was unprofessional under NRS 639.210(4) and a violation of "regulation[s] relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy" under NRS 639.210(12). Accordingly, on remand from the district court, the Board should recalculate the fines imposed on Dutchess.

Failure to maintain adequate records

Dutchess and Legend argue that the Board erred when it determined that Dutchess had violated NAC 639.602 by failing to maintain and provide to the Board records showing the names and principal addresses of the locations from which prescription drugs were

³⁸NRS 639.233(1) provides:

Any person, including a wholesaler or manufacturer, who engages in the business of wholesale distribution or furnishing controlled substances, poisons, drugs, devices or appliances that are restricted by federal law to sale by or on the order of a physician to any person located within this State shall obtain a license pursuant to the provisions of this chapter.

³⁹NRS 639.233(2) (2002).

shipped to Dutchess. Dutchess and Legend contend that NAC 639.602 does not require such recordkeeping. We reject this argument.

NAC 639.602(1) provides, in pertinent part, that:

Each wholesaler shall make and maintain a record of its inventory and of each transaction relating to the receipt and distribution or other disposition of a prescription drug. The record must include, without limitation:

....

(c) The shipping record, which may be a manifest, shipping label, shipping bill or any similar document, evidencing the shipment of the prescription drug from the supplier to the wholesaler;

....

(f) The shipping record evidencing the shipment of the prescription drug from the wholesaler to the purchaser or purchasing wholesaler.

These subsections clearly require wholesalers to maintain shipping records. As a wholesaler, Dutchess was subject to this requirement. Accordingly, we conclude that the Board did not err by determining that Dutchess violated NAC 639.602 by failing to maintain and provide shipping records.

The Board's orders are not arbitrary and capricious

Dutchess and Legend argue that the Board's original order and the modified order on remand are arbitrary and capricious because (1) the Board did not cite to authority to justify its imposition of fines, (2) the Board fined Legend for Serostim that it never handled, (3) the fines against Dutchess and Legend and the revocation of Legend's license are excessive given several mitigating circumstances, and (4) the Board cited

to a repealed statute, NRS 639.255(1)(g), to authorize the imposition of attorney fees on Dutchess and Legend.

If an administrative order is arbitrary or capricious, this court may remand or set aside any part or the entirety of the order.⁴⁰ Nevertheless, having considered Dutchess and Legend's contentions, we conclude that the Board's orders are not arbitrary or capricious.

We address first Dutchess and Legend's claim that the Board's failure to cite to statutory authority renders its imposition of fines arbitrary and capricious. NRS 639.255 allows the Board to impose fines as a method of discipline. NRS 639.255 provides, in pertinent part,

1. The holder of any certificate, license or permit issued by the Board, whose default has been entered or who has been heard by the Board and found guilty of the violations alleged in the accusation, may be disciplined by the Board by one or more of the following methods:

....

(f) Imposition of a fine for each count of the accusation, in accordance with the schedule of fines established pursuant to subsection 3.

....

3. The Board shall, by regulation, establish a schedule of fines that may be imposed pursuant to paragraph (f) of subsection 1. Each fine must be commensurate with the severity of the applicable violation, but must not exceed \$10,000 for each violation.

These provisions permit the Board to fine a licensed wholesaler for every count charged provided that the fine does not exceed

⁴⁰NRS 233B.135(3)(f).

\$10,000 per count. In its order on remand, the Board fined Dutchess \$1,000 each for 399 counts and \$250 for each of the remaining 483 counts, while it fined Legend \$250 each for 125 counts. The Board has the authority, under NRS 639.255, to impose these fines, and its order is not arbitrary and capricious simply because the Board failed to cite to that authority. Dutchess and Legend do not cite to any statute or regulation that requires the Board to cite its statutory authority to impose fines and have not demonstrated that they were prejudiced by the Board's failure to do so. Moreover, Dutchess and Legend have not shown that the Board fined more than \$10,000 per count or that the Board's arithmetic was incorrect.

We next address Dutchess and Legend's contention that the Board fined Legend for Serostim it never handled. The Board cited 249 counts whereby Dutchess and Legend violated Nevada law regarding their purchases of Serostim, Zoladex, and Lupron. However, the Board fined Legend for only 125 of the 249 counts mentioned. This indicates that the Board recognized that Legend bought and sold only Lupron and not Serostim and Zoladex and fined Legend only for drugs that it handled. Dutchess and Legend present no evidence that the 125 counts involve Serostim or Zoladex, and in the absence of any such evidence to the contrary, we conclude that the Board did not fine Legend for Serostim it did not handle.

Turning to Dutchess and Legend's argument that the fines imposed against them and the revocation of Legend's license were excessive given certain mitigating circumstances, we determine that the arguments merely reiterate evidence presented during the hearing. The Board's imposition of fines and revocation of licenses are entitled to great

deference to the extent that they were based upon the Board's interpretation of the evidence and testimony.⁴¹ Therefore, we will not reconsider the Board's determination in this regard.

Finally, we address Dutchess and Legend's contention that the Board's citation to a repealed statute justifying the imposition of attorney fees renders its order arbitrary and capricious. The Board concedes that it inadvertently cited to NRS 639.255 when it should have cited to NRS 622.400(1)(a), which authorizes attorney fees for proceedings such as the administrative hearing. This court will not reverse a correct judgment "simply because it was based on the wrong reason."⁴² We conclude that the Board's order is not arbitrary and capricious merely for its failure to cite to the proper statutory authority. Because NRS 622.400(1)(a) authorizes the Board's imposition of attorney fees,⁴³ we determine that its order is not arbitrary and capricious.

The Board did not pierce Dutchess's and Legend's corporate veils

Dutchess and Legend argue that the Board impermissibly pierced their corporate veils when, in the last sentence of its order, it instructed Board staff to seek payment of fines owed by Dutchess and Legend from Paul DeBree and Lance Packer personally, principals of

⁴¹SIIS v. Montoya, 109 Nev. 1029, 1031-32, 862 P.2d 1197, 1199 (1993).

⁴²Kraemer v. Kraemer, 79 Nev. 287, 291, 382 P.2d 394, 396 (1963) (citing Nelson v. Sierra Constr. Corp., 77 Nev. 334, 364 P.2d 402 (1961)).

⁴³Under NRS 622.400(1)(a), a regulatory body may recover reasonable attorney fees incurred "as part of its investigative, administrative and disciplinary proceedings" upon the entry of a final order.

Dutchess and Legend. We disagree with Dutchess and Legend's argument.

DeBree was the president and CEO of Dutchess from its inception until March 2003, when Legend assumed all operations from Dutchess. DeBree also served as a manager of Legend from its inception until, presumably, the time when the Board revoked Legend's license. Packer was Dutchess's designated representative.

The Board did not pierce Dutchess's or Legend's corporate veils by including the following language in its order:

Should either Dutchess or Legend fail to timely pay the fine or fees and costs imposed in this Order, Board staff is directed to take whatever legal action it deems necessary and proper to effectuate collection of the sums due. To the extent legally possible, Board staff is directed to seek payment of the unpaid sums from Dutchess and Legend and from Mr. DeBree and Mr. Packer personally.

First, nothing in NRS Chapter 639 suggests that the Board has the authority to pierce the corporate veil or add nonparties as alter egos of the judgment debtor. Second, even if the Board wished to pierce Dutchess's and Legend's corporate veils, it would have to institute a separate action to do so, ensuring that DeBree and Packer received "a full opportunity of notice, discovery, and an opportunity to be heard before potentially being found liable."⁴⁴ The language, as conceded by the Board, was a directive to Board staff regarding further action, but carrying it out would require

⁴⁴Callie v. Bowling, 123 Nev. ___, ___, 160 P.3d 878, 881 (2007).

further legal action. The Board's inclusion of this language in its order does not constitute a judgment against the principals.

CONCLUSION

In conclusion, we reject Dutchess and Legend's following claims on appeal and hold as follows: (1) because Dutchess and Legend held licenses issued by the Board, the Board had jurisdiction under NRS 639.210 to discipline and impose penalties on them even if the acts supporting unprofessional conduct occurred outside the state; (2) as an administrative body, the Board was within its discretion to join Dutchess and Legend in a single action, and neither party was unduly prejudiced by the joinder; (3) Dutchess and Legend were not deprived of due process because they received adequate notice of the charges against them, they were not entitled to conduct discovery, and the Board adjudicated them guilty only of charges listed in the charging document; (4) the Board applied the proper legal standards in reaching all but one of its conclusions of law; (5) the Board's orders are not arbitrary and capricious; and (6) the Board did not pierce either Dutchess's or Legend's corporate veils to impose liability on their principals under an alter ego theory.⁴⁵ However, because we conclude that the statute in effect in 2003, NRS 639.233(2), exempted Overseas International from Nevada's licensing requirements, we conclude that the Board erred in determining that Dutchess violated Nevada law by conducting business with Overseas.

⁴⁵Having considered all of the issues raised by Dutchess and Legend, we conclude that their other claims are without merit and do not warrant reversal of the district court's order.

Accordingly, we reverse the district court's denial of the petition for judicial review and remand to the district court with instructions to remand to the Board. It is unclear from the record what portion of the fines imposed on Dutchess by the Board related to its determination that Dutchess violated Nevada law by conducting business with an unlicensed company. On remand from the district court, the Board should reconsider and recalculate the fines imposed on Dutchess.

1 Hardesty J.
Hardesty

We concur:
Gibbons C.J.

Maupin J.
Maupin

Parraguirre J.
Parraguirre

Douglas J.
Douglas

Cherry J.
Cherry

Saitta J.
Saitta

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER**

RE: REMAND BY DISTRICT COURT

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**DUTCHESS BUSINESS SERVICES, INC.,
Certificate of Registration #WH00815,**

**LEGEND PHARMACEUTICALS, INC.,
Certificate of Registration #WH01078,**

Respondents.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER RE: REMAND
BY DISTRICT COURT**

Case No. 03-004A-WH-S

Case No. 03-004B-WH-S

THIS MATTER was originally heard by the Nevada State Board of Pharmacy (hereinafter Board) at its regular meeting on October 14, 15, and 16, 2003 and January 14 and 15, 2004, all in Las Vegas, Nevada. The Board was represented by Louis Ling, General Counsel for the Board, and Mary Boetsch of Sinai, Schroeder, Mooney, Boetsch, Bradley & Pace (herein referred to as Board Staff). Respondents Dutchess Business Services, Inc. (Dutchess) and Legend Pharmaceuticals, Inc. (Legend) were represented by Steven Gibson of Santoro, Driggs, Walch, Kearney, Johnson & Thompson.

On February 5, 2004, the Board issued its Findings of Fact, Conclusions of Law, and Order resultant from the hearing. The February 5, 2004 Order was 62 pages in length and contained detailed findings of fact resultant from the hearing and twelve specific conclusions of law by which the Board determined that Dutchess and Legend had committed numerous violations of Nevada law. The February 5, 2004 Order also

CONCLUSIONS OF LAW

1. At the hearing on the District Court's remand, the Board discussed paragraphs 7, 8, and 9 of the District Court's Order and what effect, if any, those paragraphs had upon the Board's conclusions of law in the Board's February 5, 2004 Order. The Board determined to reaffirm without modification its Conclusions of Law contained in its February 5, 2004 Order.

2. The Board discussed and affirmed its interpretation of NAC 639.603 regarding the pedigrees made and maintained by Dutchess and Legend for the Lupron manufactured by TAP Pharmaceuticals because NAC 639.603 requires that a wholesaler must make a pedigree unless both conditions of the exception contained in NAC 639.603(1)(a) and (b) are satisfied, namely that the wholesaler has the requisite ongoing relationship with the manufacturer and that the wholesaler did not purchase the drug at issue from another wholesaler. The District Court's ruling in paragraph 7 of its Decision and Order indicates a misunderstanding of the Board's conclusions of law regarding Dutchess' and Legend's failure to provide pedigrees regarding their Lupron transactions because no "loophole" exists under NAC 639.603 for their failure to provide the pedigrees. Because the Lupron Dutchess and Legend sold was all purchased from other wholesalers, not from the manufacturer, a pedigree was mandated by NAC 639.603(1)(b). For the reasons elucidated in this paragraph, the Board declined respectfully to modify its conclusions of law, especially conclusions of law ##7 and 10, in its February 5, 2004 Order. It is hoped that this additional conclusion of law will respectfully inform the District Court of the Board's interpretation

of its own regulation as the District Court considers its final order in this matter.

3. The Board reconsidered the fines it imposed in its February 5, 2004 Order pursuant to the remand directed by the District Court and determined to reassess the fines at a substantively lower amount pursuant to NRS 639.255(1)(f). The Board particularly considered the severity of the violations at issue pursuant to NRS 639.255(3). In particular, the Board considered the District Court's discussion at the oral argument of the petition for judicial review (attended by many members of the Board) and the District Court's strong language regarding Dutchess' responsibility for its purchasing and sale of counterfeit Serostim. The Board also expressed concern that some of the Serostim handled by Dutchess may have made its way into unwitting pharmacies who may have dispensed the counterfeit drug to patients whose conditions already rendered them medically vulnerable.

ORDER ON REMAND

For the foregoing reasons, the Board modifies on remand paragraphs 3 and 4 of its February 5, 2004 Order to read as follows:

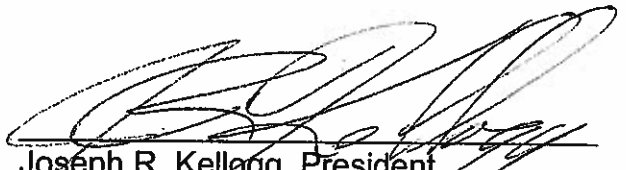
3. Dutchess shall pay a fine of \$519,750.00 calculated as \$1,000.00 for each of the 399 boxes of counterfeit Serostim purchased and sold by Dutchess and as \$250.00 for each of the remaining 483 counts against Dutchess.

Included in the 483 counts against Dutchess are 124 of the 249 counts contained in conclusion of law #12. Dutchess shall pay the fine of \$519,750.00 by cashier's or certified check or money order made payable to "State of Nevada, Office of the Treasurer" to be received by the Board's Reno office within

30 days of the date of filing by the District Court of its final order in the petition for judicial review in this matter. Dutchess shall pay one-half the Board's fees and costs incurred in the investigation and prosecution of this matter, the amount being \$37,609.77 by cashier's or certified check or money order made payable to "Nevada State Board of Pharmacy" to be received by the Board's Reno office within 30 days of the date of filing by the District Court of its final order in the petition for judicial review in this matter.

4. Legend shall pay a fine of \$31,250.00, calculated as \$250.00 for each of 125 of the 249 counts contained in conclusion of law #12, 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 30 days of the date of filing by the District Court of its final order in the petition for judicial review in this matter. Legend shall pay one-half the Board's fees and costs incurred in the investigation and prosecution of this matter, the amount being \$37,609.77 by cashier's or certified check or money order made payable to "Nevada State Board of Pharmacy" to be received by the Board's Reno office within 30 days of the date of filing by the District Court of its final order in the petition for judicial review in this matter.

Signed this 21st day of July, 2005.


Joseph R. Kellogg, President
Nevada State Board of Pharmacy

ORIGINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,
v.
DUTCHESS BUSINESS SERVICES, INC.,
Certificate of Registration #WH00815,

LEGEND PHARMACEUTICALS, INC.,
Certificate of Registration #WH01078,

Respondents.

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

Case No. 03-004A-WH-S

Case No. 03-004B-WH-S

THIS MATTER was heard by the Nevada State Board of Pharmacy (hereinafter Board) at its regular meeting on October 14, 15, and 16, 2003 and January 14 and 15, 2004, all in Las Vegas, Nevada. The Board was represented by Louis Ling, General Counsel for the Board, and Mary Boetsch of Sinai, Schroeder, Mooney, Boetsch, Bradley & Pace (herein referred to as Board staff). Respondents Dutchess Business Services, Inc. (Dutchess) and Legend Pharmaceuticals, Inc. (Legend) were represented by Steven Gibson and Ryan Schultz of Santoro, Driggs, Walch, Kearney, Johnson & Thompson. Based on the testimony and evidence presented 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:

RULINGS ON PROCEDURAL MOTIONS

Various written motions were made to the Board by the parties, four by Respondents and one by Board staff. Following are the Board's rulings as to each of the motions.

1. Respondents' Motion to Dismiss and to Disqualify Ling and Macdonald.

Respondents withdrew their motion to dismiss as moot, so the Board makes no ruling on this motion. The Board denies Respondents' motion to disqualify Mr. Macdonald and Mr. Ling from participating in this matter because that issue was tried to and dismissed by the Eighth Judicial District Court on December 23, 2003 in *Dutchess Business Services, Inc., et al. v. Ling and Macdonald* (Case No. A474860). As to Mr. Ling, the dismissal was with prejudice, and as to Mr. Macdonald the issue was dismissed without prejudice. Even if the issue had not been definitively disposed of by the District Court, the Board finds that Mr. Macdonald's and Mr. Ling's participation in this matter was routine and entirely consistent with their duties as, respectively, Executive Secretary and General Counsel for the Board. **Motion to Dismiss is denied as moot and because it was withdrawn by Respondents. Motion to Disqualify Mr. Macdonald and Mr. Ling is denied.**

2. Respondents' Motion to Appoint a Temporary Officer of the Board. This motion was rendered moot by the dismissal of *Dutchess Business Services Inc. v. Ling and Macdonald* (8th Jud'l Dist. Case No. A474860). **Motion to Appoint a Temporary Officer of the Board is denied as moot.**

3. Respondents' Motion to Enforce Subpoenas. This motion is denied for two substantive reasons: (1) the motion and the entire course of proceedings that are the subject of the motion show that Respondents course of conduct did not merit the relief requested because of Respondents' own actions and inactions, and (2) the subpoena regarding Mr. Macdonald was not served properly and was not, therefore, subject to enforcement. Regarding the first ground for denial, the undisputed facts show that of

the 21 subpoenas subject to the motion, 20 were for people located outside of Nevada (eight in Florida, one in South Carolina, two in New York, two in Michigan, one in Kentucky, one in Missouri, one in California, one in Utah, one in Delaware, one in Massachusetts, and one in Illinois). Respondents presented no evidence that they had attempted to pursue the proper legal requirements that would lawfully compel compliance by the subjects of any of the subpoenas in any of the 12 different states involved. Respondents also presented no special statute, regulation, or rule (and the Board is not aware of any such statute, regulation, or rule) that would allow for the Board's subpoenas to have a territorial reach beyond the borders of Nevada. NRS 639.246 does not require the Board or its staff to serve subpoenas; rather, NRS 639.246 requires that the Board's Executive Secretary issue the subpoenas (which he did) and that the Board enforce validly served subpoenas that have been defied. NRS 639.246 leaves the service of subpoenas to the party requesting them. Thus, 20 of the 21 subpoenas issued by Board staff could not be validly served on the out-of-state subjects without compliance with the laws in those states, and the Board cannot, therefore, enforce those subpoenas pursuant to NRS 639.246.

Regarding the second ground for denial of the motion, the subpoena served upon Mr. Macdonald was properly served upon Mr. Macdonald on October 9, 2003, but the subpoena served upon Mr. Macdonald was facially deficient since it did not call for any action on the part of Mr. Macdonald (the facially deficient subpoena is attached as Exhibit I to Respondents' Motion to Continue Proceedings). The deficiency of the subpoena was brought to Respondents' counsel by way of letter from the Board's General Counsel the next day (a copy of the October 10, 2003 letter is attached to

Exhibit 1 to Respondents' Motion to Enforce Issued Subpoenas). Respondents presented no evidence that they corrected the deficiencies in the subpoena served upon Mr. Macdonald on October 9, 2003. The Board will not rule that Mr. Macdonald failed to comply with a subpoena that either did not instruct Mr. Macdonald to do anything or required Mr. Macdonald to guess as to Respondents' intentions.

Respondents' Motion to Enforce Issued Subpoenas is denied.

4. Respondents' Motion to Continue Proceedings. This motion is denied because Respondents did not show good cause under NAC 639.120 sufficient to justify the extraordinary relief sought. The largest ground for the requested continuance was the purported non-compliance with 21 subpoenas issued in September 2003, which issue has been fully addressed in the preceding section 3. Because the purported non-compliance with the subpoenas resulted from Respondents' own acts or failures to act, the purported non-compliance with the subpoenas could not serve as good cause justifying a continuance.

Respondents also claimed as good cause for the continuance Mr. Macdonald's and Mr. Ling's failure to comply with a second set of subpoenas. The record showed, though, that the second set of subpoenas was not sought by Respondents until January 7, 2004, only six days before the continuation of the hearing of this matter and approximately three months after the hearing had commenced. The record also showed that the subpoenas were not served upon Mr. Macdonald and Mr. Ling until the morning of January 13, 2004, just minutes before the beginning of the Board's regularly scheduled meeting that day.

A review of the course of proceedings shows that the Notice of Intended Action and Accusation was served on Respondents on August 21, 2003, that Respondents filed their Answer and Notice of Defense on September 9, 2003, and that Respondents did not file their request for the first set of subpoenas until September 25, 2003. Board staff hand-delivered the subpoenas on September 30, 2003 to Respondents' counsel; nonetheless, Respondents did not commence service of the subpoenas until October 8 at the earliest and October 14 at the latest, subpoenas that Respondents argued were absolutely vital for their defense that began on October 14, 2003. As of October 16, 2003, Respondents knew, because they had made an issue of it during the October hearings, that their first set of subpoenas had not been complied with, yet Respondents inexplicably did nothing in the interim between October 16, 2003 and December 18, 2003 (when they filed their Motion to Enforce Issued Subpoenas) to obtain the needed evidence through the necessary legal processes. Worse still, Respondents did not request the issuance of the supposedly vital second set of subpoenas until January 8, 2004, just three working days before the January 14 resumption of the hearing, and Respondents did not serve the second set of subpoenas until just 24 hours before the resumption of the hearing on January 14. Respondents have not accounted for nor explained their dilatory conduct. It would be absurd to find that Respondent's own dilatory conduct rises to the level of good cause under NAC 639.120. **Respondents' Motion to Continue Proceedings is denied.**

5. Board Staff's Motion to Quash Subpoenas. Respondents sought the issuance of the second set of subpoenas on January 8, 2004, just three workdays before the resumption of the Board's hearing on January 14, 2004. Respondents did not serve the

subpoenas on Mr. Macdonald and Mr. Ling until the morning of January 13, 2004. By Respondents' own actions, therefore, they made compliance with their subpoenas impossible. Furthermore, the information sought in the subpoenas had either already been provided months before, was not in the possession of Board staff, or was protected by the attorney work product doctrine. For all of these reasons, Respondents' subpoenas served upon Mr. Macdonald and Mr. Ling are quashed. **Board Staff's Motion to Quash Subpoenas is granted and the subpoenas served upon Mr. Macdonald and Mr. Ling on January 13, 2004 are quashed.**

FINDINGS OF FACT

1. At hearing, Board staff presented the testimony of Rick Roberts, Pamela Williamson-Joyce, George Lotman, Mark Holder, Jeffrey Hart, Barbara Tolbert, Gary Venema, Fred Ackermann, Ron Shockey, and E. H. Paul DeBree. Respondents presented the testimony of Keith Macdonald. Board staff had 23 exhibits marked, and of those, all exhibits were admitted into evidence except the exhibits marked ## 1, 2, 3, 4, 5, 6, and 23. Additionally, Respondents made certain admissions in their Answer and Notice of Defense that constituted part of the Board's consideration and deliberation of this matter. Based upon all of the evidence and admissions presented to the Board, the Board finds that the substantial evidence shows the following to be the facts of this matter.

2. On July 9, 1998, the Board granted a pharmaceutical wholesaler's license to Dutchess Business Services, Inc. (Dutchess). The principals in Dutchess were Mr. DeBree and his son-in-law, Lance Packer. According to Mr. DeBree, he was the President and CEO for Dutchess. Mr. Packer was Dutchess' designated representative,

meaning that he was the employee acknowledged by law to be knowledgeable about and involved in the day-to-day operations of Dutchess. Mr. DeBree related that Mr. Packer was, in fact, involved in the day-to-day transactions because he was the person who handled, processed, and created the routine paperwork by which Dutchess' business daily operated. Though George Lotman's name appears on various of the corporate records, his testimony at hearing demonstrated that Mr. Lotman was involved in Dutchess on paper only and that Mr. Lotman had nothing substantive to do with the day-to-day operations of Dutchess. The testimony and evidence at hearing clearly established that Mr. DeBree and Mr. Packer were responsible for all substantive decisions and operations of Dutchess and that Mr. Lotman merely fronted the business for Mr. DeBree and Mr. Packer.

3. Beginning in June 2000, Dutchess began buying various strengths of Lupron from Crystal Coast, Inc. (Crystal Coast), a Florida pharmaceutical wholesaler who was not licensed in Nevada. Beginning in August 2000, Dutchess began buying Zoladex and Serostim from Crystal Coast. Lupron (manufactured by TAP Pharmaceuticals) and Zoladex (manufactured by AstraZeneca) are competitive products used primarily in the treatment of prostate cancer. Serostim (manufactured by Serono) is used to treat wasting syndrome (cachexia) in patients with HIV or AIDS patients.

4. Mr. DeBree explained that he became involved in doing business with Crystal Coast through an unsolicited advertisement through Dutchess' facsimile machine. Mr. DeBree testified that he had not met or done business before with Crystal Coast's principals, William Walker and Elenore Walker, prior to receiving the unsolicited advertisement. Before doing business with Crystal Coast, Mr. DeBree testified that he

knew nothing about Crystal Coast or the Walkers except that Crystal Coast was licensed in Florida.

5. The following table details the purchases by Dutchess from Crystal Coast:

INVOICE DATE	INVOICE #	DRUG	QTY (UNITS)	PRICE PER UNIT	BATES # IN EX. 20
6/1/00	1004	Lupron 30 mg.	48	\$1,025.00	737
6/6/00	1004	Lupron 7.5 mg.	104	\$375.00	747
6/6/00	1008	Lupron 7.5 mg.	63	\$375.00	742
6/12/00	1010	Lupron 30 mg.	18	\$1,025.00	757
6/12/00	1010	Lupron 7.5 mg.	50	\$375.00	757
6/13/00	1018	Lupron 30 mg.	18	\$1,025.00	760
6/14/00	1018	Lupron 7.5 mg.	131	\$375.00	764
6/16/00	1022	Lupron 7.5 mg.	49	\$375.00	767
6/20/00	1010	Lupron 7.5 mg.	36	\$375.00	770
6/20/00	1080	Lupron 7.5 mg.	72	\$375.00	777
6/26/00	1065	Lupron 30 mg.	12	\$1,025.00	781
6/26/00	1065	Lupron 7.5 mg.	6	\$375.00	781
6/30/00	1065	Lupron 7.5 mg.	61	\$375.00	784
7/1/00	1072	Lupron 7.5 mg.	138	\$375.00	785
7/3/00	1073	Lupron 7.5 mg.	42	\$375.00	789
7/11/00	1074	Lupron 7.5 mg.	26	\$375.00	794
7/12/00	1075	Lupron 30 mg.	72	\$1,025.00	794
7/12/00	1075	Lupron 7.5 mg.	120	\$380.00	794
7/12/00	1075	Lupron 7.5 mg.	93	\$375.00	794
7/13/00	1076	Lupron 22.5 mg.	6	\$800.00	806
7/13/00	1076	Lupron 22.5 mg.	6	\$800.00	800
7/13/00	1076	Lupron 7.5 mg.	34	\$375.00	800
7/13/00	1076	Lupron 7.5 mg.	34	\$375.00	806
7/13/00	1077	Lupron 30 mg.	24	\$1,025.00	802
7/13/00	1077	Lupron 7.5 mg.	5	\$375.00	802
7/17/00	1079	Lupron 7.5 mg.	36	\$375.00	808
7/18/00	1080	Lupron 7.5 mg.	60	\$380.00	811
7/18/00	1081	Lupron 7.5 mg.	43	\$375.00	812
7/26/00	1084	Lupron 22.5 mg.	13	\$800.00	667
7/26/00	1084	Lupron 30 mg.	24	\$1,025.00	667
7/26/00	1084	Lupron 30 mg.	12	\$1,025.00	670
7/26/00	1084	Lupron 7.5 mg.	9	\$375.00	667
8/1/00	1085	Lupron 7.5 mg.	72	\$345.00	677

INVOICE DATE	INVOICE #	DRUG	QTY (UNITS)	PRICE PER UNIT	BATES # IN EX. 20
8/2/00	1087	Lupron 7.5 mg.	42	\$375.00	664
8/3/00	1088	Lupron 30 mg.	48	\$1,025.00	675
8/3/00	1088	Lupron 7.5 mg.	33	\$375.00	675
8/7/00	1091	Lupron 30 mg.	12	\$375.00	680
8/7/00	1091	Lupron 7.5 mg.	135	\$375.00	680
8/11/00	1092	Lupron 30 mg.	175	\$375.00	684
8/11/00	1092	Lupron 30 mg.	2	\$0.00	684
8/15/00	1092	Lupron 22.5 mg.	18	\$800.00	692
8/15/00	1092	Lupron 7.5 mg.	36	\$380.00	692
8/15/00	1092	Zoladex 10.8 mg.	36	\$600.00	692
8/15/00	1092	Zoladex 3.6 mg.	72	\$215.00	692
8/16/00	1095	Lupron 22.5 mg.	6	\$800.00	688
8/16/00	1095	Lupron 7.5 mg.	18	\$380.00	688
8/23/00	1109	Serostim 6 mg.	67	\$1,325.00	696
8/28/00	1112	Serostim 6 mg.	25	\$1,310.00	699
8/30/00	1210	Zoladex 10.8 mg.	36	\$600.00	708
8/30/00	1210	Zoladex 3.6 mg.	72	\$215.00	708
8/30/00	1211	Serostim 6 mg.	9	\$1,310.00	703
9/1/00	1267	Lupron 30 mg.	12	\$1,025.00	710
9/1/00	1267	Lupron 7.5 mg.	3	\$380.00	710
9/1/00	1267	Serostim 6 mg.	11	\$1,310.00	710
9/8/00	1268	Serostim 6 mg.	86	\$1,310.00	713
9/12/00	5876	Serostim 6 mg.	19	\$1,310.00	619
9/13/00	D3521	Serostim 6 mg.	15	\$1,310.00	629
9/16/00	D3522	Serostim 6 mg.	189	\$1,310.00	634
9/20/00		Serostim 6 mg.	41	\$1,310.00	639
9/21/00		Lupron 30 mg.	29	\$1,175.00	642
9/21/00		Lupron 7.5 mg.	21	\$410.00	642
9/21/00		Serostim 6 mg.	19	\$1,310.00	642
9/25/00	3679	Lupron 7.5 mg.	3	\$410.00	645
9/25/00	3679	Serostim 6 mg.	1	\$0.00	645
9/25/00	3679	Serostim 6 mg.	71	\$1,310.00	645
9/27/00	3700	Serostim 6 mg.	42	\$1,310.00	1032
9/27/00	3700	Serostim 6 mg.	42	\$1,310.00	649
9/29/00		Lupron 22.5 mg.	2	\$820.00	718
9/29/00		Lupron 7.5 mg.	8	\$400.00	718
9/29/00		Lupron 7.5 mg.	25	\$410.00	718

INVOICE DATE	INVOICE #	DRUG	QTY (UNITS)	PRICE PER UNIT	BATES # IN EX. 20
9/29/00		Serostim 6 mg.	45	\$1,310.00	718
10/2/00	927	Serostim 6 mg.	65	\$1,310.00	652
10/3/00	928	Zoladex 10.8 mg.	36	\$620.00	540
10/3/00	928	Zoladex 3.6 mg.	72	\$255.00	540
10/4/00	930	Serostim 6 mg.	25	\$1,300.00	655
10/4/00	939	Serostim 6 mg.	27	\$1,300.00	662B
10/6/00	934	Lupron 7.5 mg.	50	\$415.00	660
10/6/00	934	Serostim 6 mg.	25	\$1,300.00	660
10/10/00	938	Zoladex 10.8 mg.	36	\$620.00	608
10/10/00	938	Zoladex 3.8 mg.	72	\$255.00	608
10/11/00		Serostim 6 mg.	26	\$1,300.00	720
11/21/00	941	Zoladex 3.6 mg.	24	\$255.00	550
11/29/00	943	Zoladex 10.8 mg.	24	\$620.00	553
11/29/00	943	Zoladex 3.6 mg.	72	\$255.00	553
12/4/00	D1001	Serostim 6 mg.	8	\$1,275.00	555
12/18/00	D1004	Zoladex 3.8 mg.	30	\$255.00	567
12/18/00	D1004	Zoladex 3.8 mg.	30	\$255.00	602
1/21/01	D1004	Zoladex 3.8 mg.	25	\$255.00	577
2/9/01	D1001	Serostim 6 mg.	35	\$0.00	586
2/22/01	D1005	Zoladex 10.8 mg.	36	\$640.00	590
2/22/01	D1005	Zoladex 3.8 mg.	72	\$255.00	590
2/27/01	D1006	Zoladex 10.8 mg.	40	\$640.00	593
2/27/01	D1006	Zoladex 3.8 mg.	82	\$255.00	593
3/2/01	D1007	Zoladex 10.8 mg.	36	\$640.00	596
3/2/01	D1007	Zoladex 3.8 mg.	72	\$255.00	596
3/5/01	D1008	Zoladex 3.8 mg.	36	\$255.00	500
3/7/01	D1009	Zoladex 10.8 mg.	36	\$640.00	503
3/7/01	D1009	Zoladex 3.8 mg.	72	\$255.00	503
3/12/01	D1010	Zoladex 10.8 mg.	36	\$640.00	509
3/12/01	D1010	Zoladex 3.8 mg.	72	\$255.00	509
3/20/01	D1011	Zoladex 10.8 mg.	36	\$640.00	512
3/20/01	D1011	Zoladex 3.8 mg.	72	\$255.00	512
3/30/01	D1013	Zoladex 10.8 mg.	36	\$640.00	522
3/30/01	D1012	Zoladex 10.8 mg.	36	\$640.00	521
3/30/01	D1013	Zoladex 3.8 mg.	72	\$255.00	522
3/30/01	D1012	Zoladex 3.8 mg.	114	\$255.00	521
4/3/01	D1014	Zoladex 10.8 mg.	36	\$640.00	525
4/3/01	D1014	Zoladex 3.8 mg.	72	\$255.00	525

INVOICE DATE	INVOICE #	DRUG	QTY (UNITS)	PRICE PER UNIT	BATES # IN EX. 20
4/5/01	D1015	Lupron 7.5 mg.	48	\$420.00	528
4/10/01	D1016	Lupron 7.5 mg.	72	\$420.00	531
4/10/01	D1016	Zoladex 10.8 mg.	36	\$640.00	531
4/10/01	D1016	Zoladex 3.8 mg.	72	\$255.00	531
4/17/01	D1017	Lupron 7.5 mg.	68	\$420.00	534
4/17/01	D1018	Zoladex 10.8 mg.	36	\$640.00	535
4/17/01	D1018	Zoladex 3.8 mg.	72	\$255.00	535
4/18/01	D1020A	Lupron 7.5 mg.	72	\$420.00	538
4/25/01	D1022-Z	Lupron 7.5 mg.	63	\$420.00	716
4/25/01	D1021	Zoladex 10.8 mg.	36	\$640.00	496
4/25/01	D1021	Zoladex 3.8 mg.	72	\$255.00	496
4/30/01	D102	Serostim 6 mg.	4	\$1,160.00	493
4/30/01	D102	Serostim 6 mg.	14	\$1,160.00	493
4/30/01	D102	Serostim 6 mg.	12	\$1,160.00	493
4/30/01	D102	Serostim 6 mg.	5	\$1,160.00	493
5/2/01	D103	Zoladex 10.8 mg.	12	\$640.00	490
5/2/01	D103	Zoladex 3.8 mg.	48	\$255.00	490
5/4/01	D1023-Z	Zoladex 10.8 mg.	36	\$640.00	487
5/4/01	D1023-Z	Zoladex 3.6 mg.	72	\$255.00	487
5/7/01	D104	Lupron 7.5 mg.	50	\$420.00	484
5/10/01	D105A	Lupron 7.5 mg.	52	\$420.00	481
5/15/01	D106	Lupron 7.5 mg.	50	\$420.00	478
5/17/01	D107	Lupron 7.5 mg.	81	\$420.00	475
5/22/01	D108	Lupron 7.5 mg.	2	\$420.00	472
5/22/01	D108	Zoladex 3.6 mg.	36	\$255.00	472
5/25/01	D1025-Z	Zoladex 10.8 mg.	36	\$640.00	467
5/25/01	D1024-Z	Zoladex 10.8 mg.	36	\$640.00	469
5/25/01	D1025-Z	Zoladex 3.6 mg.	72	\$255.00	467
6/1/01	D109	Lupron 22.5 mg.	1	\$900.00	464
6/1/01	D109	Lupron 7.5 mg.	32	\$420.00	464
6/4/01	D1026-Z	Zoladex 10.8 mg.	36	\$640.00	461
6/4/01	D1026-Z	Zoladex 3.6 mg.	72	\$255.00	461
6/7/01	D110	Lupron 7.5 mg.	54	\$420.00	457
6/7/01	D1027-Z	Zoladex 10.8 mg.	36	\$640.00	458
6/7/01	D1027-Z	Zoladex 3.6 mg.	72	\$255.00	458
6/8/01	D111	Lupron 7.5 mg.	93	\$420.00	454
6/21/01	D1029-Z	Zoladex 10.8 mg.	36	\$640.00	451
6/21/01	D1028-Z	Zoladex 10.8 mg.	36	\$640.00	450

INVOICE DATE	INVOICE #	DRUG	QTY (UNITS)	PRICE PER UNIT	BATES # IN EX. 20
6/21/01	D1029-Z	Zoladex 3.6 mg.	72	\$255.00	451
6/21/01	D1028-Z	Zoladex 3.6 mg.	72	\$255.00	450
7/6/01	D1100	Zoladex 10.8 mg.	36	\$640.00	447
7/6/01	D1100	Zoladex 3.6 mg.	72	\$255.00	447
	85 Invoices		6,794	\$3,590,130.00	

6. Dutchess bought Serostim from Crystal Coast from August 21, 2000 through April 30, 2001. On each invoice received by Dutchess from Crystal Coast on which Serostim was one of the prescription drugs, Crystal Coast put the initials "AD," thus representing that it was the authorized distributor for Serono. Crystal Coast's representation was false. According to Pamela Williamson-Joyce, Vice President of Regulatory Affairs and Quality Assurance at Serono, and Jeffrey Hart, Vice President of Sales and Marketing Services for Metabolic Endocrinology for Serono, Crystal Coast was never an authorized distributor or customer of Serono. According to Mr. Hart, Serostim has always been sold by Serono for only one price, namely \$1,470.00 per box for the 6 mg. strength. Serono offers no discounts to any of its purchasers. Mr. Hart opined that any Serostim in the pharmaceutical wholesale market that was not at or near Serono's \$1,470.00 per box price would be illegitimate and a cause for concern because Serostim was always and remains available legitimately only for Serono's \$1,470.00 per box price.

7. Mr. DeBree testified that he understood that being an "AD" entitled the pharmaceutical wholesaler to represent that it was the "AD" on any invoices or pedigrees used to sell the product to another pharmaceutical wholesaler, thus hiding the true source of the prescription drug. Mr. DeBree testified that "AD" status could be

obtained through two direct purchases from a pharmaceutical manufacturer in a 24-month period or through a contractual relationship between the pharmaceutical wholesaler and the pharmaceutical manufacturer. A pedigree, legally entitled a "Statement Identifying Prior Sales of Prescription Drugs by Wholesalers Required by the Prescription Drug Marketing Act" pursuant to NAC 639.603, is a document that must accompany all prescription drugs purchased by a pharmaceutical wholesaler from another pharmaceutical wholesaler. The pedigree is intended to accurately depict each sale of a prescription drug from the pharmaceutical manufacturer to the eventual end retailer (such as a pharmacy or physician). Mr. DeBree testified that if a pharmaceutical wholesaler to whom he sold was also an authorized distributor for that pharmaceutical manufacturer, then his purchasing pharmaceutical wholesaler could similarly hide the true source of the prescription drug on its pedigree when it sold the prescription drug to yet another pharmaceutical wholesaler. Ultimately, when the prescription drug was sold down the line to one of the three major pharmaceutical wholesalers, it could have changed hands four, five, six, or more times, but, according to Mr. DeBree, the pedigrees provided to the major pharmaceutical wholesaler would not show any of the preceding steps that the prescription drug had actually traversed.

8. Mr. DeBree testified that "AD" status was coveted in the secondary source wholesale industry because it conferred two important benefits: (1) it equated with an elevated status among other members of the industry, and (2) it allowed the person holding the status to hide the true source of the prescription drugs.

9. Ms. Williamson-Joyce testified that Serono became aware that adulterated and misbranded product purporting to be Serostim was in the pharmaceutical wholesale

and retail market in the fall of 2000. Based upon Serono's internal research and investigation, Serono issued a notice on December 15, 2000 that stated:

Please be advised that Serono, Inc. has recently become aware of several instances of counterfeit Serostim® 6 mg. [somatropin (rDNA origin) for injection] and has therefore notified the appropriate regulatory authorities of this matter. The counterfeit product has been packaged to appear as drug product lot number MNK612A and is readily distinguishable from authentic Serostim® by the following features [table omitted].

The notice further stated that, "If you believe that you may be a recipient of the counterfeit product, please segregate it and notify us at the telephone number below. Since the counterfeit product was neither manufactured nor distributed by Serono, Inc., we cannot verify its integrity."

10. Rick Roberts, an AIDS patient, testified that he received and injected into himself product that purported to be Serostim that bore the lot numbers MNK612A (with the incorrect expiration date of 8/02) and MNH605A. At the end of November and in early December 2000, Mr. Roberts purchased and used one box of one of the two counterfeit lot numbers and that the product had caused unusual pain and stinging at the injection site. Because he had not experienced this reaction before, when he went to pick up his next prescription of Serostim on January 16, 2001, he inquired of his pharmacist about whether he was doing something wrong when he was using the Serostim. At that time, the pharmacist informed Mr. Roberts that he should go home and check his Serostim packages because Mr. Roberts "may have gotten some of the fake stuff."

11. Mr. Roberts checked his Serostim boxes and discovered that he had received some of the counterfeit Serostim with lot number MNK612A. Upon close inspection, Mr. Roberts also noted that there were similar packaging

problems with product purporting to be Serostim with lot number MNH605A. As the facts eventually unfolded, Mr. Roberts was one of the first people to notice the second counterfeit Serostim lot number, MNH605A.

12. On May 17, 2001, Ms. Williamson-Joyce issued a notice identifying a second counterfeit lot number, namely MNH605A. In this notice, Ms. Williamson-Joyce stated that any product purporting to be Serostim with lot number MNH605A was “definitely NOT Serostim®. Since the counterfeit product was neither manufactured nor distributed by Serono, it cannot be assumed that the product is either safe or effective.”

13. The product purporting to be Serostim with lot number MNK612A that was not manufactured by Serono was actually human chorionic gonadotropin, not Serostim. The product purporting to be Serostim with lot number MNH605A was actually a pediatric dose of a growth hormone, not Serostim.

14. Both Mr. Roberts and Ms. Williamson-Joyce testified compellingly regarding the harm caused by the counterfeit Serostim. To Mr. Roberts, the harm was personal. He stopped using the prescription drug, which was necessary to his survival, for a period of time while the prescription drug's supply was in question. He feared for his life and health during the period between his discovery that he had used the counterfeit product and the time at which he became aware of what he had actually injected into his body. Understandably, he was concerned and remained concerned about the integrity of the prescription drug supply since, with his condition, prescription drugs are the very necessary defense against the progression of his otherwise fatal disease. To Mrs. Williamson-Joyce, the harm was first that patients would be receiving and using a

product that had not been subject to the same rigors of safety and effectiveness that genuine Serostim bore. The harm was also to the reputation of Serono, which bore the brunt of public criticism for a counterfeit product that it neither manufactured nor distributed. Ms. Williamson-Joyce also explained that the company has borne the extra expense to create holographic packaging and an extremely accurate distribution system to avert any future attempts at counterfeiting of Serostim.

15. Of the total of 927 boxes of Serostim purchased by Dutchess from Crystal Coast, 399 of the boxes were the counterfeit Serostim. Following is a table detailing all of the counterfeit Serostim bought by Dutchess from Crystal Coast:

TRANS-ACTION DATE	AD SOURCE	INVOICE #	SOLD BY DUTCHESS TO	STATE	QTY (Serostim 6 mg. vials)	LOT #	PRICE PER UNIT	BATES # ON EX. 20
9/11/00	Crystal Coast	2553	FMC Distributors	PR	52	MNK612A	\$1,365.00	1051
9/14/00	Crystal Coast	2565	R & S Sales	KY	6	MNK612A	\$1,365.00	1045
9/18/00	Crystal Coast	2575	Quality King	NY	175	MNK612A	\$1,381.80	1054
9/26/00	Crystal Coast	2603	Quality King	NY	25	MNK612A	\$1,381.80	1059
9/26/00	Crystal Coast	2603	Quality King	NY	1	MNH605A	\$1,381.80	1059
9/28/00	Crystal Coast	2611	Quality King	NY	10	MNH605A	\$1,381.80	1066
10/2/00	Crystal Coast	2614	Quality King	NY	25	MNK612A	\$1,381.80	1064
10/5/00	Crystal Coast	2623	Quality King	NY	25	MNK612A	\$1,381.80	1053
10/9/00	Crystal Coast	2644	FMC Distributors	PR	25	MNK612A	\$1,365.00	1049
10/12/00	Crystal Coast	2659	FMC Distributors	PR	25	MNK612A	\$1,365.00	1047
10/23/00	Crystal Coast	2699	FMC Distributors	PR	24	MNK612A	\$1,365.00	1050
					399			

16. Mr. DeBree first became aware of the possibility that he had handled some counterfeit Serostim when one of his customer pharmaceutical wholesalers, namely FMC Distributors, contacted him and told him that FMC Distributors would be returning 37 boxes of Serostim because FMC Distributors had heard rumors that the Serostim was counterfeit. On November 1, 2000, Dutchess accepted the return of 37 boxes of

Serostim from FMC Distributors. Disturbingly, Mr. DeBree testified that when he took the 37 boxes of Serostim back from FMC Distributors, he resold the boxes to another pharmaceutical wholesaler customer. The 37 boxes that Mr. DeBree and Dutchess took back from FMC Distributors were, in fact, some of the counterfeit Serostim bearing the lot number MNK612A.

17. Mr. DeBree testified that upon learning of the potential of counterfeit Serostim from FMC Distributors, he did nothing to verify whether the Serostim was, in fact, counterfeit or whether Crystal Coast was buying its Serostim directly from Serono. Later, when Mr. DeBree learned of the counterfeit Serostim from another of his customer pharmaceutical wholesalers, namely Quality King, and had received from Quality King Ms. Williamson-Joyce's December 15, 2000 counterfeiting notice, Mr. DeBree still did nothing substantial to determine whether Crystal Coast was, in fact, buying its Serostim from Serono. According to Mr. DeBree, the only thing he did upon discovering that he had, by then, handled \$120,000 in counterfeit or potentially counterfeit prescription drugs was to call the man who sold them to him, Mr. Walker, and ask Mr. Walker whether he purchased the Serostim from Serono. Predictably, Mr. Walker told Mr. DeBree that he had purchased the prescription drugs from Serono. Mr. DeBree admitted that he did not ask Mr. Walker for any evidence supporting Mr. Walker's claims, such as copies of invoices evidencing that Mr. Walker had actually purchased the Serostim from Serono. Mr. DeBree excused his failure to seek proof of Mr. Walker's *bona fides* because he was "obsessed with the economical impact" that Quality King's refusal to pay for the counterfeit Serostim was having on Dutchess' business.

18. Had Mr. DeBree pursued the issue with Mr. Walker, Mr. Walker would not have been able to produce any legitimate invoices evidencing direct sales of Serostim by Serono to Crystal Coast since no such sales had actually occurred. Mr. Walker had purchased the counterfeit Serostim from Jorge Fonte, Sr., a man who was later convicted and is serving time in Florida for prescription drug counterfeiting. Thus, for the want of seeking any proof of Crystal Coast's purported "AD" status, which proof would have been readily available had it existed and the seeking of which would have put an end to the *bona fides* of Mr. Walker's false "AD" representations, Mr. DeBree and Dutchess exposed the public to all the dangers inherent in the sale and use of counterfeit prescription drugs. The Board must find that responsibility and accountability for Mr. DeBree's and Dutchess' perpetuation of Crystal Coast's false "AD" representations rests upon Mr. DeBree, Mr. Packer, and Dutchess since the truth would have been easily discovered with very little effort, which little effort was not expended for Dutchess' own self protection or the protection of the public served through Dutchess' purchases and sales of Serostim.

19. Mr. DeBree explained that in December 2000, he spoke with Keith Macdonald, Executive Secretary for the Board, and explained to Mr. Macdonald that he was not being paid by Quality King for \$70,000 of Serostim that Mr. DeBree had sold to Quality King. Mr. DeBree did not explain to Mr. Macdonald that he had, by that time, engaged in a lengthy course of purchasing and selling Serostim from Crystal Coast. Instead, Mr. DeBree related to Mr. Macdonald only that in this single transaction he had bought and sold Serostim that may have been counterfeit. Based upon the limited information Mr. DeBree provided to Mr. Macdonald, Mr. Macdonald provided to Mr.

DeBree the telephone number for Anthony Keller of the Federal Food and Drug Administration. After contacting Mr. Keller, Dutchess performed a voluntary recall of Serostim it had sold.

20. Mr. DeBree's sole concern regarding the Serostim he had sold to Quality King was the loss of the \$70,000 sale. At no point in Mr. DeBree's lengthy testimony did he give any indication of remorse or concern that he had handled counterfeit product that eventually ended up in retail pharmacies and the bodies of unwitting patients. In fact, even after being harmed through the loss of \$70,000.00 occasioned by the sale of counterfeit Serostim to Quality King, Mr. DeBree, Mr. Packer, and Dutchess purchased Serostim again from a Walker entity several months later. Mr. DeBree's only concern regarding the patients that had received the counterfeit Serostim was that the patients would be filing legal claims against his company. Mr. DeBree's insistence that the counterfeit Serostim was only allegedly counterfeited, particularly in the face of the overwhelming evidence to the contrary, greatly harmed Mr. DeBree's credibility. Regarding the question of whether there was actual counterfeit Serostim in the nation's drug supply, the Board finds that Ms. Williamson-Joyce, Serono's course of conduct, and Mr. DeBree's actual course of conduct are compellingly credible and that Mr. DeBree's present statements made at the Board's hearing were incredible. Clearly some of the Serostim Dutchess had bought and sold was, without question or doubt, counterfeit, meaning that it was adulterated or misbranded. Dutchess' own records prove that.

21. On July 5, 2001, Crystal Coast's Florida pharmaceutical wholesaler's license was temporarily suspended pursuant to an Order of Emergency Suspension of Permit

from the Florida Department of Health. Crystal Coast's Florida pharmaceutical wholesaler's license was revoked on February 2, 2002. The basis for the suspension and subsequent revocation of Crystal Coast's license was (1) Crystal Coast's trading in counterfeit prescription drugs, namely counterfeit Nutropin AQ, (2) purchased by Crystal Coast through pharmaceutical wholesalers who were not licensed in Florida, (3) about which sales Crystal Coast did not make and keep accurate and truthful records (4) that were not timely produced to the Florida authorities.

22. Also on July 5, 2001, one of the principals in Crystal Coast, Mrs. Walker, and a man named Guy Sarapo applied for a Florida pharmaceutical wholesaler's license under the name of Oxre. At hearing, Mr. Venema, an investigator for the Florida Department of Law Enforcement (FDLE), testified that Mr. Walker and Mr. Sarapo had both informed him that Mr. Sarapo was a "front man," the "name on paper" for the Walkers. In return for serving in that status, Mr. Sarapo was given a salary of approximately \$1,500 to \$1,600 per month and \$750 monthly payments on an SUV that Mr. Sarapo drove. Mr. Sarapo informed Mr. Venema that Mr. Sarapo performed little more for the Walkers than to sign papers as they requested and to drive Mrs. Walker around.

23. On July 27, 2001, a Florida pharmaceutical wholesaler's license was issued to Genendo Purchasing Organization, LLC, a/k/a Genendo, Inc., (Genendo). The principal for Genendo shown on the official papers was Arnesto Segredo, but the Walkers had some type of interest in Genendo that was not publicly or officially disclosed.

24. The Florida Department of Health denied Oxre's application.

25. On August 11, 2001, Dutchess began buying Lupron and Zoladex from Genendo, a Florida pharmaceutical wholesaler not licensed in Nevada. The following table shows all of the Lupron and Zoladex purchased from Genendo:

INVOICE DATE	INVOICE #	DRUG	QTY (UNITS)	PRICE PER UNIT	BATES # ON EX. 20
8/11/01	D1012	Lupron 7.5 mg.	91	\$420.00	247
8/11/01	D1012	Zoladex 10.8 mg.	36	\$640.00	247
8/11/01	D1012	Zoladex 3.8 mg.	108	\$255.00	247
8/16/01	D1013	Zoladex 10.8 mg.	36	\$640.00	244
8/16/01	D1013	Zoladex 3.8 mg.	72	\$255.00	244
8/16/01	D1014	Zoladex 10.8 mg.	36	\$640.00	241
8/16/01	D1014	Zoladex 3.8 mg.	72	\$255.00	241
8/24/01	D1015	Lupron 7.5 mg.	72	\$420.00	237
8/24/01	D1015	Zoladex 3.8 mg.	32	\$255.00	237
8/28/01	D1016	Lupron 7.5 mg.	22	\$420.00	234
8/30/01	D1017	Zoladex 10.8 mg.	42	\$640.00	231
8/30/01	D1017	Zoladex 3.6 mg.	72	\$255.00	231
8/31/01	D1018	Lupron 7.5 mg.	30	\$420.00	201
9/7/01	D1020	Lupron 7.5 mg.	72	\$420.00	198
9/14/01	D1021	Zoladex 10.8 mg.	36	\$640.00	195
9/14/01	D1021	Zoladex 3.6 mg.	72	\$255.00	195
9/18/01	D1030	Lupron 7.5 mg.	34	\$420.00	228
9/21/01	D1031	Lupron 7.5 mg.	117	\$420.00	225
9/27/01	D1032	Lupron 7.5 mg.	30	\$420.00	222
9/29/01	D1033	Lupron 7.5 mg.	86	\$420.00	219
9/29/01	D1033	Zoladex 10.8 mg.	36	\$640.00	219
9/29/01	D1033	Zoladex 3.6 mg.	72	\$255.00	219
10/4/01	D1034	Lupron 7.5 mg.	110	\$420.00	216
10/4/01	D1034	Zoladex 3.6 mg.	26	\$255.00	216
10/9/01	D1035	Lupron 22.5 mg.	24	\$920.00	213
10/9/01	D1035	Lupron 7.5 mg.	84	\$420.00	213
10/10/01	D1036	Zoladex 10.8 mg.	36	\$640.00	210
10/10/01	D1036	Zoladex 3.6 mg.	72	\$255.00	210
10/15/01	D1037	Lupron 7.5 mg.	33	\$420.00	207
10/19/01	D1038	Lupron 22.5 mg.	21	\$920.00	204
10/19/01	D1038	Lupron 7.5 mg.	36	\$420.00	204
10/31/01	D1039	Lupron 7.5 mg.	115	\$420.00	192
11/7/01	D1040	Lupron 22.5 mg.	12	\$920.00	189

INVOICE DATE	INVOICE #	DRUG	QTY (UNITS)	PRICE PER UNIT	BATES # ON EX. 20
11/7/01	D1040	Lupron 7.5 mg.	5	\$420.00	189
11/7/01	D1040	Zoladex 3.6 mg.	4	\$255.00	189
11/8/01	D1041	Zoladex 10.8 mg.	36	\$640.00	544
11/8/01	D1041	Zoladex 3.6 mg.	72	\$255.00	544
11/9/01	D1042	Lupron 7.5 mg.	201	\$420.00	185
11/9/01	D1042	Zoladex 3.6 mg.	30	\$255.00	185
11/13/01	D1043	Lupron 7.5 mg.	47	\$420.00	182
11/27/01	D1044	Lupron 7.5 mg.	40	\$420.00	179
11/28/01	D1045	Lupron 7.5 mg.	44	\$420.00	176
11/30/01	D1046	Lupron 7.5 mg.	83	\$420.00	170
11/30/01	D1047	Zoladex 10.8 mg.	36	\$640.00	172
11/30/01	D1047	Zoladex 3.6 mg.	72	\$255.00	172
12/7/01	D1048	Lupron 7.5 mg.	178	\$420.00	167
12/7/01	D1048	Zoladex 3.6 mg.	10	\$255.00	167
12/15/01	D1049	Lupron 7.5 mg.	39	\$420.00	163
12/19/01	D1050	Lupron 7.5 mg.	55	\$420.00	160
12/19/01	D1050	Zoladex 3.6 mg.	30	\$255.00	160
1/2/02	D1051	Zoladex 10.8 mg.	36	\$640.00	154
1/2/02	D1051	Zoladex 3.6 mg.	72	\$255.00	154
1/3/02	D1052	Lupron 7.5 mg.	48	\$420.00	157
1/4/02	D1053	Lupron 7.5 mg.	72	\$420.00	131
1/7/02	D1054	Lupron 7.5 mg.	100	\$420.00	134
1/8/02	D1055	Lupron 7.5 mg.	72	\$420.00	146
1/8/02	D1055	Zoladex 3.6 mg.	12	\$255.00	146
1/9/02	D1056	Lupron 22.5 mg.	19	\$950.00	147
1/16/02	D1057	Lupron 7.5 mg.	42	\$420.00	151
1/17/02	D1058	Lupron 7.5 mg.	36	\$420.00	144
1/24/02	D1059	Zoladex 10.8 mg.	36	\$640.00	141
1/24/02	D1059	Zoladex 3.6 mg.	72	\$255.00	141
1/29/02	D2060	Lupron 7.5 mg.	55	\$420.00	138
2/5/02	D2062	Lupron 7.5 mg.	42	\$420.00	129
2/6/02	D2063	Lupron 7.5 mg.	89	\$420.00	126
2/20/02	D2064	Lupron 7.5 mg.	84	\$420.00	122
2/21/02	D2065	Zoladex 10.8 mg.	36	\$640.00	120
2/21/02	D2065	Zoladex 3.6 mg.	72	\$255.00	120
2/22/02	D2066	Lupron 22.5 mg.	1	\$950.00	114
2/22/02	D2066	Lupron 7.5 mg.	100	\$420.00	114
2/26/02	D2067	Lupron 22.5 mg.	12	\$950.00	117

INVOICE DATE	INVOICE #	DRUG	QTY (UNITS)	PRICE PER UNIT	BATES # ON EX. 20
2/26/02	D2067	Lupron 7.5 mg.	36	\$420.00	117
2/26/02	D2067	Zoladex 10.8 mg.	2	\$640.00	117
2/28/02	D2068	Lupron 7.5 mg.	50	\$420.00	109
3/1/02	D2069	Lupron 7.5 mg.	18	\$420.00	111
3/2/02	D2070	Lupron 7.5 mg.	40	\$420.00	106
3/4/02	C3825	Zoladex 10.8 mg.	-36	(\$850.00)	1259
3/7/02	D2071	Lupron 7.5 mg.	60	\$420.00	103
3/12/02	D2072	Lupron 7.5 mg.	72	\$420.00	100
3/12/02	D2072	Zoladex 3.8 mg.	48	\$255.00	100
3/14/02	D2073	Lupron 22.5 mg.	1	\$950.00	97
3/14/02	D2073	Lupron 7.5 mg.	104	\$420.00	97
3/15/02	D2074	Lupron 7.5 mg.	24	\$420.00	88
3/19/02	D2075	Zoladex 10.8 mg.	36	\$640.00	86
3/19/02	D2075	Zoladex 3.6 mg.	72	\$255.00	86
3/19/02	D2076	Lupron 7.5 mg.	50	\$420.00	83
3/22/02	D2077	Lupron 7.5 mg.	42	\$420.00	81
3/27/02	D2078	Lupron 22.5 mg.	12	\$950.00	78
3/27/02	D2078	Lupron 7.5 mg.	3	\$420.00	78
4/1/02	D2076	Zoladex 3.6 mg.	18	\$255.00	92
4/1/02	D2079	Lupron 22.5 mg.	19	\$950.00	94
4/1/02	D2079	Lupron 7.5 mg.	104	\$420.00	94
4/6/02	D2080	Lupron 7.5 mg.	72	\$420.00	75
4/6/02	D2080	Zoladex 3.6 mg.	12	\$255.00	75
4/9/02	D2081	Lupron 7.5 mg.	60	\$420.00	73
4/10/02	D2082	Lupron 30 mg.	1	\$1,230.00	70
4/10/02	D2082	Lupron 7.5 mg.	45	\$420.00	70
4/15/02	D2083	Lupron 7.5 mg.	18	\$420.00	66
4/17/02	D2084	Lupron 7.5 mg.	36	\$420.00	62
4/17/02	D2085	Zoladex 10.8 mg.	36	\$640.00	64
4/17/02	D2085	Zoladex 3.6 mg.	72	\$255.00	64
4/29/02	D2086	Lupron 22.5 mg.	12	\$950.00	59
5/3/02	D2087	Lupron 7.5 mg.	100	\$420.00	56
5/8/02	D2088	Lupron 7.5 mg.	94	\$420.00	53
5/10/02	D2090	Zoladex 10.8 mg.	36	\$640.00	48
5/10/02	D2090	Zoladex 3.6 mg.	72	\$255.00	48
5/10/02	D2091	Lupron 7.5 mg.	68	\$420.00	50
5/17/02	D2092	Lupron 22.5 mg.	24	\$950.00	44
5/22/02	D2093	Lupron 7.5 mg.	36	\$420.00	41

INVOICE DATE	INVOICE #	DRUG	QTY (UNITS)	PRICE PER UNIT	BATES # ON EX. 20
5/23/02	D2094	Lupron 7.5 mg.	24	\$420.00	39
5/31/02	D2095	Lupron 22.5 mg.	12	\$950.00	34
6/1/02	D2096	Lupron 7.5 mg.	48	\$420.00	36
6/5/02	D2097	Zoladex 10.8 mg.	36	\$640.00	31
6/5/02	D2097	Zoladex 3.6 mg.	72	\$255.00	31
6/6/02	D2098	Lupron 7.5 mg.	100	\$420.00	28
6/10/02	D2099	Lupron 7.5 mg.	48	\$420.00	25
6/11/02	D2100	Lupron 7.5 mg.	84	\$420.00	22
6/13/02	D2101	Lupron 7.5 mg.	40	\$420.00	19
6/13/02	D2101	Zoladex 3.8 mg.	36	\$255.00	19
9/16/02	2100	Lupron 22.5 mg.	10	\$950.00	16
9/16/02	2100	Lupron 30 mg.	10	\$1,255.00	16
9/16/02	2100	Lupron 7.5 mg.	10	\$420.00	16
	80 Invoices		6,034	\$2,542,920.00	

26. On August 29, 2001, Xenigen, Inc. (Xenigen) applied for licensure as a pharmaceutical wholesaler with the Florida Department of Health. The only principal shown on the Xenigen application was Guy Sarapo, the same man who applied for and was denied licensure along with Mrs. Walker on the Oxre application and who acknowledged himself to be nothing other than the Walkers' "front man." Xenigen's license was ultimately granted on June 14, 2002.

27. On June 25, 2002, Dutchess began buying Lupron and Zoladex from Xenigen, Inc. (Xenigen), a Florida pharmaceutical wholesaler not licensed in Nevada. The following table shows all of the Lupron and Zoladex purchased from Xenigen:

INVOICE DATE	INVOICE #	DRUG	QTY (UNITS)	PRICE PER UNIT	BATES # ON EX. 20
6/25/02	D2103	Lupron 7.5 mg.	60	\$420.00	445
6/27/02	D2104	Lupron 22.5 mg.	14	\$950.00	442
6/27/02	D2104	Lupron 7.5 mg.	26	\$420.00	442
7/2/02	D2105	Zoladex 10.8 mg.	36	\$640.00	438
7/2/02	D2105	Zoladex 3.6 mg.	72	\$255.00	438

INVOICE DATE	INVOICE #	DRUG	QTY (UNITS)	PRICE PER UNIT	BATES # ON EX. 20
7/3/02	D2106	Lupron 7.5 mg.	48	\$420.00	439
7/8/02	D2107	Lupron 7.5 mg.	84	\$420.00	432
7/10/02	D2108	Lupron 7.5 mg.	13	\$420.00	434
7/24/02	D2109	Zoladex 10.8 mg.	36	\$640.00	428
7/24/02	D2109	Zoladex 3.6 mg.	72	\$255.00	428
7/29/02	D2110	Lupron 22.5 mg.	40	\$950.00	425
7/29/02	D2110	Lupron 7.5 mg.	128	\$420.00	425
8/1/02	D2111	Lupron 7.5 mg.	126	\$420.00	422
8/3/02	D2112	Lupron 7.5 mg.	36	\$420.00	419
8/13/02	D2113	Lupron 22.5 mg.	12	\$950.00	416
8/13/02	D2113	Lupron 7.5 mg.	85	\$420.00	416
8/17/02	D2114	Lupron 7.5 mg.	113	\$420.00	413
8/22/02	D2115	Lupron 7.5 mg.	48	\$420.00	410
8/22/02	D2116	Lupron 7.5 mg.	36	\$420.00	407
8/22/02	D2116	Zoladex 10.8 mg.	36	\$640.00	407
8/22/02	D2116	Zoladex 3.6 mg.	72	\$255.00	407
8/23/02	D2117	Lupron 22.5 mg.	14	\$950.00	404
8/28/02	D2118	Lupron 7.5 mg.	44	\$420.00	401
8/29/02	D2119	Lupron 22.5 mg.	3	\$950.00	398
8/29/02	D2119	Lupron 7.5 mg.	9	\$420.00	398
8/30/02	D2120	Lupron 7.5 mg.	48	\$420.00	395
9/4/02	D2121	Lupron 22.5 mg.	12	\$950.00	392
9/4/02	D2121	Lupron 7.5 mg.	72	\$420.00	392
9/7/02	D2122	Lupron 7.5 mg.	77	\$420.00	389
9/9/02	D2123	Lupron 22.5 mg.	6	\$950.00	386
9/9/02	D2123	Lupron 7.5 mg.	42	\$420.00	386
9/10/02	D2124	Lupron 7.5 mg.	24	\$420.00	383
9/13/02	D2125	Lupron 7.5 mg.	103	\$420.00	380
9/16/02	D2126	Lupron 7.5 mg.	57	\$420.00	377
9/18/02	Z2110	Zoladex 10.8 mg.	36	\$640.00	374
9/18/02	Z2110	Zoladex 3.6 mg.	72	\$255.00	374
9/19/02	D2127	Lupron 22.5 mg.	20	\$950.00	369
9/20/02	D2128	Lupron 7.5 mg.	68	\$420.00	371
9/27/02	D2129	Lupron 7.5 mg.	46	\$420.00	366
10/4/02	D2130	Lupron 7.5 mg.	16	\$420.00	361
10/8/02	D2131	Lupron 7.5 mg.	100	\$420.00	363
10/10/02	D2132	Lupron 22.5 mg.	19	\$950.00	356
10/11/02	D2134	Lupron 22.5 mg.	18	\$950.00	350

INVOICE DATE	INVOICE #	DRUG	QTY (UNITS)	PRICE PER UNIT	BATES # ON EX. 20
10/11/02	D2133	Lupron 7.5 mg.	36	\$420.00	349
10/11/02	D2135	Lupron 7.5 mg.	12	\$420.00	354
10/11/02	D2134	Lupron 7.5 mg.	66	\$420.00	350
10/17/02	D2137	Lupron 22.5 mg.	15	\$950.00	345
10/22/02	D2138	Lupron 7.5 mg.	36	\$420.00	339
10/23/02	D2139	Lupron 7.5 mg.	49	\$420.00	336
10/28/02	D2141	Lupron 7.5 mg.	36	\$420.00	332
10/28/02	D2140	Lupron 7.5 mg.	80	\$420.00	331
11/5/02	D2144	Lupron 7.5 mg.	42	\$420.00	327
11/7/02	D2144	Lupron 7.5 mg.	24	\$420.00	320
11/8/02	D2145	Lupron 7.5 mg.	104	\$420.00	321
11/12/02	D2146	Lupron 22.5 mg.	4	\$950.00	317
11/12/02	D2146	Lupron 7.5 mg.	47	\$420.00	317
11/12/02	Z2112	Zoladex 10.8 mg.	36	\$640.00	316
11/12/02	Z2112	Zoladex 3.6 mg.	72	\$255.00	316
11/13/02	D2146	Lupron 22.5 mg.	31	\$950.00	342
11/13/02	D2146	Lupron 7.5 mg.	21	\$420.00	342
11/13/02	D2146	Zoladex 3.6 mg.	24	\$255.00	342
11/22/02	D2147	Lupron 7.5 mg.	84	\$420.00	311
11/27/02	D2149	Lupron 7.5 mg.	29	\$420.00	307
12/9/02	D2151	Lupron 22.5 mg.	38	\$950.00	301
12/9/02	D2152	Lupron 7.5 mg.	100	\$420.00	304
12/10/02	D2153	Lupron 7.5 mg.	24	\$420.00	299
12/11/02	D2154	Lupron 22.5 mg.	1	\$950.00	295
12/11/02	D2154	Lupron 7.5 mg.	104	\$420.00	295
12/18/02	D2157	Lupron 22.5 mg.	24	\$950.00	290
12/18/02	D2156	Lupron 22.5 mg.	12	\$950.00	292
12/18/02	D2156	Lupron 7.5 mg.	100	\$420.00	292
12/19/02	D2158	Lupron 7.5 mg.	48	\$420.00	286
12/23/02	D2159a	Lupron 7.5 mg.	61	\$420.00	283
1/3/03	D2160	Lupron 7.5 mg.	48	\$420.00	280
1/7/03	D2161	Lupron 7.5 mg.	72	\$420.00	277
1/11/03	D2162	Lupron 7.5 mg.	86	\$420.00	274
1/13/03	D2163	Lupron 22.5 mg.	20	\$950.00	271
1/13/03	D2163	Lupron 7.5 mg.	23	\$420.00	271
1/14/03	D2164	Lupron 22.5 mg.	12	\$950.00	268
1/14/03	D2164	Lupron 7.5 mg.	36	\$420.00	268
1/18/03	D2166	Lupron 22.5 mg.	24	\$950.00	264

INVOICE DATE	INVOICE #	DRUG	QTY (UNITS)	PRICE PER UNIT	BATES # ON EX. 20
1/18/03	D2165-A	Lupron 7.5 mg.	37	\$420.00	265
1/18/03	D2165-A	Zoladex 10.8 mg.	36	\$620.00	265
1/18/03	D2165-A	Zoladex 3.6 mg.	71	\$245.00	265
1/25/03	D2167	Lupron 7.5 mg.	48	\$420.00	260
1/28/03	D2168	Lupron 7.5 mg.	48	\$420.00	257
	63 Invoices		4,020	\$1,839,085.00	

28. On February 24, 2003, Mr. Sarapo relinquished Xenigen's license to the Florida Department of Health. Dutchess' last purchase from Xenigen was on January 28, 2003.

29. On February 22, 2003, Dutchess began buying Lupron and Zoladex from Rekcus, Inc. (Rekcus), a South Carolina pharmaceutical wholesaler not licensed in Nevada. Rekcus is the word "sucker" backwards. Rekcus was nominatively established by Guy Sarapo, but the evidence at hearing showed that Mr. Sarapo's ownership of Rekcus was merely a front for the Walkers. Although Rekcus was supposedly located in South Carolina, no actual business was ever conducted from South Carolina. Instead, Rekcus' business was conducted from the same place and in the same manner as the three preceding Walker entities, except that Rekcus was an authorized representative for TAP Pharmaceuticals. The following table shows all of the Lupron and Zoladex purchased from Rekcus:

INVOICE DATE	INVOICE #	DRUG	QTY (UNITS)	PRICE PER UNIT	BATES # ON EX. 20
2/22/03	D2101	Lupron 7.5 mg.	84	\$420.00	1316
2/28/03	D2102	Lupron 7.5 mg.	48	\$420.00	1314
3/4/03	D2104	Lupron 7.5 mg.	4	\$420.00	1313
3/5/03	D2103	Lupron 7.5 mg.	4	\$420.00	1315
3/6/03	D2105	Lupron 22.5 mg.	2	\$950.00	1312
3/6/03	D2105	Lupron 7.5 mg.	108	\$420.00	1312

INVOICE DATE	INVOICE #	DRUG	QTY (UNITS)	PRICE PER UNIT	BATES # ON EX. 20
3/7/03	D2106	Lupron 22.5 mg.	12	\$950.00	1311
3/7/03	D2106	Lupron 7.5 mg.	84	\$420.00	1311
3/12/03	D2107	Lupron 22.5 mg.	21	\$950.00	1310
3/13/03	D2108	Lupron 7.5 mg.	48	\$420.00	1309
3/19/03	D2109	Lupron 7.5 mg.	129	\$420.00	1308
3/21/03	D2110	Lupron 7.5 mg.	48	\$420.00	1307
3/27/03	D2111	Zoladex 10.8 mg.	36	\$620.00	1306
3/28/03	D2112	Lupron 22.5 mg.	22	\$950.00	1305
3/28/03	D2112	Lupron 7.5 mg.	14	\$420.00	1305
4/1/03	D2113	Lupron 7.5 mg.	48	\$420.00	1303
4/3/03	D2114	Lupron 22.5 mg.	20	\$950.00	1302
4/3/03	D2114	Lupron 7.5 mg.	113	\$420.00	1302
4/8/03	D2116	Lupron 22.5 mg.	12	\$950.00	1301
4/8/03	D2116	Lupron 7.5 mg.	30	\$420.00	1301
4/9/03	D2117	Lupron 7.5 mg.	100	\$420.00	1300
4/11/03	D2118	Lupron 7.5 mg.	49	\$420.00	1299
5/3/03	L2003	Lupron 7.5 mg.	30	\$420.00	1317
5/3/03	L2003	Lupron 7.5 mg.	79	\$420.00	1318
	18 Invoices		1,145	\$535,270.00	

30. Mr. DeBree testified that he considered and treated the four business permutations (Crystal Coast to Genendo to Xenigen to Rekcus) as one continuous entity with which Dutchess, and later, Legend did business. Mr. Venema testified that all four businesses were, in fact, controlled by or used by the Walkers. Mr. Venema further testified that by the time Dutchess began buying Serostim, Lupron, and Zoladex from Crystal Coast, Dutchess was Crystal Coast's only customer and only source of revenue.

31. Through the continual course of purchases from Crystal Coast to Genendo to Xenigen to Rekcus, Dutchess purchased Serostim, Lupron, and Zoladex for a total purchase price of \$8,507,405.00.

32. All of the Lupron and Zoladex purchased by Dutchess and Legend were received with only an invoice on which the selling Walker entity placed the initials "AD." The designator "AD" meant that the selling Walker entity was indicating that it was the authorized distributor for TAP Pharmaceuticals (for the Lupron) and AstraZeneca (for the Zoladex). These representations were always false. Neither TAP Pharmaceuticals nor AstraZeneca ever sold any Lupron or Zoladex directly to any of the Walker entities.

33. Mr. Venema testified that the true sources of the Lupron and Zoladex sold by the Walker entities were physicians who could purchase Lupron and Zoladex at steep discounts because the physicians' contracts provided that the physicians were only to use the prescription drugs for the physicians' own patients. This is referred to as an "own-use clause."

34. Mr. Venema explained that Mr. Walker's real name was Per Loyning and that Mr. Loyning was a Norwegian citizen who had assumed Elenore Walker's ex-husband's identity so that he could conduct business in the United States. Mr. Loyning had been convicted of cocaine dealing, had been deported, and had returned to the United States illegally.

35. On or about January 9, 2004, Mr. Loyning signed a Plea Agreement in the case of *State of Florida v. Loyning* (Circuit of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Case No. F03-13108A). By the Plea Agreement, Mr. Loyning plead guilty to seventeen felony counts dealing with his transactions whereby he purchased Lupron and Zoladex from physicians in violation of the physicians' own-use contracts. All of the Lupron and Zoladex that Mr. Loyning had illegally purchased was sold to Dutchess and Legend.

36. Mr. Venema testified about a “sting” that precipitated the arrest of Mr. Loyning and Mrs. Walker. In this “sting,” Mr. Venema posed as a FedEx deliveryman and delivered to Mr. Loyning personally at Mr. Loyning’s condominium in Coconut Grove, Florida a package from a Dr. Hinnant, one of Mr. Loyning’s regular physician suppliers of Lupron and Zoladex who had agreed to cooperate with law enforcement to effectuate the “sting.” Mr. Venema described that immediately upon delivering Dr. Hinnant’s package of Lupron to Mr. Loyning, he could hear the tearing of paper as the door closed. Within a few minutes, Mr. Loyning was arrested as he left his condominium with Dr. Hinnant’s package in his hands, now relabeled for immediate shipment to Dutchess.

37. Mr. DeBree testified that one of the primary sources of deeply discounted prescription drugs that are traded within the secondary source wholesale market are prescription drugs that are purchased by “closed-door” pharmacies that are then “transferred” from the “closed-door” pharmacy to a commonly-owned pharmaceutical wholesaler. Mr. DeBree described a “closed-door” pharmacy to be a pharmacy that was not open to the general public because it was intended to serve particular patient populations such as nursing homes. Mr. DeBree testified to his belief that closed-door pharmacies were legally entitled to order prescription drugs at greatly reduced prices because of their contractual promise that the prescription drugs would be used only for the pharmacy’s patients. Regardless of the contractual “own-use” clause, though, Mr. DeBree also stated that he understood that a closed-door pharmacy could order excess prescription drugs that could be transferred via the loophole Mr. DeBree described. Mr. DeBree testified that it was his understanding that this “loophole” was legal. He further

testified that while he and his companies never engaged in the practice he described, his companies routinely traded in prescription drugs that he knew originated through the use of the loophole.

38. Mr. DeBree explained that a secondary source pharmaceutical wholesaler such as his companies always bought and sold prescription drugs below WAC (Wholesale Acquisition Cost). Mr. DeBree also explained that WAC was the price at which a pharmaceutical wholesaler could obtain a prescription drug directly from the pharmaceutical manufacturer. Under questioning from a Board member, Mr. DeBree stated that the secondary source pharmaceutical wholesaler market was driven by prescription drugs obtained at less than WAC was through the loophole of an original sale in violation of an own-use clause.

38. The Lupron and Zoladex purchased by Dutchess and Legend passed through virtually the same loophole described by Mr. DeBree. The only difference between the loophole described by Mr. DeBree and the loophole used for the Lupron and Zoladex is that for the Lupron and Zoladex at issue the people violating the own-use clause were physicians, not closed-door pharmacies.

39. Mark Holder, Director of Trade Customer Operations for AstraZeneca testified that AstraZeneca sold Zoladex according to one of two prices. Pharmaceutical wholesalers who bought directly from AstraZeneca could only purchase Zoladex at WAC (Wholesale Acquisition Cost). Purchasers through group purchasing organizations (e.g. closed-door pharmacies, physicians, hospitals and other medical institutions, etc.) were entitled to purchase Zoladex at prices less than WAC. Mr. Holder

was emphatic that pharmaceutical wholesalers who purchased directly from AstraZeneca would only be entitled to purchase Zoladex at WAC.

40. At all times pertinent to the purchases of Zoladex by Dutchess and Legend, the WAC for a single Zoladex 3.6 mg. unit was \$375.99 and the WAC for a single Zoladex 10.8 mg. unit was \$1,127.98. Mr. Holder explained that when Zoladex was sold to a pharmaceutical wholesaler, it was sold in cases of six units per case.

41. Dutchess' and Legend's records show that throughout their dealings with the Walker entities (Crystal Coast, Genendo, Xenigen, and Rekcus), they obtained Zoladex 3.6 mg. units at prices ranging from \$215 to \$255 per single unit and Zoladex 10.8 mg. units at prices ranging from \$600 to \$640 per single unit. Thus, Dutchess and Legend were buying Zoladex 3.6 mg. units at prices ranging from 57% to 67% of WAC and Zoladex 10.8 mg. units at prices ranging from 53% to 57% of WAC.

42. Barbara Tolbert, Manager of Customer Service for TAP Pharmaceuticals testified that when it sells Lupron directly to a pharmaceutical wholesaler, it always sells the Lupron at WAC. According to Ms. Tolbert, the only way TAP Pharmaceuticals sells Lupron at less than WAC is through contractual pricing arrangements with providers that contain an own-use clause. Ms. Tolbert testified that one of the purposes of the own-use clause in a contractual relationship with a provider was to assure that the product sold subject to such a clause would be readily traceable and would not end up in the secondary source wholesale market.

43. Ms. Tolbert testified that Lupron, regardless of strength, was always sold in case quantities (twelve to a case). Ms. Tolbert testified that through the period of time pertinent to Dutchess' and Legend's purchases of Lupron 7.5 mg. units, the WAC

changed as follows: June 2000 -- \$475.00; August 2000 -- \$499.00; February 2003 -- \$515.00; May 2003 -- \$545.90.

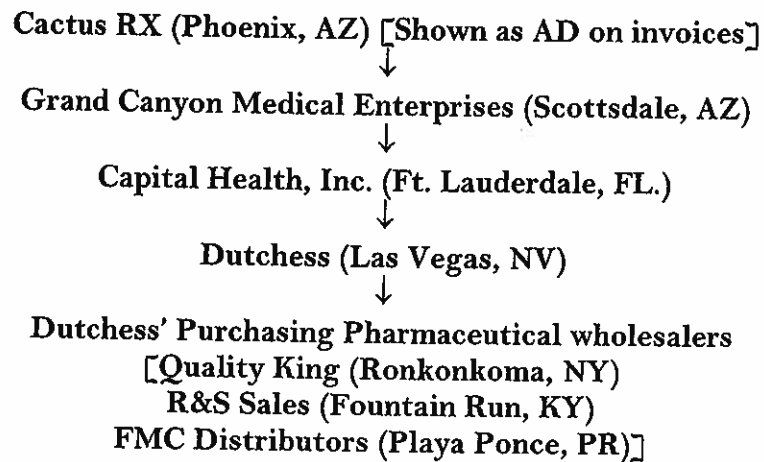
44. Dutchess' records of its purchases from the various Walker entities shows that Dutchess obtained Lupron 7.5 mg. units at prices significantly less than WAC. From June through August 2000 (when WAC was \$475.00 per unit), Dutchess purchased Lupron 7.5 mg. units for \$375.00 to \$380.00. From August 2000 through February 2003 (when WAC was \$499.00), Dutchess purchased Lupron 7.5 mg. units for \$345.00 to \$420.00. After February 2003 (when WAC was \$515.00 and then \$545.90), Dutchess continued to purchase Lupron 7.5 mg. units at \$420.00. When Legend took over Dutchess' account with Rekcus, Legend continued to purchase Lupron 7.5 mg. units at \$420.00. Thus, depending upon the time of the purchase, Dutchess purchased Lupron 7.5 mg. units between 69% to 79% of WAC.

45. All of the "AD" representations made by Crystal Coast, Genendo, and Xenigen regarding the Lupron and all of the "AD" representations by all of the Walker entities (Crystal Coast, Genendo, Xenigen, and Rekcus) regarding the Zoladex sold to Dutchess and Legend were false. Neither Mr. DeBree, Mr. Packer, Dutchess, nor Legend offered any evidence that any of them did anything to determine the *bona fides* of the "AD" representations made by the various Walker entities regarding the millions of dollars worth of Lupron and Zoladex that they were purchasing from the Walker entities. Mr. DeBree testified that because "AD" status was important to him and his businesses, he kept the invoices that proved his "AD" status in special files in his office. Whenever one of Mr. DeBree's customers questioned Dutchess' or Legend's status as an "AD," Mr. DeBree could refer readily to the special file for that pharmaceutical

manufacturer and would fax a copy of two or more invoices to the customer. Nonetheless, Mr. DeBree never made a request for similar documents from the Walkers regarding TAP Pharmaceuticals or AstraZeneca, even after Mr. DeBree and Dutchess had received counterfeit Serostim from Crystal Coast and, thus, knew that Crystal Coast had falsely represented its “AD” status regarding the Serostim it had sold to Dutchess. Under these circumstances, the Board must find that Mr. DeBree, Mr. Packer, Dutchess, and Legend bear the responsibility for passing on the false “AD” representations made by the Walker entities.

46. Taken in total, the evidence shows that Mr. DeBree, Mr. Packer, Dutchess, and Legend either knew or chose not to know that the source of the Lupron and Zoladex they purchased originated from a fraudulent source, i.e. an originating source selling the Lupron and Zoladex in violation of an own-use clause. All of the facts and circumstances of the transactions indicate that Mr. DeBree, Mr. Packer, Dutchess, and Legend were operating on a don’t-ask-don’t-tell basis with their supplier. Mr. DeBree’s own testimony bears out his knowledge that fraudulently procured prescription drugs drive the secondary source pharmaceutical wholesale market, and he admitted his unabashed participation in the market as long as he could buy and sell prescription drugs below WAC. Such fraudulent and deceitful dealings in life-saving prescription drugs seem the very definition of practices that are contrary to the public interest.

47. Dutchess provided to its purchasing pharmaceutical wholesalers some pedigrees (Invoices ## 2575, 2587, 2597, 2603, 2611, 2614, and 2618) on which Cactus RX was shown to be the original seller and authorized distributor showed the following chain of sales:



48. For all of Dutchess' pedigrees (Invoice ## 2575, 2587, 2597, 2603, 2611, 2614, and 2618) on which Cactus RX was shown to be the original seller and authorized distributor, Dutchess also maintained and produced to the Board a second set of invoices on which all of the information regarding the Cactus-RX-to-Grand-Canyon-to-Capital-Health-to-Dutchess information was crudely redacted with a black marker. Next to the redactions were handwritten the words "AD Crystal Coast," sometimes with Crystal Coast's legal address at 2491 S. University Dr., Davie, Florida. Thus, Dutchess made and maintained two parallel sets of pedigrees accompanying invoices ##2575, 2587, 2597, 2603, 2611, 2614, and 2618.

49. Mr. DeBree admitted that Dutchess made and maintained two parallel sets of pedigrees regarding invoices ##2575, 2587, 2597, 2603, 2611, 2614, and 2618, and he explained that the pedigrees showing Cactus Rx as the original seller were incorrect. Mr. DeBree explained that the incorrect pedigrees were the result of a computer error by which a purportedly valid chain of title for another prescription drug was interposed upon the Lupron and Zoladex actually purchased from a Walker entity, not from the Cactus Rx chain of title. Mr. DeBree explained that the person at Dutchess who put the information into the company's computer was Mr. Packer and that Mr. Packer was

responsible for the incorrect pedigrees. Mr. DeBree claimed that the error was corrected with his purchasing pharmaceutical wholesalers, but no evidence was presented that would show that Dutchess provided corrected pedigrees to the purchasing pharmaceutical wholesalers or that the purchasing pharmaceutical wholesalers actually corrected their records to accurately reflect the true source of the prescription drugs.

50. Dutchess' records show that Dutchess made several purchases of Serostim where no corresponding record of sale of the Serostim was provided. Particularly, Dutchess' records show that on December 4, 2000, Dutchess bought 8 vials of Serostim from Crystal Coast, on February 9, 2001, Dutchess bought 35 vials of Serostim from Crystal Coast, and on April 30, 2001, Dutchess bought 35 vials of Serostim from Crystal Coast, but no records were provided by Dutchess (either invoices or pedigrees) to show where these vials were sold. Similarly, after Legend assumed Dutchess' business, it likewise provided records to the Board staff that showed that on May 9, 2003 Legend purchased 120 vials of Lupron 7.5 mg. from Rekcus for which Legend did not provide to Board staff any records regarding the subsequent sale of the vials.

51. When Dutchess sold the Lupron it had purchased from Crystal Coast, Genendo, Xenigen, and Rekcus to other pharmaceutical wholesalers, Dutchess did not show on the pedigrees that the actual seller, namely the appropriate Walker entity of the time, was Dutchess' source. Instead, Dutchess showed "AD" on the pedigrees as the source for the Lupron. The designation "AD" was intended by Dutchess to indicate that Dutchess was the authorized distributor for the Lupron that it sold to other pharmaceutical wholesalers. Mr. DeBree understood that establishing an ongoing

relationship with a pharmaceutical manufacturer, in this case TAP Pharmaceuticals, entitled him and his companies to represent that they were an “AD” for all prescription drugs that they sold from TAP Pharmaceuticals, regardless of whether the prescription drug was actually purchased from the pharmaceutical manufacturer or another source. Mr. DeBree explained that through two simple purchases of one or two units each purchase of a TAP Pharmaceuticals’ prescription drug, Mr. DeBree could establish himself as an “AD” for TAP Pharmaceuticals, even when he had no intention of actually procuring for sale TAP Pharmaceuticals products from TAP Pharmaceuticals. Mr. DeBree explained that he would not buy TAP Pharmaceutical products directly from TAP Pharmaceuticals because through them he could only obtain the prescription drugs at WAC. As Mr. DeBree explained, through the ruse of maintaining a nominal “AD” status with TAP Pharmaceuticals, he and his companies could hide the true source of the prescription drugs when he resold the products to another pharmaceutical wholesaler.

52. Dutchess’ records show that all of the Lupron sold by Dutchess was purchased from Crystal Coast, then Genendo, then Xenigen, and finally Rekcus. Following is a table of all of Dutchess’ sales of Lupron on which Dutchess falsely represented that it was the source of origination of the prescription drug, thus obscuring the true source of the prescription drug (the appropriate Walker entity) and falsely representing the actual chain of sales of the Lupron:

INVOICE DATE	INVOICE #	PURCHASER FROM DUTCHESS	CITY	ST.	DRUG	QTY	BATES # ON EX. 20
8/3/00	2415	P.D.I. Enterprises	Valencia	CA	Lupron 22.5mg.	24	1134
8/3/00	2416	Quality King	Ronkonkoma	NY	Lupron 7.5 mg.	36	1135
8/3/00	2416	Quality King	Ronkonkoma	NY	Lupron 7.5 mg.	6	1135
8/14/00	2453	Quality King	Ronkonkoma	NY	Lupron 7.5 mg.	89	1137

INVOICE DATE	INVOICE #	PURCHASER FROM DUTCHESS	CITY	ST.	DRUG	QTY	BATES # ON EX. 20
8/14/00	2453	Quality King	Ronkonkoma	NY	Lupron 7.5 mg.	2	1137
8/14/00	2454	Quality King	Ronkonkoma	NY	Lupron 7.5 mg.	86	1136
8/16/00	2462	FMC Distributors	Playa Ponce	PR	Lupron 22.5mg.	18	1070
8/16/00	2463	Quality King	Ronkonkoma	NY	Lupron 7.5 mg.	35	1140
8/16/00	2463	Quality King	Ronkonkoma	NY	Lupron 7.5 mg.	1	1140
8/17/00	2474	Quality King	Ronkonkoma	NY	Lupron 7.5 mg.	18	1139
9/6/00	2537	R & S Sales, Inc.	Fountain Run	KY	Lupron 30 mg.	12	1147
9/6/00	2540	Quality King	Ronkonkoma	NY	Lupron 7.5 mg.	3	1143
9/22/00	2588	R & S Sales, Inc.	Fountain Run	KY	Lupron 30 mg.	24	1146
9/22/00	2588	R & S Sales, Inc.	Fountain Run	KY	Lupron 30 mg.	5	1146
9/26/00	2600	Teamcare Infusion	Miami	FL	Lupron 7.5 mg.	1	1144
9/26/00	2600	Teamcare Infusion	Miami	FL	Lupron 7.5 mg.	12	1144
9/26/00	2600	Teamcare Infusion	Miami	FL	Lupron 7.5 mg.	8	1144
9/26/00	2601	Quality King	Ronkonkoma	NY	Lupron 7.5 mg.	2	1145
9/26/00	2601	Quality King	Ronkonkoma	NY	Lupron 7.5 mg.	1	1145
10/2/00	2612	P.D.I. Enterprises	Valencia	CA	Lupron 22.5 mg.	1	1138
10/2/00	2612	P.D.I. Enterprises	Valencia	CA	Lupron 22.5 mg.	1	1138
10/2/00	2615	Quality King	Ronkonkoma	NY	Lupron 7.5 mg.	3	1141
10/2/00	2615	Quality King	Ronkonkoma	NY	Lupron 7.5 mg.	1	1142
10/2/00	2615	Quality King	Ronkonkoma	NY	Lupron 7.5 mg.	1	1141
10/2/00	2615	Quality King	Ronkonkoma	NY	Lupron 7.5 mg.	4	1141
10/2/00	2615	Quality King	Ronkonkoma	NY	Lupron 7.5 mg.	6	1141
10/2/00	2615	Quality King	Ronkonkoma	NY	Lupron 7.5 mg.	6	1141
10/2/00	2615	Quality King	Ronkonkoma	NY	Lupron 7.5 mg.	1	1142
10/2/00	2615	Quality King	Ronkonkoma	NY	Lupron 7.5 mg.	1	1141
10/2/00	2615	Quality King	Ronkonkoma	NY	Lupron 7.5 mg.	2	1141
10/2/00	2616	Teamcare Infusion	Miami	FL	Lupron 7.5 mg.	2	1149
10/2/00	2616	Teamcare Infusion	Miami	FL	Lupron 7.5 mg.	1	1149
10/2/00	2616	Teamcare Infusion	Miami	FL	Lupron 7.5 mg.	4	1149
10/2/00	2616	Teamcare Infusion	Miami	FL	Lupron 7.5 mg.	1	1149
10/9/00	2646	Quality King	Ronkonkoma	NY	Lupron 7.5 mg.	48	1148
10/9/00	2646	Quality King	Ronkonkoma	NY	Lupron 7.5 mg.	2	1148
4/6/01	3046	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	12	1120
4/6/01	3046	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	24	1120
4/6/01	3046	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	12	1120
4/11/01	3061	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	72	1121
4/18/01	3073	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	2	1122
4/18/01	3073	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	64	1122

INVOICE DATE	INVOICE #	PURCHASER FROM DUTCHESS	CITY	ST.	DRUG	QTY	BATES # ON EX. 20
4/18/01	3073	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	2	1123
4/19/01	3083	P.D.I. Enterprises	Valencia	CA	Lupron 7.5 mg.	48	1124
4/19/01	3084	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	24	1125
4/26/01	3094	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	27	1111
4/26/01	3094	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	36	1111
5/23/01	3166	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	2	1179
6/4/01	3183	Rebel Distributors	Westlake Village	CA	Lupron 22.5 mg.	1	1170
6/4/01	3184	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	31	1171
6/4/01	3184	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1171
6/8/01	3201	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	54	1173
6/11/01	3202	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1174
6/11/01	3202	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1174
6/11/01	3202	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	83	1174
6/11/01	3202	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	5	1174
6/11/01	3202	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	3	1174
7/26/01	3300	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	2	1189
7/26/01	3300	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	11	1189
7/26/01	3300	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	48	1189
7/26/01	3300	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	60	1189
7/26/01	3300	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1189
7/30/01	3304	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	6	1188
7/30/01	3305	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	2	1186
7/30/01	3305	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	3	1186
7/30/01	3305	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1186
7/30/01	3305	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1186
7/30/01	3305	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	84	1187
7/30/01	3305	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1186
7/30/01	3305	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	36	1187
7/30/01	3305	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1187
7/30/01	3305	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	3	1187
7/30/01	3305	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	2	1186
7/30/01	3305	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1187
7/30/01	3305	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1187
8/9/01	3320	Midwest Drug Supply	Jackson	MI	Lupron 7.5 mg.	31	1090
8/9/01	3320	Midwest Drug Supply	Jackson	MI	Lupron 7.5 mg.	10	1090
8/9/01	3320	Midwest Drug Supply	Jackson	MI	Lupron 7.5 mg.	16	1090

INVOICE DATE	INVOICE #	PURCHASER FROM DUTCHESS	CITY	ST.	DRUG	QTY	BATES # ON EX. 20
8/9/01	3320	Midwest Drug Supply	Jackson	MI	Lupron 7.5 mg.	5	1090
8/9/01	3320	Midwest Drug Supply	Jackson	MI	Lupron 7.5 mg.	11	1090
8/13/01	3331	Midwest Drug Supply	Jackson	MI	Lupron 7.5 mg.	4	1088
8/13/01	3331	Midwest Drug Supply	Jackson	MI	Lupron 7.5 mg.	1	1088
8/13/01	3331	Midwest Drug Supply	Jackson	MI	Lupron 7.5 mg.	18	1088
8/13/01	3332	Midwest Drug Supply	Jackson	MI	Lupron 7.5 mg.	6	1150
8/13/01	3332	Midwest Drug Supply	Jackson	MI	Lupron 7.5 mg.	62	1150
8/27/01	3676	Midwest Drug Supply	Jackson	MI	Lupron 7.5 mg.	4	1165
8/27/01	3676	Midwest Drug Supply	Jackson	MI	Lupron 7.5 mg.	36	1166
8/27/01	3676	Midwest Drug Supply	Jackson	MI	Lupron 7.5 mg.	2	1165
8/27/01	3676	Midwest Drug Supply	Jackson	MI	Lupron 7.5 mg.	24	1165
8/27/01	3676	Midwest Drug Supply	Jackson	MI	Lupron 7.5 mg.	2	1165
8/27/01	3676	Midwest Drug Supply	Jackson	MI	Lupron 7.5 mg.	1	1165
8/27/01	3676	Midwest Drug Supply	Jackson	MI	Lupron 7.5 mg.	3	1165
9/4/01	3398	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	30	1086
9/10/01	3410	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	72	1083
9/24/01	3449	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	40	1085
9/24/01	3449	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	2	1085
9/24/01	3449	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	72	1085
9/24/01	3449	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	3	1085
10/1/01	3477	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	59	1093
10/1/01	3477	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	7	1093
10/1/01	3477	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	6	1092
10/1/01	3477	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1092
10/1/01	3477	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	4	1093
10/1/01	3477	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1093
10/1/01	3477	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	5	1092
10/1/01	3477	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	3	1092

INVOICE DATE	INVOICE #	PURCHASER FROM DUTCHESS	CITY	ST.	DRUG	QTY	BATES # ON EX. 20
10/8/01	3502	P.D.I. Enterprises	Valencia	CA	Lupron 7.5 mg.	2	1096
10/8/01	3502	P.D.I. Enterprises	Valencia	CA	Lupron 7.5 mg.	1	1095
10/8/01	3502	P.D.I. Enterprises	Valencia	CA	Lupron 7.5 mg.	1	1095
10/8/01	3502	P.D.I. Enterprises	Valencia	CA	Lupron 7.5 mg.	1	1095
10/8/01	3502	P.D.I. Enterprises	Valencia	CA	Lupron 7.5 mg.	1	1095
10/8/01	3502	P.D.I. Enterprises	Valencia	CA	Lupron 7.5 mg.	9	1095
10/8/01	3502	P.D.I. Enterprises	Valencia	CA	Lupron 7.5 mg.	74	1096
10/8/01	3502	P.D.I. Enterprises	Valencia	CA	Lupron 7.5 mg.	2	1096
10/8/01	3502	P.D.I. Enterprises	Valencia	CA	Lupron 7.5 mg.	15	1096
10/8/01	3502	P.D.I. Enterprises	Valencia	CA	Lupron 7.5 mg.	4	1095
10/16/01	3535	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	33	1087
11/12/01	3615	Medsource	Woods Cross	UT	Lupron 7.5 mg.	12	1098
11/12/01	3616	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1110
11/12/01	3616	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	9	1110
11/12/01	3616	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1109
11/12/01	3616	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1110
11/12/01	3616	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	84	1109
11/12/01	3616	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	82	1109
11/12/01	3616	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1110
11/12/01	3616	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	3	1109
11/12/01	3616	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	6	1109
11/12/01	3616	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	2	1109
11/13/01	C3617	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	-1	1107
11/13/01	C3617	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	-1	1107
11/14/01	3623	P.D.I. Enterprises	Valencia	CA	Lupron 7.5 mg.	24	1104
11/14/01	3623	P.D.I. Enterprises	Valencia	CA	Lupron 7.5 mg.	1	1104
11/14/01	3624	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	24	1105
11/28/01	3661	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1102
11/28/01	3661	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	3	1102
11/28/01	3661	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	36	1102
11/29/01	3664	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	44	1103
12/2/01	5195	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1182
12/2/01	5195	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1182
12/2/01	5195	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	13	1183
12/2/01	5195	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	2	1183
12/2/01	5195	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	5	1182
12/2/01	5195	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	4	1182
12/2/01	5195	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1182

INVOICE DATE	INVOICE #	PURCHASER FROM DUTCHESS	CITY	ST.	DRUG	QTY	BATES # ON EX. 20
12/2/01	5195	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1182
12/10/01	3688	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1161
12/10/01	3688	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	159	1161
12/10/01	3688	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	10	1161
12/10/01	3688	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	4	1161
12/10/01	3688	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	3	1161
12/10/01	3688	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1161
12/12/01	C3692	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	-1	1159
12/17/01	3700	P.D.I. Enterprises	Valencia	CA	Lupron 7.5 mg.	40	1158
1/4/02	3736	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	48	1281
1/7/02	3740	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	72	1282
1/9/02	3746	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	1	1283
1/9/02	3746	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	1	1283
1/9/02	3746	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	9	1283
1/9/02	3746	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	5	1283
1/9/02	3746	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	84	1283
1/10/02	3747	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	72	1284
1/10/02	3747	FMC Distributors	Playa Ponce	PR	Lupron 22.5 mg.	19	1284
1/17/02	3753	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	42	1286
1/30/02	3773	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	55	1288
2/6/02	3795	FMC Distributors	Playa Ponce	PR	Altace 5 mg.	24	1272
2/6/02	3795	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	40	1272
2/6/02	3795	FMC Distributors	Playa Ponce	PR	Altace 5 mg.	6	1272
2/6/02	3795	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	2	1272
2/21/02	3806	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	84	1273
2/25/02	3812	P.D.I. Enterprises	Valencia	CA	Lupron 7.5 mg.	4	1277
2/25/02	3812	P.D.I. Enterprises	Valencia	CA	Lupron 7.5 mg.	9	1277
2/25/02	3812	P.D.I. Enterprises	Valencia	CA	Lupron 7.5 mg.	85	1277
2/25/02	3812	P.D.I. Enterprises	Valencia	CA	Lupron 7.5 mg.	2	1277
2/25/02	3812	P.D.I. Enterprises	Valencia	CA	Lupron 22.5 mg.	1	1277
2/27/02	3815	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	36	1278
2/27/02	3815	FMC Distributors	Playa Ponce	PR	Lupron 22.5 mg.	12	1278
3/4/02	3826	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	3	1260
3/4/02	3826	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	10	1260
3/4/02	3826	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	50	1260
3/4/02	3826	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	40	1260
3/4/02	3826	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	5	1260
3/11/02	3830	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	60	1262

INVOICE DATE	INVOICE #	PURCHASER FROM DUTCHESS	CITY	ST.	DRUG	QTY	BATES # ON EX. 20
3/13/02	3831	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	72	1263
3/15/02	3835	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1265
3/15/02	3835	Rebel Distributors	Westlake Village	CA	Lupron 22.5 mg.	1	1265
3/15/02	3835	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	2	1265
3/15/02	3835	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	2	1266
3/15/02	3835	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	9	1265
3/15/02	3835	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	2	1266
3/15/02	3835	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	2	1266
3/15/02	3835	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	2	1265
3/15/02	3835	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	84	1266
3/18/02	3836	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	20	1267
3/18/02	3836	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1267
3/20/02	3837	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	50	1268
3/25/02	3842	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1270
3/25/02	3842	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	3	1270
3/25/02	3842	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	38	1270
3/28/02	3847	Rebel Distributors	Westlake Village	CA	Lupron 22.5 mg.	12	1271
3/28/02	3847	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	2	1271
3/28/02	3847	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1271
4/8/02	3849	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	1	1251
4/8/02	3849	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	7	1251
4/8/02	3849	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	96	1251
4/8/02	3849	FMC Distributors	Playa Ponce	PR	Lupron 22.5 mg.	19	1251
4/9/02	3850	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	3	1253
4/9/02	3850	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	2	1253
4/9/02	3850	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	6	1253
4/9/02	3850	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	1	1253
4/9/02	3850	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	60	1253
4/11/02	3853	Rebel Distributors	Westlake Village	CA	Lupron 30 mg.	1	1255
4/11/02	3853	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	45	1255
4/11/02	3853	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	60	1255
4/18/02	3859	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	12	1256
4/18/02	3859	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	6	1256
4/22/02	3866	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	36	1256
4/30/02	3873	FMC Distributors	Playa Ponce	PR	Lupron 22.5 mg.	12	1258
5/9/02	3886	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	2	1296
5/9/02	3886	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	4	1296
5/9/02	3886	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	7	1296

INVOICE DATE	INVOICE #	PURCHASER FROM DUTCHESS	CITY	ST.	DRUG	QTY	BATES # ON EX. 20
5/9/02	3886	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	87	1296
5/9/02	3904	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	2	1296
5/9/02	3904	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	84	1294
5/9/02	3904	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1294
5/9/02	3904	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	3	1294
5/9/02	3904	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	4	1294
5/13/02	3906	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1293
5/13/02	3906	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1293
5/13/02	3907	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	66	1292
5/20/02	3936	Rebel Distributors	Westlake Village	CA	Lupron 22.5 mg.	1	1291
5/20/02	3936	Rebel Distributors	Westlake Village	CA	Lupron 22.5 mg.	1	1291
5/20/02	3936	Rebel Distributors	Westlake Village	CA	Lupron 22.5 mg.	10	1291
5/20/02	3937	FMC Distributors	Playa Ponce	PR	Lupron 22.5 mg.	12	1290
5/23/02	3954	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	36	1289
6/3/02	3998	FMC Distributors	Playa Ponce	PR	Lupron 22.5 mg.	12	1245
6/3/02	3998	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	48	1245
6/13/02	4054	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1246
6/13/02	4054	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1246
6/13/02	4054	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	78	1246
6/13/02	4054	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	4	1246
6/13/02	4060	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	40	1247
6/26/02	4149	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	24	1249
6/26/02	4149	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	36	1249
6/28/02	4169	FMC Distributors	Playa Ponce	PR	Lupron 22.5 mg.	14	1250
7/10/02	4224	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	84	1239
7/10/02	4224	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	48	1239
7/11/02	4230	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	3	1243
7/11/02	4230	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	4	1242
7/11/02	4230	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	1	1242
7/11/02	4230	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	1	1242
7/11/02	4230	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	1	1242
7/11/02	4230	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	1	1242
7/11/02	4230	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	1	1242
8/5/02	4339	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	3	1234
8/5/02	4339	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1234
8/5/02	4339	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	5	1234
8/5/02	4339	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	45	1234
8/5/02	4339	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	72	1234

INVOICE DATE	INVOICE #	PURCHASER FROM DUTCHESS	CITY	ST.	DRUG	QTY	BATES # ON EX. 20
8/7/02	4362	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	36	1233
8/14/02	4396	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	85	1232
8/14/02	4399	FMC Distributors	Playa Ponce	PR	Lupron 22.5 mg.	12	1225
8/19/02	4433	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	7	1297
8/19/02	4433	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1297
8/19/02	4433	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	4	1297
8/19/02	4433	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	96	1297
8/19/02	4433	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1298
8/19/02	4433	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	5	1297
8/19/02	4433	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	4	1298
8/19/02	4433	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	7	1298
8/19/02	4433	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	96	1298
8/19/02	4433	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	5	1298
8/23/02	4483	FMC Distributors	Playa Ponce	PR	Lupron 7.5 mg.	36	1236
8/29/02	4524	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	20	1235
8/29/02	4524	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	15	1235
8/29/02	4524	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	9	1235
9/3/02	4555	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	48	1206
9/6/02	4591	Rebel Distributors	Westlake Village	CA	Lupron 22.5 mg.	12	1207
9/6/02	4591	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	72	1207
9/9/02	4603	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	2	1208
9/9/02	4603	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	16	1208
9/9/02	4603	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	3	1208
9/9/02	4603	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	2	1208
9/9/02	4603	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	54	1208
9/10/02	4615	FMC Distributors	Playa Ponce	PR	Lupron 22.5 mg.	6	1209
9/10/02	4618	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	42	1210
9/12/02	4641	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	24	1211
9/17/02	4667	FMC Distributors	Playa Ponce	PR	Lupron 30 mg.	10	1212
9/17/02	4667	FMC Distributors	Playa Ponce	PR	Lupron 22.5 mg.	10	1212
9/17/02	4668	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	10	1213
9/17/02	4668	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	33	1213
9/17/02	4668	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	9	1213
9/17/02	4668	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	11	1213
9/17/02	4668	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	4	1213
9/23/02	4706	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	68	1222
9/23/02	4706	Rebel Distributors	Westlake Village	CA	Lupron 22.5 mg.	20	1222
9/23/02	4706	Rebel Distributors	Westlake Village	CA	Lupron 30 mg.	10	1222

INVOICE DATE	INVOICE #	PURCHASER FROM DUTCHESS	CITY	ST.	DRUG	QTY	BATES # ON EX. 20
9/23/02	4706	Rebel Distributors	Westlake Village	CA	Lupron 22.5 mg.	7	1222
9/23/02	4706	Rebel Distributors	Westlake Village	CA	Lupron 22.5 mg.	1	1222
9/30/02	4778	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	46	1237
10/9/02	4861	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	2	1200
10/9/02	4861	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	4	1200
10/9/02	4861	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	9	1200
10/9/02	4861	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	84	1200
10/11/02	4878	Rebel Distributors	Westlake Village	CA	Lupron 22.5 mg.	1	1201
10/11/02	4878	Rebel Distributors	Westlake Village	CA	Lupron 22.5 mg.	3	1201
10/11/02	4878	Rebel Distributors	Westlake Village	CA	Lupron 22.5 mg.	19	1201
10/18/02	4924	Rebel Distributors	Westlake Village	CA	Lupron 22.5 mg.	15	1203
10/24/02	4962	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	49	1204
10/29/02	4985	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1205
10/29/02	4985	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	6	1205
10/29/02	4985	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	11	1205
10/29/02	4985	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	19	1205
10/29/02	4985	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	79	1205
11/6/02	5047	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	42	1216
11/8/02	5059	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	24	1217
11/13/02	5100	Rebel Distributors	Westlake Village	CA	Lupron 22.5 mg.	3	1218
11/13/02	5100	Rebel Distributors	Westlake Village	CA	Lupron 22.5 mg.	1	1218
11/13/02	5100	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	44	1218
11/13/02	5100	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	2	1218
11/13/02	5100	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1218
11/14/02	C5112	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	-95	1240
11/14/02	C5112	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	-2	1240
11/14/02	C5112	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	-6	1240
11/14/02	C5112	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	-1	1240
11/14/02	5111	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	21	1214
11/14/02	5111	Rebel Distributors	Westlake Village	CA	Lupron 22.5 mg.	31	1214
11/14/02	5113	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	95	1219
11/14/02	5113	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	2	1219
11/14/02	5113	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	6	1219
11/14/02	5113	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1219
11/25/02	5176	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	84	1220
12/9/02	5244	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	73	1191
12/9/02	5244	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	27	1191
12/10/02	5254	Rebel Distributors	Westlake Village	CA	Lupron 22.5 mg.	38	1192

INVOICE DATE	INVOICE #	PURCHASER FROM DUTCHESS	CITY	ST.	DRUG	QTY	BATES # ON EX. 20
12/11/02	5257	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	24	1193
12/16/02	5275	Rebel Distributors	Westlake Village	CA	Lupron 22.5 mg.	1	1194
12/16/02	5275	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	84	1194
12/16/02	5275	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	4	1194
12/16/02	5275	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	5	1194
12/16/02	5275	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	3	1194
12/16/02	5275	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1195
12/16/02	5275	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	7	1194
12/18/02	5293	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	6	1196
12/18/02	5293	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1196
12/18/02	5293	Rebel Distributors	Westlake Village	CA	Lupron 22.5 mg.	12	1197
12/18/02	5293	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	3	1196
12/18/02	5293	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	1	1196
12/18/02	5293	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	84	1197
12/18/02	5293	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	3	1196
12/18/02	5293	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	3	1196
12/19/02	5299	Rebel Distributors	Westlake Village	CA	Lupron 22.5 mg.	24	1198
12/20/02	5303	Rebel Distributors	Westlake Village	CA	Lupron 7.5 mg.	48	1199
						6,868	

53. When Dutchess changed its name and operations over to Legend, Legend continued to make the same misleading and false representations regarding the true source of its Lupron by perpetuating the "AD" representations on all of Legend's pedigrees for its sales of Lupron. Legend's records show that Legend bought Lupron from Rekcus on May 3 and 9, 2003 as is shown in the following table. The unshaded entries indicate purchases by Legend from Rekcus (which claimed to be the authorized distributor for the Lupron) and the gray shaded entries indicate sales made by Legend to its purchasing pharmaceutical wholesaler.

TRANSACTION DATE	AD SOURCE	INVOICE #	PURCHASER FROM LEGEND	CITY	STATE	DRUG	QTY	LOT #	PRICE PER UNIT	BATES # ON EX. 20
5/3/03	Rekcus, Inc.	L2003				Lupron 7.5 mg.	79		\$420.00	1317
5/6/03	Rekcus, Inc.	L2004				Lupron 7.5 mg.	30		\$420.00	1318
5/7/03	Legend Inc.	5704	P.D.I. Enterprises	Valencia	CA	Lupron 7.5 mg.	4	01661AP21	\$463.50	1347
5/7/03	Legend Inc.	5704	P.D.I. Enterprises	Valencia	CA	Lupron 7.5 mg.	72	03695AP21	\$463.50	1347
5/7/03	Legend Inc.	5704	P.D.I. Enterprises	Valencia	CA	Lupron 7.5 mg.	3	02692AP21	\$463.50	1347
5/8/03	Legend Inc.	5707	P.D.I. Enterprises	Valencia	CA	Lupron 7.5 mg.	30	03695AP21	\$463.50	1348
5/9/03	Rekcus, Inc.					Lupron 7.5 mg.	120		\$420.00	1351

54. Dutchess provided only limited shipping records to the Board as part of the investigation of this matter. Nonetheless, the few shipping records provided show that many of the invoices that were for putative sales to Dutchess by Crystal Coast actually were shipped by an entity called Overseas International or from locations from which Crystal Coast was not licensed to store and ship prescription drugs. Overseas International was not licensed as a pharmaceutical wholesaler in Florida. Overseas International, therefore, had no legal right or ability to handle prescription drugs in Florida, and Dutchess should never have received prescription drugs from an unlicensed entity.

55. Mr. DeBree's explanation as to why Dutchess would accept prescription drugs from Overseas International and from a wide variety of addresses scattered across Florida was unconvincing. Mr. DeBree explained that he knew that Sheldon Kressler was a business associate or partner of the Walkers and he believed that Mr. Kressler was merely doing the Walkers and Dutchess a favor by mailing prescription drugs using shipping accounts for Overseas International. This explanation belies two

common sense points. First, if Mr. Kressler was not employed by a licensed pharmaceutical wholesaler (which Overseas International was not), then he and whatever entity he was then representing would have no legal right or authority to touch, handle, ship, or otherwise deal with prescription drugs. Second, Mr. DeBree's explanation demonstrated an inappropriate casualness regarding the true source of the prescription drugs he was buying and reselling, especially since the wide variety of sources and names from which the prescription drugs were coming could and should have been an indication that the prescription drugs may not have been originating from legitimate sources.

56. The following table details all of the shipments made to Dutchess from unlicensed sources or from addresses other than the address to which the licensed pharmaceutical wholesaler was registered:

DATE & BATES # ON EX. 20	SENDER NAME	SENDER BUSINESS	SENDER CITY	SENDER STATE	INVOICE #	ADDRESS ON INVOICE
06/01/00	Sheldon Kresler	Crystal Coast	Pompano Beach	FL	1004	Crystal Coast, Inc. 2491 S. University Davie, FL
06/06/00 Bates #749	Sheldon Kresler	Crystal Coast	Pompano Beach	FL	1004	Crystal Coast, Inc. 2491 S. University Davie, FL
06/06/00	W. P. Walker	Crystal Coast (Mail Boxes Etc.)	Coconut Grove	FL	1008	Crystal Coast, Inc. 2491 S. University Davie, FL
07/01/00 Bates #624 Bates #625 Bates #791	W. P. Walker	Overseas Int'l	Coconut Grove	FL	1072	Crystal Coast, Inc. 2491 S. University Davie, FL
07/03/00 Bates #790	W. P. Walker	Crystal Coast	Pompano Beach	FL	1073	Crystal Coast, Inc. 2491 S. University Davie, FL
08/01/00 Bates #623 Bates #626	W. P. Walker	Crystal Coast	Coconut Grove	FL	1085	Crystal Coast, Inc. 2491 S. University Davie, FL
08/11/00 Bates #685	Sheldon Kresler	Crystal Coast	Pompano Beach	FL	1092	Crystal Coast, Inc. 2491 S. University Davie, FL

08/28/00 Bates #632	Sheldon Kresler	Overseas Int'l	Vero Beach	FL	1112	Crystal Coast, Inc. 2491 S. University Davie, FL
08/30/00 Bates #632	Sheldon Kresler	Overseas Int'l	Vero Beach	FL	1210, 1211	Crystal Coast, Inc. 2491 S. University Davie, FL
09/08/00	Sheldon Kressler	Overseas Int'l	Pompano Beach	FL	1268	Crystal Coast, Inc. 2491 S. University Davie, FL
09/08/00 Bates #617	Bill Walker	Crystal Coast	Miami	FL	1268	Crystal Coast, Inc. 2491 S. University Davie, FL
09/08/00 Bates #732 Bates #736	Bill Walker	Crystal Coast	Ft. Lauderdale	FL	1268	Crystal Coast, Inc. 2491 S. University Davie, FL
09/08/00 Bates #616 Bates #733	Sheldon Kresler	Overseas Int'l	Ft. Lauderdale	FL	1268	Crystal Coast, Inc. 2491 S. University Davie, FL
09/12/00 Bates #733 Bates #734	Sheldon Kresler	Overseas Int'l	Ft. Lauderdale	FL	5876	Crystal Coast, Inc. 1000 S. Ocean Blvd Pompano Beach, FL
09/12/00 Bates #620	Sheldon Kressler	Overseas Int'l	Pompano Beach	FL	5876	Crystal Coast, Inc. 1000 S. Ocean Blvd. Pompano Beach, FL
09/13/00 Bates #630	Bill Walker	Crystal Coast	Miami	FL	D3521	Crystal Coast, Inc. 1000 S. Ocean Blvd Pompano Beach, FL
09/13/00 Bates #731 Bates #735	Bill Walker	Crystal Coast	Ft. Lauderdale	FL	2561 or D3522	Crystal Coast, Inc. 1000 S. Ocean Blvd. Pompano Beach, FL OR Crystal Coast, Inc. 2491 S. University Davie, FL
09/18/00 Bates #635 Bates #636	Bill Walker	Crystal Coast	Coconut Grove	FL	D3522	Crystal Coast, Inc. 1000 S. Ocean Blvd. Pompano Beach, FL
09/20/00 Bates #729 Bates #726	Bill Walker	Crystal Coast	Miami	FL	No Inv. #	Crystal Coast, Inc. 1000 S. Ocean Blvd. Pompano Beach, FL
09/21/00 Bates #730 Bates #727	Bill Walker	Crystal Coast	Miami	FL	No Inv. #	Crystal Coast, Inc. 1000 S. Ocean Blvd. Pompano Beach, FL
09/29/00 Bates #611	Bill Walker	Crystal Coast	Miami	FL	1500	Crystal Coast, Inc. 1000 S. Ocean Blvd. Pompano Beach, FL
10/03/00 Bates #598	Sheldon Kressler	Overseas Int'l	Vero Beach	FL	928 or 2618	Crystal Coast, Inc. 1000 S. Ocean Blvd. Pompano Beach, FL OR Crystal Coast, Inc. 2491 S. University Davie, FL

10/04/00 Bates #599	Bill Walker	Crystal Coast	Vero Beach	FL	930	Crystal Coast, Inc. 2700 S.W. 37 Ave. Miami, FL
10/06/00 Bates #599	Bill Walker	Crystal Coast	Miami	FL	934	Crystal Coast, Inc. 2700 S.W. 37 Ave. Miami, FL
10/10/00 Bates #600	Bill Walker	Crystal Coast	Miami	FL	936	Crystal Coast, Inc. 2700 S.W. 37 Ave. Miami, FL
10/11/00 Bates #600	Bill Walker	Crystal Coast	Ft. Lauderdale	FL	937	Crystal Coast, Inc. 2700 S.W. 37 Ave. Miami, FL
12/04/00 Bates #571 Bates #606	Bill Walker	Crystal Coast	Miami	FL	D1001	Crystal Coast, Inc. 2700 S.W. 37 Ave. Miami, FL
12/08/00 Bates #570 Bates #607	Bill Walker	Crystal Coast	Ft. Lauderdale	FL	No Invoice Found	
12/18/00 Bates #573	Bill Walker	Crystal Coast	Miami	FL	No Invoice Found	

57. At all pertinent times, the only address to which Crystal Coast was legally licensed was 2491 S. University Dr., Davie, Florida or 2700 S.W. 37th Avenue, Suite 2, Miami, Florida. As the above table shows, based upon the limited shipping records provided by Dutchess to Board staff, only three of the twenty-nine transactions for which shipping records were provided actually shipped from the licensed address for Crystal Coast. Furthermore, in addition to the five different addresses and cities from which Dutchess accepted prescription drugs in the name of Crystal Coast, correspondence dated September 11, 2000 provided by Dutchess also showed an address for Crystal Coast at 2901 S. Bayshore Dr., Suite 6A, Coconut Grove, Florida. This last address in Coconut Grove, Florida was the Walkers' residence.

58. Aside from the few shipping records shown in the table contained in paragraph 56, Dutchess provided no other records regarding any shipments it received from Crystal Coast. Additionally, Dutchess provided no shipping records whatsoever

regarding the shipments of prescription drugs it received from Genendo, Xenigen, or Rekcus. Similarly, Legend provided no shipping records regarding the shipments of prescription drugs it received from Rekcus.

59. Mr. DeBree's demeanor during his testimony was disturbing. He seemed unconcerned and indifferent about the harm and potential for harm that his dealings would work in the lives of the patients who would unwittingly take the prescription drugs that had passed through his business. Mr. DeBree conducted 35 months of transactions with a man who is now a convicted criminal in Florida for his activities by which he acquired the prescription drugs that Mr. DeBree bought without ever questioning the legitimacy of Mr. Walker's purchases. His lack of concern for the consequences of his, Mr. Packer's, Dutchess', and Legend's acts and his constant concern for his profit were alarming and disturbing. The effect of Mr. DeBree's testimony was that he and his companies profited from don't-ask-don't-tell dealings through which all sorts of potential harm could be worked. His attitude seemed to be that the ends, namely his companies' profits, justified the means, namely the dealing in the gray market world of loopholes and hiding that he so vividly described. Such business practices dealing with life-saving prescription drugs are entirely contrary to the public interest.

60. The Board is not bound by Mr. DeBree's misunderstanding of the legality of his conduct, nor is the Board bound to recognize his and his companies' practices as legitimate. The Board finds that the overwhelming evidence, much of it from Mr. DeBree's own testimony and the records he, Mr. Packer, and their companies made, shows a continuous scheme of deception and fraud intended to perpetrate the purchase

and sale of prescription drugs that were obtained through illegal means. At all turns, Mr. DeBree, Mr. Packer, and their businesses ignored or avoided evidence that, with minimal effort and concern, would have revealed that the Walkers were trafficking in counterfeit and illegally obtained prescription drugs. To the extent that Mr. DeBree, Mr. Packer, and their businesses engaged in the policy of don't-ask-don't-tell with the Walker entities, Mr. DeBree, Mr. Packer, and their businesses were complicit in the criminal conduct engaged in by the Walkers. It is simple and obvious that Mr. Walker's criminal conduct could not have succeeded for as long and as lucratively as it did without a ready market for his illicitly and illegally obtained prescription drugs. Mr. DeBree, Mr. Packer, and their businesses did nothing substantive to test Mr. Walker's *bona fides*; rather as the evidence showed, Mr. DeBree, Mr. Packer, and their businesses turned a blind eye to obvious signs and clues that a reasonable businessman would have investigated. We must find that the overwhelming evidence showed that Mr. DeBree, Mr. Packer, and their businesses, Dutchess and Legend, participated in a deliberate course of deceitful and fraudulent practices.

61. The Board finds that Legend was equally complicit with Dutchess because Dutchess and Legend are, for all intents and purposes relevant to our proceedings, the same entity. All evidence presented regarding the interrelationship of Dutchess and Legend indicates that Legend was simply a new name and entity under which the business and corrupt business practices of Dutchess, Mr. DeBree, and Mr. Packer would continue unabated. Mr. Packer was the designated representative for Dutchess, meaning that by law he was the person who was acknowledged by Dutchess to be the person most knowledgeable about the day-to-day operations of Dutchess. Mr. Packer

performed the daily data entry functions regarding the numerous transactions in this matter, meaning that he personally handled, processed, and made the records that perpetuated Mr. Walker's false "AD" representations and perpetrated Dutchess' and Legend's own misrepresentations as to the true sources of the Lupron handled by Dutchess and Legend. The voluminous records in evidence contain references to activities personally performed by Mr. Packer in the furtherance of Dutchess' fraudulent and deceitful practices. The voluminous records in evidence also clearly indicate that the business conducted by Legend was treated by Legend, its vendors, and its customers as, in all substantive respects, identical to the preceding business conducted by Dutchess. Even the location of Dutchess and Legend remained unchanged. With these considerable factual findings as support, to find that Legend should not bear equal responsibility and accountability with Dutchess would be to elevate form over substance in the service of condoning Mr. DeBree's and Mr. Packer's dangerous dealings.

62. Finally, the Board makes a special finding to address the special circumstances shown by the substantial and overwhelming evidence in this matter. The course of conduct engaged in by Dutchess and Legend was not in the public's interest. As the evidence showed, Dutchess and Legend avoided at every turn any sign, clue, or evidence, no matter how obvious, that would have deterred them from buying Serostim, Lupron, and Zoladex from the Walker entities. Any effort to verify the *bona fides* of the Walkers' representations would have shown that the Walkers were engaged in fraud and that their prescription drugs were not being purchased from legitimate, lawful, and safe sources. No such effort was made by Dutchess and Legend, and, thus, they

bought and sold millions of prescription drugs that were obtained from unlawful, illegitimate, and unsafe sources.

The depths of callousness and lack of regard for the public were shown by several of Dutchess' and Legend's irresponsible actions, some of which, while not a complete catalog, will be discussed in this paragraph as exemplars. First, when Dutchess had 37 vials of counterfeit Serostim returned to them from one of their customers who informed them that the reason for the return was that they had information that the Serostim was counterfeit, Dutchess did nothing to confirm or invalidate the rumor. Instead, Dutchess resold the counterfeit Serostim to another pharmaceutical wholesaler so as not to lose the \$50,000 sale. Second, even after Dutchess had been denied payment of \$70,000 by another of its customers of Serostim because the customer identified the Serostim as counterfeit, Dutchess bought more Serostim from Crystal Coast. Third, even after dealing with the considerable hassle of a voluntary recall of the counterfeit Serostim, during which Dutchess had to have known that Crystal Coast's "AD" representation regarding the Serostim was false, Dutchess did nothing substantive to confirm whether Crystal Coast's other "AD" representations regarding Lupron and Zoladex were truthful. Fourth, the only thing that stopped Legend from continuing the course of fraudulent and deceitful practices with the Walkers, who were by then on their fourth business entity (Rekcus), was the Walkers' arrests.

Almost half of the Serostim Dutchess bought was counterfeit. All of the prescription drugs Dutchess and Legend purchased were sold to other pharmaceutical wholesalers and, presumably, were put by unwitting patients into their bodies. The havoc and jeopardy created to the supply of prescription drugs worked by Dutchess and

Legend was unnecessary and intolerable. This Board will never allow the profitability of an enterprise to compromise the safety and efficacy of the prescription drug supply that Nevada's citizens and all Americans have a right to expect. Thus, to the extent that this Board's recommendation may carry any weight with courts reviewing these Findings of Fact, Conclusions of Law, and Order, the Board asks that the revocation of Dutchess' and Legend's licenses made in this Order not be stayed pending judicial review or appeal of this matter. In the Board's judgment based upon the evidence in this matter, Dutchess' and Legend's operations are so dangerous to the public that it is our hope that they never again engage in the business of pharmaceutical wholesaling.

CONCLUSIONS OF LAW

1. The Nevada State Board of Pharmacy has jurisdiction over this matter because Respondents Dutchess Business Services, Inc. and Legend Pharmaceuticals are pharmaceutical wholesalers licensed by the Board.

2. In purchasing and reselling adulterated and misbranded Serostim, Dutchess violated NRS 585.520(1) and 639.210(4) and (12) and NAC 639.945(1)(a), and (i). Pursuant to NAC 639.955(7), all 399 vials of counterfeit Serostim, that is Serostim that was adulterated and misbranded, bought and sold are grouped in this conclusion of law for the Board's administrative convenience and are each subject to separate discipline. We conclude that Nevada's Food, Drug, and Cosmetic Act (NRS ch. 585) should be interpreted consonantly with the federal Food, Drug, and Cosmetic Act upon which it is patterned. The same public policy underlying the interpretations of the federal act by the federal courts guide our consideration of this issue. A patient is essentially powerless to protect himself or herself from misbranded and adulterated prescription

drugs. Therefore, it is fair and necessary to expect that pharmaceutical wholesalers should and must act in the interest of the public to assure to the fullest extent possible that the prescription drugs they buy and sell are safe and effective and are not made less so by their handling.

3. In making and providing pedigrees to pharmaceutical wholesalers for sales of Serostim that perpetuated the false representation that Crystal Coast or Cactus RX were authorized distributors for Serono when Dutchess knew or reasonably should have known that Crystal Coast's and Cactus Rx's representations were false, Dutchess violated NRS 639.210(4) and (12) and NAC 639.603 and 639.945(1)(g), (h), and (i). Pursuant to NAC 639.955(7), all 19 pedigrees provided by Dutchess to its purchasing pharmaceutical wholesalers regarding Serostim are grouped in this conclusion of law for the Board's administrative convenience and are each subject to separate discipline.

4. In failing to make and keep accurate and dependable records of Serostim bought by Dutchess for which no sales or pedigree records were provided to the Board, Dutchess violated NRS 639.210(4) and (12) and 639.234(4) and NAC 639.602, 639.603, and 639.945(1)(i) and (m).

5. In making, maintaining, and providing to purchasing pharmaceutical wholesalers pedigrees that did not accurately designate Dutchess' true source for Serostim, namely that the Serostim had been purchased from Crystal Coast and had not been purchased through the Cactus Rx chain of title, Dutchess violated NRS 639.210(4) and (12) and NAC 639.602, 639.603, and 639.945(1)(i). Pursuant to NAC 639.955(7), all seven sales transactions regarding Serostim by Dutchess for which two sets of pedigrees were made, maintained, and provided are grouped in this conclusion

of law for the Board's administrative convenience and are each subject to separate discipline.

6. In making and providing pedigrees to pharmaceutical wholesalers for sales of Zoladex that perpetuated the false representations that Crystal Coast, Genendo, Xenigen, or Rekcus were authorized distributors for AstraZeneca when Dutchess knew or reasonably could have known that Crystal Coast's, Genendo's, Xenigen's, or Rekcus' representations were false, Dutchess violated NRS 639.210(4) and (12) and NAC 639.603 and 639.945(1)(g), (h), and (i). Pursuant to NAC 639.955(7), all 87 pedigrees provided by Dutchess to its purchasing pharmaceutical wholesalers regarding Zoladex are grouped in this cause of action for the Board's administrative convenience and are each subject to separate discipline.

7. In making and providing pedigrees to pharmaceutical wholesalers for sales of Lupron that made the false representation that Dutchess was the originating authorized distributor for the Lupron instead of accurately showing that Dutchess had actually purchased the Lupron from Crystal Coast, Genendo, Xenigen, or Rekcus, Dutchess violated NRS 639.210(4) and (12) and NAC 639.603 and 639.945(1)(g), (h), and (i). Pursuant to NAC 639.955(7), all 134 pedigrees provided by Dutchess to its purchasing pharmaceutical wholesalers regarding Lupron are grouped in this cause of action for the Board's administrative convenience and are each subject to separate discipline. We conclude that the only possible interpretation of NAC 639.603, and the only interpretation that furthers the public interest, is that a Nevada licensed pharmaceutical wholesaler must show all preceding transactions regarding a prescription drug whenever the pharmaceutical wholesaler purchases the prescription drug from another

pharmaceutical wholesaler. Only in the limited circumstance where the pharmaceutical wholesaler purchased the prescription drug directly from a pharmaceutical manufacturer may the pharmaceutical wholesaler accurately and lawfully indicate that it was the "AD" for the prescription drug and not show any preceding dealings with the prescription drug because only in this limited circumstance is such a representation truthful and useful to the person who purchases the prescription drug from the pharmaceutical wholesaler.

8. In accepting and selling to other pharmaceutical wholesalers prescription drugs that were handled and shipped from a company that was not licensed in any state as a pharmaceutical wholesaler, namely Overseas International, or from various addresses at which no pharmaceutical wholesaler was licensed, Dutchess violated NRS 639.210(4) and (12) and NAC 639.945(1)(g), (h), and (i). Pursuant to NAC 639.955(7), all 26 shipments received from Overseas International are grouped in this conclusion of law for the Board's administrative convenience and are each subject to separate discipline.

9. In failing to maintain and provide to the Board's staff records that show the name and principal address of the location from which prescription drugs were shipped to Dutchess (aside for the few records that are the subject of the preceding conclusion of law #8), Dutchess violated NRS 639.210(4) and (12) and 639.234(4) and NAC 639.602(1)(a) and 639.945(1)(g), (h), (i), and (m). Pursuant to NAC 639.955(7), all 220 invoices shipped to Dutchess from Crystal Coast, Genendo, Xenigen, or Rekcus for which Dutchess did not provide shipping records are grouped in this conclusion of law for the Board's administrative convenience and are each subject to separate discipline.

10. In making and providing pedigrees to pharmaceutical wholesalers for sales of Lupron that made the false representation that Legend was the originating authorized distributor for the Lupron instead of accurately showing that Legend had actually purchased the Lupron from Crystal Coast, Genendo, Xenigen, or Rekcus, Legend violated NRS 639.210(4) and (12) and NAC 639.603 and 639.945(1)(g), (h), and (i). Pursuant to NAC 639.955(7), both pedigrees provided by Legend to its purchasing pharmaceutical wholesalers regarding Lupron are grouped in this conclusion of law for the Board's administrative convenience and are each subject to separate discipline.

11. In failing to make, maintain, and provide records regarding the sale of 120 vials of Lupron 7.5 mg. that Legend had purchased from Rekcus, Legend violated NRS 639.210(4) and (12) and 639.234(4) and NAC 639.602, 639.603, and 639.945(1)(g), (h), (i), and (m).

12. In participating in a deceitful and fraudulent course of action intended to assist in the purchasing of Serostim, Lupron, and Zoladex from Crystal Coast, Genendo, Xenigen, and Rekcus via invoices on which the four selling pharmaceutical wholesalers were represented to be authorized distributors with knowledge that, or under circumstances that Dutchess and Legend Pharmaceutical should and could reasonably have known that none of the four selling pharmaceutical wholesalers were actually authorized distributors for Serono, TAP Pharmaceuticals, or AstraZeneca (except that Rekcus was an authorized distributor for TAP Pharmaceuticals) and that the actual sources for the prescription drugs were unlawful, questionable, or illegal, Dutchess and Legend violated NRS 639.210(4) and (12) and NAC 639.945(1)(a), (h), and (i). Pursuant to NAC 639.955(7), all 249 invoices by which Dutchess and Legend

purchased prescription drugs from the four selling pharmaceutical wholesalers are grouped in this conclusion of law for the Board's administrative convenience and are each subject to separate discipline.

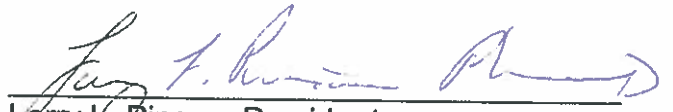
ORDER

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

1. Dutchess' pharmaceutical wholesaler's license (WH00815) is revoked effective January 15, 2004.
2. Legend's pharmaceutical wholesaler's license (WH01078) is revoked effective January 15, 2004.
3. Dutchess shall pay a fine of \$1,000,000.00 by cashier's or certified check or money order made payable to "State of Nevada, Office of the Treasurer" to be received by the Board's Reno office within 30 days of the effective date of this Order. Dutchess shall pay one-half the Board's fees and costs incurred in the investigation and prosecution of this matter, the amount being \$37,609.77 by cashier's or certified check, or money order made payable to "Nevada State Board of Pharmacy" to be received by the Board's Reno office within 30 days of the effective date of this Order.
4. Legend shall pay a fine of \$371,000.00 by cashier's or certified check or money order made payable to "State of Nevada, Office of the Treasurer" to be received by the Board's Reno office within 30 days of the effective date of this Order. Legend shall pay one-half the Board's fees and costs incurred in the investigation and prosecution of this matter, the amount being \$37,609.77 by cashier's or certified check, or money order made payable to "Nevada State Board of Pharmacy" to be received by the Board's Reno office within 30 days of the effective date of this Order.

5. Should either Dutchess or Legend fail to timely pay the fine or fees and costs imposed in this Order, Board staff is directed to take whatever legal action it deems necessary and proper to effectuate collection of the sums due. To the extent legally possible, Board staff is directed to seek payment of the unpaid sums from Dutchess and Legend and from Mr. DeBree and Mr. Packer personally.

Signed this 5th day of February, 2004.



Larry L. Pinson, President
Nevada State Board of Pharmacy

DISCUSSION AND DETERMINATION

LICENSING FEES

Collection of licensing fees the past year is some \$21K under projection, in part due to licensing fewer pharmacists (probably secondary to California's acceptance of NABPLEX) as well as attrition and consolidation of several pharmacies. At the same time, our operating costs continue to raise, especially in light of added duties such as AB128, annual reports, and new programs mandated by the legislature. Future funding for the Task Force is also a consideration.

Certain licensing categories, as capped by statute, have not been raised in some time. Pharmacists at \$150 per biennium have a cap of \$200; techs at \$40 have a cap at \$50; and intern pharmacists, who have been at \$15 forever, have a cap of \$50. Board staff is recommending a review of current fees for the above three licensing categories with possible increases. To illustrate, at current licensure levels (8400 pharmacists; 640 interns; 4700 techs) the following would be reflected:

- \$10 increase per category would generate \$137K
- \$50 increase for pharmacists would generate \$420K
- \$15 increase for intern pharmacists would generate \$5K

WORKLOAD SHARING VIA REMOTE ORDER ENTRY IN HOSPITALS

See letter from HCA. Currently, our regulations allow remote order entry only while a hospital pharmacy is closed. Is there an appetite to expand these rules to allow pharmacists at one hospital to do order entry for another, assuming that they have common ownership and integrated computer systems?

PHYSICIAN ASSISTANTS and APN's

NAC 639.272(4)(b) requires a PA to "submit a statement, signed by the applicant **and a pharmacist who is registered with the Board, indicating that the pharmacist is available to the applicant as a consultant concerning the dispensing of controlled substances, poisons, dangerous drugs and devices;**". Likewise, the same verbiage appears in NAC 639.870(1)(d) for APNs. Staff is questioning the necessity of this "consultant" and whether they are ever "consulted" or even exist.

DISASTER RESPONSE POLICY STATEMENT

See "California's Disaster Response Policy Statement". In light of the recent swine flu issue, Katrina, and the ever-present threat of bioterrorism, not to mention earthquake and wildfires, staff would encourage the Board to adopt a similar policy. Such a policy would be helpful in permitting pharmacists, pharmacy technicians and intern pharmacists to provide emergency provision of care to affected patients or areas in an

emergency or disaster. The topic of emergency response by pharmacists should not be on a "to do" list in the event of a disaster in Nevada.

YOUR SUCCESS RX

Staff has been exceptionally pleased with the services that Katie Johnson through "Your Success Rx" has provided over the past few years, as has the Board itself as evidenced by your orders. The option of a tool for improvement of a pharmacist's practice, or a pharmacy itself, in lieu of high fines, suspension, or revocation has been proactive and quite successful. Respondents have been receptive for the most part, and the results have been for the betterment of all involved, including public safety.

One hitch in the process as the program has evolved has been the report back to the Board with the respondent in a public forum. This has created a level of discomfort for Katie (liability reasons) as well as the respondent for obvious reasons. Staff and Ms. Johnson are therefore requesting that any reports back to the Board be through Staff, where more candid discussions can take place.

The scenario would be as follows:

- Board would order a respondent to complete a session with "Your Success Rx", usually at the respondent's expense, as part of a disciplinary action.
- "Your Success Rx" would schedule and provide the session and bill the respondent directly.
- In the event that a respondent failed to complete the session, Board Staff would be notified immediately, who would then schedule further action.
- After completion of the session, Katie Johnson and the respondent would report back to Board Staff, who would evaluate the process based upon feedback from both parties.
- Board Staff would then report back to the Board.

Board Staff would encourage continuation of our relationship with "Your Success Rx", however in the above stated manner.



Hospital Corporation of America

Far West & Mountain Supply Chain Services
1120 Sportsplex Drive
Kaysville, UT 84037

P 801 444-8800
F 801 444-8802

Larry Pinson
Executive Secretary
Nevada Board of Pharmacy
431 W. Plum Lane
Reno, Nevada 89509

June 9, 2009

Dear Sir;

Hospital Corporation of America (HCA) operates three hospitals in the Las Vegas metro area, Sunrise Medical Center, MountainView Hospital and Southern Hills Hospital. HCA is implementing a series of remote order entry pharmacies across the country for the purpose of relieving some of the work load burden of medication order entry into the patient electronic medical record. HCA's vision for the practice of institutional pharmacy includes freeing up valuable pharmacist assets to perform activities commensurate with their education and training. In dozens of hospitals nationwide, HCA's remote order entry pharmacies are efficiently and safely processing physician medication orders and thus freeing up pharmacists to become more involved in the care of patients in our facilities.

Currently, language in NAC 639.4915 will prevent HCA from providing this service for our facilities in Nevada. We respectfully request the opportunity to meet with your Board to discuss our goals and program and work with you to develop language that will meet both our goals of maximizing the appropriate deployment of hospital pharmacists.

Thank you for your consideration and I look forward to hearing from you.

A handwritten signature in black ink that reads "R. Kelly Hansen".

R. Kelly Hansen RPh, MPA
HCA Division Director of Pharmacy
801-444-2644
Kelly.hansen1@hcahealthcare.com

JUN 12 2009

PHYSICIAN ASSISTANTS

NAC 639.269 "Physician assistant" defined. (NRS 639.070) As used in NAC 639.269 to 639.295, inclusive, unless the context otherwise requires, "physician assistant" includes an osteopathic physician's assistant.

(Added to NAC by Bd. of Pharmacy by R015-03, eff. 10-21-2003)

NAC 639.270 Scope. (NRS 639.070, 639.1373) The provisions of NAC 639.269 to 639.295, inclusive:

1. Regulate the issuance of registration certificates to physician assistants;
2. Control the prescribing and dispensing of controlled substances, poisons, dangerous drugs and devices by physician assistants;
3. Set registration fees; and
4. Establish grounds for the suspension or revocation of registration certificates of physician assistants.

[Bd. of Pharmacy, § 639.350, eff. 6-26-80]—(NAC A 2-6-90; 9-10-90; 10-24-97)

NAC 639.272 Requirements for registration certificate. (NRS 639.070, 639.1373)

1. The application of a physician assistant for:
 - (a) A registration certificate to prescribe controlled substances, poisons, dangerous drugs and devices or to prescribe poisons, dangerous drugs and devices; or
 - (b) A registration certificate to prescribe and dispense controlled substances, poisons, dangerous drugs and devices or to prescribe and dispense poisons, dangerous drugs and devices, must be in writing and filed with the Executive Secretary.
2. Each application for a registration certificate to prescribe controlled substances, poisons, dangerous drugs and devices or to prescribe poisons, dangerous drugs and devices must include:
 - (a) The name, address, social security number and telephone number of the applicant;
 - (b) A copy of the license issued by the Board of Medical Examiners or certificate issued by the State Board of Osteopathic Medicine that authorizes the applicant to prescribe controlled substances, poisons, dangerous drugs and devices or to prescribe poisons, dangerous drugs and devices;
 - (c) The name, address and telephone number of the applicant's supervising physician; and
 - (d) Any other information requested by the Board.
3. Each application for a registration certificate to prescribe and dispense controlled substances, poisons, dangerous drugs and devices or to prescribe and dispense poisons, dangerous drugs and devices must include:
 - (a) The name, address, social security number and telephone number of the applicant;
 - (b) A copy of the license issued by the Board of Medical Examiners or certificate issued by the State Board of Osteopathic Medicine that authorizes the applicant to prescribe and dispense controlled substances, poisons, dangerous drugs and devices or to prescribe and dispense poisons, dangerous drugs and devices;
 - (c) The name, address and telephone number of the applicant's supervising physician; and
 - (d) Any other information requested by the Board.
4. Each physician assistant who applies for a registration certificate pursuant to subsection 3 must:
 - (a) Personally appear before the Board for determination and assignment of the specific authority to be granted to the physician assistant if the physician assistant:
 - (1) Responded affirmatively to any of the questions on the application regarding his character or competency; or
 - (2) Is requested to do so by the Board;
 - (b) Submit a statement, signed by the applicant and a pharmacist who is registered with the Board, indicating that the pharmacist is available to the applicant as a consultant concerning the dispensing of controlled substances, poisons, dangerous drugs and devices; and
 - (c) Pass an examination administered by the Board on the law relating to pharmacy.

- (c) The name, address and telephone number of the applicant's collaborating physician; and
 - (d) Any other information requested by the Board.
 - 2. Each advanced practitioner of nursing who applies for a certificate of registration and his collaborating physician may be required by the Board to appear personally before the Board for a determination and an assignment of the specific authority to be granted to the advanced practitioner of nursing.
 - 3. Each advanced practitioner of nursing to whom a certificate of registration is issued must be registered to a collaborating physician.
- (Added to NAC by Bd. of Pharmacy, eff. 12-3-84; A 10-17-86; 6-14-90; 10-17-91; 1-10-94; 11-9-95; R007-01 & R017-01, 11-1-2001; R012-02, 5-31-2002; R015-03, 10-21-2003)

NAC 639.854 Scope of authority to prescribe. (NRS 639.070, 639.2351)

- 1. Except as otherwise provided in subsection 2, an advanced practitioner of nursing who is authorized to prescribe controlled substances, poisons, dangerous drugs and devices or to prescribe poisons, dangerous drugs and devices may prescribe a controlled substance, poison, dangerous drug and device or a poison, dangerous drug and device, as applicable, only:
 - (a) For a legitimate medical purpose; and
 - (b) In such amounts as are authorized by his collaborating physician, except that the amounts must not exceed a 365-day supply.
 - 2. The limitation set forth in paragraph (b) of subsection 1 does not apply to any method of birth control prescribed by an advanced practitioner of nursing.
- (Added to NAC by Bd. of Pharmacy by R015-03, eff. 10-21-2003)

NAC 639.858 Authorization to write prescription in form of chart order or physician's order. (NRS 639.070) If an advanced practitioner of nursing is authorized by a correctional institution, hospital or any other licensed medical facility, he may write a prescription in the form of a chart order or physician's order at the correctional institution, hospital or licensed medical facility.

(Added to NAC by Bd. of Pharmacy, eff. 9-12-91; A 10-24-97)

Dispensing

NAC 639.870 Certificate of registration: Application; fee; period of validity; appearance before Board; collaborating physician; late renewal. (NRS 639.070, 639.1375)

- 1. The application of an advanced practitioner of nursing for a certificate of registration to dispense controlled substances, poisons, dangerous drugs and devices must include:
 - (a) The name, address, social security number and telephone number of the applicant;
 - (b) A copy of the certificate issued by the State Board of Nursing which authorizes the applicant to dispense controlled substances, poisons, dangerous drugs and devices;
 - (c) The name, address and telephone number of the applicant's collaborating physician;
 - (d) A statement signed by a pharmacist registered by the Board and the applicant which indicates that the pharmacist is available to the applicant as a consultant concerning the dispensing of controlled substances, poisons, dangerous drugs and devices;
 - (e) Written verification from the State Board of Nursing that the applicant has passed an examination on Nevada law relating to pharmacy; and
 - (f) Any other information requested by the Board.
- 2. Each application for the issuance or the biennial renewal of a certificate of registration must be accompanied by a nonrefundable fee of \$300. The biennial certificate of registration covers the period beginning on November 1 of each even-numbered year.
- 3. Each advanced practitioner of nursing who applies for a certificate of registration and his collaborating physician must appear personally before the Board for a determination and an assignment of the specific authority to be granted to the advanced practitioner of nursing if the advanced practitioner of nursing:

Disaster Response Policy Statement

Advance planning and preparation for disaster and emergency response are important activities for individuals, as well as all Board licensees. The Board has begun working on such preparedness with the federal and state government, and to this end, in October 2006, the Board adopted the following policy statement.

The California State Board of Pharmacy wishes to ensure complete preparation for, and effective response to, any local, state, or national disaster, state of emergency, or other circumstance requiring expedited health system and/or public response. The skills, training, and capacities of board licensees, including wholesalers, pharmacies, pharmacists, intern pharmacists, and pharmacy technicians, will be an invaluable resource to those affected and responding. The Board also wishes to encourage an adequate response to any such circumstance affecting residents of California, by welcoming wholesalers, pharmacies, pharmacists, intern pharmacists, and pharmacy technicians licensed in good standing in other states to assist with health system and/or public response to residents of California.

The Board encourages its licensees to volunteer and become involved in local, state, and national emergency and disaster preparedness efforts. City or county health departments, fire departments, or other first responders can provide information on local opportunities. The Emergency Preparedness Office of the California Department of Health Services is a lead agency overseeing emergency preparedness and response in California, particularly regarding health system response, drug distribution and dispensing, and/or immunization and prophylaxis in the event of an emergency. At the federal level, lead contact agencies include the Department of Health and Human Services, the Centers for Disease Control, and/or the Department of Homeland Security and its Federal Emergency Management Agency (FEMA). Potential volunteers are encouraged to register and get information at www.medicalvolunteer.ca.gov (California) and www.medicalreservecorps.gov (federal).

The Board also continues to be actively involved in such planning efforts, at every level. The Board further encourages its licensees to assist in any way they can in any emergency circumstance or disaster. Under such conditions, the priority must be protection of public health and provision of essential patient care by the most expeditious and efficient means. Where declared emergency conditions exist, the Board recognizes that it may be difficult or impossible for licensees in affected areas to fully comply with regulatory requirements governing pharmacy practice or the distribution or dispensing of lifesaving medications.

In the event of a declared disaster or emergency, the Board expects to utilize its authority under the California Business and Professions Code, including section 4062, subdivision (b) thereof, to encourage and permit emergency provision of care to affected patients and areas, including by waiver of requirements that it may be implausible to meet under these circumstances, such as prescription requirements, record-keeping requirements, labeling requirements, employee ratio requirements, consultation requirements, or other standard pharmacy practices and duties that may interfere with the most efficient response to those affected. The Board encourages its licensees to assist, and follow directions from, local, state, and national health officials. The Board expects licensees to apply their judgment and training to providing medication to patients in the best interests of the patients, with circumstances on the ground dictating the extent to which regulatory requirements can be met in affected areas. The Board further expects that during such emergency, the highest standard of care possible will be provided, and that once the emergency has dissipated, its licensees will return to practices conforming to state and federal requirements.

Furthermore, during a declared disaster or emergency affecting residents of California, the Board hopes that persons outside of California will assist the residents of California. To facilitate such assistance, in the event of a declared California disaster or emergency, the Board expects to use its powers under the California Business and Professions Code, including section 900 and section 4062, subdivision (b) thereof, to allow any pharmacists, intern pharmacists, or pharmacy technicians, who are not licensed in California but who are licensed in good standing in another state, including those presently serving military or civilian duty, to provide emergency pharmacy services in California. The Board also expects to allow nonresident pharmacies or wholesalers that are not licensed in California but that are licensed in good standing in another state to ship medications to pharmacies, health professionals or other wholesalers in California.

Finally, the Board also expects to allow use of temporary facilities to facilitate drug distribution during a declared disaster or state of emergency. The Board expects that its licensees will similarly respond outside of the state to disasters or emergencies affecting populations outside California, and will pursue whatever steps may be necessary to encourage that sort of licensee response.

¹Expanded powers in the event of a disaster are also granted to the Governor and/or other chief executives or governing bodies within California by the California Emergency Services Act [Cal. Gov. Code, §§ 8550-8668] and the California Disaster Assistance Act [Cal. Gov. Code, §§ 8680-8690.7], among others. Section 8571 of the Government Code, for instance, permits the Governor to suspend any regulatory statute during a state of war or emergency where strict compliance therewith would prevent, hinder, or delay mitigation.

²See also the Interstate Civil Defense and Disaster Compact [Cal. Gov. Code, §§ 177-178], the Emergency Management Assistance Compact [Cal. Gov. Code, §§ 179-179.5], and the California Disaster and Civil Defense Master Mutual Aid Agreement [executed 1950], regarding cooperation among the states.

EXECUTIVE SECRETARY REPORT – JULY 2009

- A. FINANCIAL REPORT
- B. INVESTMENT REPORT
- C. BUDGET – 2009-2010
- D. TEMPORARY LICENSES
- E. STAFF ACTIVITIES
 - 1. CE Programs
 - 2. Legislative Update
 - a. Hillerby Report
- F. REPORT TO BOARD
 - 1. Botanica Maya
- G. BOARD RELATED NEWS
- H. ACTIVITIES REPORT

TEMPORARY LICENSES
(Issued since last board meeting)

CVS/pharmacy

Remmington Junior

Renown Medical Center

Jessica Thompson

HILLERBY & ASSOCIATES

LEGISLATIVE ADVOCACY
GOVERNMENT RELATIONS

6-10-09

To: Larry Pinson, NSBP
From: Fred Hillerby
Re: Final 2009 Legislative Report

The 75th Session of the Nevada Legislature proved to be a very busy one for our Board clients. Fortunately, there was no negative legislation passed that impacted the Board of Pharmacy. However, there were a number of bills passed that will require regulatory follow-up by the Board. AB213 requires the establishment of the cancer drug donation program. AB326 made revisions to the controlled substances tracking program. SB197 contains changes relating to re-issuance of certain prescription drugs. SB267 made changes to the administrative procedures act concerning the adoption of regulations. Please review these and all the other bills that passed for potential impact or action required by the Board. On the bright side, SB364 did not pass and therefore the Attorney General will not have control over who we hire as counsel. If you have any questions, please contact me.

Please note that the blue, underlined text is linked to the Nevada Legislature website. Click on the links to read amendments, reprints, and bill text as introduced / enrolled.

ASSEMBLY BILLS

AB112 (BDR 214) - **Legislative Committee on Health Care** – (NRS 439B.200) – Establishes provisions relating to public health emergencies.

Bill Text [As Introduced](#) [1st Reprint](#) [Amend. No.475](#) [As Enrolled](#)
5-18 – Approved by Governor. Chapter 98. Effective July 1, 2009.

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AB123 (BDR 215) - **Legislative Committee on Health Care** – (NRS 439B.200) – Revises provisions governing certain offices of physicians and related facilities and surgical centers for ambulatory patients.

Bill Text [As Introduced](#) [1st Reprint](#) [Amend. No.328](#) [As Enrolled](#)
5/22 – Approved by Governor, Chapter 149. Effective dates: Sections 1, 15, 16, 17, 24 and 27 of this act effective May 22, 2009, for the purpose of adopting regulations and on January 1, 2010 for all other purposes. Sections 2 to 14, inclusive, 18 to 23, inclusive, 25 and 26 of this act effective January 1, 2010.

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4747 Caughlin Parkway, Suite #9 • Reno, Nevada 89519-0906
(775) 332-7660 • FAX: 775-332-7661 • fhillerby@aol.com

AB213 (BDR39) – Anderson & 19 others – Requires the establishment of the Cancer Drug Donation Program.

Bill Text [As Introduced](#) [1st Reprint](#) [Amend. No.329](#) [Amend. No.459](#) [As Enrolled](#)

5/19 – Approved by Governor, Chapter 122. Effective 7-1-09.

AB326 – (BDR558) – Denis – Revises provisions governing controlled substances.

Bill Text [As Introduced](#) [Amend. No.471](#) [1st Reprint](#) [As Enrolled](#)

5/28 – Approved by Governor, Chapter 301. Effective 7-1-09.

AB395 (BDR1020) - Provides for workplace relations discussions and agreements for certain state employees.

Bill Text [As Introduced](#) [Amend. No.518](#) [1st Reprint](#) [Amend. No.794](#) [2nd Reprint](#)
[As Enrolled](#)

6/4 – Vetoed by Governor, no further action taken.

AB463 (BDR1057) – Smith - Restricts a department, division or other agency of this State or a local government from employing a person as a consultant.

Bill Text [As Introduced](#) [Amend. No.580](#) [Amend. No.758](#) [Amend. No.CA1](#) [1st Reprint](#) [2nd Reprint](#) [3rd Reprint](#) [As Enrolled](#)

5/29 – Vetoed by Governor.

5/30 – Returned to Assembly; veto not sustained (41-0, 1 excused); to Senate.

5/31 – In Senate – veto not sustained (21-0)

6/1 – Enrolled and delivered to Secretary of State, Chapter 384. Effective 6-1-09.

SENATE BILLS

SB8 (BDR 216) - **Legislative Committee on Health Care (NRS 439B.200)** - Makes various changes related to the process for appointment to certain medical boards.

Bill Text [As Introduced](#) [Amend. No.418](#) [1st Reprint](#) [As Enrolled](#)

5/28 – Approved by Governor, Chapter 251. Effective 7/1/09.

SB31 (BDR 305)- **Purchasing Division-Administration** - Consolidates the provisions governing state procurement of services with the independent contractor provisions and authorizes the State Board of Examiners to delegate administrative approval for certain contracts.

Bill Text [As Introduced](#) [Amend. No.32](#) [1st Reprint](#) [Amend. No.725](#) [2nd Reprint](#) [Amend. No.900](#) [As Enrolled](#)

6/1 – Approved by Governor, Chapter 402. Effective 7-1-09.

SB72 (BDR376) – Cegavske – Authorizes a registered pharmacist or a registered intern pharmacist to perform certain screen tests.

Bill Text [As Introduced](#) [Amend. No.461](#) [1st Reprint](#) [As Enrolled](#)

5/26 – Approved by Governor, Chapter 204. Effective 10-1-09.

SB76 (BDR 263) - **Attorney General** - Revises provisions governing the administrative procedures for the summary suspension of licenses issued by certain state agencies.

Bill Text [As Introduced](#) [1st Reprint](#) [Amend. No.9](#) [As Enrolled](#)

5/22 – Approved by Governor, Chapter 179. Effective 5-22-09.

SB79 (BDR 327) - **Health and Human Services, Department of**- Revises provisions governing various commissions, boards and committees relating to health.

Bill Text [As Introduced](#) [1st Reprint](#) [Amend. No.137](#) [As Enrolled](#)

5/22 – Approved by Governor, Chapter 181. Effective 7-1-09.

SB197 (BDR804) – Wiener & 12 others – Revises provisions relating to the reissuance of certain prescription drugs.

Bill Text [As Introduced](#) [Amend. No.94](#) [1st Reprint](#) [Amend. No.780](#) [2nd Reprint](#) [As Enrolled](#)

5/28 – Approved by Governor, Chapter 261. Effective dates: Sections 1, 2, 3, 6 and 8 effective 5/28/09 for the purposes of adopting regulations and on 10/1/09 for all other purposes. Sections 4, 5 and 7 effective 10/1/09.

SB267 (BDR62) – Wiener - Makes various changes concerning the procedures for adopting administrative regulations and the requirements of the Open Meeting Law.

Bill Text [As Introduced](#) [Amend. No.656](#) [1st Reprint](#) [As Enrolled](#)

6/3 – Approved by Governor, Chapter 419. Effective 7-1-09.

SB268 (BDR161) – Carlton - Makes various changes to provisions governing occupational licensing boards.

Bill Text [As Introduced](#) [1st Reprint](#) [Amend. No.421](#) [As Enrolled](#)

5/26 – Approved by Governor, Chapter 224. Effective 10-1-09.

SB362 (BDR217) – Commerce & Labor - Clarifies and revises provisions related to the suspension or revocation of professional licenses by health care professional licensing boards.

Bill Text [As Introduced](#) [As Enrolled](#)

5/26 – Approved by Governor, Chapter 227. Effective 10-1-09.

BILLS THAT DIED

~~AB113 (BDR 86) – Assemblyman Hogan – Revises provisions relating to the information specified on the label of the container for a prescription drug. 4/10 died~~

~~AB198 (BDR 29) – Assemblyman Segerblom – Creates the Deferred Savings Option Program within the Public Employees' Retirement System. 4/10 died~~

~~AB200 (BDR 469)—Assemblywoman Gansert (& 18 others)—Extends limited immunity from civil liability to certain medical providers who render gratuitous care under certain circumstances. 4/10 died~~

~~AB282 (BDR633)—Assemblywoman Gansert & 12 others—Revises provisions governing the Public Employees' Retirement System. Died 4/10~~

~~AB331 (BDR1982)—Settelmeyer & 11 others—Provides for the appointment of a Business Ombudsman. 6/2 died~~

~~AB374 (BDR174)—McClain—Revises provisions relating to the Public Employees' Retirement System. 4/10 died~~

~~AB406 (BDR759)—Gansert & 5 others—Makes various changes relating to the Public Employees' Benefits Program. Died 4/10~~

~~AB434 (BDR206)—Cobb & 12 others—Makes various changes concerning the Public Employees' Retirement System. 4/10 died~~

~~AB440 (BDR132)—Hardy & 3 others—Revises provisions governing the reemployment of certain retired persons under the Public Employees' Retirement System. 4/10 died~~

~~AB442 (BDR176)—Kirkpatrick & 8 others—Revises provisions concerning lobbying. 5/16 died~~

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~~AB519 (BDR1465)—Elections, Procedures, etc.—Creates a statutory commission to review continuation of state agencies, boards and commissions and tax exemptions, abatements and earmarked revenue sources. 6/2 died~~

~~AB525 (BDR1224)—Health & Human Services—Creates the Division of Medical Professional Boards of the Department of Health and Human Services. 4/10 died~~

~~SB21 (BDR 260)—Attorney General—Revises provisions governing the sale or offer of sale of certain food, drugs and other commodities after the date of expiration of the commodity has passed. Amend #167. died 4/22~~

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~~SB32 (BDR 459)—Nevada Association of Counties—Allows performance evaluations of appointed public officers and employees to be conducted in a closed meeting unless the officer or employee requests the evaluation be held in an open meeting. 4/10 died~~

~~SB159 (BDR14)—Cegavske & 25 others—Requires the establishment of the Cancer Drug Donation Program. 5/16 - died~~

~~SB168 (BDR 1011)—Senator Care—Revises provisions relating to prescription drugs. 5/16 - died~~

~~SB211 (BDR1056)—Enacts provisions relating to manufacturers and wholesalers of prescription drugs. 4/10 died~~

~~SB271 (BDR876) — Schneider — Provides for the practice of alternative medicine in this State. 4/10 died~~

~~SB279 (BDR82) — Care — Makes various changes relating to public records. 4/10 died~~

~~SB284 (BDR687) — Townsend — Exempts certain retired public officers and employees from disqualification for retirement allowances for reemployment with a public employer under the Public Employees' Retirement System. 4/6 — Notice of exemption. Failed~~

~~SB296 (BDR671) — Washington — Enacts provisions relating to complementary and alternative health care practices. Died 4/11~~

~~SB305 (BDR845) — Parks & 9 others — Makes various changes concerning dispensing a medication and providing a prescription for the sexual partner of a person diagnosed with a sexually transmitted disease. Failed~~

~~SB364 (BDR220) — Commerce and Labor — Revises provisions relating to professional licensing boards and professional licenses. 5/16 - died~~

~~SB367 (BDR1168) — Finance — Makes various changes to the provisions governing the Public Employees' Retirement System. 4/6 — Notice of exemption. Failed~~

Final Legislative Report 2009

The 2009 session of the Nevada Legislature ended mostly on time (June 1), and within the 120 day time limit passed by voters. This was the first time since 1999 they have finished on time, but this is not likely to be the first feat that will be remembered when people think about the 2009 Legislature.

Lawmakers passed a budget and major tax plan twice (more on veto-palooza below), legalized domestic partnerships, set up plans for a major tax study, passed significant renewable energy laws, and agreed on significant long-term reforms to public employee benefits and pensions, all while engaged in a running gun battle with the Governor.

Jim Gibbons vetoed a record 48 bills, easily surpassing the previous record of 33 vetoes from the term of Nevada's first Governor in 1864. The veto messages were so numerous in the closing days that sources say the Governor's office called in staff from other agencies to help write the letters. They ranged in tone from discussions of policy to rather strident attacks on the Legislature for its lack of "common sense."

Not to be outdone in the record setting department, lawmakers wasted little time in mustering the 2/3 majority and overriding 25 of those vetoes. They are precluded from considering any post-session vetoes until 2011, when the number of overrides may increase. Most of the override votes were overwhelming, with many or all of the Republican lawmakers deciding not to support a Republican governor. The closest votes came on the budget and tax bills, and on legalizing domestic partnerships.

The Budget

The Governor's recommended budget of \$6.2 billion was based on no new taxes except the voter-approved hotel room tax. It started with a statutorily mandated revenue expectation of \$5.7 billion and added the room tax and some anticipated federal stimulus money. This represented an actual decrease from the previous budget of \$6.8 billion, and a gap of more than \$2 billion when compared to the expected level of growth in population, caseloads, students and inflation for the 2010-2011 biennium.

After declaring the Governor's budget unworkable, lawmakers began their review to determine which cuts to restore and to look for other ways to fund the spending. Their job was made even more difficult after the May 1 Economic Forum, which left them with even less money to spend, dropping the projected revenue by some \$900 million.

In the end, lawmakers passed a budget of \$6.8 billion, funded by a mix of increased taxes, federal stimulus funds, and a raid of local government coffers that would have made the best of the Barbary pirates proud. They agreed to furlough most State workers one day a month (a pay cut of just over 4.5%) and extended the same payroll cuts to K-12 and higher education, although a variety of contractual issues may cause the cuts to be made in other areas. They lessened the proposed cuts to operating budgets in many areas, and

particularly softened the blow to higher education from a proposed 34% to 12.5%. Lawmakers voted to keep alive several agencies and programs slated for elimination, and made more changes to the executive budget than in any session in memory.

The raid of taxes from Clark and Washoe counties may have very real impacts on public services, as well as political consequences that remain to be seen. Coupled with the depletion of nearly every reserve fund and accounts such as the one that helps reimburse hospitals for uninsured victims of catastrophic accidents, the unintended consequences may be felt for years and in areas lawmakers never seriously considered.

Taxes

As in any other session, the "T" word was the most contentious in 2009. Legislative leaders made it clear from the beginning that the budget was too small, but refused to openly say that a tax increase was the only solution, although it was the only way to fund the budget they planned to pass. Even after making it clear that a tax increase was required, there was little public discussion of the package until the last possible moment. Many have characterized this as a predictable response to the tax hikes of 2003, when the plan for a gross receipts tax was rolled out early, only to be picked apart for months before a hodge-podge of taxes were passed. The means may have been different, but the end result was the same: a process that killed any discussion of reforming the tax system and resulted in another hodge-podge of taxes and fees.

The final debate had two critical components: the total amount and types of taxes; and the reforms to various public employee benefit and collective bargaining items demanded by Senate Republicans (led by Bill Raggio) in exchange for their votes to reach the required 2/3 majority. The total tax number was set early and came down not to a complicated set of budget calculations, but the desire to keep the legislative increase below the \$833 million of 2003. The tax mix amounted to a politically acceptable equilibrium between increases to the sales tax (D's chant: "regressive and unfair to the poor") and increases to the Modified Business Tax (MBT) or payroll tax (R's chant: "job killing tax" and "not in a recession."). Lawmakers threw in business license and car registration fee increases to round out the mixed grill, and raised \$781 million for the biennium, which passed by a slim, veto-proof majority.

Business license fees will increase from \$100 to \$200. The MBT will now be implemented in two tiers: for the first \$250,000 in annual payroll, the tax rate drops from 0.63% to 0.50%; for all payrolls above \$250,000 the rate increases to 1/17%. Democratic leaders have sold this as a tax break for the 74% of Nevada businesses who currently have a total payroll of less than \$250,000.

The sales tax rate will increase 0.35% on the Local School Support Tax (LSST) portion of the combined tax rate. Car registrations will also increase by freezing the current registration rate and extending the depreciation schedule from 9 years to 10.

A crucial part of the tax plan was the demand of the Republican Senate votes that the sales tax and MBT increases sunset in July 2011. The sunset means that taxes will be an issue next session, and was widely seen as a play to be sure that Senator Raggio has leverage over that discussion, and perhaps more importantly, over reapportionment and redistricting that will happen by law in 2011.

The budget also includes a \$219 million increase to the room tax, which resulted from an initiative petition passed by voters. The increase was included by Gibbons in his budget, but he refused to sign the bill once

passed by the Legislature, infuriating lawmakers and sowing some of the seeds that led to the overrides of so many gubernatorial vetoes.

Lawmakers also passed a bill to perform a comprehensive study of Nevada's tax system, creating a process that would have had the Department of Taxation begin laying the groundwork to be able to implement sales tax on services or a net profits tax. The bill was vetoed by the Governor after the session ended. Senator Raggio vowed that the study would go forward because the \$500,000 price tag was in the approved budget.

Public Employee Reforms

The issue of unfunded, long-term liabilities in public retiree health insurance and pension systems is a growing problem nationwide, and was the subject of considerable scrutiny heading into the 2009 session. The Las Vegas Chamber of Commerce took a lead role in publicizing the salary and benefit differences between public and private employees and the costs of various provisions of the complicated pension system. The ability to retire at any age with the required years of service, the calculation of the final salary for determining benefits, and added benefits for police and fire members received particular attention. Additionally, the cost and relatively rich health insurance benefits of public retirees were issues of contention.

The debate was waged both in the building and through some ugly advertising and mail pieces outside the building. The police and firefighters went directly after the Chamber leadership by name and their members more generically. Retirees are always sensitive and vocal when their benefits are being discussed, and were no less so during this debate.

The final product adjusted upwards the years of service required to retire with full pension before the age of 62, made changes to the police and fire early retirement provisions, began to decrease benefits for new employees who start next year, and saw modest decreases to the subsidies paid for retiree health insurance. While none of these changes had any major impact on the current budget, they will provide long-term relief, and have a positive compounding effect in the years ahead.

Collective bargaining laws have long been seen as tilted toward local government employees and a main reason for the disparity in pay between local government employees and their state counterparts, who do not have collective bargaining. Changes were made to provide more transparency of the bargaining process and a full public vote by local governing bodies before contracts are finalized.

Health Care

The Hepatitis C infection scandal in Las Vegas prompted many bills. Some changes were made to statutes allowing quicker intervention and discipline by regulatory agencies, but the opening to attack the cap on medical malpractice awards could not be successfully exploited by the trial lawyers. Despite Assembly passage of a measure weakening the laws passed in 2002 by the Legislature and then further tightened by a voter initiative, the measure was killed in the Senate after heavy lobbying.

Autism was added to the list of mandated coverage for health insurers, while other mandated benefits were not approved. A bill requiring hospital staffing committees was vetoed by the Governor and was not overridden.

Energy

Renewable energy was a major focus of the 2009 Legislature, particularly the debate over extension of property and sales tax incentives for renewable energy producers who build in Nevada. The issue was both the existence/size of the incentives, as well as which job creation and prevailing wage requirements would be placed on the projects. The final product includes property tax abatements for up to 30 years and partial sales tax exemptions for three years during construction. Local job creation and increased average wage requirements were also added.

The Legislature created a new energy commissioner, established a fund to help reduce energy bills, and increased the percentage of renewable energy that NV Energy must buy as part of its total energy portfolio in Nevada.

Other Issues

A new law allowing domestic partnerships was passed by the Legislature, and after a veto by the Governor, was passed a second time to become law. The bill was as politically, personally and emotionally difficult as any issue of the session, and prompted some floor speeches that were both heartfelt and infuriating to proponents of the bill. Another bill outlawing discrimination based on sexual orientation in public facilities, such as hotels, was also passed.

Homeowners' association laws were also changed to try to deal with some of the myriad and perpetual complaints of abuse, particularly from the Las Vegas area. More disclosure of contracts awarded by HOA boards, ethical disclosures by board members and penalties for failure to do so, and a variety of more mundane matters were addressed in several bills that passed.

Workers' compensation and workplace safety were also the subject of several bills and months of hearings and negotiations. The final product of the workers' comp effort was a package supported by business AND labor, and was still vetoed by the Governor. The veto was overridden and the bill will become law.

The Aftermath

The effects of term limits will be the most immediately felt aftermath of the 2009 session. Ten Assembly members, including Speaker Buckley, and seven Senators will not be returning because of mandatory term limits. Buckley is pursuing a run for Governor, and other legislators are considering their options. Senator Mark Amodei cast a number of late-session votes that could endear him to the conservative wing of his party, and there is considerable speculation about his future now that he is termed out of the Senate.

With the Legislature under Democratic control, they will work to retain their majorities and try to reach a 2/3 majority in the Senate. Senate Republicans will have to defend several open seats, as well as incumbents up for re-election. Whether or not Nevada stays "blue" in 2010, the political fallout from the tax increase and budget battles of the session and the dynamics of so many open seats will make the 2010 election a major attraction for political junkies and professional wrestling fans alike.

Governor Gibbons has used his veto messages to launch scathing attacks on the Democratic leadership and "their" tax plan, even though \$220 million of it was recommended by him in his budget. This tactic is seen as his best albeit long, shot at regaining lost popularity for a re-election bid, and is the start of what is likely a long season of his attacks on both the tax plan and Democratic legislators, particularly Speaker Buckley.

Between the sunset on the tax plan, the raid of local coffers, the use of one-time federal stimulus funds, and the temporary use of the room tax for non-education purposes, the 2011 budget will have a hole of \$1.5 billion, give or take a boatload of cash. No amount of economic recovery can fill the combination of that hole and the spending cuts made over the last two years. Taxes will be on the agenda of the 2011 session from day one, with new leadership, no certainty as to who will be sitting in the Governor's chair, and a variety of voter initiatives being threatened by everyone from liberal activists to conservative marriage preservationists.

LAS VEGAS SUN

health:

Authorities raid store where surgeries were performed in back room

Officials alerted after botched surgery



Leila Navidi

Botanica Maya on East Lake Mead Boulevard, where suspected illegal surgeries took place, is seen Friday.

By **Marshall Allen (contact)**

Fri, Jun 26, 2009 (1:15 p.m.)

Health authorities today raided two retail stores in Las Vegas catering to Spanish-speaking immigrants after learning of illegal surgeries being performed at one of them, with bloody rags and used needles being tossed into a trash bin out back.

The raids, and a cease-and-desist order, were prompted after authorities learned of a woman who was bleeding uncontrollably because of a botched gynecological surgery performed in a back room at Botanica Maya, which sells over-the-counter medications, vitamins and herbs at 5347 E. Lake Mead Blvd. in Las Vegas.

Someone called 911 and authorities took the woman to a hospital, state Health Division spokesman Ben Kieckhefer said. The woman informed Metro Police investigators of another facility, Botanica San Francisco at 2645 S. Nellis in Las Vegas, where other surgical procedures were allegedly being performed, he said.

In the ensuing days, employees for Republic Services found biomedical waste — bloody rags, bottles of injectible drugs with Spanish labels, pill bottles, gloves, used syringes and needles — tossed in a Dumpster behind Botanica Maya, Kieckhefer said. The Health Division was notified Thursday and moved in this morning.

They discovered that the back room at Botanica Maya was set up as a crude surgical suite, Kieckhefer said. Inspectors found a cabinet with intravenous and injectible medications, many with Spanish labels, and a log with names of patients and dates of procedures. He said it's unknown how many procedures were performed at the location, but that it's a serious risk to the public.

"Disposal of syringes and other sharps in a dumpster out back obviously poses a threat to public health," Kieckhefer said.

In addition, patients could become infected with disease during procedures, given the unsanitary conditions, he said, and whoever was performing the procedures could also take advantage of patients.

The health division said there were no obvious signs that procedures had been performed in the back rooms at Botanica San Francisco. The stores are owned by Adam Padilla, officials said.

Reached by phone, Padilla told the Sun he owns the Lake Mead store and his father owns the Nellis store. His step-mother, Patricia Padilla, ran the Lake Mead location, he said, and he claims he knew nothing about any surgical procedures being performed at the site.

On the day of the 911 call, June 19, "somebody called me and told me there was a bunch of cops in front of my store," said Padilla, who works two other jobs. "I came down here and that's when the cops told me what was going on."

On the Internet, the location is listed as the address of "Patricia Padilla, MD," but Adam Padilla said his step-mother does not advertise herself as a physician. State records show she is not licensed in Nevada as a medical doctor.

Padilla said the procedure performed June 19 was done by a man known only as "Gustavo," and he fled to Mexico or Guatemala after the police were called.

Padilla said he is cooperating with the investigation, which also includes the Nevada Attorney General's Office, the Nevada Board of Medical Examiners, the Nevada Pharmacy Board and the Southern Nevada Health District.

"People need to recognize that this is an unsafe medical practice," Kieckhefer said. "Anyone who received care at one of these facilities should go and see a licensed medical professional to ensure that they're OK."

Sports Medicine

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V V Of Back Pain?

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**Richard Whitley, M.S.
Administrator**

**Mary Guinan, M.D., PhD
State Health Officer**



**Contact Name: Ben Kieckhefer
Phone Number: 775-684-4024
Release Date: June 26, 2009
Page 1 of 2**

NEVADA STATE HEALTH DIVISION NEWS RELEASE

HEALTH DIVISION ISSUES CEASE and DESIST ORDERS to TWO LAS VEGAS BUSINESSES PERFORMING UNLICENSED SURGERIES

(Carson City, NV) – The Nevada State Health Division's Bureau of Health Care Quality and Compliance today delivered cease and desist letters to two Las Vegas retail businesses believed to be operating as illegal and unlicensed surgical centers. The letters were delivered to Botanica Maya at 5347 E. Lake Mead Blvd. #B and Botanica San Francisco at 2645 S. Nellis Blvd. #D.

Information obtained from a victim of a botched surgery at Botanica Maya, as well as medical waste found in the facility and in a trash bin behind the business, led to the actions by the Bureau, which was first notified of the alleged activities Thursday, June 25, 2009.

The two businesses were ordered to stop operating as unlicensed, illegal ambulatory surgical centers. Both businesses are licensed as health food and vitamin stores by Clark County. Injunctions will now be sought to permanently prohibit the illegal practice of medicine at the two businesses.

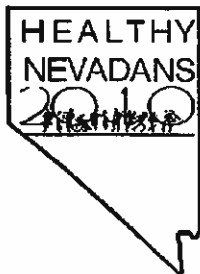
The Health Division coordinated with the Governor's office and the Attorney General's office regarding this investigation and the action taken.

The Nevada State Health Division, the Nevada Board of Pharmacy, the Nevada Board of Medical Examiners and the Southern Nevada Health District are all involved in the investigation, which is ongoing. Bureau surveyors delivered the letters while conducting investigations at both businesses.

During their inspection, investigators at the Lake Mead Boulevard location found a log containing names, dates and prescribed medications, as well as a cache of Spanish-label medications and equipment, including antibiotics and lidocaine. Those medications were confiscated by an investigator from the State Board of Pharmacy. No medical supplies were located at the Nellis Boulevard location during today's inspection.

The store owner was present during the inspection at the Lake Mead Boulevard store and stated that he was aware of the medical procedures taking place in the back of the business.

- more -



Richard Whitley, Administrator

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Phone (775) 684-4200, Fax (775) 684-4211
NEVADA STATE IS AN EQUAL OPPORTUNITY EMPLOYER

The illegal surgical practices were first identified when a call for assistance came from Botanica Maya on June 19, 2009, where a Hispanic woman was found to be bleeding heavily after having a surgery performed. The woman was taken to a local hospital for treatment, where she relayed information that surgeries were also performed at the Nellis Boulevard location.

Nevada state law requires health facilities to be inspected, licensed and regulated by the Health Division, including ambulatory surgical centers. Individuals who have sought medical treatment at either of the two businesses are urged to be tested for exposure to infectious diseases given the potential for unsanitary conditions at the locations.

Health Division Administrator Richard Whitley said the public health risk of unlicensed medical facilities is great.

“Obviously there are serious risks to individual victims of unlicensed surgeries, but there’s a public health risk surrounding the unsafe disposal of human tissues, syringes and other medical supplies,” Whitley said. “And if these facilities are so blatantly ignoring the law, why would anyone have confidence that they would be utilizing safe and effective practices when it comes to issues like sanitation and sterilization? People should not have medical procedures performed at unlicensed facilities. They pose much too great a risk to their lives.”

The Bureau of Health Care Quality and Compliance protects the safety and welfare of the public through the promotion and advocacy of quality health care through licensing, regulation, enforcement and education. This mission is accomplished through the Bureau’s two sections: Licensure and Certification, which regulates facilities such as nursing homes, assisted living facilities, group homes, hospitals, ambulatory surgical centers and laboratories; and Radiological Health, which evaluates and responds to hazards from sources of ionizing radiation such as X-ray machines, sources of radiation to treat cancer and mammography units.

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Botanica Maya Inventory

PMW

COUT

AS

DM

HT

ANTHIST

UPT

	Quantity	Container
? empora forte	6	Bag 1
? Ulsen 20mg capsule	1	Bag 1
Acetaminophen 50 mg suppositories (various)	5	Bag 1
Alin 8mg/2ml	11 amps	
Alin Depot 4 mg/ml	1 amp	
Alivin Plus	4 packages	
Allopurinol 300mg 24 tablets per bottle	2 bottles	
Amikayect 500mg/2ml injection	3 syringes	
Amoxiclav bid 875 mg 20 tablets per bottle	1 bottle	
Ampigrin 3 ml	35 vials	
Ampigrin 3ml 250 mg infantil	4 amps	
Avapena 20mg/2ml amps	13 amps	
Avapena 25 mg tablet	10	Bag 1
Avopena 20 mg/2 ml	4 amps	
Azo-Wintomylon 500/50 tableet	2	Bag 1
Bactocin 200mg tablet	6	Bag 1
Benzatina bencilpenicilina 1,200,000 u	1 vial	
Benzetacil 1,200,000 units	33 vials	
Benzetacil combinado 1,2000,000 units	18 vials	
Bipasmin Compuesto N 20mg/2.5gm amps 5 ml	3 amps	
Biscapina Compositum 20mg/2.5g 5 ml amp	16 amps	
Bonadoxian 25 mg 1 ml amps	4 amps	
Bonadoxina 25 mg 1 ml	5 amps	
Bonadoxina 25 mg tablet	15	Bag 1
Buscapina 20mg/ml 1 ml	11 amps	
Butazolidina 600mg/30mg per 3 ml	9 amps	
capoprin 50 mg tablets various	13	Bag 1
captopril 25 mg tablets various	23	Bag 1
Carnotprim 10 mg tab	23	Bag 1
Carnotrprim solution injection 10 mg/2ml	16 amps	
Cefazolin 1gm vial	2 vials	Bag 3
Celestramine NS tablet	9	Bag 1
Chloro-trimeton 10mg/ml 1 ml amp	17 amps	
chloro-trimeton 12 mg tablet	8	Bag 1
Chloro-trimeton 4 mg tablet	8	Bag 1
Chloro-trimeton 8 mg tablet	8	Bag 1
Cholal Modificado	6 amps	
Cipro XR 1 gm	1	Bag 1
Complejo B Rimsa	2 10 ml vials	
Cuerpo amarillo furerte solucion 50mg/2ml	12 amps	
Daflofen susp	20 ml vial	
Dextrevit multivitamin injection 10 ml vials	6 vials	
Diluyente 1% 1 ml amp	31 amps	
Diprosan 1 ml syringe	1 syringe	
Diprosan 5 ml vial	2 vials	
Disprena 500 mg tablet	2	Bag 1

Botanica Maya Inventory

Dolac 10 mg tablet	6	Bag 1
Dolac 30mg/ml	10 amps	
Dolo-Neurobion no.1 1 ml	3 amps	
Dolo-Neurobion no.2 1 ml	6 amps	
Dramamine suppositories 25 mg	6	Bag 1
Effortil solucion 10mg/ml injection	15 amps	
Enzimatico tablet	2	Bag 1
Ergotrate 0.2mg/1ml 1 ml amp	16 amps	
Espabion 200 mg tablet	4	Bag 1
Eucaliptine injection 1 ml amp	30 amps	
Flagy 500 mg tableet	4	Bag 1
Flebocortid inyectable 100 mg	2 amps	
Flebocortid inyectable 500mg injection	3 vials	
Garamiciina GU 160mg/2ml	17 amps	
Genrex IU 160 mg/2ml amp	2 amp	
Gimalxina 500mg cap	5	Bag 1
Glucovance 500/5mg tablet	9	Bag 1
Gonakor inj. 10 ml	2 vials with 2 vials of diluent	
Graneodin B tablet	12	Bag 1
Gravidinona 1 ml amp	3 amps	
Hemobin 10 mg/2 ml amp	12 amps	
Histiacyl 22.5 mg tablet	15	Bag 1
Hyzaar 100/25 mg tablet	4	Bag 1
Ibuprofen 400mg packaged in 12s	35 bottles	
Ibuprofen 800 mg packaged in 12s	16 bottles	
Ifacertez 15 mg capsules	2	Bag 1
Ilosone 500mg tablet	9	Bag 1
Inderalici 40 mg tablet	5	Bag 1
Inhibitron 10 mg oral	1	Bag 1
Irondex ampules 2 ml	11 amps	
Kenzoflex 500mg tablet	16	Bag 1
Ketorolac tromethamine injection 60mg/2ml	18 vials	
Koptin tablets	2	Bag 1
Libertrim 200 mg capsules	2	Bag 1
Libiocid 600 mg/2ml 2 ml amps	34 amps	
Lidocaina 1% 3.5 ml amp	1 amp	
Lidocaine inject 20mg/2cc	72 amps	
Lincocin 300mg/ml syringe 1 ml	6 syringes	
Lincocin 500mg/ml	8 syringes	
Lincocin 600mg per 2 ml	1 vial	Bag 3
Losec 40 mg amps 10ml	1 amp	
Maxibol capsules	3	Bag 1
Mictasol 400-100 mg tablet	4	Bag 1
Miscellaneous tools	4	Bag 4
Mycelvan tub con 5 gm	1	Bag 1
Naxen 500 mg (naproxena) tablet	5	Bag 1
Neo-Melubrina 1g/2 ml	5 amps	
Neo-Melubrina 2.5g/5 ml	9 amps	
Neo-Melubrina supositorios	1	Bag 1

Botanica Maya Inventory

Onoton tablet	10	Bag 1
Orudis 100mg tablet	24	Bag 1
Oxigricol adulto amps	31 amp	
Oxigricol adulto amps 2-2ml amps per package	14 packages	
Pacetcor	1 amp	
Panclasa 40 mg/0.04mg inj 2 ml ampsules	17 amps	
Parlodel 2.5 mg tablet	3	Bag 1
Penprocillina 400,000 units	14 vials	
Pentrexyl 125mg/2ml	3 amps	
Perluta 150mg/10 mg syringe	13 syringes	
Piportil L-4 100mg 4 ml amp	2 amps	
Pirifur 500/50 mg tablet	5	Bag 1
Pramigel tablets	9	Bag 1
Primir 100mg tablet	6	Bag 1
Prodolina 2g/4ml	5 amps	
Profenid IM 100 mg amps	17 amps	
Provay 500mg tablet	16	Bag 1
Proxalin plus 300/250 mg tablets	9	Bag 1
Pulmonarom solucion	20 - 3 ml amps	
Ranisen 150 mg tablet	3	Bag 1
Ranisen 50mg/2ml	24 amps	
Redaflam susp 50mg/5ml	60 ml	
Respiciil adulto	37 amps	
Respirici infantil	30 amps	
Rimsalin 2ml amp 600mg/2ml	7 amps	
Senociclin amps	1 amp	
Senokot tablet	7	Bag 1
Senosiain supositorios	12	Bag 1
Servamox CLV 875/125 mg tablet	1	Bag 1
Severin NF 100 mg tablet	60	Bag 2
Sineergix 25mg/10mg tablets	4 tablets	
Sinergix 10mg/25mg 1 ml amps	6 amps	
Sinergix 25/10 mg tablet	1	Bag 1
Sodium Chloride Soln 3% 15 ml	12 amps	
Soldrin Otico 10 ml soln	1 - 10 ml	
Solu-Medrol 40 mg 1 ml vial	5 vials	Bag 3
Stugeron forte 75 mg tablet	16	Bag 1
Suma-B 2ml amp	24 amps	
Syringes with needle 10 ml	17 syringes	Bag 4
Tenoretic 50/2.5mg tablet	16.5	Bag 1
Terramicina pomada	10 gm tube	
Trobicin 2 gm	2 amps	
V erisan triplex oral tablet	9	Bag 1
Vartalon 500mg capsules	5	Bag 1
Volaren 50 mg tablets	7	Bag 1
Voltaren 75mg/3 ml amps	10 ampules in a box labeled garamicina GU	
Voltaren 75mg/3 ml amps	1	Bag 3
Vomisín 50 mg/ml 1 ml amps	16 amps	
Vontrol 2ml amp	26 amps	

ASTHMA

CONST.

TENOIDS

Botanica Maya Inventory

Xylocaina 2% vial	3 - 50 ml vials	
Xylocaina EV	3 - 50 ml vials	
Zentel 200mg tablet	6	Bag 1
Zeta-37 Levadura 5ml amp	10 amps	

amps = ampules

inj = injection









Nevada State Board of Pharmacy

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NEVADA STATE BOARD OF PHARMACY

ACTIVITIES REPORT

JUNE 3RD & 4th, 2009 BOARD MEETING HELD IN RENO, NEVADA

This report is prepared and presented to keep interested legislators and others abreast of the activities of the Nevada State Board of Pharmacy. Following is a summary of the June 2009 Board meeting.

Licensing Activity:

- 10 licenses were granted for Out-of-State pharmacies.
- 10 licenses were granted for Out-of-State MDEG companies.
- 7 licenses were granted for Out-of-State wholesalers.
- 3 licenses were granted for Nevada pharmacies (pending inspection).
- 1 license was granted for a Nevada MDEG company.

Disciplinary Action:

- Charges against pharmacy WG were dismissed after agreeing to provide certain documents in future inspections.
- Pharmacist HM's request for reinstatement was granted however with the continuance of a contract with PRN-PRN and probation.

Other Activity:

- Besides the usual business activities of the Board, discussions were held on future meeting dates; committee reports; and a legislative update.
- Reports to the Board included the emergency CII rule; Ryan Haight Act; Virginia PMP issues; and tech school requirements.
- The annual personnel review and evaluations were conducted.
- A presentation was given on drug destruction via the Sharps Company.

Workshop:

1. **Amendment of Nevada Administrative Code 639.707**
Counseling of Patients: Duties of pharmacist or intern pharmacist; documentation.

2. **Amendment of Nevada Administrative Code 639.7125** Use of fulfillment pharmacy by dispensing pharmacy.
3. **Amendment of Nevada Administrative Code 639.694** MDEG Administrator requirements.
4. **Amendment of Nevada Administrative Code 639.725** Use of mechanical counting device for dispensing medications to be taken orally.
5. **Amendment of Nevada Administrative Code 639.528** Preparation and storage of food in prescription department of pharmacy.

BOARD MEETING

Las Vegas Chamber of Commerce
6671 Las Vegas Blvd South
Las Vegas

July 15 and 16, 2009

The meeting was called to order at 9:00 a.m. by Don Fey, Board President.

Board Members Present:

Keith Macdonald	Leo Basch	David Chan
Donald Fey	Chad Luebke	Kam Gandhi

Board Members Absent:

Mary Lau

Board Staff Present:

Larry Pinson	Jeri Walter	Carolyn Cramer	Nancy Savage
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CONSENT AGENDA

1. Approval of June 3-4, 2009, Minutes
2. Applications for Out-of-State MDEG – Non Appearance:
 - A. Boston Scientific Corporation – Fremont, CA
 - B. Boston Scientific CRM – St Paul, MN
 - C. Boston Scientific Neuromodulation Corporation – Valencia, CA
 - D. CareFusion Corporation – McGaw Park, IL
 - E. Caremax RM Corporation – La Habra, CA
 - F. CarePoint Health Products – Diamedix – Richmond, VA
 - G. Meni Mobility – Northbrook, IL
 - H. Orbit Medical of Indianapolis, Inc. – Indianapolis, IN
 - I. Roche Diagnostics Corporation – Indianapolis, IN
 - J. Smiths Medical MD, Inc. – Oakdale, MN

Applications for Out-of-State Pharmacy – Non Appearance:

- K. Ameridose, LLC – Framingham, MA
- L. Ameridose, LLC – Westborough, MA
- M. Basic Home Infusion - Fair Lawn, NJ
- N. Clinical Solutions, LLC – Nashville, TN
- O. Diabetes Specialty Center – Salt Lake City, UT
- P. Excelle Rx – Philadelphia, PA
- Q. Fresenius Medical Care Rx – Nashville, TN
- R. Hueneme Family Pharmacy – Port Hueneme, CA
- S. KRS Global Biotechnology – Boca Raton, FL
- T. Professional Arts Pharmacy – Lafayette, LA
- U. SeniorMed, LLC – Coppell, TX
- V. The Rx Co. – West Fargo, ND

Applications for Out-of-State Wholesaler – Non Appearance:

- W. Alaven Pharmaceutical LLC – Marietta, GA
- X. DSC Logistics, Inc. – Rancho Cucamonga, CA
- Y. Martek Pharmacal – Toms River, NJ
- Z. Ranbaxy Pharmaceuticals, Inc. – Jacksonville, FL
- AA. Sanofi-Aventis U.S. LLC – St Louis, MO
- BB. UPS Supply Chain Solutions, Inc. – Hebron, KY
- CC. Victor Medical Company – Irvine, CA

Applications for Nevada MDEG – Non Appearance:

- DD. ABC Medical Supplies – Las Vegas
- EE. Everything Medical – Las Vegas
- FF. Nocturna Sleep Center LLC – Henderson
- GG. Nocturna Sleep Therapy LP– Henderson

Application for Nevada Pharmacy – Non Appearance:

- HH. ABC Pharmacy – Las Vegas

Discussion:

The consent agenda applications and supporting documents were reviewed.

NOTE: Leo Basch disclosed that he knows the pharmacist at ABC Pharmacy, however it will not influence his vote.

The applications for items M and T were pulled pending information regarding shipping parenterals into Nevada.

Board Action:

Motion: Keith Macdonald found the consent agenda application information to be accurate and complete and moved for approval with the exception of items M and T.

Second: Chad Luebke

Action: Passed Unanimously.

Motion: Kam Gandhi found the minutes to be accurate and complete and moved for approval.

Second: Leo Basch

Action: Passed Unanimously.

After contacting the Board office for clarification, it was determined that Basic Home Infusion and Professional Arts were not going to ship parenterals into Nevada.

Board Action:

Motion: Chad Luebke moved to approve the applications for items M and T.

Second: Keith Macdonald

Action: Passed Unanimously

REGULAR AGENDA

3. Applications for Out-of-State Pharmacy – Appearance

A. Apothecure, Inc. – Dallas, TX

Apothecure cancelled their appearance.

B. Zoopharm – Laramie, WY

Zoopharm cancelled their appearance.

4. Applications for Nevada MDEG – Appearance:

A. A Plus A Medical Supplies, LLC – Las Vegas

Nadine Blackburn, Gery Dadyan, and Armenui Bezoyan appeared and were sworn by President Fey prior to answering questions or offering testimony.

Ms. Balckburn was hired as a consultant to ensure that A Plus A Medical Supplies comply with Nevada law and other requirements to effectively run an MDEG store. Ms. Bezoyan is the owner and Mr. Dadyan will be the facility administrator of A Plus A Medical Supplies.

Carolyn Cramer noted that Ms. Bezoyan currently owns another MDEG facility in Nevada. Ms. Bezoyan indicated that she owns ANG Medical Supply. Ms. Cramer asked Ms. Bezoyan if she had filed a bankruptcy and she stated that she had in California and she indicated that she had filed as the owner of a coffee shop, not an MDEG facility. Ms. Cramer indicated that there were several questions on her application that she had not answered truthfully. Ms. Bezoyan indicated that she thought the questions were only pertinent to Nevada. Ms. Cramer suggested that the Board table the application until they can check into some of the issues Ms. Cramer identified because Ms. Bezoyan indicated she was unaware of some of the charges Ms. Cramer detailed. Since Mr. Dadyan is buying the business, Board staff suggested they withdraw the application and reapply with Mr. Dadyan as the sole owner.

A Plus A Medical Supplies withdrew their application.

B. Caring Medical Supply, LLC – Henderson

Caring Medical Supply cancelled their appearance.

C. Day One DME – Las Vegas

Greg Milton and Scott Field appeared and were sworn by President Fey prior to answering questions or offering testimony.

Mr. Milton noted that he and Mr. Field were each 50% owners of Day One DME and Mr. Milton will be the facility administrator. They have combined 23 years of experience in the DME field, mainly with hospitals, care homes, and doctor's offices. The Board questioned them regarding their business plan and they answered the questions to the Board's satisfaction.

Board Action:

Motion: Leo Basch moved to approve the application for Day One DME pending inspection.

Second: Kam Gandhi

Action: Passed Unanimously

D. Freemotion Plus Medical Supply – Las Vegas

Alegria Phankonsy appeared and was sworn by President Fey prior to answering questions or offering testimony.

Ms. Phankonsy was asked if this was a change of ownership or a name change. Both were checked on the application. Ms. Phankonsy explained that she was the new owner and that she did not want to use the old name of the company and wanted a new name. She indicated that she did not want anything to do with the previous owner or the name of the company. Ms. Phankonsy was asked to describe her business plan and she advised the Board that she was going to sell wheelchairs and scooters. She indicated that she was not going to repair the wheelchairs or scooters and that she had an agreement that the manufacturers would replace them if something went wrong with them. Ms. Phankonsy answered questions regarding her previous experience business to the Board's satisfaction.

Board Action:

Motion: Keith Macdonald moved to approve the application for Freemotion Plus Medical Supply pending inspection.

Second: David Chan

Action: Passed Unanimously

5. Disciplinary Actions:

A. Tammy Lynn Hernandez, PT (09-034-PT-S)

Carolyn Cramer noted for the record that Ms. Hernandez was not present even though the record shows that Ms. Hernandez's Notice of Intended Action and Accusation was signed for. The letter informing her of the time to appear was sent to the same address.

Ms. Cramer explained that Ms. Hernandez applied for a pharmaceutical technician registration and answered "I have not" to the question, "I have or I have not been charged, arrested or convicted of a misdemeanor or felony." On June 26, 2008 Ms. Hernandez was indicted on felony charges in the state of Arizona on twelve counts including theft – a Class 2 Felony, fraudulent schemes and artifices – a Class 2 Felony, and forgery – a Class 4 Felony. On October 2, 2008 Ms. Hernandez was found guilty of Count 1, Theft, a Class 2 Felony for committing theft of money from K-Mart in an amount over \$25,000.00. Ms. Cramer recommends revocation of Ms. Hernandez pharmaceutical technician registration.

Board Action:

Motion: Keith Macdonald moved to find Ms. Hernandez guilty of the First Cause of Action for lying on her original pharmaceutical technician application and guilty of the Second Cause of Action for being convicted of a Class 2 Felony.

Second: Kam Gandhi

Action: Passed Unanimously

Motion: Keith Macdonald moved to revoke Ms. Hernandez's pharmaceutical technician registration.

Second: Kam Gandhi

Action: Passed Unanimously

B.	Huy Duong, R.Ph	(08-042-RPH-S)
C.	Walgreens #03842	(08-042-PH-S)

NOTE: Leo Basch recused from participation in this matter as he is employed by Walgreens.

Rob Graham was present to represent Walgreens #03842 and Huy Duong. Carolyn Cramer represented the Board and advised the Board that she would have two witnesses in this matter.

Ms. Cramer presented a packet of 17 Exhibits that were accepted into the record.

Heidi Almase, the complainant in this matter, appeared and was sworn by President Fey prior to answering questions or offering testimony.

Ms. Cramer asked Ms. Almase questions regarding her complaint. Ms. Almase explained that she had a prescription for brand name Synthroid filled at Walgreens #03842 in April, 2008. Her physician wrote the prescription appropriately and in his own hand had written the words "Dispense As Written." Ms. Almase stated that she had her prescription filled in May, 2008 and began noticing severe hair loss, a constricted throat and chest pains. Ms. Almase stated that she saw her physician and he increased the dosage of her Synthroid and wrote another prescription. This time the doctor did not hand write the "Dispense As Written" but checked a box on the prescription form. Since checking a box is no longer allowed in Nevada, the pharmacist looked back to the previous prescription and noticed the original prescription was filled with generic levothyroxine, rather than brand name Synthroid, and filled the new prescription with the higher dosage of generic levothyroxine. Ms. Almase testified that she went to the emergency room in June, 2008 because she was experiencing dizziness and numbness in her extremities. During this visit to the emergency room Ms. Almase learned that she

had been taking generic levothyroxine rather than the name brand Synthroid and attributed her condition to having taken the generic medication.

Mr. Graham stated that he was not contesting that an error was made, but he did question the symptoms she experienced. He asked Ms. Almase if anyone had explained the difference between brand name Synthroid and the generic levothyroxine and she stated that she had not discussed it with anyone.

Danny Garcia, Board investigator, appeared and was sworn by President Fey prior to answering questions or offering testimony.

Mr. Garcia testified to the sequence of the fills of Ms. Almase's prescriptions. He learned through his investigation of this matter that Ms. Duong was responsible for the original filling of Ms. Almase's prescription where the error occurred. Mr. Garcia reviewed the Exhibits with Ms. Cramer.

Huy Duong appeared and was sworn by President Fey prior to answering questions or offering testimony.

Ms. Duong apologized to Ms. Almase and answered questions from the Board regarding her filling practice. Ms. Duong admitted that she just failed to notice that Ms. Almase's physician had written "Dispense As Written" on the prescription and filled it with the generic.

Ms. Cramer gave closing statements and recommendations advising that Ms. Duong and Walgreens #03842 should both be found guilty of the alleged violations.

Mr. Graham gave closing statements and indicated that numerous things were not proven and was not sure that the patient could have experienced the symptoms she described from taking generic levothyroxine rather than brand name Synthroid.

Board Action:

Motion: David Chan moved to find Ms. Duong guilty of misfilling Ms. Almase's prescription with generic levothyroxine rather than the prescribed brand name Synthroid.

Second: Keith Macdonald

Action: Passed Unanimously

Motion: David Chan moved to find Walgreens #03842 guilty of owning and operating the pharmacy in which Ms. Duong misfilled Ms. Almase's prescription with generic levothyroxine rather than the prescribed brand name Synthroid.

Second: Keith Macdonald

Action: Passed Unanimously

Carolyn Cramer recommended a fine of \$1,000.00 for Ms. Duong and Walgreens #03842.

Rob Graham noted for the record that he did not feel Walgreens #03842 should be fined.

After several motions the following was passed:

Board Action:

Motion: Kam Gandhi moved to fine Ms. Duong \$500.00.

Second: Chad Luebke

Action: Two Yes Votes, Two No Votes, President Fey's Yes Vote Carried the Motion.

After several more motions, the following passed:

Board Action:

Motion: Chad Luebke moved to send a letter of concern to Walgreens #03842.

Second: Kam Gandhi

Action: Two Yes Votes, Two No Votes, President Fey's Yes Vote Carried the Motion.

D. Vadim K. Parker, Jr, PTT (09-030-PT-S)

NOTE: Chad Luebke recused from participation in this matter as he is employed by CVS.

Carolyn Cramer noted for the record that Mr. Parker was not present even though the record shows that Mr. Parker received the Notice of Intended Action and Accusation. The letter informing him of the time to appear was sent to the same address.

Matt Bouchard, district pharmacy supervisor for CVS, appeared and was sworn by President Fey prior to answering questions or offering testimony.

Mr. Bouchard testified that CVS became aware that a number of bottles of hydrocodone/APAP 10/500 were missing from CVS #8788. During their internal

investigation into this matter, they installed security cameras in the pharmacy and aimed them in the direction of the shelf where the hydrocodone/APAP was kept. CVS loss prevention reviewed the video tapes and found that Mr. Parker would wait until the pharmacist and other staff were busy then would walk to the bay where the hydrocodone/APAP was kept on the quick moving products shelf at the end and remove a couple of bottles at a time from the back of the stock kept there. Mr. Parker would go into the bay with the bottles in his hand with his back to the camera and come out having concealed them on his person empty handed.

Ms. Cramer showed the Board one of the video's of Mr. Parker diverting drugs. Ms. Cramer gave closing statements advising the Board that Mr. Parker was responsible for diverting 75 stock bottles of hydrocodone/APAP and recommended revocation of his pharmaceutical technician registration.

Board Action:

Motion: Keith Macdonald moved to find Mr. Parker guilty of the alleged violations.

Second: Leo Basch

Action: Passed Unanimously

Motion: Keith Macdonald moved to revoke Mr. Parker's pharmaceutical technician registration.

Second: David Chan

Amend: Leo Basch asked to include proof of restitution if Mr. Parker were to request reinstatement.

The amendment was accepted by the First and the Second.

Action: Passed Unanimously

6. Requests for Reinstatement of Pharmacist License – Appearance:

A. Michael J. Adams (03-060-RPH-S)

Michael Adams cancelled his appearance.

B. Karen A. Kinan (07-012-RPH-S)

Carolyn Cramer informed the Board that Ms. Kinan was present to request reinstatement of her pharmacist license. Ms. Cramer reviewed Ms. Kinan's history for the Board since most of the Board is new. She explained that originally Ms. Kinan began her acquaintance with the Board in 2002 when she was found guilty of diversion

of discounted drugs, from the pharmacy in which she was a part owner, into the secondary source wholesale market. Ms. Kinan's license was revoked and she was fined \$20,000.00. In 2003 Ms. Kinan's license was reinstated and she was remanded to PRN-PRN for gambling issues. After a series of appearances before the Board, Ms. Kinan's license was suspended. Her license was reinstated in 2005 with conditions, one of which required her to comply with her previous Orders to make arrangements to pay the \$20,000.00 fine and remain in compliance with her PRN-PRN agreement. In 2006 Ms. Kinan stopped making payments due to extenuating circumstances. In 2007 Board staff received notice that Ms. Kinan's employment had been terminated because she had refilled a prescription for herself without authorization from her physician. Again, Ms. Kinan appeared before the Board and expressed regret for failing to make payments toward her fine and refilling a prescription for herself without authorization even though she anticipated that her physician would authorize the refill when she could speak with him. Larry Espadero, PRN-PRN monitor, appeared with Ms. Kinan and expressed concerns about Ms. Kinan's mental health and suggested that she be temporarily suspended and have a psychological evaluation. On June 28, 2007 the Board Ordered Ms. Kinan's license to be suspended and participate in a full psychological testing and analysis with health professionals that she and Mr. Espadero agreed upon. Ms. Kinan's participation in the PRN-PRN program was extended for an additional five years not to end before June 6, 2012 or at the discretion of Mr. Espadero. Ms. Kinan was Ordered to notify Board staff when she returned to work and begin making payments of \$250.00 per month toward the unpaid fine to be due by the fifteenth day of the month and if a payment was not received Ms. Kinan's license would again be suspended until the payment was received. On August 15, 2007 Board staff was notified by Mr. Espadero that he terminated Ms. Kinan's participation in the PRN-PRN program because she had not completed a psychological evaluation as ordered by the Board. Ms. Kinan's license was still suspended at that time and at the October 24, 2007 Board meeting the Board again revoked Ms. Kinan's license for failure to comply with her Board Order.

Ms. Cramer noted for the Board that Mr. Espadero was not able to be present at this meeting, however he sent a letter that she read into the record. The letter indicated that Ms. Kinan was not in the PRN-PRN program because she was not compliant with her PRN-PRN agreement but he allowed her to attend meetings because she indicated they were helpful to her. He indicated that Ms. Kinan attended meetings until February, 2009, however she has not attended since then. Ms. Kinan owes PRN-PRN \$600.00 and she is currently taking Zanax. Since Ms. Kinan is not in compliance with her Board Order or her PRN-PRN agreement Mr. Espadero did not recommend reinstatement of Ms. Kinan's pharmacist license.

Ms. Kinan stated that she did have a psychological evaluation and did not realize that she needed to bring it to her appearance. Board staff indicated that the only thing they had seen was a letter from a counselor that she provided at her last appearance. Mr. Espadero testified that the letter was not a psychological evaluation as Ordered. Ms. Kinan insisted that she had a psychological evaluation and that she would provide a copy to Board staff. When questioned about her fine, she noted that she was not

required to make payments until she was working as a pharmacist. Ms. Kinan addressed the issue of PRN-PRN and asked if there was another group she could join since she found it difficult to participate in PRN-PRN. The Board indicated that if she wanted to obtain her pharmacist license again she needed to find a way to comply with the Board's Order and find a way to repair her rapport with Mr. Espadero and PRN-PRN.

Board Action:

Motion: Keith Macdonald moved to deny reinstatement of Ms. Kinan's pharmacist license until she provides a copy of the psychological evaluation and reinstates with PRN-PRN.

Second: Leo Basch

Action: Passed Unanimously

7. Dutchess Recalculation of Fines

President Fey asked if there was anyone present for Dutchess. Carolyn Cramer advised that two letters were sent, one to Mr. Chesnoff and one to Mr. Schonfeld, advising them of the time to appear. No one appeared and President Fey continued.

Ms. Cramer advised the Board that she could not make any presentations or comments regarding recalculation of fines for Dutchess and referred this matter to Nancy Savage. Ms. Savage took over the proceeding and advised the Board that they needed to reassess the fine on 26 of the violations in the Dutchess case.

President Fye gave an overview of the case and the conclusions of the District Court for the Board members since it is an entirely new Board except for Keith Macdonald, who at that time was the Executive Secretary. The Board fined Dutchess \$1,000,000.00, the District Court remanded the case back to the Board and asked how they came up with that figure. The Board recalculated and submitted it back to the District Court with their justification for the new figures. After that determination, Dutchess filed an appeal to the Supreme Court. The Supreme Court denied the appeal, however determined that the Board could not fine on the transactions between Dutchess and Overseas because at that time Overseas did not need to be licensed with the Board of Pharmacy. The case was then remanded back to the Board for recalculation excluding the 26 Causes of Action against Overseas.

NOTE: Keith Macdonald recused from participation in recalculating the Dutchess fines.

After lengthy discussion and calculation, the Board made the following motion.

Board Action:

Motion: Leo Basch moved to remove number 8 on page 59 of the Boards Findings of Fact, Conclusions of Law and Order that referred to Overseas. Of the 483 counts against Dutchess, 26 counts will be deleted and the fine of \$250.00 per count X 26 for a total of \$6,500.00 will be deducted. The fine for Legend will remain the same as there were no transactions between Legend and Overseas.

Second: Chad Luebke

Action: Passed Unanimously

8. Discussion and Determinations:

A. Licensing Fees

Larry Pinson advised the Board that we were approximately \$21,000.00 under projection for licensing fees, in part due to licensing fewer pharmacists, probably secondary to California's acceptance of the NAPLEX, and consolidation of several pharmacies. Operating costs continue to rise in light of added duties such as AB128, annual reports and new programs mandated by the legislature. Future funding for the Task Force is also a consideration if grants are no longer available. He noted that licensing fees have not been increased for some time and suggested the Board consider increasing pharmacists, interns and pharmaceutical technicians. Mr. Pinson advised that the statutory caps were \$200.00 for pharmacists and \$50.00 for interns and pharmaceutical technicians. After discussion, the Board directed staff to Workshop a \$30.00 licensing fee increase for pharmacists and a \$15.00 licensing fee increase for interns and not to increase the pharmaceutical technicians at this time.

B. Workload Sharing Via Remote Order Entry in Hospitals

Board staff received a letter from HCA advising they were implementing a series of remote order entry pharmacies across the country and would like to allow Sunrise, Mountain View and Southern Hills to participate in this process. Mr. Pinson advised that our regulations now only allow remote data entry when a pharmacy is closed. He asked if the Board would feel comfortable allowing out-of-state order entry for hospitals. He also asked if there was a serious error if they would feel comfortable relying upon another state to take a disciplinary action. Mr. Pinson reminded the Board that staff was going to be re-doing the hospital regulations and suggested that we wait and possibly incorporate the concept into the big picture when those changes are made. The Board directed staff to wait and address HCA's request when the hospital regulations are amended.

C. Physician Assistants and APN's

NAC 639.272(4)(b) requires a dispensing PA to have a consulting pharmacist as does NAC 639.870(1)(d) for dispensing APN's. The pharmacist would be available as a consultant concerning the dispensing of controlled substances, poisons, dangerous drugs and devices. Board staff questions the necessity of this requirement and is unsure if any PA's or APN's have ever complied with these regulations. Board staff was directed to bring language to Workshop removing that requirement.

D. Disaster Response Policy Statement

Larry Pinson encouraged the Board to adopt some sort of a disaster plan in light of the recent issues that came up with swine flu. A policy would be helpful in permitting pharmacists, pharmacy technicians and intern pharmacists to provide emergency care to affected patients or areas in an emergency or disaster such as flooding, bioterrorism, earthquakes or wildfires. There was discussion about who makes the declaration of emergency and it was determined that it would be the Governor. Keith Macdonald asked if the Board of Pharmacy could have some sort of liability exemption and suggested that an alignment of different agencies could coordinate efforts so everyone is on the same page. Mr. Pinson indicated he would put a workgroup together and asked President Fey to represent the Board since his experience in the hospital setting will be valuable in this process.

E. Your Success Rx

Board staff and Katie Johnson have discussed some changes in the procedures for the Your Success Rx program as follows:

- Board would order a respondent to complete a session with Your Success Rx, usually at the respondent's expense, as part of a disciplinary action.
- Your Success Rx would schedule and provide the session and bill the respondent directly.
- In the event that a respondent failed to complete the session, Board Staff would be notified immediately, and then schedule further action.
- After completion of the session, Katie Johnson and the respondent would report back to Board staff, who would evaluate the process based upon feedback from both parties.
- Board staff would then report back to the Board.

The Board directed staff to proceed with the suggested changes.

9. General Counsel Report

10. Executive Secretary Report:

- A. Financial Report
- B. Investment Report
- C. Budget – 2009-2010

Larry Pinson gave the financial and investment reports to the Board's satisfaction. He and Leo Basch, the Board treasurer, reviewed the budget with the Board and answered questions. After discussion, Mr. Pinson asked for a motion for approval.

Board Action:

Motion: Leo Basch moved to approve the 2009-2010 budget as presented.

Second: Keith Macdonald

Action: Passed Unanimously

D. Temporary Licenses

Larry Pinson approved two temporary licenses since the last Board meeting. Keith Macdonald asked if the Board may want to revisit the reason for granting temporary licenses. Mr. Pinson advised that they are only approved for persons that have all of their paperwork in order, their licenses are in good standing with the Board they are reciprocating from, and are usually critical to a particular practice. He stated that there are not that many pharmacists that apply for temporary licenses and indicated that it was a nice gesture that helps both pharmacists and pharmacies.

E. Staff Activities

1. CE Programs

Mr. Pinson reported that he and Joe Depczynski did a CE program in Fallon and it was well attended. He also advised that others are planned to ensure pharmacists have an opportunity to obtain their required Nevada law CE before renewal this year and that PT's have opportunity to begin meeting their requirement.

2. Legislative Update

a. Hillerby Report

F. Report to Board

1. Botanica Maya

Larry Pinson and Carolyn Cramer reported that unsafe practices were reported at Botanica Maya in Las Vegas. He referenced an article from the Las Vegas Sun reporting that illegal surgeries were being performed in the back room of a storefront. Mr. Pinson indicated that he could not say too much since Board staff is working with other agencies to investigate.

G. Board Related News

H. Activities Report

11. Next Board Meeting:

September 2-3, 2009 – Reno

12. Public Comments and Discussion of and Deliberation Upon Those Comments

There were no public comments.