

August 19, 2009

AGENDA

◆ PUBLIC NOTICE ◆

NEVADA STATE BOARD OF PHARMACY

BOARD MEETING

at the

Airport Plaza Hotel
1981 Terminal Way
Reno

Wednesday, September 2, 2009 – 9:00 am

Thursday, September 3, 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.

September 2009 Board Meeting Agenda

- * 1. [Approval of July 15-16, 2009, Minutes](#)
 - * 2. [Applications for Out-of-State](#) MDEG – Non Appearance:
 - A. Carefusion Corporation – Tucker, GA
 - B. Choice Medical, Inc. – Knoxville, TN
 - C. Eye Response Technologies, Inc. – Charlottesville, VA
 - D. Hoveround Corporation – Sarasota, FL
 - E. Kinex Medical Company, LLC – Waukesha, WI
 - F. Liberator Medical Supply Inc. – Stuart, FL
 - G. Thrifty Medical Supply, Inc. – San Leandro, CA
- Applications for Out-of-State Pharmacy – Non Appearance:
- H. Aapex Community Pharmacy – Houston, TX
 - I. Care Plus CVS/pharmacy #2801 – West Hollywood, CA
 - J. Care Plus CVS/pharmacy #2915 – Honolulu, HI
 - K. Care Plus CVS/pharmacy #3129 – Phoenix, AZ
 - L. Covance Specialty Pharmacy – Lakeland, FL
 - M. Omnicare Clinical Intervention – Oklahoma City, OK
 - N. One Stop Pharmacy Inc. LLC – St Petersburg, FL
 - O. PVPL Pharmacy – Omaha, NE
 - P. Reliance Meds – Ft Myers, FL
 - Q. Southern Desert Pharmacy – Prescott, AZ
 - R. Tropical Pharmacy – Sunrise, FL
- Applications for Out-of-State Wholesaler – Non Appearance:
- S. Abbott Laboratories Inc. – Dallas, TX
 - T. Ameridose, LLC – Westborough, MA
 - U. AxoGen Corporation – Alachua, FL
 - V. Cadista Pharmaceuticals, Inc. – Salisbury, MD
 - W. Diamond Pharmacy Services – Kolter, PA
 - X. Dusa Pharmaceuticals, Inc. – Wilmington, MA
 - Y. Far West Returns, Inc. – Paradise, CA
 - Z. Healthfirst Corporation – Mountlake Terrace, WA
 - AA. Just Packaging, Inc. – South Plainfield, NJ
 - BB. Lannett Company Inc. – Philadelphia, PA
 - CC. McKesson Specialty Distribution LLC – Fairfield, OH
 - DD. McKesson Specialty Distribution LLC – Memphis, TN
 - EE. McKesson Specialty Distribution LLC – Suwanee, GA
 - FF. McKesson Specialty Distribution LLC – West Sacramento, CA
 - GG. Xttrium Laboratories, Inc. – Chicago, IL

September 2009 Board Meeting Agenda

Applications for Nevada MDEG – Non Appearance:

- HH. AmPro Orthotics & Prosthetics Inc. – Las Vegas
- II. Family Pharmacy – Pahrump

Applications for Nevada Pharmacy – Non Appearance:

- JJ. CVS/pharmacy #6625 – Reno
- KK. Golden Health Pharmacy – Elko
- LL. St Mary's Outpatient Surgery Center at Galena LLC – Reno
- MM. Target Pharmacy T-2568 – Henderson

◆ REGULAR AGENDA ◆

* 3. [Applications for Out-of-State Pharmacy – Appearance](#)

- A. Drug Crafters – Frisco, TX
- B. Royal Palm Compounding Pharmacy LLC – Wellington, FL

* 4. [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. | Davidson Okpukpara, R.Ph | (09-054-RPH-N) |
| B. | Scolari's Pharmacy #28 | (09-054-PH-N) |
| C. | Christine Thurman, PT | (09-037-PT-N) |
| D. | Heidi Miscovich, PT | (08-087-PT-N) |
| E. | Constance Willman, R.Ph | (09-010-RPH-N) |

* 5. [Request for Pharmaceutical Technician in Training License – Appearance](#):

- A. Jennifer Ochadleus
- B. Marcos Rodriguez

* 6. [Request for Advanced Practitioner of Nursing License – Appearance](#):

Shannon Leasure, APN

* 7. Task Force Internevention Officer Report – Appearance:

Jenine Davis

* 8. [Discussion and Determinations](#):

- A. NRS 639.230(1)
- B. “Physical Examination” of Patient Prior to Prescribing
- C. Advertising Practices

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* 9. General Counsel Report

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

- A. Financial Report
- B. Investment Report
- C. Temporary Licenses
 - 1. McKesson & H1N1 Vaccine Distribution
- D. Staff Activities
 - 1. Meetings
 - a. NACDS Pharmacy & Tech Conference (August)
 - b. CE
 - c. PT Advisory Committee (10/7)
 - d. CE Committee (10/8)
- E. Report to Board
 - 1. Task Force Meeting (8/28)
 - 2. Illegal surgery center follow-up
 - 3. ACPE site visit observer
- F. Board Related News
 - 1. California Nursing Board
- G. Activities Report

W O R K S H O P – Wednesday, September 2, 2009 – 9:00 am

*11. [Proposed Regulation Amendment Workshop](#) – The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations.

- 1. **Amendment of Nevada Administrative Code 453.550** Remove Buprenorphine from Schedule V
- 2. **Amendment of Nevada Administrative Code 453.530** Addition of Buprenorphine to Schedule III to Parallel Federal Law
- 3. **Amendment of Nevada Administrative Code 639.254** Add ICPT for acceptable in-service training for pharmaceutical technicians.
- 4. **Amendment of Nevada Administrative Code 639.220 Schedule of fees; penalty for late renewal; exemptions from certain fees.** Fee increase for pharmacists and pharmacist interns.
- 5. **Amendment of Nevada Administrative Code 639.870 Certificate of registration: Application; fee; period of validity; appearance before Board; collaborating physician; late renewal.** Delete consultant pharmacist requirement for Advanced Practitioner of Nursing.

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6. **Amendment of Nevada Administrative Code 639.272 Requirements for registration certificate.** Delete consultant pharmacist requirement for physician assistant.
7. **Amendment of Nevada Administrative Code AB213** Cancer Drug Donation Program.
8. **Amendment of Nevada Administrative Code SB197** Regulations for reissued drugs by nonprofit pharmacies.

PUBLIC HEARING – Wednesday, September 2, 2009– 9:00 am

*12. [Notice of Intent to Act Upon a Regulation:](#)

1. **Amendment of Nevada Administrative Code 453.530 Amendment of Schedule III.** This language removes references to over the counter products containing ephedrine, pseudoephedrine or phenylpropanolamine, their optical isomers, salts and salts of optical isomers. Also, some spelling corrections were made.
2. **Amendment of Nevada Administrative Code 639.6934 “Life Sustaining Equipment” defined.** This amendment removes the term “oxygen concentrator” from the definition of life sustain equipment to correct the existing language.
3. **Amendment of Nevada Administrative Code 639.254 Initial and biennial in-service training of pharmaceuticals working in or for a pharmacy; substitution of continuing education for in-service training.** This regulation amendment requires pharmaceutical technicians to obtain one hour of Nevada law by attending a program approved or presented by the Board that relates to the practice of pharmacy.
4. **Amendment of Nevada Administrative Code 639.528 Preparation and storage of food in prescription of pharmacy.** This regulation amendment prohibits food to be stored in a refrigerator that is used to store medicine in the pharmacy.
5. **Amendment of Nevada Administrative Code 639.694 MDEG Administrator required.** This regulation amendment clarifies the existing language and specifies the requirements for MDEG provider administrators. MDEG provider applicants will know in advance of a Board appearance if their administrators qualify to participate in that capacity.
6. **Amendment of Nevada Administrative Code 639.707 Counseling.** Changing the language in this regulation will allow the pharmacist to use his or her professional judgment in the depth of counseling a patient.

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13. Next Board Meeting:

October 14-15, 2009 – Las Vegas

*14. 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 and is available for viewing at bop.nv.gov:

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

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.



Nevada State Board of Pharmacy

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BOARD MEETING

Airport Plaza Hotel
1981 Terminal Way
Reno

Wednesday, September 2, 2009

Thursday, September 3, 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:

Board Staff Present:

Larry Pinson

Jeri Walter

Carolyn Cramer

Keith Marcher

CONSENT AGENDA

1. Approval of July 15-16, 2009, Minutes
2. Applications for Out-of-State MDEG – Non Appearance:
 - A. Carefusion Corporation – Tucker, GA
 - B. Choice Medical, Inc. – Knoxville, TN
 - C. Eye Response Technologies, Inc. – Charlottesville, VA
 - D. Hoveround Corporation – Sarasota, FL
 - E. Kinex Medical Company, LLC – Waukesha, WI
 - F. Liberator Medical Supply Inc. – Stuart, FL
 - G. Thrifty Medical Supply, Inc. – San Leandro, CA

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

- H. Aapex Community Pharmacy – Houston, TX
- I. Care Plus CVS/pharmacy #2801 – West Hollywood, CA

- J. Care Plus CVS/pharmacy #2915 – Honolulu, HI
- K. Care Plus CVS/pharmacy #3129 – Phoenix, AZ
- L. Covance Specialty Pharmacy – Lakeland, FL
- M. Omnicare Clinical Intervention – Oklahoma City, OK
- N. One Stop Pharmacy Inc. LLC – St Petersburg, FL
- O. PVPL Pharmacy – Omaha, NE
- P. Reliance Meds – Ft Myers, FL
- Q. Southern Desert Pharmacy – Prescott, AZ
- R. Tropical Pharmacy – Sunrise, FL

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

- S. Abbott Laboratories Inc. – Dallas, TX
- T. Ameridose, LLC – Westborough, MA
- U. AxoGen Corporation – Alachua, FL
- V. Cadista Pharmaceuticals, Inc. – Salisbury, MD
- W. Diamond Pharmacy Services – Kolter, PA
- X. Dusa Pharmaceuticals, Inc. – Wilmington, MA
- Y. Far West Returns, Inc. – Paradise, CA
- Z. Healthfirst Corporation – Mountlake Terrace, WA
- AA. Just Packaging, Inc. – South Plainfield, NJ
- BB. Lannett Company Inc. – Philadelphia, PA
- CC. McKesson Specialty Distribution LLC – Fairfield, OH
- DD. McKesson Specialty Distribution LLC – Memphis, TN
- EE. McKesson Specialty Distribution LLC – Suwanee, GA
- FF. McKesson Specialty Distribution LLC – West Sacramento, CA
- GG. Xttrium Laboratories, Inc. – Chicago, IL

Applications for Nevada MDEG – Non Appearance:

- HH. AmPro Orthotics & Prosthetics Inc. – Las Vegas
- II. Family Pharmacy – Pahrump

Applications for Nevada Pharmacy – Non Appearance:

- JJ. CVS/pharmacy #6625 – Reno
- KK. Golden Health Pharmacy – Elko
- LL. St Mary's Outpatient Surgery Center at Galena LLC – Reno
- MM. Target Pharmacy T-2568 – Henderson

NOTE: Mary Lau recused from participation in the vote on items I, J, K, KK and MM as they are members of RAN. Chad Luebke recused from participation in the vote on items I, J, K and JJ as he is employed by CVS.

Discussion:

The consent agenda applications and supporting documents were reviewed.

Board Action:

Motion: Leo Basch found the consent agenda application information to be accurate and complete and moved for approval with the exception of items I, J, K, KK, MM and JJ.

Second: Keith Macdonald

Action: Passed Unanimously.

Discussion:

Motion: Leo Basch found the minutes to accurate and complete and moved for approval.

Second: David Chan

Action: Passed Unanimously.

REGULAR AGENDA

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

A. Drug Crafters – Frisco, TX

Drug Crafters have rescheduled to October.

B. Royal Palm Compounding Pharmacy LLC – Wellington, FL

Royal Palm has rescheduled to October.

4. Disciplinary Actions:

- | | | |
|----|--------------------------|----------------|
| A. | Davidson Okpukpara, R.Ph | (09-054-RPH-N) |
| B. | Scolari's Pharmacy #28 | (09-054-PH-N) |

NOTE: David Chan recused from participation as he is employed by Scolari's. Mary Lau recused from participation as Scolari's is a member of RAN.

Dani Dooley was present to represent Scolari's. Davidson Okpukpara represented himself.

Carolyn Cramer introduced Loie Brooks, the complainant in this matter. Ms. Cramer admitted six Exhibits into evidence as follows:

Exhibit 1 Scolari's statement

- Exhibit 2 Board staffs 13 pages of evidence
- Exhibit 3 Squires/Scolari's #24 Order dated January 6, 2004
- Exhibit 4 Letter to Loran Foster in another complaint from Ms. Brooks regarding Scolari's #24
- Exhibit 5 Okpukpara/Rite Aid #6281 Order dated October 1, 2006
- Exhibit 6 Rx vial showing label changed from 25 mg to 50 mg but no change in directions

Loie Brooks appeared and was sworn by President Fey prior to answering questions or offering testimony.

Ms. Cramer questioned Ms. Brooks regarding the circumstances of her complaint. Ms. Brooks stated that she had her prescription for metoprolol refilled at Scolari's #24. She picked up her medication and left the store, got into her vehicle and looked at what she was given from the pharmacy. Ms. Brooks testified that the tablets looked different from the ones she usually takes, so she returned to the pharmacy to inquire about the difference. Ms. Brooks stated that she spoke with Mr. Okpukpara when she returned and told him that they were not what she had previously taken. She indicated that Mr. Okpukpara acknowledged a mistake had occurred. Ms. Brooks prescription was for 25 mg. metoprolol tablets and the prescription vial contained 50 mg. metoprolol tablets. Ms. Brooks indicated that Mr. Okpukpara went to retrieve the correct 25 mg. metoprolol tablets but found there were only twelve in the stock bottle. Mr. Okpukpara offered to call other stores to see if he could obtain more, however Ms. Brooks asked for the dispensed prescription back again and declined his attempt to find more of the correct medication. Before giving her the prescription vial back, Ms. Brooks stated that Mr. Okpukpara printed out another label, wrote 50 mg. on the label and placed that label over the original label but did not change the directions to take one half tablet.

Mr. Okpukpara gave a statement and indicated that he advised Ms. Brooks to take one half tablet and she seemed to be okay with that solution. Mr. Okpukpara also indicated that he had handwritten the directions on the label. He also indicated that the pharmaceutical technician he was working with made the error and he failed to catch it. He indicated that the pharmaceutical technician was under some stress and made a lot of mistakes that he did catch but missed this one. Ms. Cramer questioned him about the label he said he had handwritten directions on. Ms. Cramer reminded him that Ms. Brooks testimony indicated that she did not receive a label with handwritten directions and asked Mr. Okpukpara if he was possibly upset or nervous about the error and did not remember clearly what he did. Ms. Cramer presented Exhibit 6 which is the original prescription vial with Mr. Okpukpara's handwritten "50 mg." but no change in directions.

The Board questioned Mr. Okpukpara regarding his statement about giving Ms. Brooks 15 extra 50 mg. metoprolol tablets which would have extended the prescription to seven months instead of the six month life of the prescription. They also asked Mr. Okpukpara about what he has done to improve his pharmacy practice since going through the Your Success Rx program.

Dani Dooley was sworn by President Fey prior to answering questions or offering testimony.

Ms. Cramer reviewed the details of the meeting Board staff had with Scolari's. They showed that they had made significant changes in their computer system to keep pharmaceutical technicians from making drug choices without the intervention of a pharmacist so this type of error would not happen again. Ms. Dooley explained thoroughly what steps had been taken. Scolari's and Board staff also discussed the issue of pharmaceutical technician errors in general. Ms. Dooley advised the Board that she and Mr. Chan have talked to all managing pharmacists about the need to report pharmaceutical technician errors to management so they are documented. If a pharmaceutical technician is making many errors and management is not aware of them they are unable to do anything to help correct the situation and document what occurred. If there was a pattern of errors that was not improving on the pharmaceutical technician's part, then an action could be taken against a technician that is not performing well.

Carolyn Cramer gave closing statements and recommended that Scolari's pay one half the fees and costs in this matter and no other penalties as they have already made significant changes to their computer system. Regarding Mr. Okpukpara, Ms. Cramer recommended three years probation, the first year of probation Mr. Okpukpara would practice as an intern and have his preceptor report to the Board Mr. Okpukpara's behaviors as a practicing intern.

The Board questioned Ms. Dooley about Scolari's error reporting forms and how they were filed and asked if Mr. Okpukpara had ever filed error reports on other errors. Ms. Dooley described their procedures.

Mr. Okpukpara gave a closing statement indicating that he is a good pharmacist and had never made a practice error before the Rite Aid issue and has had nothing since Ms. Brooks matter. Again, he stated that the pharmaceutical technician was at issue and that he had caught many of her errors but admitted missing this one and it was not because he was not paying attention or was distracted. He asked the Board to look at all the facts and show leniency.

The Board discussed what they had heard. Mr. Basch showed concern that Mr. Okpukpara had not filed an error report on this incident with Scolari's management as required in their policies and procedures. Mr. Luebke is concerned that Mr. Okpukpara only takes partial responsibility for the error and blames the pharmaceutical technician even though he is ultimately responsible.

Board Action:

Motion: Leo Basch moved to find Mr. Okpukpara guilty of the First, Second and Third Causes of Action.

Second: Kam Gandhi

Action: Passed Unanimously

Motion: Mr. Basch moved to fine Mr. Okpukpara \$3,000.00 plus one half of the fees and costs, suspend his license for 30 days and stay the suspension, three years probation requiring him to report any errors he makes to the Board within seven days of the incident, not be allowed to practice as a managing pharmacist and work no more than 90 hours in a fourteen day work period.

Second: No Second

Action: Motion Failed

Motion: Chad Luebke moved to have Mr. Okpukpara perform his duties as an intern pharmacist for 60 days plus everything in Mr. Basch's motion.

Second: Kam Gandhi

Discussion: Mr. Basch stated he did not see an internship helpful since Mr. Okpukpara is a fully knowledgeable pharmacist.

Action: Passed With One Negative Vote

Motion: Leo Basch moved to find Scolari's #24 guilty of the Fourth Cause of Action.

Second: Keith Macdonald

Action: Passed Unanimously

Motion: Leo Basch moved to fine Scolari's #24 one half the fees and costs in this matter.

Second: Kam Gandhi

Action: Passed Unanimously

C. Christine Thurman, PT

(09-037-PT-N)

Ms. Cramer noted for the record that Ms. Thurman was not present even though the Accusation and notice to appear were sent to her last known address and the certified mail card was signed.

Ms. Cramer explained the circumstances of this matter. Ms. Thurman was terminated from employment from Wal-Mart #10-4370 for attempting to add refills to prescriptions for herself and her family for controlled substances and dangerous drugs. After the

notice of termination of employment, it was learned that Ms. Thurman had been arrested and convicted of a Category B felony. The Judgment of Conviction provide that Ms. Thurman was found guilty of embezzlement and was sentenced to 12 months in prison, pay \$150.00 for a DNA fee, pay \$500.00 for attorney fees, and pay \$27,913.79 for restitution and an administrative fee of \$25.00.

Board Action:

Motion: Keith Macdonald moved to find Ms. Thurman guilty of the First, Second and Third Causes of Action.

Second: David Chan

Action: Passed Unanimously

Motion: Keith Macdonald moved to revoke Ms. Thurman's pharmaceutical technician registration.

Second: David Chan

Action: Passed Unanimously

D. Heidi Miscovich, PT

(08-087-PT-N)

Heidi Miscovich appeared and was sworn by President Fey prior to answering questions or offering testimony.

Carolyn Cramer noted for the Board that Ms. Miscovich was terminated from employment from Carson Tahoe Regional Medical Center for drug diversion. Ms. Cramer said that Ms. Miscovich is present today to explain her circumstances.

Ms. Miscovich admitted to the facts of the Accusation however she needed to come before the Board to explain what she did. She indicated that she had gone through a difficult time in her life – her daughter was writing bad checks and her husband of 21 years was still married to his first wife. Ms. Miscovich said she took the drugs to commit suicide, however for various reasons she did not do it. She stated she flushed the drugs she had taken to get rid of them.

President Fey asked Ms. Miscovich how she has changed her life. Ms. Miscovich said she got her daughter back on the right track and she has just graduated and she and her husband are still trying to rectify the situation with their marriage. She said her husband is 20 years older than she is and the attorney he used for the divorce is dead and no records can be found. Ms. Miscovich apologized to the Board and thanked them for allowing her to appear and clear her conscience.

Board Action:

Motion: Chad Luebke moved to accept Ms. Miscovich's admission of guilt.

Second: Leo Basch

Action: Passed Unanimously

Motion: Keith Macdonald moved to revoke Ms. Miscovich's pharmaceutical technician registration.

Second: Chad Luebke

Action: Passed Unanimously

E. Constance Willman, R.Ph

(09-010-RPH-N)

Constance Willman appeared and was sworn by President Fey prior to answering questions or offering testimony. Mr. Espadero was reminded he was still under oath.

Carolyn Cramer advised the Board that Ms. Willman's pharmacist license is under suspension. Ms. Willman is currently on numerous medications and cannot enter the PRN-PRN program. Ms. Cramer indicated that she has spoken with Ms. Willman and Mr. Espadero and suggests that Ms. Willman have an independent medical examination at the Board's expense.

Mr. Espadero explained that before Ms. Willman can have an independent medical examination she needs to detox from all the medications she is currently taking. Mr. Espadero stated he would work with the psychiatrist to help Ms. Willman regain her health. Once an evaluation is made they can work together towards that goal.

Board Action:

Motion: Keith Macdonald moved to table this request for reinstatement until a treatment plan can be implemented.

Second: Leo Basch

Action: Passed Unanimously

5. Request for Pharmaceutical Technician in Training License – Appearance:

A. Jennifer Ochadleus

Jennifer Ochadleus and Larry Espadero, PRN-PRN monitor, appeared and were sworn by President Fey prior to answering questions or offering testimony.

Carolyn Cramer advised that Ms. Ochadleus is a student in the pharmaceutical technician program at Kaplan College and has applied for a PTT registration. She

answered yes to question three on her application regarding use of alcohol or substance abuse.

Ms. Ochadleus stated that she was at a very low point in her life and used extremely poor judgment. She lost her house and her boyfriend and went out with friends and used drugs. Kaplan College did a drug screen and she tested positive for amphetamines. Ms. Ochadleus contacted PRN-PRN immediately for an evaluation. She testified that she does not use drugs and that was a onetime occurrence. She now lives with her mother and is devoting herself to raising her 15 year old and 4 year old children and going to school.

Mr. Espadero testified that Ms. Ochadleus shows a very low propensity for drug abuse and recommended that the Board issue her pharmaceutical technician in training registration so she can complete her course at Kaplan College.

Board Action:

Motion: Keith Macdonald moved to approve Ms. Chadleus' application for pharmaceutical technician in training and continue with PRN-PRN for a period of time to be determined by Mr. Espadero.

Second: Mary Lau

Action: Passed With One Negative Vote

B. Marcos Rodriguez

NOTE: Keith Macdonald recused from participation in this matter as he signed Mr. Rodriguez's application for pharmaceutical technician in training at Wal-Mart #10-3408.

Ms. Cramer indicated that Mr. Rodriguez had answered yes to having been charged, arrested, or convicted of a misdemeanor.

Mr. Rodriguez indicated that he was at a party with people his age – 19 and 20 year olds. At some point, some people arrived at the party that were 21 years of age or older and they brought beer. A neighbor had called the police probably because they were making too much noise. The police arrested about 40% of the party that were under age and let the older group that brought the beer go because they were legal. He was charged for use or possession of alcohol by a minor.

Board Action:

Motion: Chad Luebke moved to approve Mr. Rodriguez's application for pharmaceutical technician in training.

Second: Kam Gandhi

Action: Passed Unanimously

6. Request for Advanced Practitioner of Nursing License – Appearance:

Shannon Leasure, APN

Carolyn Cramer noted that Ms. Leasure has requested an APN license, however she answered all the questions on the application regarding any abuses, arrests or convictions, administrative actions or licensing issues with another Board in the affirmative and she is present to testify to the circumstances.

Ms. Leasure described an incredible period in her life that took place in 2007 regarding drugs and alcohol. She was arrested on a felony charge of child neglect that was pled down to a misdemeanor. She, her boyfriend and daughter were on vacation and had drugs with them and her daughter found and ingested Ecstasy. Ms. Leasure said she is still under a probationary period with the San Bernardino County Court. Since that experience she has married, worked for the last year and a half as a RN and just recently had the suspension lifted from her APN license. Ms. Leasure explained that she has completed a year and a half of a five year contract with the Nursing Board. The contract required her to call in daily for random alcohol and drug screening, attend two AA meetings a week, have regular contact and reports from her sponsor and attend a weekly nurse support group for the entire contract. She has completed several of the requirements from the contract such as attending weekly aftercare for one year, and attend bi-weekly individual counseling sessions for one year. She also completed a 60 day inpatient drug and alcohol rehab program. Ms. Leasure indicated that she volunteers to tell her story before groups and advise them how alcohol and drug abuse can devastate a family. She feels she is making an impact on others and she is proud of the progress she has made in her recovery.

Board Action:

Motion: Keith Macdonald moved to approve the application for APN prescribing privileges for Ms. Leasure.

Second: Mary Lau

Action: Passed Unanimously

7. Task Force Intervention Officer Report – Appearance:

Jenine Davis

Joanee Quirk appeared with Jenine Davis to report to the Board on the work Ms. Davis is doing as the intervention officer for the Task Force. Ms. Quirk introduced Ms. Davis to the Board and gave a summary of her background. She obtained her degree in Accounting, however she worked as an intervention officer for NDI before accepting a position with the Task Force. Ms. Davis indicated that she receives information from

the Task Force identifying doctor shoppers. She contacts the people, sets up appointments to interview them and explain that they are committing a felony by doctor shopping and offers them help. If they agree to get the help offered, she works with them, however, if they choose to continue with their doctor shopping behavior, Ms. Davis turns them over to the police department. Ms. Davis gave individual case stories and answered questions from the Board. Ms. Quirk indicated that Ms. Davis has had more success in the North than the previous intervention officer located in the South.

8. Discussion and Determinations:

A. NRS 639.230(1)

Larry Pinson advised the Board that he instructed Board general counsel to send a cease and desist order to Rx Realty advising them that a realty company was not to use "Rx" as part of its name as it was a violation of NRS 639.230. Senator Schneider sent a letter to Mr. Pinson advising that his friend could use "Rx" as part of his realty company's name because it was not the legislative intent to restrict a company that did not sell drugs to use that symbol. The Board questioned staff about how we could prohibit another company that sold skate boards from using a symbol or the word "pharmacy" that was violating the same law and allow a realty company to use Rx. It was noted that Senator Schneider's letter indicated that he was going to present this matter at the next legislative commission meeting for their opinion, and the Board directed staff to wait until an opinion was made before enforcing the cease and desist notice.

B. "Physical Examination" of Patient Prior to Prescribing

Louis Ling, Executive Director of the Medical Board of Examiners, Ivan Garlick, Regional Medical Director for Prison Health Services-Western Region, Mike Pavalakis, of the law firm of Alison McKenzie who represents Prison Health Services, and Joel Locke, also of Allison McKenzie, appeared for the discussion of telemedicine.

Mr. Pavalakis described how telemedicine is used in Nevada for inmate physical examinations in prisons. He advised the Board that the legal medical perspective is found in Chapter 630 and defines the practice of medicine as taking place where the patient is located, regardless of where the practitioner is located, and therefore can be performed electronically or through fiber optics. Mr. Pavalakis was advised that Nevada pharmacy law requires a bona fide patient/physician relationship and requires that the patient be physically examined within six months of dispensing medication.

Dr. Garlik is a well qualified licensed physician that works for Prison Health Services and he noted that he has found that telemedicine is an efficient way of treating inmates to ensure quality patient care. He described the prison setting and how medical units, or infirmaries, perform tasks to accomplish the examination. Telemedicine has the peripherals to examine ears, throat, listen to the chest, etc. He has a computer screen before him at the off-site location with all of the patient information to review. Dr. Garlik works with the APN or PA to do the inmate examination and noted that he has even

diagnosed chicken pox through telemedicine. There is always a doctor that he can refer an inmate to for abdominal issues or to check for a mass where he cannot physically touch the patient's abdomen. The APNs are there all the time and they know what is going on with the patients and can advise the off-site physician. After the examination, Dr. Garlic sends his orders and findings to the nurse so he/she has records in the prison. Chronic care patients are seen every three months to review their medical needs. Dr. Garlic sees patients with depression, seizure disorders and addiction issues in addition to the general service needs. If he prescribes, he enters the order into the computer and faxes it to the nurse. All controlled substance prescriptions are ordered via hard copy, and the prescription is filled and sent to the prison for the specific inmate.

Mr. Pavalakis noted that telemedicine is being practiced in Nevada, however the issue here is that Dr. Garlik is physically located in another state and needs approval to examine Nevada inmate patients.

Louis Ling gave the history of how the Pharmacy Board bona fide relationship regulations came about. They were crafted to curb illegal internet pharmacy practice and requiring a physical examination would prevent them from this practice. The legislature adopted statute requiring the six month physical examination in both the 2001 and 2003 sessions. Mr. Ling suggested that the Board of Pharmacy allow for this practice through regulation – that the six month physical examination not be required for persons in correctional facilities.

The Board directed staff to write regulations to allow this practice in correctional facilities only.

C. Advertising Practices

Board staff has had concerns raised by pharmacists regarding their company requiring them to provide advertisements to patients. For example when a label set is printed for Flonase, the patient information includes an advertisement for a competitive drug, perhaps Nasonex, and it is stuffed into the patients bag along with the usual drug information sheet. It can be confusing for the patient or they may call their doctor and ask them to change their prescription and it may not be in the patient's best interest.

Coupons for drugs is another issue that has been brought to Board staff's attention. Patients transfer their prescriptions around every month from pharmacy to pharmacy to utilize these coupons. This activity then circumvents one of pharmacy's primary rolls, that being drug utilization review, checking for drug interactions and the like. It could become a potential for error.

The Board discussed these issues and directed Board staff to contact Massachusetts and New Jersey that may have laws in place regulating these practices. It was noted that the Board needs to be careful not to violate freedom of advertising rights. Chad Luebke indicated that he has concerns about patient safety with these practices and also allowed that patients will do most anything to save money.

9. General Counsel Report

Carolyn Cramer advised the Board that she sent a letter to pharmacies to correct a problem that was brought to her attention. A doctor requested a Task Force report to check his own written prescriptions. He found that pharmacies had selected his name to use for 206 prescriptions for people that were not his patients. Ms. Cramer advised in her letter that the pharmacies need to correct their computer records to reflect the correct physician for the specific prescriptions she identified.

Keith Macdonald wanted to know what pharmacist is going to tell the doctors to identify themselves on the list of doctors on the prescription form or the prescription written by a doctor in an ER.

10. Executive Secretary Report:

- A. Financial Report
- B. Investment Report

Larry Pinson gave the financial and investment reports to the Board's satisfaction.

- C. Temporary Licenses
 - 1. McKesson & H1N1 Vaccine Distribution

Mr. Pinson advised the Board that he granted a temporary license for several McKesson warehouse locations in advance of their application being approved so they could prepare for the H1N1 vaccine distribution to Nevada locations that will be giving the immunizations.

- D. Staff Activities
 - 1. Meetings

- a. NACDS Pharmacy & Tech Conference (August)

Mr. Pinson gave an overview of the NACDS meeting he attended in August.

- b. CE

He reported on various Nevada law CE's that he, Joe Depczynski and Ron Shockey had done and noted that he had two more scheduled before the pharmacist renewal deadline of October 31st, 2009.

- c. PT Advisory Committee (10/7)

Mr. Pinson advised that he had called another meeting of the PT Advisory Committee to be held on October 7th and he would bring forth any of their issues to the October Board meeting.

- d. CE Committee (10/8)

A CE Committee meeting will be held on October 8th.

- E. Report to Board
 - 1. Task Force Meeting (8/28)

Mr. Pinson gave a review of the Task Force meeting that was held on August 28th.

- 2. Illegal surgery center follow-up

Larry Pinson gave an update on illegal surgery and possession of dangerous drug activity in Hispanic convenience stores in the Las Vegas area. Mr. Pinson also noted that an anonymous person has contacted him with information on where several more

of these back room surgery centers and pharmacies are located. Metro is now in the loop.

3. ACPE site visit observer

President Fey has volunteered to represent the Board as an ACPE site observer.

F. Board Related News

1. California Nursing Board

Governor Schwarzenegger has replaced the entire California Nursing Board because they were not doing their job. It was taking them an average of three years to bring a complaint forward.

Mr. Pinson reported that the first meeting with Katie Johnson for her Your Success Rx report with Jose Rodriguez, and Cathi Ketterling/Professional Pharmacy went very well. Mr. Rodriguez and Ms. Ketterling appeared by telephone. He indicated that Ms. Ketterling had prepared policies and procedures for the pharmacy and Mr. Rodriguez had put procedures in place for a more efficiently run pharmacy.

G. Activities Report

WORKSHOP

11. **Proposed Regulation Amendment Workshop**

1. **Amendment of Nevada Administrative Code 453.550** Remove Buprenorphine from Schedule V

President Fey asked for public comment. There was no public comment and President Fey asked for a motion.

Board Action:

Motion: Keith Macdonald moved to move this regulation amendment to Public Hearing.

Second: David Chan

Action: Passed Unanimously

2. **Amendment of Nevada Administrative Code 453.530** Addition of Buprenorphine to Schedule III to Parallel Federal Law

President Fey asked for public comment. There was no public comment and President Fey asked for a motion.

Board Action:

Motion: Keith Macdonald moved to move this regulation amendment to Public Hearing.

Second: David Chan

Action: Passed Unanimously

3. **Amendment of Nevada Administrative Code 639.254** Add ICPT for acceptable in-service training for pharmaceutical technicians.

President Fey asked for public comment. There was no public comment and President Fey asked for a motion.

Board Action:

Motion: Mary Lau moved to move this regulation amendment to Public Hearing.

Second: Keith Macdonald

Action: Passed Unanimously

4. **Amendment of Nevada Administrative Code 639.220 Schedule of fees; penalty for late renewal; exemptions from certain fees.** Fee increase for pharmacists and pharmacist interns.

Leo Basch noted that he thought the fee increase for pharmacist interns should be \$40.00 rather than the proposed \$30.00 to keep it in line with pharmaceutical technician fees. Interns generally make more money than pharmaceutical technicians and would be more appropriate to keep the fees equal. Mr. Basch also noted that the increased fees needed to be reflected in both the application and the renewal application sections. The fee increase for pharmacists will be raised to \$180.00 for both the registration application fee and the renewal fee.

President Fey asked for public comment. There was no public comment and President Fey asked for a motion.

Board Action:

Motion: Leo Basch moved to move this regulation amendment to Public Hearing with the changes discussed.

Second: David Chan

Action: Passed Unanimously

5. **Amendment of Nevada Administrative Code 639.870 Certificate of registration: Application; fee; period of validity; appearance before Board; collaborating physician; late renewal.** Delete consultant pharmacist requirement for Advanced Practitioner of Nursing.

President Fey asked for public comment. There was no public comment and President Fey asked for a motion.

Board Action:

Motion: Leo Basch moved to move this regulation amendment to Public Hearing.

Second: Chad Luebke

Action: Passed Unanimously

6. **Amendment of Nevada Administrative Code 639.272 Requirements for registration certificate.** Delete consultant pharmacist requirement for physician assistant.

President Fey asked for public comment. There was no public comment and President Fey asked for a motion.

Board Action:

Motion: Leo Basch moved to move this regulation amendment to Public Hearing.

Second: Chad Luebke

Action: Passed Unanimously

7. **Amendment of Nevada Administrative Code AB213 Cancer Drug Donation Program.**

President Fey advised the Board that he wanted them to go through the language section by section and discuss each section individually. Carolyn Cramer referred to the bill, AB213, throughout the discussion to ensure the Board was clear why she wrote the language she presented. Leo Basch made specific suggestions for language changes and David Chan questioned liability to the pharmacist if they received an adulterated product and redispensed it. Larry Pinson referenced our adulterated Serostim case and noted that the pharmacist was not held responsible. If anyone should have been held responsible it would be the wholesaler.

President Fey opened the Workshop to the public for comment.

Liz Macmenamin, representing RAN, noted that this program needs to be voluntarily and liability free for pharmacies and pharmacists that participate in the program.

Tom McCoy, representing the American Cancer Society, described the objective of AB213. He noted that the intent was to provide drugs to uninsured and under insured cancer patients. They wanted to allow cancer patient's care givers to register them into the program on their behalf. Mr. McCoy indicated that programs of this nature generally start slowly as evidenced in other states with similar programs. He noted that the program needs to be publicized so the public is aware the program is available.

President Fey closed the Workshop to the public and asked for a motion to give Board staff direction.

Board Action:

Motion: Mary Lau moved to make changes as discussed and re-Workshop.

Second: Leo Basch

Action: Passed Unanimously

8. **Amendment of Nevada Administrative Code SB197** Regulations for reissued drugs by nonprofit pharmacies.

The Board discussed the proposed language and directed Board staff to get input from HAWC, FISH and the Salvation Army before going further with these regulations.

Board Action:

Motion: Keith Macdonald moved to bring back to Workshop after Board staff has discussions with HAWC, FISH and the Salvation Army for their input.

Second: Mary Lau

Action: Passed Unanimously

PUBLIC HEARING

12. Notice of Intent to Act Upon a Regulation:

1. **Amendment of Nevada Administrative Code 453.530 Amendment of Schedule III.** This language removes references to over the counter products containing ephedrine, pseudoephedrine or phenylpropanolamine, their optical isomers, salts and salts of optical isomers. Also, some spelling corrections were made.

President Fey opened the Public Hearing for comment.

There was no public comment and President Fey asked for a motion.

Board Action:

Motion: Mary Lau moved to adopt NAC 453.530 as presented.

Second: Leo Basch

Action: Passed Unanimously

2. **Amendment of Nevada Administrative Code 639.6934 "Life Sustaining Equipment" defined.** This amendment removes the term "oxygen concentrator" from the definition of life sustain equipment to correct the existing language.

This regulation was adopted as a temporary regulation on April 27, 2009 during the legislative session.

President Fey opened the Public hearing for comment.

There was no public comment and President Fey asked for a motion.

Board Action:

Motion: Leo Basch moved to permanently adopt NAC 639.6934 as presented.

Second: Chad Luebke

Action: Passed Unanimously

3. **Amendment of Nevada Administrative Code 639.254 Initial and biennial in-service training of pharmaceuticals working in or for a pharmacy; substitution of continuing education for in-service training.** This regulation amendment requires pharmaceutical technicians to obtain one hour of Nevada law by attending a program approved or presented by the Board that relates to the practice of pharmacy.

This regulation was adopted as a temporary regulation on April 27, 2009 during the legislative session.

President Fey opened the Public hearing for comment.

There was no public comment and President Fey asked for a motion.

Board Action:

Motion: David Chan moved to permanently adopt NAC 639.254 as presented.

Second: Chad Luebke

Action: Passed Unanimously

4. **Amendment of Nevada Administrative Code 639.528 Preparation and storage of food in prescription of pharmacy.** This regulation amendment prohibits food to be stored in a refrigerator that is used to store medicine in the pharmacy.

President Fey opened the Public hearing for comment.

There was no public comment and President Fey asked for a motion.

Board Action:

Motion: Keith Macdonald moved to adopt NAC 639.528 as presented.

Second: Leo Basch

Action: Passed Unanimously

5. **Amendment of Nevada Administrative Code 639.694 MDEG Administrator required.** This regulation amendment clarifies the existing language and specifies the requirements for MDEG provider administrators. MDEG provider applicants will know in advance of a Board appearance if their administrators qualify to participate in that capacity.

The Board discussed the language returned from LCB and questioned Board staff how they would verify a foreign high school education or the required 1500 hours of work experience. It was suggested to change the word "verified" to "verifiable" and it would clarify to the applicant that the documents provided to Board staff would need to be verifiable so Board staff could check to ensure the MDEG Administrator meets the required qualifications. The Board also discussed procedures for when a change in MDEG Administrator occurs. They want assurance that the new administrator is qualified. Board staff was directed to make changes and bring this regulation back to Workshop as there would be substantial changes.

President Fey opened the Public Hearing for comment.

There was no public comment and President Fey asked for a motion.

Board Action:

Motion: Leo Basch moved to amend NAC 639.694 as discussed and re-Workshop since there are substantial changes.

Second: Kam Gandhi

Action: Passed Unanimously

6. Amendment of Nevada Administrative Code 639.707 Counseling.

Changing the language in this regulation will allow the pharmacist to use his or her professional judgment in the depth of counseling a patient.

Leo Basch noted that he would like to see the wording "without limitation" at the end of the first paragraph in section 4 to be consistent with section 2 so it reads: "The pharmacist or intern pharmacist shall review a patient's record before dispensing a prescription to determine its therapeutic appropriateness *and, in making that determination, may consider without limitation.*"

President Fey opened the Public Hearing for comment.

Liz Macmenamin, representing RAN, appeared and was sworn by President Fey prior to answering questions or offering testimony.

Ms. Macmenamin wanted clarification on the warning labels referenced in section 4.

President Fey closed the Public Hearing.

Keith Macdonald noted that the lists of things that a pharmacist must counsel is unrealistic. One example specifically would be section 4(b), which reads, "Underutilization of the drug and therapeutic ineffectiveness." Mr. Macdonald stated that underutilization is nothing that can be verified and asked the Board to consider removing the words "and therapeutic ineffectiveness" from the language.

Board Action:

Motion: Keith Macdonald moved to adopt the language to NAC 639.707 with the suggested minor changes.

Second: Leo Basch

Action: Passed Unanimously

13. Next Board Meeting:

October 14-15, 2009 – Las Vegas

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

Mary Lau asked Mary Staples about how NACDS stands on the coupon issue. Ms. Staples stated that she would research the issue and report back to the Board.

Liz Macmenamin asked if there might be five pharmacists they could recommend that would consider volunteering their time to help law enforcement identify returned drugs. They will be doing a public service taking unused prescription drugs back rather than flushing them. Ms. Cramer said she would check with Larry Pinson to see if a fax broadcast could be sent to pharmacies providing he had all the information.

An out of state pharmacy student heard about the Your Success Rx program and asked if a pharmacy student could take the course. She was given Katie Johnson's information to contact her about that possibility.

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane – Reno, NV 89509 – (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 ☒ Ownership Change ☐ Name Change ☐ Location Change ☐

FACILITY INFORMATION

Facility Name: Arriva Medical LLC

Physical Address: 4252 NW 120th Avenue
(This must be a business address, we can not issue a license to a home address)

Mailing Address: 4252 NW 120th Avenue

City: Coral Springs State: FL Zip Code: 33065-7634

Telephone Number: 988-216-3576 Fax Number: 988-216-3577

E-mail: dwallace@arrivamedical.com Website: arrivamedical.com

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

Mon: 9a to 5p Tue: 9a to 5p Wed: 9a to 5p Thu: 9a to 5p
Fri: 9a to 5p Sat: — to — Sun: — to — Holidays: — to —

FACILITY ADMINISTRATOR INFORMATION

Name: David Wallace

Address: 701 NE Bradview Dr.

City: Boca Raton State: FL Zip Code: 33431

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

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

Board Use Only

Received AUG 26 2009 Check Number 2031 Amount 500.00

51575
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NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane – Reno, NV 89509 – (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 X Ownership Change _____ Name Change _____ Location Change _____

FACILITY INFORMATION

Facility Name: Bell Medical Services, Inc.

Physical Address: 120 Vanderburg Road Marlboro, NJ 07746
(This must be a business address, we can not issue a license to a home address)

Mailing Address: 120 Vanderburg Road, Marlboro

City: Marlboro State: NJ Zip Code: 07746

Telephone Number: 732-643-6100 Fax Number: 732-643-6998

E-mail: Mark@bellmed.com Website: www.bellmed.com

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: N/A to N/A Sun: N/A to N/A Holidays: N/A to N/A

FACILITY ADMINISTRATOR INFORMATION

Name: Mark Posen

Address: 120 Vanderburg Road

City: Marlboro State: NJ Zip Code: 07746

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"/> Diabetic Supplies | Other: <u>Medical/Surgical Supplies</u> |

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51906
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NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane – Reno, NV 89509 – (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 ☒ Ownership Change ☐ Name Change ☐ Location Change ☐

FACILITY INFORMATION

Facility Name: Mammoth Medical, Inc.

Physical Address: 10620 Scottsville Rd.
(This must be a business address, we can not issue a license to a home address)

Mailing Address: 10620 Scottsville Rd.

City: Glasgow State: KY Zip Code: 42141

Telephone Number: 270-646-3024 Fax Number: 270-646-2707

E-mail: rhalliburton@mammothmedical.com Website: N/A

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

Mon: 7:30 to 4:30 Tue: 7:30 to 4:30 Wed: 7:30 to 4:30 Thu: 7:30 to 4:30
Fri: 7:30 to 4:30 Sat: closed Sun: closed to Holidays: closed to

FACILITY ADMINISTRATOR INFORMATION

Name: Joel Shirley

Address: 10620 Scottsville Rd

City: Glasgow State: KY Zip Code: 42141

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: bandages

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NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane – Reno, NV 89509 – (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 X Ownership Change _____ Name Change _____ Location Change _____

FACILITY INFORMATION

Facility Name: OMNICARE DISTRIBUTION CENTER

Physical Address: 302 S. BYRNE RD
(This must be a business address, we can not issue a license to a home address)

Mailing Address: 302 S. BYRNE RD

City: TOLEDO State: OH Zip Code: 43615

Telephone Number: 419-720-8200 Fax Number: 419-720-8202

E-mail: JOYCE.HOOD@OMNICAREDC.COM Website: N/A

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

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

Fri: 8:00 to 5:00 Sat: N/A to Sun: N/A to Holidays: N/A to

FACILITY ADMINISTRATOR INFORMATION

Name: CHERYL ALDRICH

Address: 302 S. BYRNE RD

City: TOLEDO State: OH Zip Code: 43615

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: IV SYRINGES

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574

NEVADA STATE BOARD OF PHARMACY

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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 X Ownership Change _____ Name Change _____ Location Change _____

FACILITY INFORMATION

Facility Name: Promed Medical, Inc

Physical Address: 2300 W. 2nd Ave # 2, Denver CO 802
(This must be a business address, we can not issue a license to a home address)

Mailing Address: 2300 W. 2nd Ave # 2

City: Denver State: CO Zip Code: 80223

Telephone Number: 303-742-4489 Fax Number: 303-742-4505

E-mail: LFellows@PromedMedical.com Website: Promedmedical.com

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: Laura Fellows

Address: 2300 W. 2nd Ave # 2

City: Denver State: CO Zip Code: 80223

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

- | | |
|--|---|
| <input type="checkbox"/> Medical Gases | <input type="checkbox"/> Assistive Equipment |
| <input 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"/> Diabetic Supplies | Other: <u>Medical Supplies and Disposal</u> |

Board Use Only

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51795
563

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane -- Reno, NV 89509 -- (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 ☒ Ownership Change ☐ Name Change ☐ Location Change ☐

FACILITY INFORMATION

Facility Name: Total Orthopedics, Inc.
Physical Address: 7325 S. Pierce St #203 Littleton CO. 80128
(This must be a business address, we can not issue a license to a home address)
Mailing Address: Same as above
City: Littleton State: CO Zip Code: 80128
Telephone Number: 303-932-10914 Fax Number: 303-932-1124
E-mail: jane@totalortho.net Website: _____

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

Mon: _____ to _____ Tue: _____ to _____ Wed: _____ to _____ Thu: _____ to _____
Fri: _____ to _____ Sat: _____ to _____ Sun: _____ to _____ Holidays: _____ to _____

FACILITY ADMINISTRATOR INFORMATION

Name: Total Orthopedics, Inc.
Address: 7325 S. Pierce St #203
City: Littleton State: CO Zip Code: 80128

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

- | | |
|--|---|
| <input type="checkbox"/> Medical Gases | <input type="checkbox"/> Assistive Equipment |
| <input 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"/> Diabetic Supplies | Other: <u>Braces</u> |

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Received SEP 21 2009 Check Number 492 Amount 500.00

51916
567



7325 S. Pierce Street
Suite #203
Littleton, Colorado 80128
303-932-6914
Fax 303-932-1124

SEP 17 2009

September 16, 2009

Dear Ms. Kramer:

This letter is in response to the "Cease and Desist Notification" Total Orthopedics, Inc. ("Total Ortho") received from your Department on August 28, 2009. As a result of this notification and several follow-up conversations with you, you requested that we provide you with a letter explaining our business model in Nevada, as well as our business relationship with DJO, LLC, which we have done, below. In addition, with this letter we are enclosing our completed MDEG Provider Application along with our check for \$500. We hope that this letter, along with our application, will serve to demonstrate our good faith effort to comply with your recent notification, and will put our company in good standing with the state of Nevada.

Total Ortho serves as an independent sales agent for DJO, LLC. Total Ortho employs a certified Athletic Trainer ("ATC") who, based upon a valid script from a physician licensed in the state of Nevada, works directly with the physician to ensure that the patient is provided with the orthotic product ("brace") ordered in a timely manner. The ATC, under physician supervision, also ensures that the patient receives the appropriate education on brace use, and that the brace fits the patient properly. In addition, the patient receives a Notice of Privacy Practice, a Patient Rights and Responsibilities document, and the Supplier Standards. (If you would like a copy of these documents, we would be happy to provide them to you.)

The brace ordering and fitting process works in the following manner:

- A Nevada physician prescribes a DJO brace for a patient and sends the script to Total Ortho;
- Total Ortho sends a copy of the order to the DJO, LLC billing department;
- The DJO, LLC billing department contacts the the patient's insurance company to verify the patient's benefits and coverage;
- A DJO billing representative then contacts the patient by phone to advise the patient of his or her insurance coverage and estimated coinsurance for the brace; if the patient agrees to purchase the brace, Total Ortho is advised and the Total Ortho ATC sets up an appointment with the patient in order to measure the patient for the brace;
- Once complete, the measurements are sent to DJO, LLC;



7325 S. Pierce Street
Suite #203
Littleton, Colorado 80128
303-932-6914
Fax 303-932-1124

- DJO, LLC, manufactures/orders the brace and ships it to the physician office, where it can be fitted on and provided to the patient, either directly by the physician or his or her staff, or by the Total Ortho ATC, upon the physician's request;
- All appropriate paperwork needed in support of billing is completed at the time of service and sent to DJO, LLC, either by the physician or his or her staff, or by the Total Ortho ATC, so that the brace can be billed to the patient's insurance company;
- All patient records are maintained by DJO, LLC, in full compliance with HIPAA.

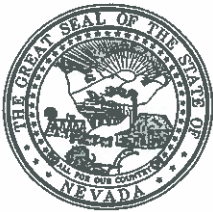
Please be advised that the care of the patient and the patient treatment protocol is determined entirely by the treating physician; the contact between the Total Ortho ATC and the patient is directed and supervised by the treating physician. Product liability insurance for all DJO products is held by DJO, LLC and covers all Nevada patients fitted with DJO products. If you would like a copy of DJO's product liability insurance policy, please let me know and I will obtain it for you.

DJO, LLC, founded and located in San Diego County since 1978, is a leading global provider of high-quality, orthopedic devices, with a broad range of products used for rehabilitation, pain management and physical therapy. The company is a licensed DMEPOS supplier accredited by the Accreditation Commission for Health Care ("ACHC") since 2007. Although they are headquartered in Vista, CA, the company employs and contracts with trained sales representatives across the United States. These individuals work closely with physician offices to ensure that their patients receive medically necessary orthotics and DME in a timely manner. It is in this way that Total Ortho serves as an independent sales agent for DJO, LLC in the state of Nevada. For more information about DJO, LLC, please feel free to access their website at www.djoglobal.com.

Total Ortho is committed to complying with all applicable rules and regulations for conducting business in your state, and we welcome any additional questions you may have regarding our business model. Please do not hesitate to contact me directly at 303-932-6914.

Sincerely,

Jim Martin



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

August 24, 2009

Ms. Ann Dovemuehler
Total Orthopedics, Inc.
7235 South Pierce Street
Littleton, CO 80128

CEASE AND DESIST NOTIFICATION


Dear Ms. Dovemuehler:

This office has received information that, if true, would constitute violations of this Board's regulations. In particular, we have been informed that you operate a medical products and supply company in Las Vegas, Nevada which appears to sell braces to physicians and patients. We do not know at this time whether you have been informing your medical customers that you need to be licensed as a medical products provider.

By this letter we are notifying you that if you are selling to patients or practitioners, such sales would require you to be licensed with this Board as a provider of medical devices. You must either: (1) immediately cease and desist all such sales and discontinue any business relationships with medical offices, practitioners or patients; or (2) apply to this office for a license. If you would like an application, please contact Candy, our licensing specialist, and she will assure you receive the correct application for your business.

You must inform us of which of the two above options you have chosen no later than September 21, 2009. If we do not hear from you by September 21, 2009, then we will begin such legal action as we deem necessary. If you have any questions about this letter, please call me.

Sincerely,


Larry L. Pinson, Pharm.D.
Executive Secretary

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: Medco-at Home, LLC d/b/a Medco Health Solutions of Long Beach

Physical Address: 300 Oceangate, Suite 450, Long Beach, CA 90802

Mailing Address: Same as above

City: _____

State: _____

Zip: _____

Telephone Number: 562-983-3261

Fax Number: 562-245-3598

Toll Free Number: 877-630-3223

E-mail address: virginia-rivas@medco.com

Managing Pharmacist: Virginia Rivas

License Number: 45529

Hours of Operation:

Monday thru Friday 8:30 am 5 pm

Saturday — am — pm

Sunday — am — pm

24 Hours —

DEA#: _____

NCPDP #: _____

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 AUG 24 2009 Check Number 306 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 X Ownership Change _____ Name Change _____ Location Change _____
(Please provide current license number if making changes: PH _____)

GENERAL INFORMATION

Pharmacy Name: Prescription Headquarters, Inc

Physical Address: 1340 Tully Road, suite 312 San Jose CA 95122

Mailing Address: SAME

City: _____ State: _____ Zip Code: _____

Telephone Number: 408-277-0160 Fax Number: 408-277-0434

Toll Free Number: 800-585-4298

E-mail: info@injuredrx.com Website: www.injuredrx.com

Managing Pharmacist: Sin Lan Tran License Number: 10914

Hours of Operation:

Monday thru Friday 8:30 am 6:00 pm Saturday 9:00 am 3:00 pm
Sunday 8 am 2 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: AUG 26 2009 Check Number: 807 Amount: 500.00

51535
1622

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: QPHARMA, INC. DBA QPHARMACY

Physical Address: 45 HORSEHILL ROAD, SUITE 103, CEDAR KNOLS, NV 87927

Mailing Address: 22 SOUTH STREET

City: MORRISTOWN State: NJ Zip Code: 07960

Telephone Number: 973.984.2550 Fax Number: 973.644.3302

Toll Free Number: 800.593.6910

E-mail: qpharmacy@qpharmacorp.com Website: (NOT APPLICABLE)

Managing Pharmacist: MERCEY H. SABA License Number: 28RI 01564300
(NJ)

Hours of Operation:

Monday thru Friday 9 am 4 pm (PLEASE SEE COVER LETTER) Saturday _____ am _____ pm
Sunday _____ 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: SEP 02 2009 Check Number: 729 Amount: 500-

51754
1631

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: RX Biotech Specialty Pharmacy
Physical Address: 8737 Beverly Blvd. #103 W. Hollywood, CA 90048
Mailing Address: 8737 Beverly Blvd #103 W. Hollywood, CA 90048
City: W. Hollywood State: CA Zip Code: 90048
Telephone Number: 800-6572212 Fax Number: 310 6570906
Toll Free Number: 8006572212
E-mail: info@rxbiotech.com Website: www.RxBiotech.com
Managing Pharmacist: Mark Bagheri License Number: 45786

Hours of Operation:

Monday thru Friday 9 am 5³⁰ pm
Saturday 0 am 0 pm
Sunday 0 am 0 pm
24 Hours 0

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 checked="" type="checkbox"/> Long Term Care |

Board Use Only

Received: 9-2-09 Check Number: 300 Amount: 500.00

51915
1661

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: McCully Snyder Pharmacy Inc dba The Snyder Center of Pain Pharmacology
Physical Address: 102 E. Highland Blvd
Mailing Address: 102 E. Highland Blvd
City: Inverness State: FL Zip Code: 34452
Telephone Number: 352-341-1212 Fax Number: 800-361-6869
Toll Free Number: 800-226-2023
E-mail: Sharon@snydercenter.com Website: www.snydercenter.com
Managing Pharmacist: William Scott Snyder License Number: PS16144 (Informational only)

Hours of Operation:

Monday thru Friday 8³⁰ am 4³⁰ pm Saturday closed am _____ pm
Sunday closed am _____ pm 24 Hours N/A

TYPE OF PHARMACY

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

SERVICES PROVIDED

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

Board Use Only

Received: 9-2-09 Check Number: 767 Amount: 500.00

51962
1664

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: Baxter Healthcare Corporation

Physical Address: 700 Vaughn Road

Mailing Address: One Baxter Parkway, DF5-3E, Deerfield, IL 60015

City: Dixon State: CA Zip Code: 95620

Telephone Number: 510-786-9744 Fax Number: 510-887-1388

E-mail: christopher_plescia@baxter.com

Facility Manager: Gerald (Dan) Evert

Professional qualifications and experience of facility manager: See Attached Resume

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 9-9-09 Check Number 238 Amount 500-

51860
891

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: Baxter Healthcare Corporation

Physical Address: 4551 E. Philadelphia St.

Mailing Address: One Baxter Parkway, DF5-3E, Deerfield, IL 60015

City: Ontario State: CA Zip Code: 91761

Telephone Number: 909-605-0900 Fax Number: 909-605-0958

E-mail: christopher_plescia@baxter.com

Facility Manager: Scott Wagner

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 9-9-09 Check Number 240 Amount 500-

51861
892

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: Baxter Healthcare Corporation

Physical Address: 8640 Nail Road, Suite 115

Mailing Address: One Baxter Parkway, DFS-3E, Deerfield, IL 60015

City: Olive Branch State: MS Zip Code: 38654

Telephone Number: 662-892-2760 Fax Number: 662-890-6834

E-mail: christopher_plescia@baxter.com

Facility Manager: Martha McPherson

Professional qualifications and experience of facility manager: See Attached Resume

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 9-9-09 Check Number 239 Amount 500-

51859
ran

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: Baxter Healthcare Corporation

Physical Address: 3595 Technology Drive

Mailing Address: One Baxter Parkway, DFS-3E, Deerfield, IL 60015

City: Salt Lake City State: UT Zip Code: 84119

Telephone Number: 801-972-1632 Fax Number: 801-975-7331

E-mail: christopher_plescia@baxter.com

Facility Manager: Zeke McGhie

Professional qualifications and experience of facility manager: See Attached Resume

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 9-9-09 Check Number 241 Amount 500-

5185
889

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

GENERAL INFORMATION

Facility Name: Core Pharma, LLC

Physical Address: 236 Lackland Drive

Mailing Address: 215 Wood Avenue

City: Middlesex State: NJ Zip Code: 08846

Telephone Number: 732-868-1090 Fax Number: 732-868-1091

Toll Free Number: N/A

E-mail: sean.beattie@corepharma.com Website: www.corepharma.com

Facility Manager: Donald Allen

Professional qualifications and experience of facility manager: see attached

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)
☐ Other: _____

Board Use Only

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

51605
882

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

GENERAL INFORMATION

Facility Name: Graceway Pharmaceuticals, LLC
Physical Address: 881 Mountain View Dr, Piney Flats, TN 37686
Mailing Address: 340 Martin Luther King Jr. Blvd. Suite 500
City: Bristol State: TN Zip Code: 37620
Telephone Number: 423-274-2100 Fax Number: 423-274-2159
Toll Free Number: _____
E-mail: _____ Website: www.gracewaypharma.c
Facility Manager: Herschel Blessing
Professional qualifications and experience of facility manager: see attached

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)
☐ Other: _____

Board Use Only

Received: AUG 26 2009 Check Number: 8019 Amount: 500.00

51534
881

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

GENERAL INFORMATION

Facility Name: KEYSOURCE MEDICAL, INC.

Physical Address: 7820 PALACE DRIVE

Mailing Address: SAME AS ABOVE

City: CINCINNATI State: OH Zip Code: 45249

Telephone Number: 513-469-7881 Fax Number: 513-469-7886

Toll Free Number: 800-842-5991

E-mail: DENGEL@KEYSOURCEMEDICAL.COM Website: WWW.KEYSOURCEMEDICAL.COM

Facility Manager: DENNIS ENGEL

Professional qualifications and experience of facility manager: SEE ATTACHED

Types of licensed outlets or authorized persons firm will serve:

☒ Pharmacies ☐ Practitioners ☒ Hospitals ☐ Wholesalers
☒ Other: HMO

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)
☐ Other: _____

Board Use Only

Received: SEP 24 2009 Check Number: 621 Amount: 500.00

V.A.W.D

51961
898

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: LONE DRUG STORES CALIFORNIA, LLC

Physical Address: 2400 KEYSTONE PACIFIC PKWY, PATTERSON, CA 953

Mailing Address: ONE CVS DR, MAIL DROP # 23062A

City: WOONSOCKET State: RI Zip Code: 02895

Telephone Number: 209-895-7900 Fax Number: _____

E-mail: _____

Facility Manager: RICHARD T. HOFFMAN

Professional qualifications and experience of facility manager: SEE ATTACHED

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 SEP 16 2009 Check Number 404 Amount 500-

WH01571

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

GENERAL INFORMATION

Facility Name: McKesson Medical-Surgical Minnesota Supply Inc.

Physical Address: 4255 Patriot Drive, Grapevine, TX 76051

Mailing Address: same as above

City: Grapevine State: TX Zip Code: 76051

Telephone Number: Pending Fax Number: Pending

Toll Free Number: _____

E-mail: ron.pennington@mcckesson.com Website: www.mckesson.com

Facility Manager: Ron Pennington

Professional qualifications and experience of facility manager: 28 years pharmaceutical supply experience

Types of licensed outlets or authorized persons firm will serve:

☐ Pharmacies ☐ Practitioners ☒ Hospitals ☐ Wholesalers
☒ Other: Clinics, Immunization Centers, Providers

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)
☐ Other: _____

Board Use Only

Received: AUG 24 2009 Check Number: 460 Amount: 500.00

51516

WH01572

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

GENERAL INFORMATION

Facility Name: McKesson Medical-Surgical Minnesota Supply Inc

Physical Address: 3505 Urbancrest Industrial Dr

Mailing Address: Same

City: Grove City State: OH Zip Code: 43123

Telephone Number: pending Fax Number: pending

Toll Free Number: pending

E-mail: KRISTA.CARTER@mcckesson.com Website: http://www.mckesson.com

Facility Manager: KRISTA CARTER

Professional qualifications and experience of facility manager: Over 8 years
management experience w/ McKesson

Types of licensed outlets or authorized persons firm will serve:

☐ Pharmacies ☒ Practitioners ☒ Hospitals ☐ Wholesalers
☒ Other: clinics, inoculation centers

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)
☐ Other: _____

Board Use Only

Received: AUG 24 2009 Check Number: 459 Amount: 500.00

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

GENERAL INFORMATION

Facility Name: Q PHARMA, INC

Physical Address: 45 HORSEHILL ROAD, Suite 103, CEDAR Knolls, NJ 07921

Mailing Address: 22 South STREET

City: MORRISTOWN State: NJ Zip Code: 07960

Telephone Number: (973) 656-0011 Fax Number: (973) 656-0408

Toll Free Number: _____

E-mail: ERIC.SAHARIG@qpharmacorp.com Website: www.QPharmacorp.com

Facility Manager: Jeffrey Volyn

Professional qualifications and experience of facility manager: SEE ATTACHED

Types of licensed outlets or authorized persons firm will serve:

☐ Pharmacies ☒ Practitioners ☐ Hospitals ☐ Wholesalers
☒ Other: Sales REPRESENTATIVES

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)
☐ Other: _____

Board Use Only

Received: SEP 16 2009 Check Number: 763 Amount: 500.00

51905
893

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: Webster Veterinary Supply, Inc.

Physical Address: 802 ~ 134th Street SW, Suite 100, Everett, WA 98204

Mailing Address: Patterson Companies, Inc., Attn: Theresa Franz-Scurr, Compliance Coordinator, 1031 Mendota Heights Road

City: St. Paul State: MN Zip Code: 55120

Telephone Number: 425-787-1617 Fax Number: 425-787-1618

E-mail: Lisa.Greve@webstervet.com

Facility Manager: Craig T. Coughlin

Professional qualifications and experience of facility manager: Refer to resume title Craig T. Coughlin.

Types of licensed outlets or authorized persons firm will serve:

☐ Pharmacies ☒ Practitioners ☐ Hospitals ☒ Wholesalers
☒ Other Vet: Veterinary Clinics, Veterinary hospitals, Research facilities and Universities.

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 Human OTC

Board Use Only

Received SEP 29 2009 Check Number 479 Amount 500.00

51995
900

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: Air Liquide Healthcare America Corporation

Physical Address: 585 W. Sunset Road, Henderson NV 89011
(This must be a business address, we can not issue a license to a home address)

Mailing Address: Quality & Regulatory Affairs, P.O. Box 460229

City: Houston State: TX Zip Code: 77056

Telephone Number: 713 896-2274 Fax Number: 713 896-2841

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

Mon: 8 to 4 Tue: 8 to 4 Wed: 8 to 4 Thu: 8 to 4

Fri: 8 to 4 Sat: to Sun: to Holidays: to

FACILITY ADMINISTRATOR INFORMATION

Name: Larry Bearden

Address: 585 W. Sunset Road

City: Henderson State: NV Zip Code: 89011

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

<input checked="" type="checkbox"/> Medical Gases	<input type="checkbox"/> Assistive Equipment
<input 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 SEP 24 2009 Check Number 695 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 X Ownership Change _____ Name Change _____ Location Change _____
Please provide current license number if making changes: _____

FACILITY INFORMATION

Facility Name: Nevada Orthotics & Prosthetics
Physical Address: 7331 W. Charleston Blvd. Suite 160. Las Vegas, NV. 8
(This must be a business address, we can not issue a license to a home address)
Mailing Address: 7331 W. Charleston Blvd. Suite 160.
City: Las Vegas State: NV Zip Code: 89117
Telephone Number: 702-233-5500 Fax Number: 702-233-2131
E-mail: Stollsteimercpo@aol.com Website: _____

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: closed to Sun: closed to Holidays: closed to

FACILITY ADMINISTRATOR INFORMATION

Name: David Stollsteimer
Address: 6368 Lauren Ashton Ave.
City: Las Vegas State: NV Zip Code: 89131

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

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

Board Use Only

Received SEP 21 2009 Check Number 9003 Amount 500.00

51977
571

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: **MP00361**

FACILITY INFORMATION

Facility Name: RecoverCare, LLC

Physical Address: 3170 Polaris, #8 & #44, Las Vegas, NV 89102

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

Mailing Address: 1920 Stanley Gault Pky STE 100

City: Louisville State: KY Zip Code: 40223

Telephone Number: 888-750-7828 Fax Number: 866-750-7828

E-mail: slannan@recovercare.com Website: www.recovercare.com

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

Mon: 8a to 12p Tue: 8a to 12p Wed: 8a to 12p Thu: 8a to 12p

Fri: 8a to 12p Sat: _____ to _____ Sun: _____ to _____ Holidays: _____ to _____

FACILITY ADMINISTRATOR INFORMATION

Name: Glenn Brown

Address: 6255 W. Tropicana Ave #494

City: Las Vegas State: NV Zip Code: 89103

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: durable medical equipment (See ATTACHED)

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SEP 29 2009

Check Number

255

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 X Ownership Change _____ Name Change _____ Location Change _____
Please provide current license number if making changes: _____

FACILITY INFORMATION

Facility Name: Vitaphone U.S.A., Corporation

Physical Address: 3720 W. Oquendo Road, Suite 101
(This must be a business address, we can not issue a license to a home address)

Mailing Address: Same as physical address

City: Las Vegas State: NV Zip Code: 89118-3198

Telephone Number: 702-994-8133 Fax Number: 702-798-0648

E-mail: dchristensen@vitaphoneus.com Website: N/A

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

Mon: 12Am to 11:59pm Tue: 12am to 11:59pm Wed: 12Am to 11:59pm Thu: 12Am to 11:59pm

Fri: 12am to 11:59pm Sat: 12am to 11:59pm Sun: 12am to 11:59pm Holidays: 12am to 11:59pm

FACILITY ADMINISTRATOR INFORMATION

Name: Joseph S. Anderson

Address: 3720 W. Oquendo Road, Suite 101

City: Las Vegas State: NV Zip Code: 89118-3198

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: Cardiac event monitoring equip

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SEP 24 2009

Check Number

6091

Amount

500.00

51964
572

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: Advanced Care Rx Pharmacy
Physical Address: 840 East Twain Avenue, Suite #21
Mailing Address: Same as above
City: Las Vegas State: NV Zip Code: 89169
Telephone Number: 702-595-6265 Fax Number: 702-597-2934
Toll Free Number: _____

E-mail: jerry@staffingnv.com Website: www.acrxpharmacy.com
Managing Pharmacist: Stuart Lindsey License Number: 11485

Hours of Operation:

Monday thru Friday 9 am 7 pm Saturday 10 am 4 pm
Sunday _____ am _____ pm 24 Hours _____

TYPE OF PHARMACY

SERVICES PROVIDED

- | | |
|---|--|
| <input checked="" type="checkbox"/> Retail (<u>compounding</u>) | <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 type="checkbox"/> Out of State | <input type="checkbox"/> Mail Service |
| <input type="checkbox"/> Ambulatory Surgery Center | <input type="checkbox"/> Long Term Care |

Board Use Only

Received: SEP 24 2009 Check Number: 440 Amount: 500.00

51974
11662

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

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

GENERAL INFORMATION

Pharmacy Name: Prime Pharmacy
Physical Address: 866 Seven Hills Dr #101 Henderson, NV. 89052
Mailing Address: 10001 S. Eastern Ave #105
City: Henderson State: NV Zip Code: 89052
Telephone Number: 702-269-1354 Fax Number: 702-269-1364
Toll Free Number: _____
E-mail: Rxman777@yahoo.com Website: _____
Managing Pharmacist: Hien Hoai Nguyen License Number: 12736

Hours of Operation:

Monday thru Friday 7³⁰ am 4 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

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Received: SEP 29 2009 Check Number: 434 Amount: 500.00

51997
1665

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

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

Application must be printed legibly

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

GENERAL INFORMATION

Pharmacy Name: Spring Valley Surgery Center, LLC (Henderson location)
Physical Address: 2705 W. Horizon Ridge Pkwy, Henderson NV, 89053
Mailing Address: 3835 S. Jones, # 103
City: Las Vegas State: NV Zip Code: 89103
Telephone Number: (702) 227-4440 Fax Number: (702) 227-4386
Toll Free Number: —
E-mail: — Website: —
Managing Pharmacist: Scott Silber License Number: # 08362

Hours of Operation:

Monday thru Friday 8:00am 6:00pm Saturday —am —pm
Sunday —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: SEP 24 2009 Check Number: 330 Amount: 500.00

51963
1663

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

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

GENERAL INFORMATION

Pharmacy Name: SURGERY CENTER OF SOUTHERN NEVADA II
Physical Address: 4275 S. BURNHAM AVE. STE 101, LAS VEGAS, NV 89101
Mailing Address: 2110 E. FLAMINGO RD STE 109
City: LAS VEGAS State: NV Zip: 89119
Telephone Number: 702-369-6784 Fax Number: 702-733-7269
Toll Free Number: _____ E-mail: _____
Managing Pharmacist: MARY R. GREAR License Number: 10687

Hours of Operation:

Monday thru Friday 6 am 5 pm Saturday _____ am _____ pm
Sunday _____ am _____ pm 24 Hours _____

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 checked="" type="checkbox"/> <u>ASC</u> | <input type="checkbox"/> Parenteral (outpatient) |
| <input type="checkbox"/> Nuclear | <input checked="" type="checkbox"/> Outpatient/Discharge |
| <input type="checkbox"/> Out of State | <input type="checkbox"/> Mail Service |
| <input type="checkbox"/> Internet | <input type="checkbox"/> Long Term Care |

Board Use Only

Received AUG 27 2009 Check Number 516 Amount 500.00

51606
1629

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

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New Pharmacy _____ Ownership Change _____ Name Change X Location Change _____
(Please provide current license number if making changes: PH 01833)

GENERAL INFORMATION

Pharmacy Name: CVS/pharmacy # 3948

Physical Address: 2878 Vista Blvd., Sparks, NV 89434

Mailing Address: Licensing Dept.-23062A, One CVS Dr.

City: Woonsocket State: RI Zip Code: 02895

Telephone Number: (775) 356-9700 Fax Number: (775) 356-9715

Toll Free Number: n/a

E-mail: n/a Website: n/a

Managing Pharmacist: Javet Petty License Number: 16670

Hours of Operation:

Monday thru Friday 8:00 am 9:00 pm

Saturday 9:00 am 6:00 pm

Sunday 10:00 am 6:00 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

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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

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New Pharmacy _____ Ownership Change _____ Name Change X Location Change _____
(Please provide current license number if making changes: PH023100)

GENERAL INFORMATION

Pharmacy Name: CVS/pharmacy # 7949

Physical Address: 75 Pringle Way, Reno, NV 89502

Mailing Address: Licensing Dept.-23062A, One CVS Dr.

City: Woonsocket State: RI Zip Code: 02895

Telephone Number: _____ Fax Number: _____

Toll Free Number: n/a

E-mail: n/a Website: n/a

Managing Pharmacist: Charlene Beck License Number: 6780

Hours of Operation:

Monday thru Friday 7:00 am 7:00 pm Saturday _____ am _____ pm
Sunday _____ 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: SEP 09 2009 Check Number: 9081 Amount: 500

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

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New Pharmacy _____ Ownership Change _____ Name Change X Location Change _____
(Please provide current license number if making changes: PH00506)

GENERAL INFORMATION

Pharmacy Name: CVS/pharmacy # 9168

Physical Address: 1119 California Ave, Reno, NV 89509

Mailing Address: Licensing Dept.-23062A, One CVS Dr.

City: Woonsocket State: RI Zip Code: 02895

Telephone Number: (775) 323-2761 Fax Number: (775) 323-4203

Toll Free Number: n/a

E-mail: n/a Website: n/a

Managing Pharmacist: Tae Sung Yi License Number: 11676

Hours of Operation:

Monday thru Friday 8:00 am 9:00 pm Saturday 9:00 am 6:00 pm
Sunday 10:00 am 6:00 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 type="checkbox"/> Out of State | <input type="checkbox"/> Mail Service |
| <input type="checkbox"/> Ambulatory Surgery Center | <input type="checkbox"/> Long Term Care |

Board Use Only

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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

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New Pharmacy _____ Ownership Change _____ Name Change X Location Change _____
(Please provide current license number if making changes: PH 00527)

GENERAL INFORMATION

Pharmacy Name: CVS/pharmacy # 9170

Physical Address: 2300 Oddie Blvd., Sparks, NV 89431

Mailing Address: Licensing Dept.-23062A, One CVS Dr.

City: Woonsocket State: RI Zip Code: 02895

Telephone Number: (775) 331-4405 Fax Number: (775) 331-4703

Toll Free Number: n/a

E-mail: n/a Website: n/a

Managing Pharmacist: Charles L. Moll License Number: 17171

Hours of Operation:

Monday thru Friday 8:00 am 9:00 pm Saturday 9:00 am 6:00 pm
Sunday 10:00 am 6:00 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: SEP 09 2009 Check Number: 9081 Amount: 500

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

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New Pharmacy _____ Ownership Change _____ Name Change X Location Change _____
(Please provide current license number if making changes: PH 00563)

GENERAL INFORMATION

Pharmacy Name: CVS/pharmacy # 9191

Physical Address: 5019 S McCarran Blvd., Reno, NV 89502

Mailing Address: Licensing Dept.-23062A, One CVS Dr.

City: Woonsocket State: RI Zip Code: 02895

Telephone Number: (775) 826-0818 Fax Number: (775) 826-2073

Toll Free Number: n/a

E-mail: n/a Website: n/a

Managing Pharmacist: David W. Anderson License Number: 8160

Hours of Operation:

Monday thru Friday 9:00 am 9:00 pm Saturday 9:00 am 6:00 pm
Sunday 10:00 am 6:00 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: SEP 09 2009 Check Number: 9081 Amount: 500-

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 X Location Change _____
(Please provide current license number if making changes: PH 01699)

GENERAL INFORMATION

Pharmacy Name: CVS/pharmacy # 9548
Physical Address: 2501 Athens Village Dr., Henderson, NV 89052
Mailing Address: Licensing Dept.-23062A, One CVS Dr.
City: Woonsocket State: RI Zip Code: 02895
Telephone Number: (702) 990-4610 Fax Number: (702) 990-4626
Toll Free Number: n/a
E-mail: n/a Website: n/a
Managing Pharmacist: Linda A. Cantara-Thrush License Number: 13792

Hours of Operation:

Monday thru Friday 9:00 am 8:00 pm Saturday 9:00 am 6:00 pm
Sunday 10:00 am 6:00 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

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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

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New Pharmacy _____ Ownership Change _____ Name Change X Location Change _____
(Please provide current license number if making changes: PH01821)

GENERAL INFORMATION

Pharmacy Name: CVS/pharmacy # 9586

Physical Address: 55 Damonte Ranch Pkwy., Reno, NV 89521

Mailing Address: Licensing Dept.-23062A, One CVS Dr.

City: Woonsocket State: RI Zip Code: 02895

Telephone Number: (775) 852-9300 Fax Number: (775) 852-9313

Toll Free Number: n/a

E-mail: n/a Website: n/a

Managing Pharmacist: Deisy A. Serrano License Number: 14845

Hours of Operation:

Monday thru Friday 9:00 am 9:00 pm

Saturday 9:00 am 6:00 pm

Sunday 10:00 am 6:00 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: SEP 08 2009 Check Number: 9081 Amount: 500

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

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New Pharmacy _____ Ownership Change _____ Name Change X Location Change _____
(Please provide current license number if making changes: PH01335)

GENERAL INFORMATION

Pharmacy Name: CVS/pharmacy # 9838

Physical Address: 5485 Sun Valley Blvd., Sun Valley, NV 89433

Mailing Address: Licensing Dept.-23062A, One CVS Dr.

City: Woonsocket State: RI Zip Code: 02895

Telephone Number: (775) 674-3516 Fax Number: (775) 676-6146

Toll Free Number: n/a

E-mail: n/a Website: n/a

Managing Pharmacist: Edward Samba Tambi License Number: 17269

Hours of Operation:

Monday thru Friday 9:00 am 9:00 pm Saturday 9:00 am 6:00 pm
Sunday 10:00 am 6:00 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

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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

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New Pharmacy _____ Ownership Change _____ Name Change X Location Change _____
(Please provide current license number if making changes: PH01336)

GENERAL INFORMATION

Pharmacy Name: CVS/pharmacy # 9840

Physical Address: 8005 S. Virginia St., Reno, NV 89511

Mailing Address: Licensing Dept.-23062A, One CVS Dr.

City: Woonsocket State: RI Zip Code: 02895

Telephone Number: (775) 853-7582 Fax Number: (775) 853-7583

Toll Free Number: n/a

E-mail: n/a Website: n/a

Managing Pharmacist: Abdi Nikoupour License Number: 16480

Hours of Operation:

Monday thru Friday 9:00 am 9:00 pm Saturday 9:00 am 6:00 pm
Sunday 10:00 am 6:00 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

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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

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New Pharmacy _____ Ownership Change _____ Name Change X Location Change _____
(Please provide current license number if making changes: PH01364)

GENERAL INFORMATION

Pharmacy Name: CVS/pharmacy # 9841

Physical Address: 1695 Robb Dr., Reno, NV 89523

Mailing Address: Licensing Dept.-23062A, One CVS Dr.

City: Woonsocket State: RI Zip Code: 02895

Telephone Number: (775) 746-5686 Fax Number: (775) 746-5689

Toll Free Number: n/a

E-mail: n/a Website: n/a

Managing Pharmacist: Nerissa A. Aguas License Number: 14977

Hours of Operation:

Monday thru Friday 9:00 am 9:00 pm Saturday 9:00 am 6:00 pm
Sunday 10:00 am 6:00 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: SEP 09 2009 Check Number: 9081 Amount: 500

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 X Location Change _____
(Please provide current license number if making changes: PH 01422)

GENERAL INFORMATION

Pharmacy Name: CVS/pharmacy # 9842

Physical Address: 1980 N. Carson St., Carson City, NV 89701

Mailing Address: Licensing Dept.-23062A, One CVS Dr.

City: Woonsocket State: RI Zip Code: 02895

Telephone Number: (775) 882-2591 Fax Number: (775) 882-2705

Toll Free Number: n/a

E-mail: n/a Website: n/a

Managing Pharmacist: Christopher LaPierre License Number: 17087

Hours of Operation:

Monday thru Friday 9:00 am 9:00 pm Saturday 9:00 am 6:00 pm
Sunday 10:00 am 6:00 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: SEP 09 2009 Check Number: 9081 Amount: 500-

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

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New Pharmacy _____ Ownership Change _____ Name Change X Location Change _____
(Please provide current license number if making changes: PH 01386)

GENERAL INFORMATION

Pharmacy Name: CVS/pharmacy # 9843

Physical Address: 461 W. Williams Ave, Fallon, NV 89406

Mailing Address: Licensing Dept.-23062A, One CVS Dr.

City: Woonsocket State: RI Zip Code: 02895

Telephone Number: (775) 867-3706 Fax Number: (775) 867-3747

Toll Free Number: n/a

E-mail: n/a Website: n/a

Managing Pharmacist: Martin Chibueze License Number: 17555

Hours of Operation:

Monday thru Friday 9:00 am 9:00 pm Saturday 9:00 am 6:00 pm
Sunday 10:00 am 6:00 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: SEP 09 2009 Check Number: 9081 Amount: 500-

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

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New Pharmacy _____ Ownership Change _____ Name Change X Location Change _____
(Please provide current license number if making changes: PH 01078)

GENERAL INFORMATION

Pharmacy Name: CVS/pharmacy # 9964

Physical Address: 170 Lemon Dr., Reno, NV 89506

Mailing Address: Licensing Dept.-23062A, One CVS Dr.

City: Woonsocket State: RI Zip Code: 02895

Telephone Number: (775) 677-4700 Fax Number: (775) 677-4758

Toll Free Number: n/a

E-mail: n/a Website: n/a

Managing Pharmacist: Jennifer Lynn Kelly License Number: 17527

Hours of Operation:

Monday thru Friday 8:00 am 10:00 pm Saturday 8:00 am 6:00 pm
Sunday 10:00 am 6:00 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: SEP 09 2009 Check Number: 9081 Amount: 500

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

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New Pharmacy _____ Ownership Change _____ Name Change X Location Change _____
(Please provide current license number if making changes: PH 01152)

GENERAL INFORMATION

Pharmacy Name: CVS/pharmacy # 9965

Physical Address: 9430 Del Webb Blvd., Las Vegas, NV 89134

Mailing Address: Licensing Dept.-23062A, One CVS Dr.

City: Woonsocket State: RI Zip Code: 02895

Telephone Number: (702) 255-2234 Fax Number: (702) 255-5854

Toll Free Number: n/a

E-mail: n/a Website: n/a

Managing Pharmacist: Neill Boris License Number: 7859

Hours of Operation:

Monday thru Friday 7:00 am 9:00 pm

Saturday 7:00 am 9:00 pm

Sunday 8:00 am 8:00 pm

24 Hours _____

TYPE OF PHARMACY

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

SERVICES PROVIDED

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

Board Use Only

Received: SEP 08 2009 Check Number: 9081 Amount: 500-

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 X Location Change _____
(Please provide current license number if making changes: PH01250)

GENERAL INFORMATION

Pharmacy Name: CVS/pharmacy # 9967

Physical Address: 1950 Village Center Circle, Las Vegas, NV 89134

Mailing Address: Licensing Dept.-23062A, One CVS Dr.

City: Woonsocket State: RI Zip Code: 02895

Telephone Number: (702) 363-4959 Fax Number: (702) 363-5623

Toll Free Number: n/a

E-mail: n/a Website: n/a

Managing Pharmacist: Krystal Tang License Number: B197

Hours of Operation:

Monday thru Friday 8:00 am 9:00 pm

Saturday 9:00 am 6:00 pm

Sunday 10:00 am 5:00 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: SEP 09 2009 Check Number: 9081 Amount: 500 -

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 X Location Change _____
(Please provide current license number if making changes: PH01164)

GENERAL INFORMATION

Pharmacy Name: CVS/pharmacy # 9974

Physical Address: 3360 S. McCarran Blvd., Reno, NV 89502

Mailing Address: Licensing Dept.-23062A, One CVS Dr.

City: Woonsocket State: RI Zip Code: 02895

Telephone Number: (775) 825-4600 Fax Number: (775) 825-3557

Toll Free Number: n/a

E-mail: n/a Website: n/a

Managing Pharmacist: David A. Kavae License Number: 8053

Hours of Operation:

Monday thru Friday 9:00 am 9:00 pm Saturday 9:00 am 6:00 pm
Sunday 10:00 am 6:00 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: SEP 08 2009 Check Number: 9081 Amount: 500 -

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 X Location Change _____
(Please provide current license number if making changes: PH 01300)

GENERAL INFORMATION

Pharmacy Name: CVS/pharmacy # 9981
Physical Address: 3240 US Hwy 50 E, Carson City, NV 89701
Mailing Address: Licensing Dept.-23062A, One CVS Dr.
City: Woonsocket State: RI Zip Code: 02895
Telephone Number: (775) 883-7022 Fax Number: (775) 883-1538
Toll Free Number: n/a
E-mail: n/a Website: n/a
Managing Pharmacist: NGOC - Dung VAN License Number: 17337

Hours of Operation:

Monday thru Friday 8:00 am 9:00 pm Saturday 9:00 am 6:00 pm
Sunday 10:00 am 6:00 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 type="checkbox"/> Out of State | <input type="checkbox"/> Mail Service |
| <input type="checkbox"/> Ambulatory Surgery Center | <input type="checkbox"/> Long Term Care |

Board Use Only

Received: SEP 09 2009 Check Number: 9081 Amount: 500-

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane – Reno, NV 89509 – (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 ☒ Ownership Change ☐ Name Change ☐ Location Change ☐

FACILITY INFORMATION

Facility Name: CAREFUSION CORPORATION

Physical Address: 5175 SOUTH ROYAL ATLANTA DR., TUCKER, GA 30084
(This must be a business address, we can not issue a license to a home address)

Mailing Address: 5175 SOUTH ROYAL ATLANTA DRIVE

City: TUCKER State: GA Zip Code: 30084

Telephone Number: 770-496-0952 Fax Number: 770-496-1218

E-mail: Cathy.mcgee@carefusion.com Website: www.carefusion.com

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: David Koplowski

Address: 5175 S. Royal Atlanta Drive

City: TUCKER State: GA Zip Code: 30084

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: Legend Medical Devices only

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Received

AUG 10 2009

Check Number

164

Amount

500.00

51282
552

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane – Reno, NV 89509 – (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 ☒ Ownership Change ☐ Name Change ☐ Location Change ☐

FACILITY INFORMATION

Facility Name: Choice Medical, Inc.

Physical Address: 314 Erin Dr. Suite 102, Knoxville TN 37919
(This must be a business address, we can not issue a license to a home address)

Mailing Address: 314 Erin Dr. Suite 102

City: Knoxville State: TN Zip Code: 37919

Telephone Number: 865-588-1643 Fax Number: 865-588-4355

E-mail: lhill@choicemedinc.com Website: choicemedinc.com

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

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

Fri: to Sat: to Sun: to Holidays: to

FACILITY ADMINISTRATOR INFORMATION

Name: Lorna Hill

Address: 314 Erin Dr. Suite 102

City: Knoxville State: TN Zip Code: 37919

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: Durable Medical Equipment

Board Use Only

Received AUG 10 2009 Check Number 940 Amount 500.00

51281
553

NEVADA STATE BOARD OF PHARMACY

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

APPLICATION FOR OUT-OF-STATE MDEG PROVIDER
CORPORATIONFEE: **\$500.00** (non-refundable and not transferable) - Application must be printed legibly

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

FACILITY INFORMATION

Facility Name: Eye Response Technologies, Inc.Physical Address: 310 E Main St #220 Charlottesville VA 22902
(This must be a business address, we can not issue a license to a home address)Mailing Address: Same - 310 E Main St #220City: Charlottesville State: VA Zip Code: 22902Telephone Number: (434) 296-3846 Fax Number: (434) 296-3890E-mail: lisa@eyeresponse.com Website: www.eyeresponse.com

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

EST: Mon: 9 to 5 Tue: 9 to 5 Wed: 9 to 5 Thu: 9 to 5
Fri: 9 to 5 Sat: closed Sun: closed Holidays: closed Federal holiday

FACILITY ADMINISTRATOR INFORMATION

Name: Christopher P. LankfordAddress: Same - Eye Response Technologies, Inc. 310 E Main St. #220City: Charlottesville State: VA Zip Code: 22902

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

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

- ☒ Assistive Equipment Speech Generating Device
☐ Parenteral and Enteral Equipment SGD Mount
☐ Orthotics and Prosthesis
Other:

Board Use Only

Received

Check Number

464

Amount

500.00

51284
550

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane – Reno, NV 89509 – (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 X Ownership Change _____ Name Change _____ Location Change _____

FACILITY INFORMATION

Facility Name: Hoveround Corporation

Physical Address: 2151 Whitfield Industrial Way, Sarasota, FL 34243-4047
(This must be a business address, we can not issue a license to a home address)

Mailing Address: 2151 Whitfield Industrial Way

City: Sarasota State: FL Zip Code: 34243-4047

Telephone Number: 941-739-6200 ext 2052 Fax Number: 800-337-0424

E-mail: DebSilvers@hoveround.com Website: www.hoveround.com

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

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

Fri: 8AM to 8PM Sat: 8AM to 1PM Sun: ** to ** Holidays: ** to **
** Emergency No. 800-964-6837

FACILITY ADMINISTRATOR INFORMATION

Name: Debra Silvers

Address: 2151 Whitfield Industrial Way

City: Sarasota State: FL Zip Code: 34243-4047

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

- | | |
|--|---|
| <input type="checkbox"/> Medical Gases | <input checked="" type="checkbox"/> Assistive Equipment |
| <input 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"/> Diabetic Supplies | Other: _____ |

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Received JUL 20 2009 Check Number 1088 Amount 500.00

51133
549

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane – Reno, NV 89509 – (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 X Ownership Change _____ Name Change _____ Location Change _____

FACILITY INFORMATION

Facility Name: Kinex Medical Company, LLC.

Physical Address: 1801 Airport Road, Suite D Waukesha, WI 53188
(This must be a business address, we can not issue a license to a home address)

Mailing Address: 1801 Airport Road, Suite D

City: Waukesha State: WI Zip Code: 53188

Telephone Number: 800-845-6364 Fax Number: 888-845-3342

E-mail: info@kinexmedical.com Website: www.kinexmedical.com

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: N/A to N/A Sun: N/A to N/A Holidays: N/A to N/A

FACILITY ADMINISTRATOR INFORMATION

Name: Michael Daane

Address: 1801 Airport Road, Suite D

City: Waukesha State: WI Zip Code: 53188

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 Gold/Compression/DVT M
- Other: TENS, Post of Bracing, Continuous Passive Motion

Board Use Only **AUG 10 2009**

Received _____ Check Number 561 Amount 500.00

51283
551

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane – Reno, NV 89509 – (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 ☒ Ownership Change ☐ Name Change ☐ Location Change ☐

FACILITY INFORMATION

Facility Name: Liberator Medical Supply Inc.

Physical Address: 4260 SE Federal Hwy, Stuart, FL 34997
(This must be a business address, we can not issue a license to a home address)

Mailing Address: PO Box 446

City: Stuart State: FL Zip Code: 34995

Telephone Number: 772-287-2414 Fax Number: 800-755-0843

E-mail: JLibrator@Liberatormedical.com Website: www.liberatormedical.com

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

Mon: 9 to 5 Tue: 9 to 5 Wed: 9 to 5 Thu: 9 to 5
Fri: 9 to 5 Sat: N/A to N/A Sun: N/A to N/A Holidays: N/A to N/A

FACILITY ADMINISTRATOR INFORMATION

Name: MARK LIBRATORE

Address: 2979 SE GRAN PARK WAY

City: STUART State: FL Zip Code: 34997

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: ostomy, urological, & mastectomy

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Received AUG 10 2009 Check Number vv Amount vv

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane – Reno, NV 89509 – (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 ☒ Ownership Change ☐ Name Change ☐ Location Change ☐

FACILITY INFORMATION

Facility Name: THRIFTY MEDICAL SUPPLY, INC.

Physical Address: 2139 DOOLITTLE DR., SAN LEANDRO, CA 94577
(This must be a business address, we can not issue a license to a home address)

Mailing Address: 2139 DOOLITTLE DR.,

City: SAN LEANDRO State: CA Zip Code: 94577

Telephone Number: 510-351-8444 Fax Number: 510-351-8445

E-mail: thrifftymed@yahoo.com Website:

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

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

Fri: 10 to 5 Sat: — to — Sun: — to — Holidays: — to —

FACILITY ADMINISTRATOR INFORMATION

Name: MURAD AMER

Address: 2139 DOOLITTLE DR

City: SAN LEANDRO State: CA Zip Code: 94577

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

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

Board Use Only

Received AUG 13 2009 Check Number 284 Amount 500.00

51417
557

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

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: Apex Community Pharmacy

Physical Address: 6065 Hillcroft st. ste 612

Mailing Address: 6065 Hillcroft st ste 612

City: Houston State: Texas Zip Code: 77081

Telephone Number: 800-314-6499 Fax Number: 713-988-3227

Toll Free Number: 800-314-6499

E-mail: aapexpharmacy@aol.com Website: www.aapexpharmacy.com

Managing Pharmacist: George M. Handal License Number: 18591

Hours of Operation:

Monday thru Friday 8 am 5 pm

Saturday 8 am 1 pm

Sunday _____ am 0 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: AUG 11 2009 Check Number: 295 Amount: 500-

51298
1603

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: Care Plus CVS/pharmacy #2801
Physical Address: 8607 Santa Monica Blvd., West Hollywood, CA 90069
Mailing Address: Licensing Dept - 230621, One CVS Dr
City: Woonsocket State: RI Zip Code: 02895
Telephone Number: (310) 659-9810 Fax Number: (800) 824-5170
Toll Free Number: (800) 300-1199
E-mail: _____ Website: _____
Managing Pharmacist: Tom Nguyen License Number: 58108

Hours of Operation:

Monday thru Friday 9:00 am 7:00 pm Saturday 10:00 am 3:00 pm
Sunday _____ 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: AUG 11 2009 Check Number: 149 Amount: 500-

51291
1604

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: Care Plus CVS/pharmacy # 2915
Physical Address: One WaterFront Plaza, 500 Ala Moana Blvd, Honolulu HI 968
Mailing Address: Licensing Dept - 230621, One CVS Dr
City: Woonsocket State: RI Zip Code: 02895
Telephone Number: (808) 254-2727 Fax Number: (808) 254-4445
Toll Free Number: (800) 896-1464
E-mail: _____ Website: _____
Managing Pharmacist: Fred Cruz License Number: PH 1517

Hours of Operation:

Monday thru Friday 8:00 am 6:00 pm Saturday _____ am _____ pm
Sunday _____ 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: AUG 11 2009 Check Number: 300 Amount: 500

51295
1606

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: Care Plus CVS/pharmacy #3129

Physical Address: 1002 East McDowell Rd., Phoenix, AZ 85006

Mailing Address: Licensing Dept - 230624, One CVS Dr.

City: Woonsocket State: RI Zip Code: 02895

Telephone Number: (602) 258-7051 Fax Number: (800) 258-9185

Toll Free Number: (800) 351-5552

E-mail: _____ Website: _____

Managing Pharmacist: Robert Rasa License Number: 10627

Hours of Operation:

Monday thru Friday 9:00 am 6:00 pm Saturday _____ am _____ pm

Sunday _____ 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: JUL 15 2009 Check Number: 148 Amount: 500.00

51042
1571

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: Covance Specialty Pharmacy
Physical Address: 500 Eagles Landing Drive, Suite A
Mailing Address: Same as above
City: Lakeland State: FL Zip Code: 33810
Telephone Number: 866-842-2147 Fax Number: 866-842-1509
Toll Free Number: 866-842-2147
E-mail: jfleischman@welldynrx.com Website: http://covance.welldynrx.com
Managing Pharmacist: Joseph Fleischman License Number: PS34181

Hours of Operation:

Monday thru Friday 8 am 5 pm Saturday On call 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: JUL 15 2009 Check Number: 216 Amount: 500.00

51031
1569

2

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 <input checked="" type="checkbox"/>	Ownership Change <input type="checkbox"/> Name Change <input type="checkbox"/> (Please provide current license number if making changes: PH _____)
--	---

GENERAL INFORMATION

Pharmacy Name: Longsam Health Services, LLC d/b/a Medicare Clinical Intervention
Physical Address: 4500 N. COOPER Oklahoma City
Mailing Address: Same as Above
City: Oklahoma City State: OK Zip: 73118
Telephone Number: 800-940-9963 Fax Number: 866-962-1782
Toll Free Number: 800-940-9963 E-mail address: no email (N/A)
Managing Pharmacist: Michelle Dupuy License Number: OK-11635
OK Pharmacy License - 1-5264
Hours of Operation:
Monday thru Friday 8:30 am 5:00 pm
Saturday _____ am _____ pm closed
Sunday _____ am _____ pm closed
24 Hours NA
DEA#: NA/NO DEA NCPDP #: NO NCPDP See attach
NP1 - 1578740817 Memo

TYPE OF PHARMACY

<input type="checkbox"/> Retail	<input type="checkbox"/> Off-site Cognitive Services
<input type="checkbox"/> Hospital (# beds _____)	<input type="checkbox"/> Parenteral
<input type="checkbox"/> Correctional (# inmates _____)	<input type="checkbox"/> Parenteral (outpatient)
<input type="checkbox"/> Nuclear	<input type="checkbox"/> Outpatient/Discharge
<input checked="" type="checkbox"/> Out of State	<input type="checkbox"/> Mail Service
<input type="checkbox"/> Internet	<input checked="" type="checkbox"/> Long Term Care <u>Consultative Pharmacy</u>

Board Use Only
Received <u>AUG 19 2009</u> Check Number <u>516</u> Amount <u>500.00</u>

51474
1617

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: One Stop Pharmacy Inc. LLC
Physical Address: 3193 Tech Drive Ste. B. Saint Petersburg FL 337
Mailing Address: SAME
City: Saint Petersburg State: Florida Zip Code: 33716
Telephone Number: 877-561-9080 Fax Number: 727-561-9215
Toll Free Number: 877-561-9080
E-mail: jrivera@onestoppharmacyinc.com Website: www.onestoppharmacyinc.com
Managing Pharmacist: Randy Breton License Number: _____

Hours of Operation:

Monday thru Friday 9 am 5 pm Saturday _____ am _____ pm
Sunday 8 am 8 pm 24 Hours 8

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: JUL 15 2009 Check Number: 952 Amount: 500.00

51030
1570

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: PVPL Pharmacy

Physical Address: 10077 S 134th Street

Mailing Address: _____

City: Omaha State: NE Zip Code: 68138

Telephone Number: (402) 829-5239 Fax Number: (402) 829-5343

Toll Free Number: 866-356-6214

Omaha.
E-mail: pharmacy@pvpl.com Website: —

Managing Pharmacist: Jennifer O'Grady License Number: 11562

Hours of Operation:

Monday thru Friday 9 am 5 pm Saturday — am — pm
Sunday — 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: AUG 11 2009 Check Number: 573 Amount: 500.00

51294
1607

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: EXPRESS MEDS RX, LLC d/b/a RELIANCE MEDS

Physical Address: 1860 BOY SCOUT DRIVE #201

Mailing Address: SAMESAS ABOVE

City: FT. MYERS State: FL Zip Code: 33907

Telephone Number: 239-274-0899 Fax Number: 239-274-0740

Toll Free Number: 1-800-511-9932

E-mail: mzonana@exmedsrx.com Website: N/A

Managing Pharmacist: CHRISTOPHER MILLER License Number: PS39548

Hours of Operation:

Monday thru Friday 8 am 5 pm Saturday N/A am N/A pm
Sunday N/A am N/A 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: AUG 19 2009 Check Number: 570 Amount: 500.00

51476
1619

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: LCPS Acquisition, LLC dba Southern Desert Pharmacy

Physical Address: 123 E. Merrill Ave Ste. 100 Prescott AZ 86301

Mailing Address: same

City: Prescott State: AZ Zip: 86301

Telephone Number: (928) 776-9939 Fax Number: (928) 776-1590

Toll Free Number: 888-212-9888 E-mail address: Kim.mcarthur@omnicare.com

Managing Pharmacist: Kimberly McArthur License Number: 12280 (AZ)

Hours of Operation:

Monday thru Friday 8:30 am 5:00 pm Saturday Closed am _____ pm

Sunday Closed am _____ pm 24 Hours MA

DEA#: BL8757253 NCPDP #: 0319372

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"/> Correctional (# inmates _____) | <input type="checkbox"/> Parenteral (outpatient) |
| <input type="checkbox"/> Nuclear | <input type="checkbox"/> Outpatient/Discharge |
| <input checked="" type="checkbox"/> Out of State | <input type="checkbox"/> Mail Service |
| <input type="checkbox"/> Internet | <input checked="" type="checkbox"/> Long Term Care |

Board Use Only

Received AUG 19 2009 Check Number 517 Amount 500.00

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: Tropical Pharmacy

Physical Address: 6289 W. Sunrise Blvd ste 118

Mailing Address: Same

City: Sunrise State: FL Zip: 33313

Telephone Number: 954-775-2707 Fax Number: 954-797-8638

Toll Free Number: 888-713-2214 E-mail address: _____

Managing Pharmacist: Doretha Robinson License Number: PS 18073

Hours of Operation:

Monday thru Friday 9 am 530 pm

Saturday _____ am _____ pm

Sunday _____ am _____ pm

24 Hours _____

DEA#: FT0854732

NCPDP #: _____

TYPE OF PHARMACY

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

SERVICES PROVIDED

- ☐ Nuclear
☐ Parenteral
☐ Parenteral (outpatient)
☐ Outpatient/Discharge
☒ Mail Service
☐ Long Term Care

Board Use Only

Received JUL 08 2009 Check Number 404 Amount 500.00

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: Abbott Laboratories Inc.

Physical Address: c/o Shipper's Warehouse
8901 Forney Road

Mailing Address: Abbott Laboratories Inc.
100 Abbott Park Rd

City: D-GS02 Bldg. AP5 Zip Code: _____
Abbott Park, IL 60064

Telephone Number: 847-935-9197 Fax Number: 847-937-1708

E-mail: denise.stollenwerk@abbott.com

Facility Manager: MAUREEN Bryson

Professional qualifications and experience of facility manager: MAUREEN HAS 3 YEARS
EXPERIENCE IN CUSTOMER SERVICE 10 YEARS EXPERIENCE IN DISTRIBUTION
OPERATIONS.

Types of licensed outlets or authorized persons firm will serve:

☐ Pharmacies ☐ Practitioners ☐ Hospitals ☒ Wholesalers
☒ Other VETERINARIANS, UNIVERSITIES.

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 AUG 13 2009 Check Number 603 Amount 500.00

51415
871

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: Ameridose, LLC

Physical Address: 205 Flanders Road, Westborough, MA 01581

Mailing Address: 50 Fountain Street

City: Framingham State: MA Zip Code: 01702

Telephone Number: (888)820-0622 Fax Number: (508)820-0644

E-mail: gconigliaro@ameridose.com

Facility Manager: Bryan M. O'Neill

Professional qualifications and experience of facility manager: Attachment "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) Attachment "B"
☐ Other _____

Board Use Only

Received AUG 10 2009 Check Number 729 Amount 500.00

51286
864

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

GENERAL INFORMATION

Facility Name: AXO GEN CORPORATION

Physical Address: 13859 PROGRESS BLVD SUITE 100

Mailing Address: 13859 PROGRESS BLVD SUITE 100

City: ALACHUA State: FL Zip Code: 32615

Telephone Number: 386-462-6800 Fax Number: 386-462-6803

Toll Free Number: _____

E-mail: mfriedman@axogeninc.com Website: axogeninc.com

Facility Manager: Mark Friedman, PH.D. Director of QA and RA

Professional qualifications and experience of facility manager: See Resume - Attached

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)
☐ Other: _____

Board Use Only

Received: AUG 11 2009 Check Number: 320 Amount: 500

Page 1 - 2009

319

135

51300
869

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: Cadista Pharmaceuticals, Inc.

Physical Address: 207 Kiley Dr. Salisbury, MD 21801

Mailing Address: 207 Kiley Dr.

City: Salisbury State: MD Zip Code: 21801

Telephone Number: 410-800-8500 Fax Number: 410-800-8719

E-mail: _____

Facility Manager: Ward Barney

Professional qualifications and experience of facility manager: Cadista Pharmaceuticals has been manufacturing/distributing generic pharmaceuticals since 8/7/90.

Types of licensed outlets or authorized persons firm will serve:

☐ Pharmacies ☐ Practitioners ☐ Hospitals ☒ Wholesalers
☒ Other Retail chains, mail order customers, 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 AUG 11 2009 Check Number 311 Amount 500-

313

45-

51301
BIB

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: DIAMOND PHARMACY SERVICES

Physical Address: 665 KOLTER DRIVE

Mailing Address: 665 KOLTER DRIVE

City: INDIANA State: PA Zip Code: 15701

Telephone Number: 724-349-1111 Fax Number: 724-349-2604

E-mail: mzilner@diamondpharmacy.com

Facility Manager: MARK J. ZILNER, R.Ph.

Professional qualifications and experience of facility manager: MARK IS A
REGISTERED PHARMACIST AS WELL AS DIRECTOR OF
OPERATIONS - SEE ATTACHED PAGE

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 AUG 06 2009 Check Number 525 Amount 500.00
524 135
51288 862

NEVADA STATE BOARD OF PHARMACY
555 Double Eagle Court #1100 • Reno, NV 89521 • (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: DUSA Pharmaceuticals, Inc.

Physical Address: 25 Upton Drive, Wilmington MA 01887

Mailing Address: DUSA Pharmaceuticals, Inc., 25 Upton Drive

City: Wilmington State: MA Zip Code: 01887

Telephone Number: 978 657 7500 Fax Number: 978-988-7713

E-mail: lundahls@dusapharma.com

Facility Manager: Scott Lundahl

Professional qualifications and experience of facility manager: See Attached

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)
☐ Other _____

Board Use Only

Received

JUL 08 2009

Check Number

534

Amount

500.00

276

315

50874

858

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: Far west Returns, Inc

Physical Address: 124 Valley Ridge Dr

Mailing Address: same

City: Paradise State: CA Zip Code: 95969

Telephone Number: 530-872-1758 Fax Number: 530-872-1588

E-mail: FWR@SBCGLOBAL.NET

Facility Manager: Mike Schulte

Professional qualifications and experience of facility manager: Reverse Distributor
since 1995.

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 AUG 13 2009 Check Number 658 Amount 500.00
6060 45-
51416 87

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

GENERAL INFORMATION

Facility Name: HealthFirst Corporation

Physical Address: 22316 70th Ave W Unit A, Mountlake Terrace, WA 98043

Mailing Address: same

City: Mountlake Terrace State: WA Zip Code: 98043

Telephone Number: 425-771-5733 Fax Number: 425-775-2374

Toll Free Number: 1-800-331-1984

E-mail: licensing@healthfirst.com Website: www.healthfirst.com

Facility Manager: Ruth Christopher

Professional qualifications and experience of facility manager: 28 years as the CFO & Designated Representative of HealthFirst Corporation

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)
☐ Other: _____

Board Use Only

Received: AUG 11 2009 Check Number: 232 Amount: 500-

231

45

51302 867

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

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

GENERAL INFORMATION

Facility Name: Just Packaging Inc.

Physical Address: 450 Oak Tree Ave.

Mailing Address: 450 Oak Tree Ave.

City: So. Plainfield State: N.J. Zip Code: 07080

Telephone Number: 908 753 6700 Fax Number: 908 753 6709

Toll Free Number: _____

E-mail: Dorevedo@Justpackaging.com Website: www.justpackaging.com

Facility Manager: Stephen Fischbein

Professional qualifications and experience of facility manager: _____

See attached resume

Types of licensed outlets or authorized persons firm will serve:

☐ Pharmacies ☐ Practitioners ☐ Hospitals ☐ Wholesalers

☒ Other: Dentists

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)

☒ Other: Flour-a-day

Board Use Only

Received: 'AUG 10 2009 Check Number: 274 Amount: 500.00

315

45-

51287

863

NEVADA STATE BOARD OF PHARMACY
555 Double Eagle Court #1100 • Reno, NV 89521 • (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: Lannett Company Inc

Physical Address: 9001 Torresdale Ave

Mailing Address: 9000 State Road

City: Philadelphia State: PA Zip Code: 19136

Telephone Number: 215 333 9000 Fax Number: 267 350 0069

E-mail: info@lannett.com

Facility Manager: William Schreck

Professional qualifications and experience of facility manager: see attached

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 AUG 10 2009 Check Number 161 Amount 500.00

83

45

51285
R125

WH01569

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

GENERAL INFORMATION

Facility Name: McKesson Specialty Distribution LLC

Physical Address: 4235 Thunderbird Lane

Mailing Address: Same

City: Fairfield State: OH Zip Code: 45014

Telephone Number: Pending Fax Number: Pending

Toll Free Number: _____

E-mail: _____ Website: mscs.mckesson.com

Facility Manager: Kevin Meunier

Professional qualifications and experience of facility manager: See attached

Types of licensed outlets or authorized persons firm will serve:

☐ Pharmacies ☒ Practitioners ☒ Hospitals ☐ Wholesalers
☒ Other: clinics, inoculation centers

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)
☒ Other: Vaccines

Board Use Only

Received: AUG 18 2009 Check Number: 7024 Amount: 500.00

WH0156

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

GENERAL INFORMATION

Facility Name: McKesson Specialty Distribution LLC

Physical Address: 4100 Quest Way, Suite B

Mailing Address: Same

City: Memphis State: TN Zip Code: 38115

Telephone Number: Pending Fax Number: Pending

Toll Free Number: _____

E-mail: _____ Website: mscs.mckesson.com

Facility Manager: Nathan Chapman

Professional qualifications and experience of facility manager: see attached

Types of licensed outlets or authorized persons firm will serve:

☐ Pharmacies ☒ Practitioners ☒ Hospitals ☐ Wholesalers
☒ Other: Clinics, Innoculation Centers

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)
☒ Other: Vaccines

Board Use Only

Received: AUG 18 2009 Check Number: 721 Amount: 500.00

W40568

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

GENERAL INFORMATION

Facility Name: McKesson Specialty Distribution LLC

Physical Address: 1005 Satellite Blvd. #20

Mailing Address: Same

City: Suwanee State: GA Zip Code: 30024

Telephone Number: Pending Fax Number: Pending

Toll Free Number: _____

E-mail: _____ Website: mscs.mckesson.com

Facility Manager: Mark Denman

Professional qualifications and experience of facility manager: see attached

Types of licensed outlets or authorized persons firm will serve:

☐ Pharmacies ☒ Practitioners ☒ Hospitals ☐ Wholesalers
☒ Other: Clinics, Immunization Centers

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)
☒ Other: Vaccines

Board Use Only

Received: AUG 18 2009 Check Number: 723 Amount: 500.00

WH015

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

GENERAL INFORMATION

Facility Name: McKesson Specialty Distribution LLC

Physical Address: 1740-1750 Enterprise Blvd.

Mailing Address: Same

City: West Sacramento State: CA Zip Code: 95691

Telephone Number: Pending Fax Number: Pending

Toll Free Number: _____

E-mail: _____ Website: mscs.mckesson.com

Facility Manager: Brent Wunderlich

Professional qualifications and experience of facility manager: see attached

Types of licensed outlets or authorized persons firm will serve:

☐ Pharmacies ☒ Practitioners ☒ Hospitals ☐ Wholesalers
☒ Other: Clinics, Innoculation Centers

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)
☒ Other: Vaccines

Board Use Only

Received: AUG 18 2009 Check Number: 722 Amount: 500.00

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: Xttrium Laboratories, Inc.

Physical Address: 415 West Pershing Road, Chicago, IL 60609

Mailing Address: State License Servicing, 8 Eagles Watch

City: Warwick State: NY Zip Code: 10990

Telephone Number: (845) 544-2482 Fax Number: (845) 544-2481

E-mail: SLS2@me.com

Facility Manager: Kevin S. Creevy

Professional qualifications and experience of facility manager: Please see attached resume

Types of licensed outlets or authorized persons firm will serve:

☒ Pharmacies ☐ Practitioners ☒ Hospitals ☒ Wholesalers
☒ Other Medical Supply Chains

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 OTC

Board Use Only

Received AUG 13 2009 Check Number 50039 Amount 500.00

41

45-

51414 870

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: AmPro Orthotics & Prosthetics Inc
Physical Address: 7200 Cathedral Rock Road suite 200
(This must be a business address, we can not issue a license to a home address) Las Vegas NV 89116
Mailing Address: 2100 S. Eastern Ave
City: Las Vegas State: NV Zip Code: 89104
Telephone Number: 702 457 3200 Fax Number: 702 457-0908
E-mail: _____ Website: _____

DAYS AND HOURS THAT THE FACILITY WILL BE REGULARLY OPERATING

Mon: 9 to 5 Tue: on call Wed: 9 to 5 Thu: on call
Fri: 9 to 5 Sat: on call Sun: on call Holidays: on call

FACILITY ADMINISTRATOR INFORMATION

Name: Karen Wilkins-Jarvis SS#: _____
Address: 2100 S Eastern Ave
City: Las Vegas State: NV Zip Code: 89104

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

- | | |
|--|---|
| <input type="checkbox"/> Medical Gases | <input type="checkbox"/> Assistive Equipment |
| <input type="checkbox"/> Respiratory Equipment | <input type="checkbox"/> Parenteral and Enteral Equipment |
| <input type="checkbox"/> Life-sustaining equipment | <input checked="" type="checkbox"/> Orthotics and Prosthetics |
| <input type="checkbox"/> Diabetic Supplies | Other: <u>Diabetic shoes + insert</u> |

Board Use Only
Received AUG 11 2009 Check Number 448 Amount 500

51303
556

NEVADA STATE BOARD OF PHARMACY

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

APPLICATION FOR NEVADA MDEG PROVIDER – SOLE PROPRIETORSHIP

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: FAMILY PHARMACY
Physical Address: 1360 E. HIGHWAY 372 #15 PAHRUMP NEVADA 89048
(This must be a business address, we can not issue a license to a home address) -
Mailing Address: 1360 E. HIGHWAY 372 #15 PAHRUMP NEVADA 89048
City: PAHRUMP State: NV Zip Code: 89048
Telephone Number: 775-751-1144 Fax Number: 775-751-2443

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: 10 to 3 Sun: to Holidays: to
CLOSED. CLOSED ON MAJOR HOLIDAYS

FACILITY ADMINISTRATOR INFORMATION

Name: ALI RAZA
Address: 6274 PALE PAVILION AVE
City: LAS VEGAS State: NV Zip Code: 89139

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: _____

Board Use Only

Received AUG 11 2009 Check Number 198 Amount 500-

NEVADA STATE BOARD OF PHARMACY
555 Double Eagle Court #1100 • Reno, NV 89521 • (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.

\$500.00	New Pharmacy <input checked="" type="checkbox"/>	Ownership Change <input type="checkbox"/>	Name Change <input type="checkbox"/>	Location Change <input type="checkbox"/>
(Please provide current license number if making changes: PH _____)				

GENERAL INFORMATION

Pharmacy Name: CVS/pharmacy # 6625

Physical Address: 1081 Steamboat Pkwy, Reno, NV 89521

Mailing Address: Licensing Dept. 23062A, One CVS Drive

City: Woonsocket State: RI Zip: 02895

Telephone Number: 401-765-1500 Fax Number: 401-765-7887

Toll Free Number: N/A E-mail: tmflvette@cv.com

Managing Pharmacist: Kelli Ramsey License Number: 12176

Hours of Operation:

Monday thru Friday 8 am 10 pm Saturday 8 am 6 pm

Sunday 10 am 6 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"/> Correctional (# inmates _____) | <input type="checkbox"/> Parenteral (outpatient) |
| <input type="checkbox"/> Nuclear | <input type="checkbox"/> Outpatient/Discharge |
| <input type="checkbox"/> Out of State | <input type="checkbox"/> Mail Service |
| <input type="checkbox"/> Internet | <input type="checkbox"/> Long Term Care |

Board Use Only

Received AUG 12 2009 Check Number 885 Amount 500.00

51299
1602

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane • Reno, NV 89509 • (775) 850-1440
APPLICATION FOR NEVADA PHARMACY LICENSE
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 X Name Change _____ Location Change _____
Please include current Nevada license number if making changes: PH 01455

GENERAL INFORMATION

Pharmacy Name: Golden Health Pharmacy

Physical Address: 247 Bluffs Ave., Bldg. #1, Elko, Nevada 89801

Mailing Address: P.O. Box 901, Deerfield, IL 60015

City: Elko State: NV Zip Code: 89801

Telephone: 775-753-5393 Fax: 775-777-8494

Toll Free: _____ E-mail address: eric.lyles@walgreens.com

Managing Pharmacist: Nancy Valentin License Number: 17528

Hours of Operation:

Monday thru Friday 9 am 9 pm Saturday 9 am 7 pm
Sunday _____ 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"/> Correctional (# inmates _____) | <input type="checkbox"/> Parenteral (outpatient) |
| <input type="checkbox"/> Nuclear | <input type="checkbox"/> Outpatient/Discharge |
| <input type="checkbox"/> Out of State | <input type="checkbox"/> Mail Service |
| <input type="checkbox"/> Internet | <input type="checkbox"/> Long Term Care |

Board Use Only

Received JUL 22 2009 Check Number 542 Amount 500.00

51166
1578

NEVADA STATE BOARD OF PHARMACY
431 W Plumb Lane – Reno, NV 89509 – (775) 850-1440
APPLICATION FOR NEVADA PHARMACY LICENSE
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 <input checked="" type="checkbox"/>	Name Change _____	Location Change _____
(Please provide current license number if making changes: PH _____)			

IB08433

GENERAL INFORMATION

Pharmacy Name: St Mary's Outpatient Surgery Center at Galena LLC

Physical Address: 18653 Wedge Parkway, Reno, NV 89511

Mailing Address: 18653 Wedge Parkway, Reno, NV 89511

City: Reno State: NV Zip Code: 89511

Telephone Number: 775-770-7218 Fax Number: 775-770-7228

Toll Free Number: _____

E-mail: stacey.ingram@chw.edu

Website: _____

Managing Pharmacist: Mary Greer

License Number: 10687

Hours of Operation:

Monday thru Friday 7 am 5 pm

Saturday _____ am _____ pm

Sunday _____ 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: **APR 08 2009**

Check Number: 543

Amount: 500.00

APPLICATION FOR NEVADA PHARMACY LICENSE
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 include current Nevada license number if making changes: PH

GENERAL INFORMATION

Pharmacy Name: TARGET STORE T-2568.

Physical Address: 695 S. GREEN VALLEY PKWY, HENDERSON, NV 89052

Mailing Address: TARGET CORP. TPN 0910, 1000 NICOLLET MALL

City: MINNEAPOLIS State: MN Zip Code: 55403

Telephone: PENDING Fax:

Toll Free: E-mail address: Pharmacy.Licensing@Target.com

Managing Pharmacist: SEEMA S. SIDDIQUI License Number: 17384

Hours of Operation:

Monday thru Friday 10 am 8 pm Saturday 10 am 6 pm
Sunday 11 am 5 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 <u> </u>) | <input type="checkbox"/> Parenteral |
| <input type="checkbox"/> Correctional (# inmates <u> </u>) | <input type="checkbox"/> Parenteral (outpatient) |
| <input type="checkbox"/> Nuclear | <input type="checkbox"/> Outpatient/Discharge |
| <input type="checkbox"/> Out of State | <input type="checkbox"/> Mail Service |
| <input type="checkbox"/> Internet | <input type="checkbox"/> Long Term Care |

Board Use Only

Received AUG 13 2009 Check Number 592 Amount 500.00

51418
1609

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

v.

**AMANDA H. NGUYEN, R.PH
Certificate of Registration No. 14980**

Case No. 08-067-RPH-S

**CVS/PHARMACY #9770
Certificate of Registration No. PH02175
Respondents.**

Case No. 08-067-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 the Respondents because Respondent Amanda H. Nguyen, R.Ph, (Certificate Number 14980) is a registered pharmacist with the Board and CVS/Pharmacy #9770 (CVS #9770) (Certificate Number PH02175) is a pharmacy licensed by the Board, located at 2830 Bicentennial Parkway, Henderson, Nevada.

II.

On or about June 30, 2008 Pamela Troia took a new prescription for Meloxicam 15 mg. tablets with directions to take one tablet by mouth daily to CVS #9770 to be filled. Ms. Troia picked up her prescription on July 1, 2008 and began her therapy by taking one tablet once daily.

III.

On July 29, 2008 Ms. Troia called CVS #9770 for a refill of her Meloxicam prescription. That evening Ms. Troia received a telephone call from CVS pharmacist Karen Rosati who advised Ms. Troia that she had been given the wrong medication the previous month. Rather than the anti-inflammatory drug Meloxicam that she was

prescribed, Ms. Troia was dispensed Moexipril, a medication for treatment of hypertension.

IV.

On July 30, 2008, Ms. Troia went to CVS #9770 to pick up the correct medication. Ms. Troia spoke with Ms. Nguyen who acknowledged that she was the pharmacist responsible for filling and dispensing the wrong medication on July 1, 2008. Ms. Nguyen also inquired about how Ms. Troia was feeling.

V.

Ms. Nguyen provided a written statement to Board staff noting that a pharmaceutical technician had input the original prescription correctly for Meloxicam 15 mg. tablets and that she, Ms. Nguyen, edited the drug to Moexipril 15 mg. tablets. Though she does not remember the incident specifically, Ms. Nguyen surmised that since the Meloxicam and the Moexipril have similar size bottles and names that they may have been in the wrong place on the stock shelf and the Moexipril was pulled from where the Meloxicam is generally shelved.

VI.

The investigation of this matter also revealed that even though the label on the prescription vial for Moexipril, the wrong medication, specifically indicates "COUNSEL New Drug/Strength," the counseling log indicates that patient counseling was not provided.

FIRST CAUSE OF ACTION

VII.

In failing to fill the medication as prescribed for Ms. Troia, namely Meloxicam 15 mg. tablets, Ms. Nguyen violated Nevada Revised Statutes (NRS) 639.210(4) and Nevada Administrative Code (NAC) 639.945(1)(d) and (i).

SECOND CAUSE OF ACTION

VIII.

In failing to counsel Ms. Troia on her new prescription, Ms. Nguyen violated NRS 639.210(4) and 639.266(1) and NAC 639.707 and 639.945(1)(i).

THIRD CAUSE OF ACTION

IX.

In owning and operating the pharmacy in which the First and Second Causes of Action took place, CVS/Pharmacy #9770 violated NRS 639.210(4) and NAC 639.945(1)(d),(h),(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 13th day of February, 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**

**AMANDA H. NGUYEN, R.PH
Certificate of Registration No. 14980**

Case No. 08-067-RPH-S

Respondent.

_____ /

TO THE RESPONDENT ABOVE-SAMED: 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, April 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 13th day of February, 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

AMANDA H. NGUYEN, R.PH
Certificate of Registration No. 14980
Respondent.

Case No. 08-067-RPH-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.

Amanda H. Nguyen, R.Ph

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

v.

**AMANDA H. NGUYEN, R.PH
Certificate of Registration No. 14980**

Case No. 08-067-RPH-S

**CVS/PHARMACY #9770
Certificate of Registration No. PH02175
Respondents.**

Case No. 08-067-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 the Respondents because Respondent Amanda H. Nguyen, R.Ph, (Certificate Number 14980) is a registered pharmacist with the Board and CVS/Pharmacy #9770 (CVS #9770) (Certificate Number PH02175) is a pharmacy licensed by the Board, located at 2830 Bicentennial Parkway, Henderson, Nevada.

II.

On or about June 30, 2008 Pamela Troia took a new prescription for Meloxicam 15 mg. tablets with directions to take one tablet by mouth daily to CVS #9770 to be filled. Ms. Troia picked up her prescription on July 1, 2008 and began her therapy by taking one tablet once daily.

III.

On July 29, 2008 Ms. Troia called CVS #9770 for a refill of her Meloxicam prescription. That evening Ms. Troia received a telephone call from CVS pharmacist Karen Rosati who advised Ms. Troia that she had been given the wrong medication the previous month. Rather than the anti-inflammatory drug Meloxicam that she was

prescribed, Ms. Troia was dispensed Moexipril, a medication for treatment of hypertension.

IV.

On July 30, 2008, Ms. Troia went to CVS #9770 to pick up the correct medication. Ms. Troia spoke with Ms. Nguyen who acknowledged that she was the pharmacist responsible for filling and dispensing the wrong medication on July 1, 2008. Ms. Nguyen also inquired about how Ms. Troia was feeling.

V.

Ms. Nguyen provided a written statement to Board staff noting that a pharmaceutical technician had input the original prescription correctly for Meloxicam 15 mg. tablets and that she, Ms. Nguyen, edited the drug to Moexipril 15 mg. tablets. Though she does not remember the incident specifically, Ms. Nguyen surmised that since the Meloxicam and the Moexipril have similar size bottles and names that they may have been in the wrong place on the stock shelf and the Moexipril was pulled from where the Meloxicam is generally shelved.

VI.

The investigation of this matter also revealed that even though the label on the prescription vial for Moexipril, the wrong medication, specifically indicates "COUNSEL New Drug/Strength," the counseling log indicates that patient counseling was not provided.

FIRST CAUSE OF ACTION

VII.

In failing to fill the medication as prescribed for Ms. Troia, namely Meloxicam 15 mg. tablets, Ms. Nguyen violated Nevada Revised Statutes (NRS) 639.210(4) and Nevada Administrative Code (NAC) 639.945(1)(d) and (i).

SECOND CAUSE OF ACTION

VIII.

In failing to counsel Ms. Troia on her new prescription, Ms. Nguyen violated NRS 639.210(4) and 639.266(1) and NAC 639.707 and 639.945(1)(i).

THIRD CAUSE OF ACTION

IX.

In owning and operating the pharmacy in which the First and Second Causes of Action took place, CVS/Pharmacy #9770 violated NRS 639.210(4) and NAC 639.945(1)(d),(h),(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 13th day of February, 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**

v.

**CVS/PHARMACY #9770
Certificate of Registration No. PH02175
Respondent.**

Case No. 08-067-PH-S

TO THE RESPONDENT ABOVE-SAMED: 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, April 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 13th day of February, 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

CVS/PHARMACY #9770

Certificate of Registration No. PH02175

Respondent.

Case No. 08-067-PH-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.

Please type or print name for

CVS/Pharmacy #9770

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

MOTION TO DISMISS FOR FAILURE
TO STATE A CLAIM, OR IN THE
ALTERNATIVE, MOTION FOR
JUDGMENT ON THE PLEADINGS;
MEMORANDUM IN SUPPORT
THEREOF

CVS PHARMACY #5286
Certificate of Registration No. PH01804;

Respondent.

Case No. 06-073-PH-S

TO THE NEVADA STATE BOARD OF PHARMACY AND THEIR ATTORNEYS
OF RECORD:

PLEASE TAKE NOTICE THAT, pursuant to Nevada Rules of Civil Procedure (NRCP) 12(b)(5) and 12(c), NRS 233B.121, and NRS 639.421 *et seq.*, Respondent CVS Pharmacy #5286 ("Respondent") by and through its counsel, Michael W. Dyer, of Dyer, Lawrence, Penrose, Flaherty, Donaldson & Prunty, hereby moves to dismiss all alleged causes of action in the Notice of Intended Action and Accusation, filed on February 13, 2009, ("Accusation") by Petitioner, the Nevada State Board of Pharmacy ("Board") for failure to state a claim or, in the alternative, for judgment on the pleadings. Respondent requests that its motion to dismiss be heard at the October 2009 Board meeting.

This motion is based upon the following facts: (a) the Board waited for more than two years before filing the Accusation against Respondent; (b) the Accusation does not identify which statutes or regulations impose the duties on Respondent that Respondent has allegedly violated; (c) Respondent is a fictitious entity, not a natural person, and

cannot have performed the alleged acts; (d) NRS 639.945(1)(i) does not exist; (e) the duties that are alleged to have been violated are assigned to a pharmacist, not a pharmacy such as Respondent; (f) dispensing a refill does not require counseling; (g) the duties alleged by the Board do not exist; (h) no confidentiality statutes were violated; (i) the Accusation does not provide sufficient notice under due process to enable respondent to respond to the allegations against it; and (j) the applicable statutes and regulations do not provide for secondary liability.

This motion is based on this notice and motion to dismiss, the accompanying memorandum of points and authorities, the pleadings, documents, and files of record for the Board in this case, and on such evidence and argument as may be presented at the time of the hearings on this matter.

Respectfully submitted this 23 day of September, 2009.

DYER, LAWRENCE, PENROSE,
FLAHERTY, DONALDSON & PRUNTY

By


Michael W. Dyer

Todd E. Reese

Attorneys for Respondent CVS #5286

MEMORANDUM OF POINTS AND AUTHORITIES

The Nevada State Board of Pharmacy ("Board") filed a Notice of Intended Action and Accusation on February 13, 2009 ("Accusation") against CVS Pharmacy #5286 ("Respondent"). Through this action, the Board seeks to impose penalties and sanctions for alleged violations of NRS Chapter 639 and NAC Chapter 639. Respondent asserts in this Motion to Dismiss that the Accusation fails to state a claim for all causes of action, and seeks to dismiss the Accusation. Alternatively, Respondent seeks judgment on the pleadings.

I. FACTUAL AND PROCEDURAL HISTORY

This case arises out of an incident at CVS Pharmacy #5286 on approximately December 17, 2006. On or about that date, Rebecca Reiger took a prescription to CVS Pharmacy #5286 to be filled. The prescription was for Keflex, which was prescribed for her minor son Matthew. The prescription was filled while Ms. Reiger waited in the store. When Ms. Reiger returned to the pharmacy counter, she purchased the medication dispensed to her. However, the medication she was given was not for her son. Instead she was given medication for an Erin Riger, which consisted of 300mg tablets of lithium carbonate. The prescription for Erin Riger was a refill. Accusation, at ¶¶ II, IV. Ms. Reiger inquired of the person selling her the medication how to give the medication to her son. That person asked if Ms. Reiger wanted to talk to the pharmacist. *Id.* As the pharmacist was busy, Ms. Reiger left. *Id.* at ¶ IV.

Later that evening, after Matthew had taken one tablet, the Reiger's discovered Ms. Reiger had been given the wrong medication. The Reiger's contacted the prescribing practitioner's office, and took the precautionary action of having Matthew

examined at an emergency room. However, blood tests revealed that the level of lithium in Matthew's blood was below the therapeutic level, and would exit his system in a day or two. Id. at ¶ III. The Reiger's notified CVS #528, and Ms. Reiger returned to the pharmacy the next day and was given the correct medication. Id. at ¶ II, III and IV.

The Board initially investigated this matter in December 2006 and early 2007. However, for unknown reasons, the Board did not file an Accusation against Respondent until February 13, 2009.

II. DISCUSSION

While considering Respondent's motion to dismiss, the Board may view

[a]ll factual allegations ... as true, and [draw] all inferences ... in favor of the non-moving party. Further, [the case] should only be dismissed if it appears beyond a reasonable doubt that the [Board] could prove no set of facts, which, if true, would entitle [it] to relief. Dismissal is proper where the allegations are insufficient to establish the elements of a claim for relief.

Seput v. Lacayo, 122 Nev. 499, 501, 134 P.3d 733, 734-35 (2006) (internal quotations omitted).

Many of the grounds upon which Respondent's motion to dismiss rests are based upon statutory and regulatory interpretation. When interpreting a statute or regulation, courts first determine whether a statute or regulation is unambiguous. Westpark Owners' Ass'n v. Dist. Ct., 123 Nev. ___, ___, 167 P.3d 421, 426-27 (2007). "When the language of a statute is unambiguous, the courts are not permitted to look beyond the statute itself when determining its meaning. However, when the Legislature has addressed a matter with 'imperfect clarity'" and a statute or regulation "is susceptible to more than one reasonable but inconsistent interpretation, the statute is

ambiguous.” Id. at 123 Nev. at ___, 167 P.3d 427. The courts interpret an ambiguous statute in view of the Legislature’s intent when enacting the statute “in light of the policy and the spirit of the law, and the interpretation should avoid absurd results.” Id. “Thus, when possible, the interpretation of a statute or constitutional provision will be harmonized with other statutes or provisions to avoid unreasonable or absurd results.” We the People Nevada v. Secretary of State, 124 Nev. ___, ___, 192 P.3d 1166, 1171 (2008). Any doubt as to the Legislature’s intent is resolved “in favor of what is reasonable.” Westpark Owners’ Ass’n v. Dist. Ct., 123 Nev. at ___, 167 P.3d at 427.

When specifically considering

the validity of an administrative regulation, courts generally give ‘great deference’ to an agency’s interpretation of a statute that the agency is charged with enforcing. However, a court will not hesitate to declare a regulation invalid when the regulation violates the constitution, conflicts with existing statutory provisions or exceeds the statutory authority of the agency or is otherwise arbitrary and capricious. . . . [E]ven a reasonable agency interpretation of an ambiguous statute may be stricken by a court when a court determines that the agency interpretation conflicts with legislative intent.

Division of Ins. v. State Farm Mut. Auto. Ins. Co., 116 Nev. 290, 293, 995 P.2d 482, 485 (2000).

Turning to the Board’s allegations against Respondent, they fail to state a claim for the following reasons.

A. All Causes of Action Fail to State a Claim Because They Are Barred By The Applicable Statute of Limitation.

The initial question to consider regarding this Accusation is whether it was timely filed. Since it is not reasonable to suggest that there is no limitation on the period of time in which an administrative agency may bring a regulatory enforcement action, the

initial question becomes what is the limitation period for bringing an administrative action based on violations of NRS 639 or NAC 639. The incident occurred on or about December 17, 2006, and the Board filed this Accusation on February 13, 2009. And, if such limitation period is two years or less, then the Board's action is barred. No specific limitations period for administrative disciplinary actions by the Board was found within NRS Chapter 639 or NAC Chapter 639, so inquiry was focused on the general limitation periods set out in NRS 11.190(4)(b), which provides:

Except as otherwise provided in NRS 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows: . . .

4. Within 2 years: . . .

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

Thus, NRS 11.190(4)(b) will apply to the Accusation if (a) the Accusation is "an action," and (b) it is based upon a statute or regulation for a "penalty or forfeiture."

In regard to whether the Accusation is an "action," NRS 639.241(1) provides: "A hearing to determine whether the rights and privileges granted by any certificate, certification, license or permit issued by the Board should be revoked, suspended, limited or conditioned must be initiated by the filing of an accusation by the Board. The **action** must be entitled:" (Emphasis added). Thus, the Nevada Legislature has designated Accusations filed by the Board of Pharmacy as "actions."

In regard to whether the Accusation seeks to impose a penalty or forfeiture, several courts have examined the issue. The Nevada Supreme Court recently stated in

Torrealba v. Kesmetis, 124 Nev. ___, ___, 178 P.3d 716, 723 (2008) (quoting Freeman v. Q Petroleum Corp., 417 N.W.2d 617, 618 (Minn. 1988)) that

“For statute-of-limitations purposes, in determining whether an action is based upon a statute for a penalty or based upon a liability created by statute, a penalty has been described as a ‘punishment for an offense against the public . . . not incident to the redress of a private wrong.’”

While the Nevada Supreme Court did not digress into what was meant by “punishment for an offense against the public,” the United States Court of Appeals for the District of Columbia Circuit (“D.C. Circuit”) addressed a question virtually identical to the present circumstances in Johnson v SEC, 87 F.3d 484 (D.C. Cir. 1996). There, the D.C. Circuit examined whether the statute of limitations in 28 U.S.C. § 2462 applied to “the SEC proceeding which resulted in the sanctions imposed on Johnson,” and whether the SEC’s sanctions were a “penalty.” Johnson, 87 F.3d at 486-87. 28 U.S.C. § 2462 provided:

28 U.S.C. § 2462 provides: “Except as otherwise provided by Act of Congress, an action, suit or proceeding for the enforcement of any civil fine, penalty, or forfeiture, pecuniary or otherwise, shall not be entertained unless commenced within five years from the date when the claim first accrued”

The D.C. Circuit noted a uniformity in the definition of “penalty” as “the suffering in person, rights or property which is annexed by law or judicial decision to the commission of a crime or public offense.” Johnson, 87 F.3d at 487 (internal quotations omitted). The court looked to the U.S. Supreme Court, which had previously

explained that “penal laws, strictly and properly, are those imposing punishment for an offense committed against the state.... The test whether a law is penal, in the strict and primary sense, is whether the wrong sought to be redressed is a wrong to the public, or a wrong to the individual....” [Huntington v. Attrill, 146 U.S. 657, 667-68 (1892).] Put

another way, the question of whether a law is penal depends on whether its purpose "is to punish an offense against the public justice of the State, or to afford a private remedy to a person injured by the wrong." *Id.* at 673.

Id. The court then concluded

"Thus where a legal action is essentially private in nature, seeking only compensation for the damages suffered, it is not an action for a penalty."

Id. The D.C. Circuit noted that the penalty the SEC imposed, "censure and a six-month suspension--clearly resemble punishment in the ordinary sense of the word," as opposed to any sort of sanctions designed to remedy the damage cause by Johnson's actions. Id. at 488.

The D.C. Circuit's determination as to what constitutes a "penalty" is in harmony with the Nevada Supreme Court's holding in Torrealba, 124 Nev. at ___, 178 P.3d at 723. The Board's sanctions are then penal in nature in that they "punish an offense against the public justice of the State," and do not "seek only compensation for the damages suffered." Johnson, 87 F.3d at 487 (internal quotations omitted).

In this case, the Board is attempting to impose monetary fines and other sanctions on Respondent for alleged violations of NRS Chapter 639 and NAC Chapter 639. These fines are payable to the State of Nevada, and are not paid as "redress" to the Reiger family. Any such action is, therefore, clearly "penal" in nature and is properly characterized as "punishment for an offense against the public," and not as "incident to the redress of a private wrong." Torrealba, 124 Nev. at ___, 178 P.3d at 723.

As set out above, the Accusation was filed to institute "an action" to impose a "penalty." As there is no other limitations period set forth in the NRS Chapter 639 or NAC Chapter 639, NRS 11.190(4)(b) therefore applies, and this action is time barred.

The Accusation thus fails to state a claim as to all causes of action and must be dismissed.

Moreover, this prosecution at this late date serves no purpose. Respondent's employees involved in the incident have left and moved on and Respondent is unable to locate them. Respondent's circumstances have changed such that it will be hard pressed to defend itself against the testimony from the Board's witnesses. Time cannot be reversed so that Respondent can have access to old employees with fresh memories. To the extent it was necessary for Respondent to address the issue and make any changes, Respondent has already done so as demonstrated by the fact that no similar incidents have occurred at Respondent.

B. All Causes of Action Fail To State a Claim under NRS 639.210(4) because Respondent is a fictitious entity licensed as a pharmacy and is not a natural person.

In all Causes of Action, the Board alleges that Respondent violated NRS 639.210(4). However, these allegations fail to state a claim because Respondent is a fictitious entity licensed by the Board as a pharmacy and is not a natural person who can violate NRS 639.210(4).

NRS 639.210 generally describes the "grounds for suspension or revocation of a certificate, license, registration or permit...." NRS 639.210 addresses several situations that can be applicable to a fictitious entity. A few examples are NRS 639.210(10) (obtaining a certification or license through the use of false or fraudulent information) and NRS 639.210(13) (failure to renew a certification or license). However, many grounds for suspension are solely applicable to a natural person. Examples include NRS 639.210(1) (the holder is "not of good moral character"), NRS 639.210(2) (the

holder is “guilty of habitual intemperance”), NRS 639.210(3) (the holder is under the influence while on duty), and 639.210(5) (the holder is addicted to a controlled substance). Clearly, a fictitious entity such as a corporation, limited liability company, or Respondent cannot itself be drunk or addicted to a controlled substance.

Similarly, Respondent cannot itself be “guilty of unprofessional conduct or conduct contrary to the public interest” under NRS 639.210(4) because such “conduct” requires a personal act that Respondent itself cannot take. The term “conduct” is defined as “Personal behavior, whether by action or inaction; the manner in which a person behaves.” Black’s Law Dictionary 292 (7th ed., 1999). A fictitious entity however, has no “personal” behavior that can be ascribed to it. United States v. Brownfield, 130 F. Supp. 2d 1177, 1180-81 (C.D. Cal. 2001) (“The language specifying “the person” of the addressee or of another as the target of the threatened injury denotes the physical body of a person. . . . corporations cannot be understood to have physical bodies”); Duff v. Duff, 31 F. 772, 773 (N.D. Cal. 1887) (“[A] corporation, which is not a sentient being, and, in the nature of things, could not make the affidavit, or even have any belief.”). Similarly, a fictitious entity cannot be said to have a “bearing” or a “way of acting” because it does not act by itself. The officers, directors, members, managers, or employees of the fictitious entity act for it. Grove v. City of York, 2007 U.S. Dist. LEXIS 1837 (M.D. Pa. Jan. 10, 2007) (A corporation is “able to conduct its business only through natural persons authorized to act on its behalf.”). Accordingly, because Respondent itself cannot “personally” do a physical act constituting unprofessional conduct, it cannot, by itself, have violated the statutes and regulations in the manner alleged. A pharmacist or other natural person in

Respondent's employ, however, could be "guilty of unprofessional conduct or conduct contrary to the public interest." However, in this case no action is brought against any individual pharmacist or against any other person employed by Respondent. Therefore, the alleged violations of NRS 639.210(4) in all Causes of Action fail to state a claim against Respondent.

C. The First Cause of Action Fails To State a Claim under NRS 639.945(1)(i) because NRS 639.945(1)(i) does not exist.

Respondent was unable to find any statute in the NRS corresponding with a designation of NRS 639.945(1)(i). Accordingly, the allegation against Respondent based upon NRS 639.945(1)(i) fails to state a claim.

D. All Causes of Action Fails To State a Claim under NAC 639.945(1)(i) because Respondent is a fictitious entity licensed as a pharmacy and is not a natural person.

The allegations in the Second through Fourth Causes of Action (and assuming for the sake of argument, the First Cause of Action) also fail to state a claim. NAC 639.945(1) provides that "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 by way of limitation, unprofessional conduct and conduct contrary to the public interest" Thus, NAC 639.945(1) again calls for "conduct." As discussed above in Section II.B. for NRS 639.210(4), Respondent is an entity and cannot "personally" act. Accordingly, Respondent cannot be said to be guilty of the personal actions called for under NAC 639.945(1). As the Board has simply alleged that Respondent is guilty of personal acts and did not identify any natural person that so acted, or how Respondent caused such

person to so act, all Causes of Action under NAC 639.9450(1) fail to state a claim against Respondent.

E. The First Cause of Action Fails To State a Claim under NAC 639.945(1)(i) Because Dispensing Medication Is Not a “Duty” Assigned to Respondent.

NAC 639.945(1)(i) specifies that Respondent must not perform “any of [its] *duties* . . . in an incompetent, unskillful, or negligent manner.” (Emphasis added.) Dispensing medication, that is, delivering the medication to patients, is not among the *duties* assigned to Respondent, as a licensed pharmacy. See NRS 639.220-639.23288; NAC 639.500-639.580; NAC 639.708. Instead, the processing of retail sales, including the operation of the cash register, are “not required to be performed by a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training.” NAC 639.701(2). Similarly, the actual “[d]elivering [of] medication to a patient” is “not required to be performed by a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training.” NAC 639.701(4). The Board’s allegations do not identify any employee of Respondent that violated any duty assigned to him or her. And Respondent itself cannot have violated NAC 639.945(1)(i) because there was no violation of a duty assigned to the Respondent pharmacy itself. Accordingly, the Board’s allegations regarding NAC 639.945(1)(i) and, therefore NRS 639.120(4), in the First Cause of Action fail to state a claim.

F. The Second Cause of Action Fails To State a Claim Under NAC 639.945(1)(i) Because Respondent, as a Pharmacy, Does Not Have a Duty to Counsel.

NAC 639.945(1)(i) specifies that Respondent must not perform “any of [its] *duties* . . . in an incompetent, unskillful, or negligent manner.” (Emphasis added.) The Board

alleges in the Second Cause of Action that Respondent failed to counsel Mrs. Reiger. Such a duty to counsel is imposed by NAC 639.707 on a pharmacist. However, Respondent is a Pharmacy, not a Pharmacist. Therefore, Respondent has no direct duty to counsel. And there are no allegations that Respondent in any way attempted to prevent or discourage the employees of the pharmacy from assuring that counseling requirements were complied with. Accordingly, Respondent, as a Pharmacy, did not violate NAC 639.945(1)(i) and, therefore NRS 639.120(4),¹ because it had no duty to counsel. The Second Cause of Action fails to state a claim.

G. The Second Cause of Action Fails To State a Claim Because Counseling Is Not Required for Refills.

The Board alleges in the Second Cause of Action that Respondent failed to counsel Mrs. Reiger. An exception to the duty to counsel exists under NAC 639.707(9) when the medication being dispensed is a refill. The prescription erroneously given to Mrs. Reiger was a refill. While the prescription obviously should not have been given to Mrs. Reiger, there was nothing about the prescription itself which required counseling. Therefore, accepting Mrs. Reiger's version of what occurred when she picked the prescription up as accurate, the pharmacy tech or clerks with whom she was interacting, did nothing in violation of Nevada counseling laws. Thus, the Second Cause of Action again fails to state a claim under NRS 639.210(4) or NAC 639.945(1)(i)² regarding counseling.

¹ NAC 639.708(5), also cited in the Second Cause of Action, does not concern counseling.

² NAC 639.708(5), also cited in the Second Cause of Action, does not concern counseling.

H. The Second Cause of Action Fails To State a Claim Because No Duty to “ascertain the identity of the patient” exists.

The Board alleges that Respondent violated NRS 639.210(4) and NAC 639.945(1)(i) and 639.708(5) because Respondent failed “to ascertain the identity of the patient before dispensing the prescription.” However, to Respondent’s knowledge, NRS Chapter 639 or NAC Chapter 639 does not impose such a duty on a Pharmacy or a Pharmacist before dispensing medication to a patient or the person picking up the medication for the patient. In fact, the only NAC Chapter 639 requirement for identification is present in NAC 639.748, which requires identification only when dispensing *controlled substances*. Neither Keflex nor lithium carbonate are controlled substances and hence, there was no requirement for the clerk to ascertain the identity of the individual picking up the prescription for Matthew Reiger.

It should be noted that Respondent does not disagree with the premise that it is a good idea to confirm that the person picking up a prescription is there to pick up that specific prescription and has a legitimate reason for doing so. In fact, Respondent has a Policy which requires its pharmacy personnel to make inquiry to assure that the person requesting a prescription is not perpetrating a fraud. Obviously, the staff of CVS #5286 failed to follow the required Policy in the incident which has given rise to this Accusation. However, the Board is not empowered to enforce the policies of a pharmacy, rather, the Board is empowered to enforce State law. As no duty “to ascertain the identity of the patient before dispensing the prescription” exists under Nevada law with respect to the medications involved. Respondent cannot have violated NRS 639.210(4) or NAC 639.945(1)(i) (no duty) and 639.708(5) (confidentiality, not verification of identity) and the Second Cause of Action Fails to State a Claim.

I. Respondent Did Not Violate Any Confidentiality Requirements of NAC 639.708(5) When the Lithium Carbonate 300 mg. Tablets Were Given to Mrs. Reiger.

The Board next alleges in the Second Cause of Action that Respondent violated NAC 639.708(5), which provides:

To facilitate counseling regarding a prescription, a pharmacy shall: . . .

5. Maintain the confidentiality of each patient's records, including prescriptions, pursuant to NRS 639.238. A pharmacist shall not divulge the contents of a patient's records, except as authorized by NRS 639.238.

As an initial matter, and as discussed above, Respondent is a Pharmacy and not a Pharmacist. Therefore, the second sentence of NAC 639.708(5) does not impose any duty on Respondent directly, and Respondent cannot be guilty of violating that portion of the regulation.³

As to the first sentence, nowhere in the Accusation does the Board explicitly accuse Respondent of violating the confidentiality of any Patient. As the allegations completely fail to specify which patient's confidentiality was compromised, or how or approximately when the confidentiality was breached, Respondent does not have enough information with which to form a response or defend itself. The allegations completely fail to meet the notice requirements of due process and of NRS 639.241(2) ("[T]he 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

³ Note that CVS is not asserting that it is not responsible for acts committed by its employees. Rather, CVS is asserting that while it may have responsibility for an act committed by an employee, that act cannot result in a violation by the employee, and also form the basis for an independent violation by CVS unless the employee is being directed or knowingly allowed to violate pharmacy laws or regulations.

which the respondent is alleged to have violated, but must not consist merely of charges phrased in language of the statute or regulation.”) Accordingly, the Second Cause of Action fails to state a claim against Respondents for a violation of NAC 639.708(5).

However, assuming for the sake of argument that the Board means that Respondent breached a phantom patient’s confidentiality by “dispensing the prescription” to the wrong patient, the Board either misunderstands or is misapplying the provisions of the NAC and NRS regarding confidentiality.

NAC 639.708(5) provides that a pharmacy shall “Maintain the confidentiality of each patient’s records, including prescriptions, pursuant to NRS 639.238.” “Prescription” in this context is defined in NRS 639.013(1) as:

(a) An order given individually for the person for whom prescribed, directly from the practitioner to a pharmacist or indirectly by means of an order signed by the practitioner or by an electronic transmission from the practitioner to a pharmacist.

(b) A chart order written for an inpatient specifying drugs which he is to take home upon discharge.

The statutory language is clearly referring to the written prescription. As the Board has not stated in its Accusation that any employee gave to Mrs. Reiger the paper prescription or any other records belonging to another patient, the apparent intent of the Board is to assert that accidentally allowing a customer to see a prescription vial intended for another customer is the equivalent of failing to maintain the confidentiality of the “prescriptions” which are delivered to the pharmacy to be filled. Respondent asserts that NRS 639.708(5) cannot be read in such an overly broad manner. In addition, Respondent points out that no matter how broadly one reads NAC 639.708(5), it still

requires an intentional act by a licensee, and attempting to apply it to an error is inappropriate.

Further, the Board's attempt rewrite the confidentiality requirement is misguided and created absurdities. The Board's definition of prescription for purposes of NAC 639.708(5), as set forth in the context of the Accusation, would rewrite the definition of "prescription" in NRS 639.013. NRS 639.238 provides:

1. Prescriptions filled and on file in a pharmacy are not a public record. Except as otherwise provided in NRS 439.538 and 639.2357, a pharmacist shall not divulge the contents of any prescription or provide a copy of any prescription, except to:

(a) The patient for whom the original prescription was issued;

(b) The practitioner who originally issued the prescription;

[and to other specified persons at specified times]

If the Board believes that confidentiality must be maintained even when dispensing the medication and "prescription" means the medication actually given to the patient, then as a practical matter only the patient may be allowed to pick up medication because "a pharmacist shall not divulge the contents of any prescription ... [to anyone] except to ... [t]he patient." This produces an absurd result such that an ill or incapacitated patient may not rely on the good will of family or friends to pick up medications because to do so would result in the dispensing pharmacist or pharmacy violating the confidentiality requirements of NRS 639.238 and would potentially subject pharmacies and pharmaceutical professionals to Board sanctions. The Board's interpretation would also render the following administrative codes, among others, in violation of NRS 639.238:

NAC 639.526 (“drive through facilities required to provide audio and visual communication to patient...where patient can be one caring for patient”) and NAC 639.710 (“A prescribed medication may be delivered or dropped off by a licensee if the person making the delivery . . .”). As one of the guiding principles of statutory interpretation is to choose an interpretation that results in harmony among statute and codes and to attempt to prevent conflict and absurdities among them, the Board’s interpretation of “prescription” must be rejected. We the People Nevada, 124 Nev. at ___, 192 P.3d at 1171.

In its Accusation, the Board does not allege that any employee of Respondent gave to Mrs. Reiger the “prescription” for another patient. Nor does the Board allege that any other records of another patient were given to Mrs. Reiger. As no records or “prescriptions” were given to Mrs. Reiger, Respondent did not violate the confidentiality provisions of NAC 639.708(5). Accordingly, the Second Cause of Action fails to state a claim.

J. The Third Cause of Action Fails To State a Claim Because the Allegations Do Not Meet The Pleading Requirements of NRS 639.241(2) or of Due Process.

The Board alleges in the Third Cause of Action that Respondent violated NAC 639.945(1)(i) because it “maintained inadequate counseling logs, specifically incomplete dates.” The Accusation previously alleges in Paragraph V that “During the course of the investigation, Board staff reviewed CVS #5286’s counseling logs were [sic] not being completely filled out on a daily basis, such as incomplete dates and no indication of the store number.” Part of the foundation of administrative due process is Notice and the opportunity to be heard. Morrison v. Warren, 375 F.3d 468, 473 (6th Cir. 2004) (“Due

process requires notice of the charges and a meaningful opportunity to contest the evidence.”). Vague allegations, such as the ones contained in the Accusation concerning failure to maintain counseling records; do not “set forth in ordinary and concise language the acts or omissions with which respondent is charged” and do not suffice to provide an opportunity to prepare the defense of the charges. NRS 639.241(2); see also N.L.R.B. v. Quality C.A.T.V., Inc., 824 F.2d 542, 545 (7th Cir. 1987) (Due Process requires “actual notice . . . and . . . a meaningful opportunity to prepare his defense.”)

The due process requirement to provide basic information about the allegations is codified by NRS 639.241(2), which provides:

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.

(Emphasis added.) The requirement in NRS 639.241(2) to “set forth in ordinary and concise language the acts and omissions with which the respondent is charged” is more restrictive than simply setting forth a “short and plain statement of the claim.” A more detailed specification of “the acts and omissions with which the respondent is charged” is required. As noted above, such specification is required to meet the requirements of due process.

In the Accusation, the Board partially alleges the what, that counseling logs were incorrectly filled with incomplete dates and store numbers at some location on the counseling log. However, the Board fails to allege other information necessary for CVS

to prepare a defense to the Accusation – that is, when the alleged violations occurred. Stated differently, the allegations do not specify which logs, or which specific dates, or time period the allegedly deficient records cover.

Accordingly, the allegations in the Third Cause of Action violate NRS 639.241(2), NRCP 8(a), and due process requirements of the Fourteenth Amendment of the United States Constitution.

K. The Fourth Cause of Action Fails To State a Claim Because NAC 639.945(2) Does Not Provide a Basis for Direct Liability.

The Board alleges in the Fourth Cause of Action that “In owning and operating a pharmacy in which the violations occurred, Respondent violated NRS 639.241(2) and NAC 639.945(1)(i) and 639.945(2).”

NAC 639.945(2) simply states that “the owner . . . is responsible for the acts of all personnel in his employ.” The regulation does not state that Pharmacies will be subject to penalties. The regulation does not describe what conduct, if any, will incur a penalty. Thus, NAC 639.945(2) “fails to provide a person of ordinary intelligence fair notice of what is prohibited.” United States v. Williams, 128 S.Ct. 1830, 1845 (2008). The regulation places no guidelines upon the Board in its enforcement of the regulation and allows the Board complete discretion in its enforcement.

Vicarious liability is the imposition of liability on one person for the acts of another because of the relationship between the parties. Black’s Law Dictionary, 927 (7th ed. 1999). Examples in Nevada law include NRS 41.440⁴ (holding the owner of a vehicle

⁴ NRS 41.440 provides:

Any liability imposed upon a wife, husband, son, daughter, father, mother, brother, sister or other immediate member of a family arising out of his or her driving and operating a motor vehicle upon a highway with the permission, express or implied, of such owner is hereby imposed upon

liable for the damage caused by a family member driving the vehicle) and NRS 41.745(1)⁵ (respondeat superior). Under respondeat superior and under NRS 41.440, the employer or owner of the vehicle is subject to joint and several liability for the damages caused by the acts of the employee or driver. The employer or owner is not subject to his or her own separate and distinct liability and damages. The employer or owner is simply liable for the damages recovered against the employee or the driver.

In the present case, NAC 639.945(2) simply states that "the owner . . . is responsible for the acts of all personnel in his employ." This is not a definition of any sort of conduct which may be punished. In other words, NAC 639.945(2) simply acknowledges and imposes vicarious liability, and a Pharmacy would be liable for the fine imposed on an employee. However, the Pharmacy would not be separately liable for additional damages based solely upon the actions of the employee. That is, while a Pharmacy owner or license holder may have separate liability if the owner/license holder has acted, or failed to act, in a manner which violates specific requirements of law, separate, or additional, liability is based on the violation by the licensee of a duty

the owner of the motor vehicle, and such owner shall be jointly and severally liable with his or her wife, husband, son, daughter, father, mother, brother, sister or other immediate member of a family for any damages proximately resulting from such negligence or willful misconduct, and such negligent or willful misconduct shall be imputed to the owner of the motor vehicle for all purposes of civil damages.

⁵NRS 41.745(1) provides:

An employer is not liable for harm or injury caused by the intentional conduct of an employee if the conduct of the employee:

- (a) Was a truly independent venture of the employee;
- (b) Was not committed in the course of the very task assigned to the employee; and
- (c) Was not reasonably foreseeable under the facts and circumstances of the case considering the nature and scope of his employment.

placed by law on the licensee. To assert that NAC 639.954(2) imposes additional penalties (beyond those imposed on the licensee's employee for a violation of his or her duties) where the licensee has not acted, or failed to act, in a manner which violates a duty imposed by law, is to simply "double" the fines imposed by the Board. And "doubling the fines" is not the same as "vicarious liability."

III. CONCLUSION

For the reasons stated above, the Accusation fails to state a claim. Respondent respectfully moves for the Nevada State Board of Pharmacy to dismiss the Accusation. In the alternative, Respondent moves for judgement on the pleadings to be entered in its favor.

Respectfully submitted this 23 day of September, 2009.

DYER, LAWRENCE, PENROSE,
FLAHERTY, DONALDSON & PRUNTY

By 

Michael W. Dyer
Todd E. Reese
Attorneys for Respondent CVS #5286

Aunt noticed that the name on the prescription vial was Erin Riger and that the medication was for lithium carbonate 300 mg tablets.

III.

Ms. Reiger contacted the poison control center and she was advised to take Matthew to the emergency room. After blood tests were taken it was determined that Matthew's lithium level was below the therapeutic level and that the lithium would excrete from his system within a day or two.

IV.

CVS #5286 was notified of the error and they dispensed the correct Keflex medication the following day. Investigation of this matter determined that Eliscia Mayer was the pharmacist that correctly filled and verified the prescription for Matthew and she was also the pharmacist in charge when the prescription was sold. When Ms. Reiger returned to the pharmacy counter to pick up the prescription for Matthew, the clerk on duty gave her Erin Riger's prescription which was a refill, so the clerk did not call the pharmacist to counsel. Ms. Reiger asked the clerk how to give the medication to Matthew and the clerk asked her if she wanted to talk to the pharmacist. Ms. Reiger noticed that the pharmacist was busy so she left the store without being counseled.

V.

During the course of the investigation, Board staff reviewed CVS #5286's counseling logs were not being completely filled out on a daily basis, such as incomplete dates and no indication of the store number. Board staff spoke with Ryan Obregon and asked him to review counseling procedures with his staff to ensure

compliance with Nevada law.

FIRST CAUSE OF ACTION

VI.

In dispensing Erin Riger's prescription to Ms. Reiger for her son Matthew, namely lithium carbonate 300 mg. tablets that were not prescribed for him, CVS #5286 violated NRS 639.210(4) and 639.945(1)(i).

SECOND CAUSE OF ACTION

VII.

In failing to counsel Ms. Reiger regarding Matthew's new prescription when she asked, and particularly in failing to ascertain the identity of the patient before dispensing the prescription, CVS #5286 violated NRS 639.210(4) and NAC 639.708(5) and 639.945(1)(i).

THIRD CAUSE OF ACTION

VIII.

By maintaining inadequate counseling logs, specifically incomplete dates, CVS #5286 violated NRS 639.210(4) and NAC 639.945(1)(i).

FOURTH CAUSE OF ACTION

IX.

In owning and operating the pharmacy in which the violations occurred, CVS #5286 violated NRS 639.210(4) and NAC 639.945(1)(i) and (2).

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

Signed this 13th day of February, 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**

v.

**CVS PHARMACY #5286,
Certificate of Registration #PH01804,
Respondent.**

Case No. 06-073-PH-S

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, April 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 13th day of February, 2009.


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

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

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

DATED this _____ day of _____, 2009.

Please Print Name for

CVS #5286

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

Case No. 09-080-RPH-S

v.

MATTHEW OSAYAREN, RPH
Certificate of Registration No.: 09430

NOTICE OF INTENDED ACTION
AND ACCUSATION

Respondent.

_____/

COMES NOW Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, and make 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 Osayaren is a registered pharmacist licensed by the Board.

II.

The Nevada State Board of Pharmacy has received a copy of the United States District Court Judgment in a Criminal Case (Case Number 2:07-CR-227-KJD-PAL). The Judgment cites that you pled guilty to Obstruction of a Federal Audit and Aiding and Abetting. The offenses that you admitted to, outlined on pages six (6) and seven (7) of the Plea Memorandum, include submission of a series of false and fraudulent documents to CIGNA Healthcare when they asked for documentation of patient records to substantiate your claims for Medicare reimbursement. Mr. Osayaren and MD Medical, Mr. Osayaren's MDEG business, received well over \$100,000.00 in Medicare reimbursement.

III.

On October 16, 2009, Mr. Osayaren will be incarcerated for five months in the federal prison located in Lompoc, California. Mr. Osayaren is responsible for a lump

sum payment of \$100,000.00 in restitution to Medicare and Medicaid Services. Upon Mr. Osayaren's release from prison he will be on supervised release for a period of three years with conditions. One of the conditions is that Mr. Osayaren will be restricted from engaging in employment, consulting, or any association with any medical supply business for a period of five (5) years.

FIRST CAUSE OF ACTION

IV.

Having been convicted of a felony involving Medicare fraud, Mr. Osayaren violated NRS 639.210(1), (4), and/or (7)(a) and/or 639.2815

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 27th day of August, 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 fifteen (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**

**MATTHEW OSAYAREN, RPH
Certificate of Registration No. 09430,**

Case No. 09-080-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.


III.

The Board has reserved Wednesday October 14, 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 27th day of August, 2009.


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

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

Case No. 09-080-RPH-S

v.

**MATTHEW OSAYAREN, RPH
Certificate of Registration No.: 09430**

**ANSWER AND NOTICE
OF DEFENSE**

Respondent.

_____/

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

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

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

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

DATED this _____ day of _____, 2009.

Matthew Osayaren, RPH

BEFORE THE NEVADA STATE BOARD OF PHARMACY

**NEVADA STATE BOARD OF PHARMACY,
Petitioner,**

v.

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

**MICHELLE L. BADTEN, RPH,
Certificate of Registration No. 14966,
Respondent.**

Case No. 09-051-RPH-S

_____/

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

I.

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

II.

On or about June 16, 2009, Board staff was notified that CVS had terminated the employment of Michelle L. Badten. Chad Luebke, pharmacy supervisor for CVS, and Bradley Brice, regional loss prevention manager for CVS, interviewed Ms. Badten regarding irregularities that were discovered on two prescriptions for Oxycontin 80 mg. tablets. Ms. Badten admitted in a written statement that she was addicted to narcotic pain medications and had obtained Oxycontin illegally by filling falsified prescriptions herself for her personal use.

III.

Ms. Badten admitted that she had been addicted to Oxycontin for approximately five years. She began taking it from Sav-On before CVS purchased those pharmacies. Ms. Badten stated that with the new CVS computer system she could no longer just steal the drugs and that she had to falsify prescriptions to obtain the medication she

was addicted to. She estimated that she may have filled and purchased as many as 50 falsified prescriptions for herself. Ms. Badten signed a Promissory Note to make restitution in the amount of \$2,426.55.

FIRST CAUSE OF ACTION

IV.

In removing controlled substances, namely Oxycodone, without a prescription therefore, Ms. Badten violated (NRS) 453.331(1)(d), 453.336(1) and/or 639.210(1), (4), and/or (12) and Nevada Administrative Code (NAC) 639.945(1)(h).

Signed this 13th day of August, 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**

**MICHELLE L. BADTEN, RPH,
Certificate of Registration No. 14966,**

Case No. 09-051-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, October 14, 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 13th day of August, 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**

**MICHELLE L. BADTEN, RPH,
Certificate of Registration No. 14966,**

Case No. 09-051-RPH-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.

Michelle L. Badten, RPH

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

v.

**CYNTHIA J. STONE, PT
Certificate of Registration No. PT00433,**

Case No. 09-042-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 Stone is a registered pharmaceutical technician in training with the Board.

II.

On or about March 11, 2009, Board staff was notified that Ms. Stone had been terminated from employment as a pharmaceutical technician at UMC. Ms. Stone voluntarily allowed investigator's from the Nevada Department of Public Safety, Department of Investigation to search her apartment for a person they had a warrant for. In the process of searching her apartment, investigators found a clear baggie, filled with tablets, and a blister pack with large UMC stickers on them. When asked who they belonged to, Ms. Stone stated that they were for her friend for his heart condition. The bag contained 58 25mg. tablets of hydrochlorothiazide and the blister pack contained 56 tablets of lisinopril. Ms. Stone admitted to the investigator that she did not receive a prescription authorizing her to fill prescriptions for her friend nor did UMC authorize her to take the medication.

FIRST CAUSE OF ACTION

III.

In removing dangerous drugs, namely hydrochlorothiazide and lisinopril tablets, without a prescription therefore, Ms. Stone violated (NRS) 454.221(1), 454.321 and/or 639.210(1), (4), and/or (12) and/or Nevada Administrative Code (NAC) 639.945(1)(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 13th day of August, 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**

**CYNTHIA J. STONE, PT
Certificate of Registration No. PT00433,**

Case No. 09-042-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, October 14th, 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 13th day of August, 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

CYNTHIA J. STONE, PT
Certificate of Registration No. PT00433,

Case No. 09-042-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").

please see attached

AUG 27 2009

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

admission of guilt attached

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 25 day of Aug-, 2009.

Cynthia Stone
Cynthia J. Stone, PT

8/25/09

QUESTION 1:

THE SEARCH IS CORRECT, THEY WERE LOOKING FOR THIS PERSON WHO LISTED MY ADDRESS AS HIS, THO THAT PERSON DID NOT LIVE WITH ME. HE DID KEEP SOME THINGS THERE IN SUITCASES. I ALLOWED THEM TO ENTER TO SEE THAT THE PERSON WAS NOT THERE. THEY KEPT ME IN THE PARKING LOT FOR OVER 5 HOURS SEARCHING THE HOUSE, AS FOR THE SEARCH WARRANT THAT WAS A CALLED IN WARRANT. YES, I DID SIGN BECAUSE I TOLD THEM TO GO IN AND SEE THAT HE WAS NOT THERE. WHEN ASKED ABOUT THE MEDICATIONS, I ACKNOWLEDGE THAT THOSE WERE HIS, THE BAGS WERE MINE ALONG WITH THE BOXES. TOLD THEM I TOOK BOXES AND BAGS FROM UMC WHEN I WAS MOVING, I CONTINUED TO TAKE THE BAGS BECAUSE THEY WERE GREAT FOR STORAGE AND CLUTTER. NO PATIENT NAME OR ACCOUNT NUMBER WAS EVER ON THE BAGS, THO IT DID LIST A MEDICATION NAME.

THE ACCUSATION IS INCOMPLETE AS TO :

THE DATE OF OCCURRENCE WAS IN 2008 LAST WEEK OF FEB.

QUANTITY WAS 1 TO 2 WEEKS OF THE MEDICATION, NOT THE AMOUNTS STATED

AT THE TIME OF THIS SEARCH, IT APPEARS HE HAS OBTAINED MEDICATIONS FROM ANOTHER SOURCE. THO HE CONTINUED TO BORROW THE BAGS THAT I TOOK FROM UMC.

Cynthia Stone

8-25-09

Question 2:

I have been a pharmacy tech for almost 25 years, working at UMC I have watched people there from Assistant Directors to supervisors to technician self consume for their own benefit. I did take the medication (s) as stated to help someone who was recently released from a prison . He was not able to get a refill because of some card, I felt that giving this person a week or two of meds to help would be okay. They are not narcotics, not controlled. I was simply trying to help someone and went about it the wrong way. Everyone there was doing it for their own self and nothing was happening to them, this was a first time for me. I regret the decision to do this, I have learned that I should of found a ER doctor to write a prescription and paid for the refill my self. But at the time I wasn't thinking that. I took these meds the last week of Feb. 2008. At the time of the search it appears he has found someone else to help obtain the medications.

This outcome has brought me to the courts as I have pled guilty to a misdemeanor regarding this incident, I have never been in trouble before, nor even a speeding ticket. But now I have a record that I must live with , it has closed a lot of opportunities for me for I am being told I will not be able to continue my field as a pharmacy technician. It is a field that I love very much because we are helping people better their self.

2008 was not a good year for me, it is not an excuse but a better understanding, I lost my home of 15 years , my father passed away, even to this day I will continue to help those in need. Though I will think clearly on how to do it before actually doing it.

I can only request that the board of pharmacy allow me this chance to prove that I am a good pharmacy technician and allow to continue working in the field of pharmacy, provided that I can get passed the misdemeanor barrier.

I thank you for your time regarding this matter and pray at the mercy of the board.

Sincerely

Cynthia Stone

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,
Petitioner,

NOTICE OF INTENDED ACTION
AND ACCUSATION

v.

LEHUANANI ESPINDA, PT
Certificate of Registration No. PT03655,

Case No. 09-081A-PT-S

RACHEL WEBER, PT
Certificate of Registration No. PT 04829
Respondents.

Case No. 09-081B-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 Respondents Espinda and Weber are registered pharmaceutical technicians with the Board.

II.

On or about May 21, 2009, Board staff was notified that Ms. Espinda and Ms. Weber had been terminated from employment as pharmaceutical technicians at CVS/pharmacy #8821 located at 8320 West Cheyenne Avenue, Las Vegas, Nevada. An investigation by CVS found that Ms. Espinda and Ms. Weber had been creating fraudulent prescriptions. In their written statements they indicated that friends would ask them to obtain drugs for them, hydrocodone 10/500 mg. and carisoprodol in particular. They would fill the prescriptions as if they were called in from a physician's office. Ms. Espinda and Ms. Weber both sold the drugs for their personal gain. Ms. Espinda indicated that she made \$5,500.00 from her sales and Ms. Weber indicated that she made \$1,000.00 from hers. Both Ms. Espinda and Ms. Weber were willing to reimburse CVS for their loss.

FIRST CAUSE OF ACTION

III.

In filling fraudulent prescriptions for controlled substances, namely hydrocodone 10/500 and carisoprodol, without prescriptions or authorization from a physician, Ms. Espinda and Ms. Weber 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 27th day of August, 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**

**LEHUANANI ESPINDA, PT
Certificate of Registration No. PT03655,
Respondent.**

Case No. 09-081-PT-S

_____/

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, October 14, 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 27th day of August, 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**

**LEHUANANI ESPINDA, PT
Certificate of Registration No. PT03655,
Respondent.**

Case No. 09-081A-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.

Lehuanani Espinda, PT

BEFORE THE NEVADA STATE BOARD OF PHARMACY

**NEVADA STATE BOARD OF PHARMACY,
Petitioner,**

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

v.

**LEHUANANI ESPINDA, PT
Certificate of Registration No. PT03655,**

Case No. 09-081A-PT-S

**RACHEL WEBER, PT
Certificate of Registration No. PT 04829
Respondents.**

Case No. 09-081B-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 Respondents Espinda and Weber are registered pharmaceutical technicians with the Board.

II.

On or about May 21, 2009, Board staff was notified that Ms. Espinda and Ms. Weber had been terminated from employment as pharmaceutical technicians at CVS/pharmacy #8821 located at 8320 West Cheyenne Avenue, Las Vegas, Nevada. An investigation by CVS found that Ms. Espinda and Ms. Weber had been creating fraudulent prescriptions. In their written statements they indicated that friends would ask them to obtain drugs for them, hydrocodone 10/500 mg. and carisoprodol in particular. They would fill the prescriptions as if they were called in from a physician's office. Ms. Espinda and Ms. Weber both sold the drugs for their personal gain. Ms. Espinda indicated that she made \$5,500.00 from her sales and Ms. Weber indicated that she made \$1,000.00 from hers. Both Ms. Espinda and Ms. Weber were willing to reimburse CVS for their loss.


FIRST CAUSE OF ACTION

III.

In filling fraudulent prescriptions for controlled substances, namely hydrocodone 10/500 and carisoprodol, without prescriptions or authorization from a physician, Ms. Espinda and Ms. Weber 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 27th day of August, 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**

**RACHEL WEBER, PT
Certificate of Registration No. PT 04829
Respondent.**

Case No. 09-081B-PT-S

_____/

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, October 14, 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 27th day of August, 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

RACHEL WEBER, PT
Certificate of Registration No. PT 04829
Respondent.

Case No. 09-081B-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").

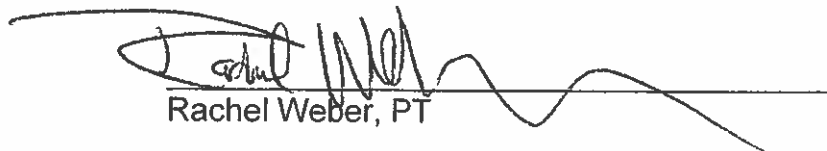
SEP 21 2009

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

I object to the accusation of the Carisoprodol, I did not create any scripts for that. I also did not sell the drugs on the side as they are saying I did. I ask of you to please give me another chance to prove myself as a pharmacy technician.

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 1st day of September, 2009.


Rachel Weber, PT

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

v.

**PORSCHE N. PYE, PT
Certificate of Registration No. PT09230,**

Case No. 09-073-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 Pye is a registered pharmaceutical technician with the Board.

II.

On or about August 6, 2009, Board staff was notified that Ms. Pye had been terminated from employment as a pharmaceutical technician at Walgreens #04856 located at 3400 Boulder Highway, Las Vegas, Nevada. An investigation by Walgreens loss prevention personnel was predicated by an e-mail from the managing pharmacist at Walgreens #04856 indicating that a patient had called to ask if the pharmacy had Oxycontin 80 mg. tablets in stock because he had a prescription for 50 tablets that he would be bringing in. The patient told the pharmacist that he had checked the previous month for availability of his Oxycontin but he usually goes to Walgreens on Maryland and Flamingo. After the phone call the pharmacist looked for the previous prescription but could not locate it because it was in a "stored" status which meant it was not filled or was put back into stock.

III.

On June 18, 2009 a new prescription was presented to Walgreens #04856 and filled for 50 Oxycontin 80 mg. tablets for the patient the pharmacist had spoken to on the telephone. Because the pharmacist found the scenario suspect, she checked the computer and it showed that the prescription showed that it was in a stored status. The pharmacist then did a physical count and the Oxycontin 80 mg. tablets were short exactly 50 tablets.

IV.

Investigation of this matter found that Ms. Pye had deleted the prescription at 5:51 p.m. Review of the security video showed that Ms. Pye helped a person, later identified as the patient, who brought a bottle of dish soap to the counter to be paid for in addition to his prescription. The Oxycontin prescription was placed in the bag with the dish soap, however the only thing rung through the register was the bottle of dish soap. That transaction took place at 5:46 p.m.

V.

In Ms. Pye's written statement she admitted to having given the Oxycontin to the patient and did not charge him for it. She stated that he offered her \$500.00 if she would give him the prescription without running it through the cash register since it would have cost \$710.99 and it would save him some money and she would gain from the transaction. Ms. Pye indicated that she could not refuse the offer as she needed extra money to help pay her bills. Ms. Pye stated that she had never done that before or after this once and would be willing to pay restitution when she could afford to do so.

FIRST CAUSE OF ACTION

V.

By dispensing a controlled substance prescription for 50 Oxycontin 80 mg. tablets without charging for them, deleting the prescription from the patient's profile to

obscure the transaction, and accepting money in the amount of \$500.00 for the service, Ms. Pye violated Nevada Revised Statute (NRS) 453.331(1)(d), and/or 639.210(1), (4), and/or (12) and Nevada Administrative Code (NAC) 639.945(1)(h) and (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 13th day of August, 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**

**PORSCHE N. PYE, PT
Certificate of Registration No. PT09230,**

Case No. 09-073-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, October 14, 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 13th day of August, 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**

**PORSCHE N. PYE, PT
Certificate of Registration No. PT09230,**

Case No. 09-073-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.

Porsche N. Pye, PT

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

v.

**WILLIAM C. SPAULDING, PT
Certificate of Registration No. PT08762,**

Case No. 09-071-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 Spaulding is a registered pharmaceutical technician with the Board.

II.

On or about June 24, 2009, Board staff was notified that Mr. Spaulding had been terminated from employment as a pharmaceutical technician at Walgreens #03842 located at 2389 East Windmill Lane, Las Vegas, Nevada. An investigation was predicated by a telephone call from the pharmacist at Walgreens #04137 advising that the store manager from Walgreens on East Windmill, Mr. Spaulding, was trying to pass a fraudulent prescription for hydromorphone. The pharmacist from Walgreens #04137 confirmed with the physician that he had not written the prescription for hydromorphone for Mr. Spaulding. Walgreens loss prevention personnel reviewed the video tape from Walgreens #04137 and confirmed that Mr. Spaulding was present trying to fill a prescription during the time the managing pharmacist indicated.

III.

During Mr. Spaulding's exit interview, he provided Walgreens with a written statement admitting that he was addicted to pain medication. He stated that he had a legitimate prescription at one time but once he began taking the medication it was not enough to meet his needs. Mr. Spaulding began creating fraudulent prescriptions on his home computer. In all, Mr. Spaulding admitted to creating thirteen fraudulent prescriptions for his personal use.

IV.

Mr. Spaulding filled prescriptions for lisinopril, hydromorphone, Oxycontin, Cialis, and carisoprodol totaling \$2,318.11. Mr. Spaulding did not execute a restitution promissory note to Walgreens upon his dismissal. Mr. Spaulding was arrested and charged with fraud by the Las Vegas Metropolitan Police following his exit interview.

FIRST CAUSE OF ACTION

V.

In creating fraudulent prescriptions for controlled substances, namely hydromorphone, Oxycontin, and carisoprodol, for his personal use, Mr. Spaulding violated Nevada Revised Statutes (NRS) 453.331(1)(d), and/or 639.210(1), (4), and/or (12) and Nevada Administrative Code (NAC) 639.945(1)(h).


SECOND CAUSE OF ACTION

VI.

In creating fraudulent prescriptions for dangerous drugs, namely lisinopril and Cialis, for his personal use, Mr. Spaulding violated NRS 454.311(1), and/or 639.210(1), (4), and/or (12) and Nevada Administrative Code (NAC) 639.945(1)(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 13th day of August, 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**

**WILLIAM C. SPAULDING, PT
Certificate of Registration No. PT08762,**

Case No. 09-071-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, October 14, 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 13th day of August, 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**

**WILLIAM C. SPAULDING, PT
Certificate of Registration No. PT08762,**

Case No. 09-071-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.

William C. Spaulding, PT

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

v.

**MARTHA ACETO, PT,
Certificate of Registration No. PT00149,**

Case No. 09-070-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 Aceto is a registered pharmacy technician with the Board.

II.

On or about August 3, 2009, the Board of Pharmacy was notified by Gretta Woodington of THC of Nevada, that she had terminated Ms. Aceto from employment as a pharmaceutical technician. Pharmacy staff at THC of Nevada observed unusual behavior of Ms. Aceto while she was working. Ms. Aceto was asked to drug test and the termination of her employment resulted from Ms. Aceto testing positive for oxymorphone.


FIRST CAUSE OF ACTION

III.

In testing positive for oxymorphone while working at THC of Nevada, Respondent Aceto violated Nevada Revised Statutes NRS 639.210(1), (3) and/or (4).

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 13th day of August, 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**

**MARTHA ACETO, PT,
Certificate of Registration No. PT00149,**

Case No. 09-070-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

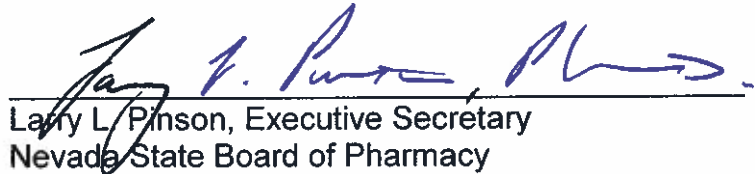
You have the right to a hearing before the Nevada State Board of Pharmacy to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. Should you desire a hearing, it is required that you complete two copies of 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.

The Board has reserved Wednesday, October 14, 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 13th day of August, 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**

**MARTHA ACETO, PT,
Certificate of Registration No. PT00149,**

Case No. 09-070-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.

Martha Aceto PT

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

v.

**RUTASHA G. MOORE, PT
Certificate of Registration No. PT10024,**

Case No. 09-050-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 Moore is a registered pharmaceutical technician with the Board.

II.

On or about June 3, 2009, Board staff was notified that Ms. Moore had been terminated from employment as a pharmaceutical technician at CVS #08798 located at 5985 West Tropicana Road, Las Vegas, Nevada. An investigation by CVS #08798 found that Ms. Moore had created fraudulent prescriptions to be picked up by an unknown person. In her written statement, Ms. Moore indicated that she was taught by a person that she met socially how to divert drugs from her employing pharmacy. Ms. Moore was contacted by someone from a doctor's office to add refills for a female patient of CVS #08798. Ms. Moore indicated in her written statement that she called the doctor's office back to verify the prescription and she was told it was legitimate and did not think anything further. Ms. Moore received a text to see if the prescriptions were

ready and then an unknown person would go through the drive-through to pick them up. Ms. Moore indicated that when she went home that evening, there was an envelope on the floor with \$300.00 in it. She was contacted later by text to see if she received the money and she said that she had, and the person texting indicated to her that there was more where that came from.

III.

Ms. Moore filled fraudulent prescriptions for hydrocodone 10/500 for a total quantity of 380 tablets and Alprazolam 2 mg for a total quantity of 220 tablets. The loss to CVS #08798 resulting from Ms. Moore filling fraudulent prescriptions is \$311.00. Ms. Moore indicated that she participated in this scheme and received monetary rewards but was relieved to rid herself of the guilt she experienced during her exit interview.

FIRST CAUSE OF ACTION

IV.

In creating false refills for controlled substances, namely hydrocodone 10/500 tablets and Alprazolam 2 mg. tablets, for unknowing patients and dispensing them to persons other than they were originally prescribed for, Ms. Moore violated (NRS) 453.331(1)(d), and/or 639.210(1), (4), and/or (12) and Nevada Administrative Code (NAC) 639.945(1)(h) and (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 13th day of August, 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**

**RUTASHA G. MOORE, PT
Certificate of Registration No. PT10024,**

Case No. 09-050-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, October 14, 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 13th day of August, 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**

**RUTASHA G. MOORE, PT
Certificate of Registration No. PT10024,**

Case No. 09-050-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.

Rutasha G. Moore, PT

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

v.

JUSTINA BLOOM, PTT

Certificate of Registration No. PT10568,

Case No. 09-078-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 Bloom is a registered pharmaceutical technician in training with the Board.

II.

On or about August 16, 2009, Board staff was notified by Christian Agyei, pharmacy manager for Walgreens #07864, that Ms. Bloom had been terminated from employment for approving refills for controlled substances for herself and friends. The letter indicated that Ms. Bloom admitted stealing controlled substances from patient's bags and from the pharmacy's inventory.

III.

In Ms. Bloom's written statement, she admitted that she had added refills to one of her prescriptions for hydrocodone, however she did not confess to the other allegations indicated in Mr. Agyei's notice of termination. Ms. Bloom indicated that she had refilled 40 tablets of hydrocodone and paid cash for the refill.

IV.

After her exit interview, Ms. Bloom was taken into custody by the Las Vegas Metropolitan Police Department.

FIRST CAUSE OF ACTION

V.

By altering a prescription written for her by adding refills, specifically one for hydrocodone, Ms. Bloom violated Nevada Revised Statutes (NRS) 453.331(1)(d) and/or (2) and/or 639.210(4) 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 27th day of August, 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 10 days of your receipt of this Notice of Intended Action and Accusation a written statement showing your compliance.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**STATEMENT TO THE RESPONDENT
NOTICE OF INTENDED ACTION
AND ACCUSATION
RIGHT TO HEARING**

JUSTINA BLOOM, PTT

Certificate of Registration No. PT10568,

Case No. 09-078-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.

The Board has reserved Wednesday, October 14, 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 27th day of August, 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**

JUSTINA BLOOM, PTT

Certificate of Registration No. PT10568,

Case No. 09-078-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 her 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, she 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.

Justina Bloom, PTT

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

v.

**LOLA WALKER, PT,
Certificate of Registration No. PT03849,**

Case No. 09-079-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 Walker is a registered pharmaceutical technician with the Board.

II.

On or about August 12, 2009, Board staff was notified that Ms. Walker had been terminated from employment as a pharmaceutical technician at CVS Pharmacy #8800 (CVS #8800) located at 6705 East Lake Mead Boulevard, Las Vegas, Nevada.

III.

In a voluntary written statement given as part of an exit interview with CVS loss prevention personnel, Ms. Walker admitted that she had diverted one bottle of Alprazolam 2 mg. tablets for a friend. Also in her written statement, Ms. Walker acknowledged that she had loaded gift cards, by using CVS store coupons, for her personal use which was against store policy.

FIRST CAUSE OF ACTION

IV.

In removing a controlled substance, namely Alprazolam 2 mg. tablets without a prescription therefore, Ms. Walker 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).

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 27th day of August, 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**

**LOLA WALKER, PT
Certificate of Registration No. PT03849,**

Case No. 09-079-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.

The Board has reserved Wednesday, October 14, 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 27th day of August, 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**

**LOLA WALKER, PT,
Certificate of Registration No. PT03849,**

Case No. 09-079-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.

Lola Walker, PT

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

v.

**WHITNEY N. HOLMES, PTT
Certificate of Registration No. PT06886,**

Case No. 09-077-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 Holmes is a registered pharmaceutical technician in training with the Board.

II.

On or about August 18, 2009, Board staff was notified that Ms. Holmes had been terminated from employment as a pharmaceutical technician in training at CVS/pharmacy #2955. An internal investigation into the loss of controlled substances was conducted at CVS/pharmacy #2955. Ms. Holmes was interviewed by CVS/pharmacy's loss prevention personnel and she confessed to having diverted controlled substances from the pharmacy. In a written statement Ms. Holmes indicated that she had been threatened multiple times to divert drugs for an old high school acquaintance. Ms. Holmes admitted that she took approximately eleven bottles of 100 hydrocodone/APAP 10/500 tablets, eleven bottles of 100 alprazolam.2 mg. tablets and two bottles of 100 brand name Xanax 2 mg. tablets. Ms. Holmes also admitted that she

was paid \$100.00 for each bottle that she supplied to the person who was threatening her. Ms. Holmes estimated that she had caused approximately \$2,200.00 loss to CVS and offered to pay CVS restitution for their loss.

FIRST CAUSE OF ACTION

III.

In removing controlled substances, namely hydrocodone/APAP 10/500 tablets, alprazolam 2 mg. tablets and Xanax 2 mg. tablets without a prescription therefore, Ms. Holmes 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 27th day of August, 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**

**WHITNEY N. HOLMES, PTT
Certificate of Registration No. PT06886,**

Case No. 09-077-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, October 14, 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 27th day of January, 2009.



Larn 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**

**WHITNEY N. HOLMES, PTT
Certificate of Registration No. PT06886,**

Case No. 09-077-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.

Whitney N. Holmes, PTT

Board Action:

Motion: Keith Macdonald moved to table this application until the July Board meeting.

Second: Chad Luebke

Action: Passed Unanimously

B. DrugCrafters – Frisco, TX

Giuseppe (Joe) Gallucci appeared and was sworn by President Fey prior to answering questions or offering testimony.

Mr. Gallucci testified that DrugCrafters was a compounding pharmacy that provided injectables to homeopathic doctors. He indicated that he had contracts with doctors in Nevada and has been shipping to them for some time. He stated that he worked for ApotheCure and was just doing the same thing at DrugCrafters that he was doing at ApotheCure. Mr. Gallucci indicated that he was licensed in California, Arkansas, Louisiana and Oklahoma and he obtained licenses with their Board's of Pharmacy after he began shipping into the state not knowing if it is a requirement to be licensed.

After Mr. Gallucci's testimony regarding his business practice the Board found it would be difficult at best for Mr. Gallucci to ship his products to be patient specific and follow Nevada's laws.

Board Action:

Motion: Mary Lau moved to deny the application for out of state pharmacy for DrugCrafters.

Second: Leo Basch

Action: Passed Unanimously

5. Applications for Nevada MDEG – Appearance:

A. APM Medical Suppliers – Las Vegas

Marcel Chatal appeared and was sworn by President Fey prior to answering questions or offering testimony.

Mr. Chatal was questioned regarding his qualifications to be the facility administrator for APM Medical Suppliers. Mr. Chatal explained that he bought into the company as the owners are planning ahead for retirement. This was not a change in ownership, he is now one third owner along with the existing owners. Mr. Chatal explained that he was a

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: Drug Crafters
Physical Address: 3550 Parkwood Blvd Bldg. F suite 1030
Mailing Address: (same as above)
City: FRISCO State: TX Zip Code: 75034
Telephone Number: 214.118.3511 Fax Number: 214.118.3539
Toll Free Number: 877.378.4272
E-mail: pharmacist@drugcrafters.com Website: www.drugcrafters.com
Managing Pharmacist: Giuseppe Gallucci License Number: 38341

Hours of Operation:

Monday thru Friday 9 am 10 pm Saturday am pm
Sunday 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: AUG 11 2009 Check Number: 409 Amount: 500-

51296
1605

OWNERSHIP IS A PARTNERSHIP. All information relates to the person listed as A partner Page 2, 3 and 4 must be completed by each partner.

Owner's Name: NA

List all previous names: _____

Social Security Number: _____

Date of Birth: _____

Place of Birth: City: _____ State: _____ Country: _____

Citizenship: USA _____ other _____

If applicable, list Naturalization Number: _____ Passport Number: _____

Current residence address: _____

City: NA State: _____ Zip Code: _____

Telephone Number: _____ Fax Number: _____

Previous address (last 5 years): _____

Address: NA City: _____ State: _____ Zip Code: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Business Name: _____

Current Business Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Fax Number: _____

Previous Employment: _____

Name: NA Address: _____

City: _____ State: _____ Zip Code: _____

Are you a registered pharmacist in Nevada? Yes or No License #: NA
Professional qualifications if not a pharmacist: _____

OWNERSHIP IS A PARTNERSHIP

General _____ Limited X

Partnership Name: Drug Crafters, LP

Mailing Address: 13455 Noel Rd Suite 800

City, State Zip Code: Dallas, TX 75240

Telephone Number: 972.628.4151 Fax Number: 972.628.4172

Contact Person: Matt Griffith

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

Name	G or L	Percentage
Pharmacy Ventures II, LLC	G	1%
PCMG Trading Partners XXIII, LP	L	99%

Within the last five (5) years:

- 4) Have you 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 ever been denied a license, permit or certificate of registration? Yes ☐ No ☒
- 6) Have you ever been the subject of an administrative action or proceeding relating to the pharmaceutical industry? Yes ☐ No ☒
- 7) Have you 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 you 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 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 partner

Date

James Dondero, Sole Member & Pof Limited Partnership

Print or Type name

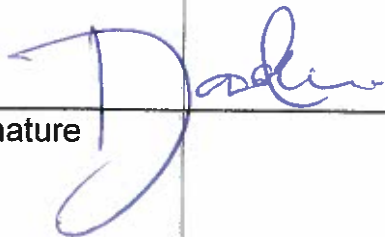
STATEMENT OF RESPONSIBILITY - PARTNERSHIP
FOR PHARMACIES LOCATED OUTSIDE OF NEVADA

I, James Dondero
Partner of Drug Crafters, LP
hereby acknowledge and understand that my partners and I may be responsible for any violations of pharmacy law that may occur in a pharmacy owned or operated by me.

I further acknowledge and understand that my partners and I 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 my partners and I 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.

Signature



Date

7/29/09



TEXAS STATE BOARD OF PHARMACY

W. Benjamin Fry, R.Ph.
President
San Benito

Kim A. Caldwell, R.Ph.
Vice President
McKinney

Jeanne D. Waggener, R.Ph.
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Floresville

Alice G. Mendoza, R.Ph.
Kingsville

Dennis F. Wiesner, R.Ph.
Austin

Gay Dodson, R.Ph.
Executive Director/Secretary
Austin

Re: Drug Crafters

Address: 3550 Parkwood Blvd., Building F,
Suite 630
Frisco, TX 75034

License No.: 25301

Date Issued: October 30, 2006

Licensure Status: Active


Expiration Date: October 31, 2010

Type of Pharmacy: Community – Class A

Prior Disciplinary Orders: No

The Texas State Board of Pharmacy does not use the term "good standing." The Texas State Board of Pharmacy does maintain records regarding licensure and disciplinary action against a licensee. As of the date of the receipt of the request for license verification (April 17, 2009), Drug Crafters (Texas Pharmacy License #25301) has not been subject to disciplinary action by the Texas State Board of Pharmacy.

Form Completed by:


Allison Benz, R.Ph., M.S.
Director of Professional Services
Texas State Board of Pharmacy

April 23, 2009
Date



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: Royal Palm Compounding Pharmacy LLC

Physical Address: 117 S. State Rd 7 Suite 201 Wellington FL 33414

Mailing Address: 7040 W. Palmetto Pk Rd Suite 4-842

City: Boca Raton State: FL Zip Code: 33433

Telephone Number: 561-784-0700 Fax Number: 561-784-0300

Toll Free Number: 877-784-0702

E-mail: Rubincph@yahoo.com Website: _____

Managing Pharmacist: Mark Rubin License Number: P532908

Hours of Operation:

Monday thru Friday 9 am 6 pm Saturday — am — pm
Sunday — 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: JUL 22 2009 Check Number: 1090 Amount: 500.00

51167
1577

OWNERSHIP IS A CORPORATION

State of Incorporation: Delaware

Parent Company if any: _____

Corporation Name: Royal Palm Compounding Pharmacy LLC

Mailing Address: 7040 W. Palmetto PK Rd Suite 4842

City: Boca Raton State: FL Zip: 33433

Telephone: 561-784-0700 Fax: 561-784-0300

License Contact Person: Mark Rubin

Professional Compliance Contact Person: Mark Rubin

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>Mark Rubin</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.


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

6-7-09
Date

Mark Rubin President
Print or Type name and title

CORPORATE STATEMENT OF RESPONSIBILITY
FOR PHARMACIES LOCATED OUTSIDE OF NEVADA

I, Mark Rubin

Corporate Officer of Royal Palm Compounding Pharmacy LLC

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

6-7-08

Date

pharmacist's review. Mr. Okpukpara failed to notice the difference in strength.

III.

Ms. Brooks went to the pharmacy to pick up her prescription later in the day of June 23rd, 2009. While returning to her car she noticed that the tablets in the bottle were different from those she had previously taken. Ms. Brooks returned to the pharmacy and spoke with Davidson Okpukpara regarding her observation. Mr. Okpukpara acknowledged the misfill, however when he went to retrieve the correct 25 mg. strength, he only found twelve tablets in stock. Mr. Okpukpara offered to call other pharmacies in an attempt to complete the fill, however Ms. Brooks refused and asked that the bottle be returned to her. Mr. Okpukpara printed out a duplicate label and placed it over the original and then crossed out 25 mg. and wrote in 50 mg. Mr. Okpukpara did not change the patient dosing instructions on the label to reflect the doubling of the dosage. Mr. Okpukpara indicated, during the investigation of this matter, that he discussed taking one half a tablet with Ms. Brooks and she seemed alright with that remedy, however Ms. Brooks does not recall telling Mr. Okpukpara that she was comfortable with that solution.

FIRST CAUSE OF ACTION

IV.

In failing to strictly follow the instructions of Ms. Brooks physician by refilling her prescription for metoprolol 25 mg. tablets with metoprolol 50 mg. tablets, Mr. Okpukpara violated Nevada Revised Statutes (NRS) 639.210(4) and/or Nevada Administrative Code (NAC) 639.945(1)(d) and (i).

SECOND CAUSE OF ACTION

V.

In failing to label the prescription vial with the correct dosing instructions for the 50 mg. tablets that were dispensed to Ms. Brooks, Mr. Okpukpara violated NRS 639.210(4) and/or 639.2801(6) and/or NAC 639.945(1)(d) and (i).

THIRD CAUSE OF ACTION

VI.

On October 1, 2006, the Board entered Findings of Fact, Conclusions of Law, and Order regarding Mr. Okpukpara (Case No. 05-053-RPH-N). The basis of the discipline entered against Mr. Okpukpara was an incident in which Mr. Okpukpara filled a prescription written for Roxicet liquid with Roxanol (morphine sulfate 20 mg./ml.) with directions to take two to three teaspoons every three hours as needed for pain or difficulty swallowing. The patient in this matter took approximately 10 cc's of morphine sulfate 20 mg./ml., which unfortunately led to the patient's death. The Washoe County Coroner reviewed the patient's death and concluded the cause of the patient's death was "acute morphine toxicity."

VII.

In being repeatedly negligent as evidenced by the Board's discipline against him in Case No. 05-053-RPH-N, Mr. Okpukpara violated NRS 639.210(4) and/or (16) and/or NAC 639.945(1)(i).

FOURTH CAUSE OF ACTION

VII.

In owning and operating the pharmacy in which Mr. Okpukpara failed to fill Ms. Brooks refill prescription for metoprolol correctly, Scolari's #28 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 certificates of registration of the Respondents.

Signed this 23rd day of July, 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**

**DAVIDSON OKPUKPARA, R.Ph.,
Certificate of Registration #15298,**

Case No. 09-054-RPH-N

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 Thursday, September 3, 2009 as the date for a hearing on this matter at the Airport Plaza Hotel, 1981 Terminal Way, Reno, Nevada. The hour of the hearing will be set by letter to follow.

IV.

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

DATED this 23rd day of July, 2009.



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

BEFORE THE NEVADA STATE BOARD OF PHARMACY

ANSWER TO NOTICE OF INTENDED ACTION AND ACCUSATION

Case No. 09-054-RPH-N
August 6, 2009.

Davidson Okpukpara, R.Ph. #15298

FIRST CAUSE OF ACTION: RESPONSE:

In assuming full responsibility for the misfill, I want to bring to the attention of the Board that on the same day, I had noticed and corrected 2 other wrong stock bottles that were inadvertently pulled for me, and called the attention of my technician and had her correct other typing errors on sigs and number of refills written on new prescriptions. Let me state that the technician has over the cause of many months been very error-prone. In fact, I discussed her error proneness with the PIC, Mr. Lorin Foster, in a few occasions. After each incident, we would tell her to slow down. In the weeks preceding this incident, she would come in and say to me that she would 'try her best to make no mistake today'. It never panned out. But I must also mention that she had been under tremendous pressure in the last few months with what she considered uncertainty as for her keeping her job, as she was being made to float from one pharmacy to the other, and not getting her usual forty hours per week, etc. Meanwhile, she is a single mother. Also, the stress level at the store had been so high because of the decision of the company to have the store run without a technician even on weekdays. In fact, these were some of the reasons I decided to accept another assignment with another company. But I was just one week too late, as this incident happened just one week before I left Scolari's.

SECOND CAUSE OF ACTION: RESPONSE:

I will state categorically that just as I did correct the strength on the prescription label to say 50 mg tablets, I hand wrote on a strip of prescription label 'Take ½ tablet daily', and placed that strip of label over the original directions. Secondly, Ms. Brooks assured me that we had done this before with this very prescription for her. I am sure that we all remember that over the last many months there has been an industry wide shortage on all strengths of Metoprolol ER tablets. When she said that, I remembered the particular incidents where we had done that for her on this very medication, and so felt pretty confident that with her being very informed on her medications, and her experience on taking a half tablet of this medication recently, and her assurance that she was 'fine' with it (as it gave her double the amount of drug coverage – #90 tablets = 6 months instead of 3 months). We treated Ms. Brooks like family at this store, and I was very shocked that she would go this route, knowing our otherwise excellent relationship, and record of performance with her. I would not have let her leave the pharmacy with those 50mg tablets if the above facts had not been true and verified.

THIRD CAUSE OF ACTION: RESPONSE:

This is the reason that every morning I pray that I never, ever lose concentration, not even for a second on the job. This is the reason why many a technician or intern that works with me will tell you that they never thought any mistake could go past me. I will keep up

my prayers, and hopefully, this will never happen again under my clock. I will stay diligent and keep working ever so hard to be and remain an exemplary pharmacist.

SUMMARY: In summary, I want to tell the Board that I am truly, very sorry that this happened under my watch. I hereby ask for the Board's leniency in deciding this matter. Many a pharmacy customer of mine will testify to how good a pharmacist I am. Unfortunately, we only get attention for the time something has not gone quite right. I do not really want to appear before the Board, hoping that this matter could be resolved in another way, and expeditiously.

Thank you all very much.

Sincerely,



Davidson Okpukpara, Pharm.D., R.Ph. #15298

pharmacist's review. Mr. Okpukpara failed to notice the difference in strength.

III.

Ms. Brooks went to the pharmacy to pick up her prescription later in the day of June 23rd, 2009. While returning to her car she noticed that the tablets in the bottle were different from those she had previously taken. Ms. Brooks returned to the pharmacy and spoke with Davidson Okpukpara regarding her observation. Mr. Okpukpara acknowledged the misfill, however when he went to retrieve the correct 25 mg. strength, he only found twelve tablets in stock. Mr. Okpukpara offered to call other pharmacies in an attempt to complete the fill, however Ms. Brooks refused and asked that the bottle be returned to her. Mr. Okpukpara printed out a duplicate label and placed it over the original and then crossed out 25 mg. and wrote in 50 mg. Mr. Okpukpara did not change the patient dosing instructions on the label to reflect the doubling of the dosage. Mr. Okpukpara indicated, during the investigation of this matter, that he discussed taking one half a tablet with Ms. Brooks and she seemed alright with that remedy, however Ms. Brooks does not recall telling Mr. Okpukpara that she was comfortable with that solution.

FIRST CAUSE OF ACTION

IV.

In failing to strictly follow the instructions of Ms. Brooks physician by refilling her prescription for metoprolol 25 mg. tablets with metoprolol 50 mg. tablets, Mr. Okpukpara violated Nevada Revised Statutes (NRS) 639.210(4) and/or Nevada Administrative Code (NAC) 639.945(1)(d) and (i).

SECOND CAUSE OF ACTION

V.

In failing to label the prescription vial with the correct dosing instructions for the 50 mg. tablets that were dispensed to Ms. Brooks, Mr. Okpukpara violated NRS 639.210(4) and/or 639.2801(6) and/or NAC 639.945(1)(d) and (i).

THIRD CAUSE OF ACTION

VI.

On October 1, 2006, the Board entered Findings of Fact, Conclusions of Law, and Order regarding Mr. Okpukpara (Case No. 05-053-RPH-N). The basis of the discipline entered against Mr. Okpukpara was an incident in which Mr. Okpukpara filled a prescription written for Roxicet liquid with Roxanol (morphine sulfate 20 mg./ml.) with directions to take two to three teaspoons every three hours as needed for pain or difficulty swallowing. The patient in this matter took approximately 10 cc's of morphine sulfate 20 mg./ml., which unfortunately led to the patient's death. The Washoe County Coroner reviewed the patient's death and concluded the cause of the patient's death was "acute morphine toxicity."

VII.

In being repeatedly negligent as evidenced by the Board's discipline against him in Case No. 05-053-RPH-N, Mr. Okpukpara violated NRS 639.210(4) and/or (16) and/or NAC 639.945(1)(i).

FOURTH CAUSE OF ACTION

VII.

In owning and operating the pharmacy in which Mr. Okpukpara failed to fill Ms. Brooks refill prescription for metoprolol correctly, Scolari's #28 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 certificates of registration of the Respondents.

Signed this 23rd day of July, 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**

**SCOLARI'S PHARMACY #28,
Certificate of Registration #PH00809,**

Case No. 09-054-PH-N

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

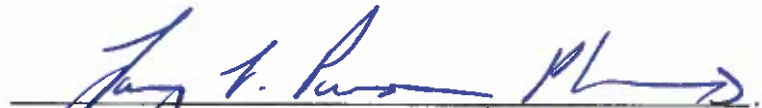
You have the right to a hearing before the Nevada State Board of Pharmacy to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. Should you desire a hearing, it is required that you complete two copies of 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 Thursday, September 3, 2009 as the date for a hearing on this matter at the Airport Plaza Hotel, 1981 Terminal Way, Reno, Nevada. The hour of the hearing will be set by letter to follow.

IV.

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

DATED this 23rd day of July, 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

SCOLARI'S PHARMACY #28,
Certificate of Registration #PH00809,

Case No. 09-054-PH-N

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").

The Scolari's pharmacy policy and procedure document clearly provides instructions on how a pharmacist should perform to dispense prescriptions (refill or new) correctly. Mr. Okpulepara acted upon himself and deviated from the Scolari's pharmacy policy and procedure to have created the error.

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

Scolari's pharmacy denies the notice of intended action and accusation base on the fact that Scolari's pharmacy has a well documented pharmacy policy and procedure to instruct pharmacist to fill prescriptions (new & refills) correctly. Mr. Okpukpara acted upon himself and deviated from Scolari's pharmacy policy and procedure to have created the error.

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 3rd day of August, 2009.

DAVID CHAN
type or print name


for Scolari's #28

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

Case No. 09-037-PT-N

v.

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

**CHRISTINE THURMAN, PT
Certificate of Registration No.: PT09712**

Respondent.

_____/

COMES NOW Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, and make the following that will serve as both a Notice of Intended Action under Nevada Revised Statutes (NRS) 233B.127(3) and as an Accusation under NRS 639.241.

I.

The Nevada State Board of Pharmacy has jurisdiction over this matter because Respondent is a registered pharmaceutical technician licensed by the Board.

II.

On May 8, 2009, the Nevada State Board of Pharmacy received notification from Debbie Mack, Director of Pharmacy Services, that Respondent Christine Thurman had been terminated from employment at Wal-Mart #10-4370 for attempting to add refills to prescriptions for herself and her family for controlled substances and dangerous drugs. It was noted that Ms. Thurman did not pick up the prescriptions she attempted to add refills for.

III.

On or about May 15, 2009, it was learned that Ms. Thurman had been arrested and convicted of a Category B felony. The Judgment of Conviction, dated April 17, 2009, provide that Ms. Thurman was found guilty of embezzlement and was sentenced to 12 months in prison, pay \$150.00 for a DNA fee, pay \$500.00 for attorney fees, and pay \$27,913.79 for restitution and an administrative fee of \$25.00. Ms. Thurman's one

year minimum imprisonment was reduced to serving forty-four days in the Lyon County Jail on weekends. Ms. Thurman will be on a maximum of five years probation under the conditions referenced.

FIRST CAUSE OF ACTION

IV.

By adding refills to controlled substance prescriptions for herself and family members without authorization from a physician, Ms. Thurman violated NRS 453.331 (1)(d) and/or NRS 639.210(4) and (12) and/or NAC 639.945(1)(d) and (h).

SECOND CAUSE OF ACTION

By adding refills to dangerous drug prescriptions for herself and family members without authorization from a physician, Ms. Thurman violated NRS 639.210(4) and (12) and/or NAC 639.945(1)(d) and (h).

THIRD CAUSE OF ACTION

In being convicted of a felony involving embezzlement, Ms. Thurman violated NRS 639.210(7)(c).

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 28th 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 fifteen (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, Case No. 09-037-PT-N

v.

**STATEMENT TO THE RESPONDENT
NOTICE OF INTENDED ACTION
AND ACCUSATION
RIGHT TO HEARING**

**CHRISTINE THURMAN, PT
Certificate of Registration No. PT09712,**

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 September 2, 2009, as the date for a hearing on this matter at the Airport Plaza Hotel, 1981 Terminal Way, Reno, Nevada. The hour of the hearing will be set by letter to follow.

IV.

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

DATED this 28th 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,

Case No. 09-037-PT-N

v.

CHRISTINE THURMAN, PT
Certificate of Registration No.: PT09712

ANSWER AND NOTICE
OF DEFENSE

Respondent.

_____/

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

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

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

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

DATED this _____ day of _____, 2009.

Christine Thurman, PT

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

**HEIDI MISCOVICH, PT,
Certificate of Registration No. PT01756,**

Case No. 08-087-PT-N

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 and respondent because Respondent Heidi Miscovich, is a registered pharmaceutical technician with the Board (Certificate of Registration Number PT01756).

II.

On December 3, 2008, the Nevada State Board of Pharmacy received a report from Carson Tahoe Regional Medical Center (Carson Tahoe) advising that Heidi Miscovich had been terminated from employment for removing controlled substances from Pyxis dispensing machines, the Carson Tahoe CII Safe, without lawful authorization.

III.

Kelly Schott, pharmacy manager at Carson Tahoe, reported that on September 26, 2008 Ms. Miscovich entered the CII Safe, via bioscan identification, and removed 10 MS Contin 15 mg. tablets and signed them out the ER for a specific patient. Three tablets were signed into the unit narcotic sheet for the patient however seven missing

tablets could not be accounted for.

IV.

On October 28, 2008 Ms. Miscovich entered the CII Safe, via bioscan identification, and input a non patient specific transaction for 6 methadone 10 mg. tablets. The six methadone 10 mg. tablets were removed from the CII Safe but not delivered to the ER and there was no documentation on any narcotic sheets within the hospital nor were they returned to the pharmacy.

V.

On October 31, 2008 Ms. Miscovich entered the CII Safe, via bioscan identification, at which time she input a non patient specific transaction for 10 methadone 10 mg. tablets that were to be delivered to the ER. The 10 methadone 10 mg. tablets were signed out of the CII Safe however there was no documentation they were delivered to the ER nor were they returned to the pharmacy.

VI.

On December 1, 2008 Ms. Miscovich was questioned by Ms. Schott regarding the referenced shortages in the CII Safe. At that time Ms. Miscovich denied any recollection or knowledge of the incidents. Ms. Miscovich was terminated from employment from Tahoe Carson Regional Medical Center on December 2, 2008.

VII.

During the investigation into this matter, Board staff interviewed Ms. Miscovich. At the time of the interview, Ms. Miscovich provided a written statement admitting that she had removed the referenced controlled substances for her personal use because she indicated she was under extreme personal pressure.

FIRST CAUSE OF ACTION

VIII.

In removing controlled substances, namely MS Contin and methadone, without a prescription therefore, Ms. Miscovich violated (NRS) 453.331(1)(d), 453.336(1)

and 639.210(1), (4), and (12) and Nevada Administrative Code (NAC) 639.945(1)(h), and (i).

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

Signed this 23rd day of July, 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.

**HEIDI MISCOVICH, PT,
Certificate of Registration No. PT01756,
Respondent.**

**Petitioner, STATEMENT TO THE RESPONDENT
NOTICE OF INTENDED ACTION
AND ACCUSATION
RIGHT TO HEARING
Case No. 08-087-PT-N**

_____/

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 Thursday, September 3, 2009 as the date for a hearing on this matter at the Airport Plaza Hotel, 1981 Terminal Way, Reno, Nevada. The hour of the hearing will be set by letter to follow.

IV.

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

DATED this 23rd day of July, 2009.



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

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

v.

Petitioner,

**ANSWER AND NOTICE
OF DEFENSE**

**HEIDI MISCOVICH, PT,
Certificate of Registration No. PT01756,
Respondent.**

Case No. 08-087-PT-N

_____/

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.

Heidi Miscovich, PT

July 28, 2009

To whom this may concern:

This is a request to appear before the pharmacy board to request reinstatement of my pharmacy Nevada license.

Thanking You,

Constance Willman

7350 Silver Lake Rd 38-B

Reno, Nevada 89506

(718) 596-7682

(718) 974-2022

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,
Petitioner,
v.

CONSTANCE WILLMAN, R.Ph.,
Certificate of Registration #12694


ORDER OF SUMMARY
SUSPENSION OF
PHARMACIST
REGISTRATION
Case No. 09-010-RPH-N

Respondent.

On January 30, 2009 Board Staff was informed by the Reno Police Department that Constance Willman had been admitted to the hospital for mental illness pursuant to Reno Police Case No. 09-3220. Board Staff is taking an immediate action against Constance Willman's certificate of registration.

Thus, pursuant to NRS 639.211 and 233B.127(3), Constance Willman's registration #12694 is hereby suspended until the appropriate documents are prepared and a hearing is held before the Nevada State Board of Pharmacy pursuant to NRS 639.212. Until the hearing before the Board of Pharmacy, Constance Willman may not practice pharmacy in the state of Nevada.

Signed and effective this 30th day of January, 2009.


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

CROWLEY CONSULTANTS INC
40970 Alton Court, Temecula, CA 92591-6948
626.646.3227 702.731.1200 951.694.1323(fax)
1708 Royal Canyon Drive, Las Vegas, NV 89128-8218
crowlek@gmail.com

September 29, 2009

Larry Pinson, Pharm.D.
Executive Secretary
Nevada Board of Pharmacy
431 W. Plumb Lane
Reno NV 89509

RE: Request for Modification to Probation Terms, Kenton Crowley, RPH 15858

Dear Larry,

I spoke with Larry Espadero and based on his advice, I would like to make a formal request to modify my probation terms at the next Board of Pharmacy meeting. Specifically, I would like to perform the duties of a "Pharmacist In Charge", and have an opportunity to become the PIC of a local Compounding Pharmacy in Las Vegas Nevada.

I have been asked to consider a PIC position in Las Vegas. This position would offer me and my family a wonderful opportunity, both professionally and financially.

Since the Board has regulated and limited my role as a pharmacist, I have followed all the protocols, laws, rules and regulations to the "T". I am a changed individual because of the past incidence. I think and believe that the increased responsibilities that come with the PIC designation would be easily accomplished by me.

Prior to my incident and the restrictions placed on my license, I performed the duties of a PIC at three separate facilities and have always been compliant and passed all inspections

Thank you for your time and consideration of my request.

Respectfully submitted,

Kenton Crowley, Pharm.D., FAARFM

2. On May 20, 2007, Mr. Crowley was in an automobile accident with another vehicle in Sonoma County, California. As a result of the incident, on June 5, 2007, Mr. Crowley was charged with driving under the influence of alcohol, a misdemeanor for a first offense in California. On July 16, 2007, through his attorney, Mr. Crowley plead guilty on one count of misdemeanor driving under the influence of alcohol with a blood

level in excess of 0.08 percent by weight of alcohol in the blood. Mr. Crowley successfully completed all of the conditions of his sentence, including the paying of a fine, the completion of DUI school, and doing time in jail.

3. On September 27, 2007, Mr. Crowley renewed his Nevada pharmacist's license using the Board's online renewal process. Mr. Crowley answered "No" to the question on the online renewal program that asked, "Since your last renewal or recent licensure have you. . . been charged, arrested, or convicted of a felony or misdemeanor in any state?" This response was false because Mr. Crowley had, in fact, been convicted of misdemeanor DUI in Sonoma County, California on July 16, 2007.

4. In his written Answer and Notice of Defense, and again in his testimony at hearing, Mr. Crowley admitted that he had been convicted of DUI on July 16, 2007 and that his eighteen-year-old son had renewed Mr. Crowley's license ignorant of Mr. Crowley's DUI conviction. Mr. Crowley explained that he was working in pharmacies in California and Nevada on temporary assignments, that he worked over 80 hours per week, and that he was, therefore, extremely busy, thus necessitating assistance from his family members in the paying of bills, including the renewal of his licenses. Mr. Crowley had not told his son about his criminal conviction when his son renewed Mr. Crowley's license for him, so while the son's answers were true and correct to the extent of the son's knowledge, the answers were not actually true and correct. Mr. Crowley took responsibility for the DUI conviction and the false application.

5. Mr. Crowley openly and frankly recounted for the Board his lengthy history of prescription drug abuse in California. Mr. Crowley also explained his attempts, ultimately successful, to treat and manage his substance abuse. Mr. Crowley explained that while he was never formally in a substance abuse treatment agreement with PRN-

PRN, he would participate in PRN-PRN sessions when he was in Nevada and was able. Mr. Crowley denied that he had ever abused alcohol, but he admitted that as a person with an addictive disorder, he should not have consumed alcohol. Mr. Crowley's affect and demeanor at hearing seemed to indicate that he was distracted, harried, and tired, which would be expected if Mr. Crowley was, in fact, working as many hours in as many different places as he testified. Mr. Crowley's affect and demeanor, his admission that he consumed alcohol knowing that he should not have, his lengthy struggle with substance abuse, and his choice to take on excessive amounts of work, all combined create a cause for concern that Mr. Crowley's present practice of pharmacy may not be to the standards expected of him by the Board, the public, and Mr. Crowley himself.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter because Mr. Crowley is a pharmacist licensed by the Board.
2. In indicating on his online renewal application that he had not been convicted of a misdemeanor when, in fact, he had been convicted of misdemeanor DUI in Sonoma County, California only two months prior to the date of his renewal application, Mr. Crowley violated NRS 639.210(4) and (10) and 639.281.
3. In being arrested and convicted of a misdemeanor DUI in Sonoma County, California, Mr. Crowley violated NRS 639.210(1), (2), and (4).

ORDER

Based upon the foregoing, the Board imposes the following discipline:

1. Mr. Crowley's pharmacist's license (#15858) shall be placed on probation for a period of at least five years from the effective date of this Order, subject to the following terms and conditions:

a. Mr. Crowley shall enter into a treatment agreement with PRN-PRN within five days from the effective date of this Order upon such terms and conditions as PRN-PRN shall deem necessary and appropriate. Mr. Crowley shall comply fully with the terms and conditions required of him by PRN-PRN. Mr. Crowley's probation shall be for such a term as PRN-PRN determines to be necessary and appropriate. Any violation of Mr. Crowley's PRN-PRN agreement shall constitute a violation of this Order.

b. Mr. Crowley may not be employed or serve as a managing pharmacist.

c. Mr. Crowley shall notify his present employer and any potential employers of the existence and terms of this Order and shall provide a copy of this Order to his employer or potential employer.

d. Mr. Crowley shall provide to PRN-PRN a copy of or notification of any prescription he receives from a physician. If Mr. Crowley seeks a prescription for a controlled substance, he shall assure that the physician is notified of this Order before the physician prescribes a controlled substance for Mr. Crowley.

e. PRN-PRN shall notify the Board's office of any breach of his treatment agreement committed by Mr. Crowley. The Board's staff shall evaluate and, if it deems necessary, investigate the breach and shall take such action, including seeking additional discipline, as the Board's staff deems appropriate.

f. PRN-PRN shall notify the Board's office of Mr. Crowley's successful completion of his treatment agreement. If Mr. Crowley has otherwise complied with the terms of this Order, his probation shall terminate upon the Board office's receipt of the

notification from PRN-PRN if such notification is received after the passage of five years from the effective date of this Order. If Mr. Crowley completes his treatment agreement with PRN-PRN prior to the passage of five years from the effective date of this Order, then he shall remain on probation until the passage of five years from the effective date of this Order.

g. Mr. Crowley shall comply with all laws relating to the practice of pharmacy, whether state or federal, statute or regulation.

2. If Mr. Crowley intends to reside outside of Nevada, he must:

a. Notify PRN-PRN and the Board in writing at least two weeks before he departs the state;

b. Enroll in a substance abuse treatment program sponsored by or affiliated with the board of pharmacy in the state in which he intends to make his residence, if such a program is available. If such a program is unavailable, then Mr. Crowley shall attempt to obtain private substance abuse treatment. Mr. Crowley shall notify PRN-PRN that he has enrolled in a sister-state program or a private program within two weeks after he has moved to the new state. PRN-PRN shall correspond with the sister-state program or the private program to assure that the program will operate in a manner satisfactory to PRN-PRN. While Mr. Crowley is enrolled in a sister-state or private program, his treatment shall be monitored by PRN-PRN, and any violation of the out-of-state program shall constitute a violation of Mr. Crowley's treatment agreement with PRN-PRN and this Order.

3. If Mr. Crowley is not able to reasonably enroll in an out-of-state programs pursuant to paragraph (2) above, then he shall notify the Board office and PRN-PRN

that of his inability to enroll, and this Order will thereafter be stayed until Mr. Crowley either enrolls in an out-of-state program or until Mr. Crowley again resides in Nevada and re-enrolls in the PRN-PRN program.

4. Mr. Crowley shall be responsible for and shall pay all fees and costs related to his substance abuse treatment pursuant to this Order. A failure to pay any of these fees or costs for treatment shall be deemed a violation of this Order.

5. Mr. Crowley shall participate in the Your Success Rx pharmacist's remedial program (hereinafter "the program") according to the terms and conditions imposed by the program. He shall contact the program within ten days of the effective date of this Order to arrange for his participation in the program according to the following terms and conditions:

a. Mr. Crowley shall cooperate fully and genuinely with the needs, demands, and requirements of the program.

b. Mr. Crowley shall inform and assure that his employing pharmacy is made aware of his participation in the program and that his employing pharmacy accommodates the program's needs regarding his time needed to participate in the program and the program's potential need to be present in the employing pharmacy.

c. Mr. Crowley shall pay the costs of his participation in the program. After receiving an invoice from Your Success Rx, Board Staff shall pay the invoice and shall inform the pharmacist of the amount due for the invoice, which the pharmacist shall pay to the Board by cashier's or certified check or money order made payable to "Nevada State Board of Pharmacy" within 30 days of being notified by Board Staff of the amount due.

d. When Mr. Crowley has completed the program, the program shall submit to Board Staff a final report regarding his participation in the program. Board Staff may set an item on the Board's subsequent agenda regarding the report to discuss the report with the Board. If Board Staff determines to set an item on the Board's agenda, Mr. Crowley may be required by Board Staff to be present for the Board's discussion, which may be held in open or closed session at the discretion of the Board.

6. Upon receipt of credible information that Mr. Crowley has failed to comply with any term of this Order, the Board's Executive Secretary shall be authorized to immediately suspend Mr. Crowley's license. The Board's Executive Secretary shall also prepare and file such documents as are necessary to allow the Board to impose further discipline, up to and including revocation of Mr. Crowley's license. Furthermore, any failure to pay any fine, fee, or cost ordered herein will also result in such legal action as Board staff determines to be necessary to collect the unpaid fine, fee, or cost.

Signed and effective this 14th day of May, 2008.



Barry Boudreaux, President
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**KENTON L. CROWLEY, R.Ph,
Certificate of Registration #1 15858,**

Respondent.

**ORDER DENYING REQUEST
TO MODIFY
FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

Case No. 08-013-RPH-S

THIS MATTER was heard originally by the Nevada State Board of Pharmacy (hereinafter Board) at its regular meeting on April 16, 2008, in Las Vegas, Nevada. The Board was represented by Louis Ling, General Counsel to the Board. Respondent Kenton L. Crowley appeared and represented himself. Based on the presentation of the parties and the public records in the possession and control of the Board, on May 14, 2008, the Board issued Findings of Fact, Conclusions of Law, and Order (the May 14, 2008 Order). In the May 14, 2008 Order, the Board placed Mr. Crowley's pharmacist's license on probation for a period of at least five years subject to the standard terms and conditions of a substance abuse treatment agreement between Mr. Crowley and PRN-PRN. In particular, paragraph 1(b) of the May 14, 2008 Order conditioned Mr. Crowley's probation as follows: "Mr. Crowley may not be employed or serve as a managing pharmacist."

On June 6, 2008, Mr. Crowley sent an e-mail to the Board's Executive Secretary Larry L. Pinson, Pharm. D., requesting that the May 14, 2008 Order be modified to allow Mr. Crowley to serve as a managing pharmacist so that he could serve in this capacity in a new pharmacy in which he planned to be a partner.

On July 16, 2008, the Board heard Mr. Crowley's request for modification of the May 14, 2008 Order. The Board received testimony from Mr. Crowley and Larry

Espadero, PRN-PRN Monitor. Based upon the testimony from Mr. Crowley and Mr. Espadero, and based upon Mr. Crowley's extensive history with substance abuse issues and his actions that resulted in the May 14, 2008 Order, the Board denies Mr. Crowley's request for modification of the May 14, 2008 Order. All of the terms and conditions of the May 14, 2008 Order remain in full force and effect.

Signed and effective this 14th day of August, 2008.

A handwritten signature in cursive script, appearing to read "Barry Boudreaux", written in black ink.

Barry Boudreaux, President
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

**ORDER MODIFYING FINDINGS
OF FACT, CONCLUSIONS OF
LAW, AND ORDER**

v.

**KENTON L. CROWLEY., R.Ph.
Certificate of Registration #15858,**

Case No. 08-013-RPH-S

Respondent.

_____ /

This matter was originally heard by the Nevada State Board of Pharmacy (hereinafter Board) at its regular meeting on April 16, 2008, in Las Vegas, Nevada, at which time the Board took testimony and admissions from Mr. Crowley. At the hearing on April 16, 2008, Mr. Crowley represented himself. Based on the presentation of the parties and the public records in the possession and control of the Board, the Board on May 14, 2008 issued Findings of Fact, Conclusions of Law, and Order placing Mr. Crowley's pharmacist's license on probation for a period of at least five years subject to the standard terms and conditions of a substance abuse treatment agreement between Mr. Crowley and PRN-PRN. Additionally, Mr. Crowley was ordered to participate in the Your Success Rx program as well.

At the regular meeting on September 3, 2008, in Reno, Nevada Mr. Crowley represented himself where Katie Johnson of Your Success Rx presented her observations of Mr. Crowley's performance of pharmacy practices in the field. Ms. Johnson testified that Mr. Crowley had the potential to be a safe practitioner but she could not state with confidence that Mr. Crowley would always meet that potential. Mr. Crowley admitted that he leads a hectic life and shared with the Board some of the legal, professional and personal situations that cause his life to be very stressful and his

desire to eliminate those stressors and practice pharmacy in a normal manner. The Board questioned Mr. Crowley regarding the status of his license with the California Board of Pharmacy and Mr. Crowley told the Board the hearing in California had just taken place on September 2, 2008. The Board continued Mr. Crowley's hearing until the October Board meeting to allow Mr. Crowley more time to remove the stressors in his life and his probationary status would be considered at that time.

At the hearing on October 30, 2008, Mr. Crowley appeared and represented himself. The Board had information from the California Board of Pharmacy that Mr. Crowley's license was suspended but Mr. Crowley had filed a Request for Rehearing that was going to be ruled upon on October 31, 2008. Mr. Crowley was asked by the Board what he had done since the September meeting to reduce the stressors in his life. Mr. Crowley gave a long but largely unresponsive answer. This matter was tabled until the Board's December meeting to see how the California Board of Pharmacy ruled on Mr. Crowley's request.

FINDINGS OF FACT

1. At the hearing on December 4, 2008, in Reno, Nevada, Mr. Crowley appeared but did appear with Mr. Espadero of PRN-PRN. Board Staff had information unrepresented that the California Board of Pharmacy had denied Mr. Crowley's Request for Rehearing and his license was revoked.

2. Mr. Espadero spoke on behalf of Mr. Crowley stating that he does well under the supervision of the PRN-PRN program.

3. Staff recommended that Mr. Crowley's probation be modified because of the change in his licensing status in California and the report by Ms. Johnson to include:

(1) That there be no modification or deviation from the PRN-PRN program without prior

Board approval; (2) Mr. Crowley will only be able to work ninety (90) hours in a two week period in Nevada, and (3) Mr. Crowley may not apply for licensure in any other state without prior approval of the Board.

4. Mr. Crowley verbally renewed his request to be allowed to be a managing pharmacist. The Board members denied his request to be a managing pharmacist.

CONCLUSIONS OF LAW

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

2. By indicating on his on-line renewal application that he had not been charged, arrested, or convicted of a felony or misdemeanor in any state, which was untrue, Mr. Crowley violated NRS 639.210(4) and (10) and 639.281.

3. In being arrested and convicted of a misdemeanor for DUI, Mr. Crowley violated NRS 639.210(1), (2) and (4).

ORDER

Based upon the presentation of the parties and the public records in the possession and control of the Board and Mr. Crowley's demeanor at the hearings on September 3, 2008, October 30, 2008, and December 5, 2008, the Board's Order of May 14, 2008 shall remain in full force and effect and is modified to include the following:

1. There will be no modification or deviation from the PRN-PRN program without prior Board approval;

2. Mr. Crowley will only be able to work ninety (90) hours in a two week period in Nevada; and

3. Mr. Crowley may not apply for licensure in any other state without prior approval of this Board.

Signed and effective this 12th day of December, 2008.

A handwritten signature in cursive script, appearing to read "Barry Boudreaux".

Barry Boudreaux, President
Nevada State Board of Pharmacy

NEVADA STATE BOARD OF PHARMACY
431 W. Plumb Lane ~ Reno, NV 89509 ~ (775) 850-1440
PHARMACEUTICAL TECHNICIAN IN TRAINING APPLICATION
Registration Fee: \$40.00 - (non-refundable)

☒ New Application ☐ Change of Pharmacy ☐ Additional Pharmacy (Please check one)

Complete Name (no abbreviations):

First: Karista Middle: Lee Last: Holmes

Home Address: 3912 Rive Gauche Street Apt #: _____

City: Las Vegas State: NV Zip Code: 89115

Telephone: _____

Date of Birth: _____ Place of Birth: Auburn, NY Sex: M or ☒ F

E-mail Address: KHolmes0828@live.com

I am requesting registration at the following pharmacy or approved training program:

Pharmacy: High Tech Institute Store #: _____

Address: 2320 S. Rancho DR

City: Las Vegas State: NV Zip Code: 89102

Signature of Managing Pharmacist: [Signature] Lic #: PT04188 Date: 7/29/09

(Without the signature of the managing pharmacist, the application will be returned.)

- 1) Are you 18 years of age or older? Yes ☒ No ☐
2) Are you a high school graduate or the equivalent? Yes ☒ No ☐
(IF YOU ANSWERED "NO" TO QUESTION 1 AND/OR 2, YOU CAN NOT SUBMIT THIS APPLICATION)
3) I have ☐ I have not ☒ been diagnosed or treated in the last five years for a mental illness or a physical condition that would impair my ability to perform any of the essential functions of my license, including alcohol or substance abuse.
4) I have ☒ I have not ☐ been charged, arrested or convicted of a misdemeanor ☒ or felony ☐
5) I have ☐ I have not ☒ been the subject of an administrative action whether completed or pending.
6) I have ☐ I have not ☒ had a professional license suspended, revoked, surrendered or otherwise disciplined, including any action against my license that was not made public.

If you checked "I have" to questions 3 thru 6, please include the following information and provide documentation and/or an explanation.

a) Board Administrative Action and/or State: _____ Date: _____ Case #: _____

b) Criminal Action State: N-V. Date: 05/08 Case #: 0814239
County: Clark Court: North Las Vegas Municipal

In response to federally mandated requirements, the Nevada Legislature and Attorney General require that we include the following questions as part of all applications.

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

IF YOU ARE SUBJECT to a court order for the support of a child, please mark the appropriate response.

I am ☐ I am not ☒ 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 for the support of one or more children.

I hereby certify that the information furnished on this document is true and correct. I agree to abide by all the statutes, rules and regulations governing pharmaceutical technicians in training and understand that a violation of any such statutes, rules and regulations may be grounds for suspension or revocation of this permit.

Signature: Karista Holmes Date: 07-24-09

Board Use Only **AUG 13 2009**

Received: _____ Check Number: MO Amount: 40.00

51389
6787

Karista Holmes

3912 Rive Gauche Street

Las Vegas, Nevada 89115

July 10, 2009

Board Of Pharmacy

431 W Plumb Lane

Reno, NV 89509

Dear Board Of Pharmacy;

Hello, my name is Karista Holmes, and I am currently enrolled as a student of the Pharmacy Technician Program at High Tech Institute here in Las Vegas, Nevada. I am writing in regards to an issue that recently came up in class.

I was informed that it can be very difficult, if not impossible to receive a National Certification in my chosen field if there has been any evidence of a prior drug-related misdemeanor. I first moved to Las Vegas from my home town in New York last April of 2008. I had made friends with someone who I had thought to be an honest, respectable person. In May of 2008, I was riding with him in his vehicle as he was driving me to my house here in Las Vegas, when he got pulled over for a traffic violation. I, as well as the Metro police officer, noticed that he was acting rather nervous for being pulled over for something that should not have been that big of a deal. The Police then had asked him to get out of his vehicle and from there proceeded to search him. Nothing was found on him, although he admitted to this officer that he had a registered firearm in the vehicle. The officer called for backup, and when they arrived they asked me to get out of the vehicle and at that time, I offered them the opportunity to go ahead and search me. Nothing illegal or even questionable was found on me. I had no idea what was going on and had I had any knowledge of what they would find in that vehicle, I would have never, ever, associated with this particular person. Upon conducting a search of his vehicle, they had found a marijuana pipe in a book bag that contained both his and my belongings. The police officer indicated that it looked as if it had been used for smoking marijuana. Though he admitted to the possession of a firearm, he refused to take responsibility for having the drug paraphernalia, leaving the blame to fall on me, as I was the only other passenger. The Police officers questioned me and all I could do was to be honest, I ensured them that it wasn't mine. The officers then stated that if nobody owns up to it, then they would have no choice but to charge us both. From there, I was taken into North Las Vegas Detention Center, where I was charged with misdemeanor possession of drug paraphernalia. Not fighting the charge at court was very poor decision on my part and I then, and especially now, regret more than ever. Being only nineteen years old, new in this city, and alone with

no family, I was just scared. Being in jail, for the first time, was all new to me. Not having talked to a lawyer, and the fact that I really had no one to call, I just wanted to resolve it as quickly as possible (by pleading guilty) so I could go home and move forward with my life. I spent a total of five days at NLVDC, and attended court on the fifth day. The judge ruled the five days credited as time served and from there my case was closed. I was released within twenty-four hours from that time.

I truly do see the error in my actions, and I learned that you really need to get to know people before you expose yourself to situations, such like mine. I take school very seriously, I always have I was a Honor Roll as well as a High Honor Roll student all throughout high school, and I have done more than carry that through to High Tech Institute. I'm very confident that I could be a great asset to any Pharmacy setting, all I ask is that the Board of Pharmacy please consider allowing me to continue in the career of choice that I have much been looking forward to, and working hard to achieve. Thank you for your time. I do hope to hear from you soon.

Sincerely,

Karista L. Holmes



July 29th, 2009

From: Tijeria Delgado

Pharmacy Technician Program Manager

High Tech Institute

702-366-4132

Re: Karista Holmes

Subject: Letter of Reference

I was approached to write a Professional Letter of Reference for Ms. Holmes, and I was glad to provide my experience working with her as her Program Manager. Ms. Holmes has completed five of the eight classes in the pharmacy technician program with a 4.0 GPA. In her courses she has been active and a highly participative student in all areas of the subject matter. She often adds her personal experiences that contribute highly to the overall class discussion. She is always punctual and academically sound.

She is very interested in advancing her knowledge and understanding of the pharmacy industry. She proves to be very ambitious when given the opportunity to learn new information. She has shown a great ability to persevere even in difficult times. She welcomes new assignments with great optimism and is always willing to step up to the plate to present information she has learned.

Ms. Holmes presents a professional manner that is positive and enthusiastic. She is a dedicated student and team player that can meld with a culturally diverse environment. I can highly recommend that she receives your highest consideration for an opportunity that can change her life.

Sincerely,

A handwritten signature in black ink, appearing to read "Tijeria Delgado", is written over a horizontal line.

Tijeria Delgado, Pharmacy Technician Program Manager

July 29th 2009

To Whom It May Concern:

I am writing this letter in regards to Karista Holmes and her recently submitted. It has come to my attention that there is an issue that has come up that could withhold Kartisa from being able to not only not receive her National Certification in Pharmacy Technician but also prevent her from continuing her education and her future goals. When I first met Karista she had proven to me the determination and desire to make a difference in her everyday life. Karista strove for nothing more than a better future and I was more than happy to recommend her for acceptance into our institute and the Pharmacy Technician program.

Karista is a very bright young lady , she comes into my office every week to tell me how well she is doing in class and how she can't wait to finish and be working in a field that she has worked so hard to be trained in. Karista has become one of our top students here in her program and shows her true dedication by being here every day without letting the small tactics of life get in her way.

When Karista came into my office with this issue she was very distraught about the idea that she would not be able to work in the field and didn't know how to go about what to do. She enjoys her classes and enjoys the idea that one day she will be a Pharmacy Technician. I do know that Karista has made a poor decision in the past but has learned from that decision and has worked to only better herself since then. Karista is a strong willed young lady and can become a huge asset to the Pharmacy Technician field. I do hope that her will and her dedication will outshine the past.

Sincerely,

Veronica Herrera

Admissions Representative

High Tech Institute

vherrera@hightechinstitute.edu

(702) 385 6700

D/ank

NEVADA STATE BOARD OF PHARMACY
431 W. PLUMB LN • RENO, NV 89509 • 775-850-1440
PHARMACEUTICAL TECHNICIAN IN TRAINING APPLICATION
Registration Fee: \$40.00 – (non-refundable)

☒ New Application ☐ Change of Pharmacy ☐ Additional Pharmacy (Please check one)
Complete Name (no abbreviations):

First: Jennifer Middle: Ruth Last: Ochadleus

Mailing Address: 10050 Yellow Canary Ave

City: Las Vegas State: NV Zip Code: 89117

Telephone: Social Security Number:

Date of Birth: 9/24/75 Place of Birth: Detroit, MI Sex: F

E-mail Address: mia.jayden@yahoo.com

I am requesting registration at the following pharmacy or approved technician school:

Name of School: **Kaplan College**

Address: **3315 Spring Mountain Road**

City: **Las Vegas**

State: **Nevada**

Zip Code: **89102**

Signature of Program Director: _____

Date: 7/6/09

(Without the signature of the program director, the application will be returned)

1) Are you 18 years of age or older? ☒ Y ☐ N

2) Are you a high school graduate or the equivalent? ☒ Y ☐ N

(IF YOU ANSWERED "NO" TO QUESTION 1 AND/OR 2 YOU CANNOT SUBMIT THIS APPLICATION)

3) I have ☒ I have not ☐ been diagnosed or treated in the last five years for a mental illness or a physical condition that would impair my ability to perform any of the essential functions of my license, including alcohol or substance abuse.

4) I have ☐ I have not ☒ been charged, arrested or convicted of a misdemeanor ☐ or felony ☐.

5) I have ☐ I have not ☒ been the subject of an administrative action whether completed or pending.

6) I have ☐ I have not ☒ had a professional license suspended, revoked, surrendered or otherwise disciplined, including any action against my license that was not made public.

If you checked "I have" to questions 3 thru 6, please include the following information and/or an explanation.

a) Board Administrative Action State: _____ Date: _____ Case#: _____
and/or

b) Criminal Action State: _____ Date: _____ Case#: _____
County: _____ Court: _____

In response to federally mandated requirements, the Nevada Legislature and Attorney General require that we include the following questions as part of all applications.

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

IF YOU ARE SUBJECT to a court order for support of a child, please mark the appropriate response.

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

I hereby certify that the information furnished on this document is true and correct. I agree to abide by all the statutes, rules and regulations governing pharmaceutical technicians in training and understand that a violation of any such statutes, rules and regulations may be grounds for suspension or revocation of this permit.

Jennifer Ochadleus
Signature

7/6/2009
Date

Board Use Only

Received: JUL 16 2009 Check Number: 386 Amount: 40.00

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10/6/87



KAPLAN COLLEGE

Hi Candy,

One of the license applications enclosed is for Jennifer Ochadleus, who tested positive for amphetamines on her drug screen. She has started attending PRN PRN, is it possible to schedule her in for the meeting on Wed 7/15/09 to petition for registration? Just let me know, Thanks!



**Mark Brunton, CPhT
Pharmacy Technician Program Director**

**Kaplan College
3315 Spring Mountain Road
Las Vegas, NV 89102**

**Tel: 702.579.3528
Cell: 702.236.6792
Fax: 702.222.0483
www.mbrunton@kaplan.edu**

Building Futures

JUL 13 2009

NEVADA STATE BOARD OF PHARMACY
431 W. Plumb Lane ~ Reno, NV 89509 ~ (775) 850-1440
PHARMACEUTICAL TECHNICIAN IN TRAINING APPLICATION
Registration Fee: \$40.00 - (non-refundable)

☒ **New Application** ☐ **Change of Pharmacy** ☐ **Additional Pharmacy** (Please check one)
Complete Name (no abbreviations):

First: Marcos Middle: _____ Last: Rodriguez
Home Address: 175 Shady Grove Ln. Apt #: _____
City: Dayton State: NV Zip Code: 89403
Telephone: _____ Social Security Number: _____
Date of Birth: 08/08/1990 Place of Birth: Truckee, CA Sex: ☒ M or F
E-mail Address: _____

I am requesting registration at the following pharmacy or approved training program:

Pharmacy: Walmart Pharmacy Store #: 3408
Address: 3200 Market St.
City: Carson City State: NV Zip Code: 89406

Signature of Managing Pharmacist: Karl W. McDonald R.Ph. Lic #: 2634 Date: 8/10/09

(Without the signature of the managing pharmacist, the application will be returned.) *-Kemp Rodriguez on vacation*

- 1) Are you 18 years of age or older? Yes ☒ No ☐
2) Are you a high school graduate or the equivalent? Yes ☒ No ☐
(IF YOU ANSWERED "NO" TO QUESTION 1 AND/OR 2, YOU CAN NOT SUBMIT THIS APPLICATION)
3) I have _____ I have not ☒ been diagnosed or treated in the last five years for a mental illness or a physical condition that would impair my ability to perform any of the essential functions of my license, including alcohol or substance abuse.
4) I have ☒ I have not _____ been charged, arrested or convicted of a misdemeanor ☒ or felony ☐
5) I have _____ I have not ☒ been the subject of an administrative action whether completed or pending.
6) I have _____ I have not ☒ had a professional license suspended, revoked, surrendered or otherwise disciplined, including any action against my license that was not made public.

If you checked "I have" to questions 3 thru 6, please include the following information and provide documentation and/or an explanation.

a) Board Administrative Action State: _____ Date: _____ Case #: _____
and/or
b) Criminal Action State: NV Date: 02/22/09 Case #: 09 CR 00466 IC
County: Carson City Court: Carson City Justice Court

In response to federally mandated requirements, the Nevada Legislature and Attorney General require that we include the following questions as part of all applications.

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

IF YOU ARE SUBJECT to a court order for the support of a child, please mark the appropriate response.

I am _____ I am not _____ 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 for the support of one or more children.

I hereby certify that the information furnished on this document is true and correct. I agree to abide by all the statutes, rules and regulations governing pharmaceutical technicians in training and understand that a violation of any such statutes, rules and regulations may be grounds for suspension or revocation of this permit.

Signature: Marcos Rodriguez Date: 08/10/2009

Board Use Only
Received: _____ Check Number: _____ Amount: _____

Case

Attributes

Case Number 09 CR 00466-1C

Filed 02/23/200

Case OPEN

Inc mp F Confidential

Prosecutor CARSON CITY DISTRICT

Judge WILLIS, ROBEY B

Department DEPT. I

r ATTORNEY

Nbr Type

Number

Officer
AgencyCARSON CITY
SHERIFF'S
OFFICEOffice TROTTER,
r JOSEPH

Jurisdiction CARSON CITY

Complainant

ion

Defendant

1 of 1

Full Name RORIGUIVEZ, MARCOS

Def Status CITE AND
RELEASEDef Status
As Of02/22/20
09

DLN/State 0

Lic
TypeC CLASS
NON
COMMERCIAL
DRIVER
LICENSEDefendant
Disposition

D.O.B. 08/08/1990

Degree of
Offense

MISDEMEANOR

S.I.D.

Def ID

Def

MID000130134

Home Address 175 SHADY GROVE

Bad

TYPE

Number

Address

FBI

Gender Male

Number

Race WHITE

Hair BROWN

City/ST/Zip DAYTON

NV 89403

Cod

e

Height

Weight

Eyes BROWN

At Location 2369 EASTRIDGE

Other Case

Court

Attorney

Nbr

Charge(s)

1 of 1

Charge Statute
Type

Action/NOC/Statute

Description

Enhancement
DescriptionDegree of
Off.

Disposition

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Ordinance

R01001M00CC1
CUSE OR
POSSESSION
OF ALCOHOL
BY MINOR

MISDEMEANOR

GUILTY

On

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PCN Number

Citation

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02/22/20

02/22/2009

Number
C32306555494

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237.00

08.20.020 CS, 202.020, 202.020.1

Charge Statute
TypeEnhancement
Description

Disposition

On

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Off Tm

PCN Number

Citation

Bail

Payabl

08.20.020

08.20.020

Number

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Total Bail
Amount

237.00

Next
EventAppearance
Date

Judge

Locatio
n

NEVADA STATE BOARD OF PHARMACY
431 W. Plumb Lane ~ Reno, NV 89509 ~ (775) 850-1440
APPLICATION FOR ADVANCED PRACTITIONER OF NURSING • PRESCRIBE
REGISTRATION FEE: \$80.00 (non refundable)

First: Shannon Middle: Kay Last: Leasure
Home Address: 4722 Firtree Lane
City: Sparks State: Nevada Zip Code: 89436
SS#: _____ Date of Birth: 10/29/1976 ☐ M or F ☒ F
Telephone: _____ E-mail address: skleasure@hotmail.com

PRACTICING LOCATION

Practice Name (if any): Sierra Regional Spine Institute
Physical Address: 6630-A So. Mc Carran Blvd. Suite #: 4
City: Reno State: Nevada Zip Code: 89509
Telephone: (775) 828-2873 Fax: (775) 828-2897
Board of Nursing APN Certificate #: APN000872 Issued: 9/29/2005 Expires: 10/29/2009

SUPERVISING PHYSICIAN

First: Phelps Middle: _____ Last: Kip
Physical Address: 6630-A So. Mc Carran Blvd. Suite #: 4
City: Reno State: Nevada Zip Code: 89509

- 1) I have ☒ I have not _____ been diagnosed or treated in the last five years for a mental illness or a physical condition that would impair my ability to perform any of the essential functions of my license, including alcohol or substance abuse.
- 2) I have ☒ I have not _____ been charged, arrested or convicted of a felony or misdemeanor.
- 3) I have ☒ I have not _____ been the subject of an administrative action whether completed or pending.
- 4) I have ☒ I have not _____ had a license suspended, revoked, surrendered or otherwise disciplined, including any action against my license that was not made public.

If you checked "I have" to questions 2, 3 or 4 above, please include the following information and an explanation and/or documents.

- a) Board Administrative Action and/or State: _____ Date: _____ Case Number: _____
- b) Criminal Action State: CA Date: 8/28/2007 Case Number: FSB703426

County: San Bernardino

Court: San Bernardino

I hereby certify, under penalty of perjury, that the information furnished on this application is true, accurate and correct.

SK Leasure APN
Signature of APN

7/2/09
Date

Phelps Kip
Signature of Supervising Physician

7/4/09
Date

Board Use Only

Received _____ Check Number 248 Amount 80.00

51168
578

July 7, 2009

TO: Nevada State Board of Pharmacy

FROM: Shannon Leasure, APN

Re: Re-applying for pharmacy license after the suspension was lifted from APN license

To Whom it May Concern:

I, Shannon Leasure, am writing an explanation to the questions I answered "yes" to on the application. On August 28, 2007 I was involved in a tragic situation involving drugs and alcohol. I was on vacation in Southern California. I have since been charged with a misdemeanor and am under a probationary period with the San Bernardino County court.

Furthermore, I am under a 5 year contract with the Nevada State Board of Nursing. I have already completed a year and a half of the contract. The contract requires that I call-in daily for random alcohol and drug screening, attend two AA meetings a week, have regular contact and reports from my sponsor, and attend a weekly nurse support group for the entire contract. I have already completed several requirements from the contract such as, attending weekly aftercare (recovery) for one year, and attend bi-weekly individual counseling sessions for one year. Furthermore I also completed a 60 day inpatient drug and alcohol rehabilitation program.

I initially voluntarily surrendered my RN and APN licenses and subsequently had them suspended. I have been working as an RN for a year and a half, and just recently had the suspension lifted from my APN license. Therefore, I am requesting my pharmacy license once again.

The last two years have been very challenging, but have changed my life. I have been sober for 22 months and feel confident in my recovery and have a great deal of support. Please feel free to contact me if you have any questions or concerns, or if you need any further references.

Sincerely,

A handwritten signature in black ink that reads "Shannon Leasure APN". The signature is written in a cursive, flowing style.

Shannon Leasure, APN

Board Action:

Motion: Keith Macdonald moved to table this application until the July Board meeting.

Second: Chad Luebke

Action: Passed Unanimously

B. DrugCrafters – Frisco, TX

Giuseppe (Joe) Gallucci appeared and was sworn by President Fey prior to answering questions or offering testimony.

Mr. Gallucci testified that DrugCrafters was a compounding pharmacy that provided injectables to homeopathic doctors. He indicated that he had contracts with doctors in Nevada and has been shipping to them for some time. He stated that he worked for ApotheCure and was just doing the same thing at DrugCrafters that he was doing at ApotheCure. Mr. Gallucci indicated that he was licensed in California, Arkansas, Louisiana and Oklahoma and he obtained licenses with their Board's of Pharmacy after he began shipping into the state not knowing if it is a requirement to be licensed.

After Mr. Gallucci's testimony regarding his business practice the Board found it would be difficult at best for Mr. Gallucci to ship his products to be patient specific and follow Nevada's laws.

Board Action:

Motion: Mary Lau moved to deny the application for out of state pharmacy for DrugCrafters.

Second: Leo Basch

Action: Passed Unanimously

5. Applications for Nevada MDEG – Appearance:

A. APM Medical Suppliers – Las Vegas

Marcel Chatal appeared and was sworn by President Fey prior to answering questions or offering testimony.

Mr. Chatal was questioned regarding his qualifications to be the facility administrator for APM Medical Suppliers. Mr. Chatal explained that he bought into the company as the owners are planning ahead for retirement. This was not a change in ownership, he is now one third owner along with the existing owners. Mr. Chatal explained that he was a

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: Drug Crafters
Physical Address: 3550 Parkwood Blvd Bldg. F Suite 1030
Mailing Address: (same as above)
City: FRISCO State: TX Zip Code: 75034
Telephone Number: 214.618.3511 Fax Number: 214.618.3539
Toll Free Number: 877.378.4272
E-mail: pharmacist@drugcrafters.com Website: www.drugcrafters.com
Managing Pharmacist: Giuseppe Gallucci License Number: 38341

Hours of Operation:

Monday thru Friday 9 am 10 pm Saturday am pm
Sunday am pm 24 Hours

TYPE OF PHARMACY

SERVICES PROVIDED

- | | |
|--|--|
| <input type="checkbox"/> Retail | <input type="checkbox"/> Off-site Cognitive Services |
| <input type="checkbox"/> Hospital (# beds _____) | <input checked="" 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: AUG 11 2009 Check Number: 409 Amount: 500-

51296
1605

OWNERSHIP IS A PARTNERSHIP. All information relates to the person listed as A partner Page 2, 3 and 4 must be completed by each partner.

Owner's Name: NA

List all previous names: _____

Social Security Number: _____

Date of Birth: _____

Place of Birth: City: _____ State: _____ Country: _____

Citizenship: USA _____ other _____

If applicable, list Naturalization Number: _____ Passport Number: _____

Current residence address: _____

City: NA State: _____ Zip Code: _____

Telephone Number: _____ Fax Number: _____

Previous address (last 5 years): _____

Address: NA City: _____ State: _____ Zip Code: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Business Name: _____

Current Business Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Fax Number: _____

Previous Employment: _____

Name: NA Address: _____

City: _____ State: _____ Zip Code: _____

Are you a registered pharmacist in Nevada? Yes or No License #: NA
Professional qualifications if not a pharmacist: _____

OWNERSHIP IS A PARTNERSHIP

General _____ Limited X

Partnership Name: Drug Crafters, LP

Mailing Address: 13455 Noel Rd Suite 800

City, State Zip Code: Dallas, TX 75240

Telephone Number: 972.628.4151 Fax Number: 972.628.4172

Contact Person: Matt Griffith

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

Name	G or L	Percentage
Pharmacy Ventures II, LLC	G	1%
PCMG Trading Partners XXIII, LP	L	99%

Within the last five (5) years:

- 4) Have you 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 ever been denied a license, permit or certificate of registration? Yes ☐ No ☒
- 6) Have you ever been the subject of an administrative action or proceeding relating to the pharmaceutical industry? Yes ☐ No ☒
- 7) Have you 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 you 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 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 partner

Date

Print or Type name

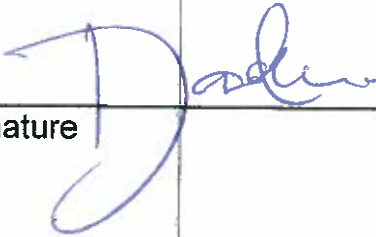
STATEMENT OF RESPONSIBILITY - PARTNERSHIP
FOR PHARMACIES LOCATED OUTSIDE OF NEVADA

I, James Dondero
Partner of Drug Crafters, LP
hereby acknowledge and understand that my partners and I may be responsible for any violations of pharmacy law that may occur in a pharmacy owned or operated by me.

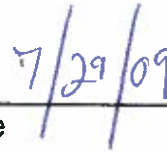
I further acknowledge and understand that my partners and I may be named in any action taken by the Nevada State Board of Pharmacy against a pharmacy owned by or operated by said corporation.

I further acknowledge and understand that my partners and I 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.

Signature



Date





TEXAS STATE BOARD OF PHARMACY

W. Benjamin Fry, R.Ph.
President
San Benito

Kim A. Caldwell, R.Ph.
Vice President
McKinney

Jeanne D. Waggener, R.Ph.
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Alice G. Mendoza, R.Ph.
Kingsville

Dennis F. Wiesner, R.Ph.
Austin

Gay Dodson, R.Ph.
Executive Director/Secretary
Austin

Re: Drug Crafters

Address: 3550 Parkwood Blvd., Building F,
Suite 630
Frisco, TX 75034

License No.: 25301

Date Issued: October 30, 2006

Licensure Status: Active


Expiration Date: October 31, 2010

Type of Pharmacy: Community – Class A

Prior Disciplinary Orders: No

The Texas State Board of Pharmacy does not use the term "good standing." The Texas State Board of Pharmacy does maintain records regarding licensure and disciplinary action against a licensee. As of the date of the receipt of the request for license verification (April 17, 2009), Drug Crafters (Texas Pharmacy License #25301) has not been subject to disciplinary action by the Texas State Board of Pharmacy.

Form Completed by:


Allison Benz, R.Ph., M.S.
Director of Professional Services
Texas State Board of Pharmacy

April 23, 2009
Date



NEVADA STATE BOARD OF PHARMACY
431 W PLUMB LN
RENO, NV 89509

To whom it may concern:

Please be advised that Royal Palm Compounding Pharmacy in Wellington, Florida and Rejuvi Pharmacy in Boca Raton, Florida are shipping both prescription medications and controlled substances into your state without the proper licenses from your state, and without the proper reporting to the prescription drug monitoring programs (PDMP). This is a violation of state law. A copy of their solicitations are included in this letter.

Royal Palm Compounding Pharmacy
117 South State Road 7
Suite 201 Wellington, Florida 33414
(561) 784-0700
www.royalpalmcompoundingpharmacy.com

Rejuvi Pharmaceutical, Inc.
4411 North Dixie Highway
Boca Raton, Florida 33431
1-877-362-3359
www.rejuvipharma.com

SEP 24 2009



Dear Physician,

I want to personally introduce you to Royal Palm Compounding Pharmacy in Wellington, Florida. Our highly-trained Pharmacists and lab technicians are devoted to assuring the highest-quality, custom made compounded pharmaceuticals for you and your patients. Our resident Pharmacist has been compounding pharmaceuticals for the past 15 years and can compound almost any drug. We specialize in weight loss formulas such as HCG and Sermorelin and can compound anti-aging pharmaceuticals.

Our pharmacy is a certified member of PCCA as well as IACP. In mid-September, our staff will be attending the World Anti-Aging Expo in San Jose, California hosted by A4M. Attendees at the Expo will have the opportunity to see all that Royal Palm Compounding Pharmacy has to showcase in booth #426. While there, our Pharmacists will learn about the most recent advancements and technologies in anti-aging techniques from over 300 leading experts in the field.

Today, faxing and calling in prescriptions "things" of the past! Here at Royal Palm Compounding Pharmacy we use Life-File, an innovative and hassle free prescription system that allows you to prescribe exactly what your patient needs, and do so electronically! Life-File gives you an impressive suite of services to both manage your internal practice as well offers cutting edge applications to communicate more effectively with us, the pharmacy and your patients.

Royal Palm Compounding Pharmacy ships nationwide and offers extremely competitive pricing. We are dedicated to your complete satisfaction. Please let us know what we can do to make your relationship with us even more efficient and pleasant.

I look forward to serving you.

Sincerely,

Mark Rubin
Senior Pharmacist
e-mail: mark@rpcpharmacy.com
www.royalpalmcompoundingpharmacy.com



a member of

PCCA®





Rejuvi

Omnitrope HGH 17.4 IU Vial--\$195 or less

Omnitrope Pen HGH 15 IU--\$195 or less

Generic Viagra 110mg(Sildenafil Citrate)\$5.95 per cap

HCG 10,000 IU's--\$49 or less

August 2009

Dear Physician,

I would like to introduce myself, my name is Ryan Hogan and I am with Rejuvi Pharmaceuticals, Inc. in Boca Raton, FL. We are a full service compounding pharmacy with a state of the art facility that specializes in hormone replacement therapy products.

Enclosed is the physician's pricing sheet for your review. I may have further flexibility in the prices in order to get you the best prices in the industry. For instance, with high volume, I can offer the Omnitrope HGH 5.8mg 17.4 IU for \$195 per vial or less. Sildenafil Citrate 110mg (generic Viagra) is \$5.95 per capsule. We also carry the HCG 10,000 IU's for \$49 or less depending on volume discounts. Rejuvi can fill your prescription the same day and ship overnight to anywhere in the U.S. Please give me a call and ask about other compounds you use at your clinic. We can compound most items.

I would appreciate the opportunity to work with you and earn your business. I look forward to speaking with you further. Thank You.

Best Regards,

Ryan Hogan

Director of Sales

Rejuvi Pharmaceuticals, Inc.

4411 North Dixie Hwy.

Boca Raton, FL 33431

1-877-362-3359

rhogan@rejuvipharma.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 _____ Location Change _____
(Please provide current license number if making changes: PH _____)

GENERAL INFORMATION

Pharmacy Name: Royal Palm Compounding Pharmacy LLC
Physical Address: 117 S. State Rd 7 Suite 201 Wellington FL 33414
Mailing Address: 7040 W. Palmetto Pk Rd Suite 4-842
City: Boca Raton State: FL Zip Code: 33433
Telephone Number: 561-784-0700 Fax Number: 561-784-0300
Toll Free Number: 877-784-0702
E-mail: Rubincph@yahoo.com Website: _____
Managing Pharmacist: Mark Rubin License Number: PS32908

Hours of Operation:

Monday thru Friday 9 am 6 pm Saturday — am — pm
Sunday — 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: JUL 22 2009 Check Number: 1090 Amount: 500.00

51167
1577

OWNERSHIP IS A CORPORATION

State of Incorporation: Delaware

Parent Company if any: _____

Corporation Name: Royal Palm Compounding Pharmacy LLC

Mailing Address: 7040 W. Palmetto PK Rd Suite 4842

City: Boca Raton State: FL Zip: 33433

Telephone: 561-784-0700 Fax: 561-784-0300

License Contact Person: Mark Rubin

Professional Compliance Contact Person: Mark Rubin

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>Mark Rubin</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.

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

6-7-08

Date

Mark Rubin President

Print or Type name and title

CORPORATE STATEMENT OF RESPONSIBILITY
FOR PHARMACIES LOCATED OUTSIDE OF NEVADA

I, Mark Rubin

Corporate Officer of Royal Palm Compounding Pharmacy LLC

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

6-7-08

Date



Charlie Crist
Governor

Ana M. Viamonte Ros, M.D., MPH
State Surgeon General

FLORIDA LICENSURE CERTIFICATION

Royal Palm Compounding Pharmacy
Attention: Mark Rubin
117 South State Road 7
Suite 201
Wellington, FL 33414

July 10, 2009

RE: Mark Jay Rubin

To Whom It May Concern:

This is to certify the following information, maintained in the records of the Department of Health, for the above referenced Health Care Practitioner:

PROFESSION:	Pharmacist
LICENSE NUMBER:	PS32908
ORIGINAL CERTIFICATION:	08/12/1997
EXPIRATION DATE:	09/30/2011
CURRENT STATUS OF LICENSE:	CLEAR, ACTIVE
AGENCY ACTION:	No
LICENSE GRANTED BY:	
OTHER CERTIFICATIONS:	Certified to Administer Immunization 9/22/2008

OTHER COMMENTS:

To expedite the verification process, the above format is the standard format prepared for all Health Care Practitioners. **The information above is the only verification document provided by this Agency.**

Jessica Craft
Certification Specialist
245-4191 ext. 3773

Client Services Unit
4052 Bald Cypress Way, Bin C01
Tallahassee, FL 32399
www.doh.state.fl.us/mqa

All Florida laws/rules may be obtained by accessing our website at www.doh.state.fl.us/mqa
Medical Malpractice information may be obtained by calling the Florida Department of Insurance at (850) 488-3429

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

Waldo 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?
☐ Yes ☒ No

Type of Encumbrance: (if any)

☐ Revoked ☐ Surrendered ☐ Limited
☐ Suspended ☐ Restricted ☐ 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)

☐ Yes ☒ 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)

☐ Yes ☒ No

Have any inspections of the applicant resulted in deficient ratings?
(If yes, please explain)

☐ Yes ☒ No

Has applicant met all licensing requirements of your state?
(If no, please explain)

☒ Yes ☐ No

Signature of State Official	Title	State	Date	State Seal
<u>Jesse 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 PHARMACY LICENSE
SOLE PROPRIETORSHIP

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: CLARK COUNTY PHARMACEUTICAL SERVICES
Physical Address: 5460 CAMERON ST LAS VEGAS NV 89118 #10
Mailing Address: 5460 CAMERON ST
City: LAS VEGAS State: NV Zip Code: 89118
Telephone Number: 702-762-4887 Fax Number: 702-629-6144
Toll Free Number: N/A
E-mail: N/A Website: N/A
Managing Pharmacist: CARL MILLER License Number: 10396

Hours of Operation:

Monday thru Friday _____ am _____ pm Saturday _____ am _____ pm
Sunday _____ 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: **SEP 21 2009** Check Number: CC Amount: 500.00

51914
1660

OWNERSHIP IS A SOLE PROPRIETORSHIP. All information relates to the person listed as the owner.

Owner's Name: Roy C. Beall, Jr.
List all previous names: n/a
Social Security Number: 549-78-1265
Date of Birth: 06/08/1949
Place of Birth: City: Loma Linda State: California Country: San Bernadino
Citizenship: USA ☒ other ☐
If applicable, list Naturalization Number: _____ Passport Number: _____

Current residence address: 3055 Bay Sands
City: Laughlin State: NV Zip Code: 89029
Telephone Number: (310) 991-3726 Fax Number: _____

Previous address (last 5 years):
Address: 3601 W. Hidden Ln #102 City: Palos Verdes Peninsula State: CA Zip Code: 90274
Address: _____ City: _____ State: _____ Zip Code: _____
Address: _____ City: _____ State: _____ Zip Code: _____

Business Name: _____
Current Business Address: _____
City: _____ State: _____ Zip Code: _____
Telephone Number: _____ Fax Number: _____

Previous Employment (last 5 years):
Name: City of Rolling Hills Est. Address: 4045 Palos Verdes Drive North
City: Rolling Hills Estates State: CA Zip Code: 90274
Name: _____ Address: _____
City: _____ State: _____ Zip Code: _____
Name: _____ Address: _____
City: _____ State: _____ Zip Code: _____

Are you a registered pharmacist in Nevada? Yes or ☒ No License #: _____
Professional qualifications if not a pharmacist: _____

Within the last five (5) years:

- 4) Have you 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 ever been denied a license, permit or certificate of registration? Yes ☐ No ☒
- 6) Have you ever been the subject of an administrative action or proceeding relating to the pharmaceutical industry? Yes ☐ No ☒
- 7) Have you 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 you 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 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.

Roy C. Beall, Jr
Signature of owner

June 29, 2009
Date

Roy C. Beall, Jr
Print or Type name

STATEMENT OF RESPONSIBILITY
SOLE PROPRIETORSHIP

I, Roy C. Beall, Jr
owner of Clark County Pharmaceutical Services

hereby acknowledge and understand that I 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 I may be named in any action taken by the Nevada State Board of Pharmacy against a pharmacy owned by or operated by me.

I further acknowledge and understand that I 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.

Roy C. Beall, Jr
Signature

June 29, 2009
Date

Statement of Responsibility

Managing Pharmacist

Pharmacist Name: CARL Miller

License #: 10396

Pharmacy Name: Clark County Pharm

Services

As a managing pharmacist of the above referenced pharmacy, I understand within 48 hours after I report for duty as the managing pharmacist, I shall cause an inventory of all controlled substances of the pharmacy according to the method prescribed by the provision of 21 CFR Part 1304; and cause a copy of the inventory to be on file at the pharmacy.

I understand that as the managing pharmacist I am responsible for compliance by the pharmacy and its personnel with all state and federal laws and regulations relating to the operation of the pharmacy and the practice of pharmacy. I understand my license can be revoked or that I can be the subject of disciplinary action if such laws or regulations are knowingly violated in the pharmacy in which I am managing pharmacist.

I understand that if I cease to be managing pharmacist of the above named pharmacy I will jointly, with the new managing pharmacist, take an inventory of all controlled substances.

	Yes	No
Been diagnosed or treated for any mental illness, including alcohol or substance abuse, or physical condition that would impair your ability to perform the essential functions of your license?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1. been charged, arrested or convicted of a felony or misdemeanor in any state?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. been the subject of an administrative action whether completed or pending in any state?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. had your license subjected to any discipline for violation of pharmacy or drug laws in any state?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you marked YES to any of the numbered questions above, please include the following information

Board Administrative Action: State: _____ Date: _____ Case #: _____

And/or Criminal Action: State: _____ Date: _____ Case #: _____
County: _____ Court: _____

B

lack

DISCUSSION AND DETERMINATION – SEPTEMBER 2009

1. NRS 639.230(1)

The issue of the use of “Rx” and “Pharmacy” and similar words is addressed in NRS 639.230. For many years, the Board has done its best to enforce this statute, the language seemingly quite straightforward.

Please review Senator Michael Schneider’s letter, as well as my response, and we shall discuss.

2. “PHYSICAL EXAMINATION” OF PATIENT PRIOR TO PRESCRIBING

NRS 453.3643 requires a practitioner to “physically examine” a patient within six months of prescribing a prescription drug for that patient. Likewise, NAC 639.945 (3) defines a “bona fide therapeutic relationship” as a relationship in which the practitioner has physically examined the patient within the six months immediately preceding the date the practitioner dispenses or prescribes a drug to that patient.

Enter the world of “telemedicine” and “internet medicine”. Board staff interprets a “physical examination” of the patient to be just that, with the patient and practitioner in the same room. Our policy seems to face a never-ending series of challenges from various sources, attempting to get us to agree that an internet questionnaire or a televised physical exam from afar is a bona fide “physical exam”. Obviously the Medical Board must weigh in as well, however since our statutes and regulations address this issue, Board Staff is encouraging a discussion.

3. ADVERTISING PRACTICES

Board Staff has been approached by some practicing pharmacists voicing their concern about their company requiring the pharmacist to provide certain advertisements to patients. The scenario is that when a label set prints for a given drug (say Flonase); the patient information includes an advertisement for a competitive drug (say Nasonex) which is to be stuffed in the patient’s prescription bag along with the usual information. The fear is that patients are becoming confused by this extraneous information on an irrelevant drug, not to mention the ethical aspect of this practice. Your thoughts?

Along the same lines, Board Staff has become increasingly concerned with the safety and welfare of patients as it relates to promotional coupon offers to transfer prescriptions from one pharmacy to another. Pharmaceutical care is far superior if the patient obtains all of their medications from one pharmacy. It is difficult, if not

impossible, for a pharmacist to do proper drug utilization review, screen for drug interactions, watch for therapeutic duplication, check for drug-allergy interactions and effectively counsel if the patients prescriptions are all over town. Again, your thoughts?

ATTORNEY GENERAL'S OPINIONS.

Section prohibits sale of drugs, medicines, chemicals or poisons, or filling of prescriptions during absence of registered pharmacist. Sec. 1, ch. 286, Stats. 1913 (cf. NRS 639.220), is clear and express in its provisions and prohibits the sale of drugs, medicines, chemicals, poisons or filling of prescriptions during the absence of a registered pharmacist. AGO 832 (11-30-1949)

NRS 639.230 Licenses: Operation without license prohibited; conditions and limitations on issuance of license; duties upon change of partners or corporate officers; additional requirement for renewal; grounds for suspension or revocation; certain Canadian pharmacies not prohibited from providing prescription drugs through mail order service.

1. A person operating a business in this State shall not use the letters "Rx" or "RX" or the word "drug" or "drugs," "prescription" or "pharmacy," or similar words or words of similar import, without first having secured a license from the Board.

2. Each license must be issued to a specific person and for a specific location and is not transferable. The original license must be displayed on the licensed premises as provided in NRS 639.150. The original license and the fee required for reissuance of a license must be submitted to the Board before the reissuance of the license.

3. If the owner of a pharmacy is a partnership or corporation, any change of partners or corporate officers must be reported to the Board at such a time as is required by a regulation of the Board.

4. Except as otherwise provided in subsection 6, in addition to the requirements for renewal set forth in NRS 639.180, every person holding a license to operate a pharmacy must satisfy the Board that the pharmacy is conducted according to law.

5. Any violation of any of the provisions of this chapter by a managing pharmacist or by personnel of the pharmacy under the supervision of the managing pharmacist is cause for the suspension or revocation of the license of the pharmacy by the Board.

6. The provisions of this section do not prohibit a Canadian pharmacy which is licensed by the Board and which has been recommended by the Board pursuant to subsection 4 of NRS 639.2328 for inclusion on the Internet website established and maintained pursuant to subsection 9 of NRS 223.560 from providing prescription drugs through mail order service to residents of Nevada in the manner set forth in NRS 639.2328 to 639.23286, inclusive.

[24:286:1913; added 1947, 667; A 1951, 290]—(NRS A 1967, 1649; 1973, 779; 1979, 1691; 1985, 883; 1991, 1950; 1993, 633; 1999, 244; 2001, 1632; 2003, 2287; 2005, 22nd Special Session, 153)

WEST PUBLISHING CO.

Health 198.

WESTLAW Topic No. 198H.

ATTORNEY GENERAL'S OPINIONS.

Section does not provide criminal penalty for failure to pay annual pharmacy license fee. Although sec. 24, ch. 286, Stats. 1913 (added by Stats. 1947, p. 667) (cf. NRS 639.230), does not provide a criminal penalty for failure to pay the annual pharmacy license fee, NCL § 5060 (cf. NRS 639.300) is applicable to the collection of the license fee. AGO 686 (10-5-1948)

NRS 639.231 Application for and issuance of license.

1. An application to conduct a pharmacy must be made on a form furnished by the Board and must state the name, address, usual occupation and professional qualifications, if any, of the applicant. If the applicant is other than a natural person, the application must state such information as to each person beneficially interested therein.

2. As used in subsection 1, and subject to the provisions of subsection 3, the term "person beneficially interested" means:

(a) If the applicant is a partnership or other unincorporated association, each partner or member.

MICHAEL A. SCHNEIDER

SENATOR

Clark No. 11

PRESIDENT PRO TEMPORE

COMMITTEES:

Chair

Energy, Infrastructure, and Transportation

Vice Chair

Commerce and Labor

Member

Taxation



State of Nevada Senate

July 10, 2009

DISTRICT OFFICE:

6381 Sandpiper Way
Las Vegas, Nevada 89103-2110
Office: (702) 876-5121
Fax No.: (702) 876-5121

LEGISLATIVE BUILDING:

401 S. Carson Street
Carson City, Nevada 89701-4747
Office: (775) 684-6502 or
(775) 684-1401
Fax No.: (775) 684-6522
www.leg.state.nv.us

Larry L. Pinson
Executive Secretary
State Board of Pharmacy
431 West Plumb Lane
Reno, Nevada 89509-3766

Dear Mr. Pinson:

On July 1, 2009, the Board sent a letter to Rx Realty, directing the company to cease and desist from using the letters "Rx" in its name. The notice is based on *Nevada Revised Statutes* (NRS) 639.230(1).

The primary goal of all occupational and professional regulation in Nevada is protection of the public welfare, as stated in NRS 622.080, a provision I helped enact in 2003. The State Board of Pharmacy and its staff are to be commended for vigilantly enforcing the provisions of Chapter 639. A great deal of attention has been focused on the effectiveness of the various occupational and professional licensing boards recently and some have come under criticism for not aggressively carrying out the legislative mandate in NRS 622.080.

It is also important to be aware of the intent behind such legislation. As specifically stated in NRS 622.080, the goal is always the protection and benefit of the public. On occasion, lawmakers use language that goes beyond what is necessary to accomplish this end, resulting in unforeseen and unintended consequences that do not advance the underlying policy.

Rx Realty is a case in point. When the Legislature originally enacted what is now NRS 639.230(1), the intent was to prohibit activity related to distribution of substances that, if not properly prescribed and regulated, could cause harm to peoples' health. The Legislature sought to ensure that anyone involved in such activity be regulated by a State entity with the requisite expertise to safeguard public health and welfare. One aspect of such protection is to prohibit unlicensed commercial operations that attempt to deceive the public into believing they are properly sanctioned pharmacological operations by using familiar trade designations.

JUL 13 2009

July 10, 2009

The use of the letters "Rx" by a realty firm poses no such threat to public welfare. A consumer will not be misled and believe that such a firm can prescribe a substance for use in or on the body. Nor is there a danger that conduct by a real estate firm using such a phrase in its name poses any threat of degradation to the pharmacy profession reputation. In retrospect, the Legislature should have used qualifying language in NRS 639.230(1) to clearly distinguish the kind of public hazard it sought to avoid. However, it is not uncommon for such need to be revealed only after actual application of a statute.

Regulatory agencies are invested with broad discretion in the scope of enforcing legislative enactments entrusted to them. In appropriate cases, a common sense application of a statute is preferable to a rigid interpretation. The guiding principle here is always whether the underlying legislative intent is effectuated.

Currently, the real estate market in Nevada is particularly distressed. The epidemic of foreclosures caused by the recession has brought great financial difficulty to thousands of homeowners and to the industry that serves them. Making Rx Realty change its name involves substantial cost to the company in terms of legal filings, signage, stationery and of course, goodwill associated with the company name. All of this comes at a particularly difficult time for the company and the industry as a whole, with no recognizable gain to public welfare.

I would appreciate it if the Board would suspend its action in this matter until the issue can be presented to the Legislative Commission at its next meeting, which will most likely occur during September. This would provide an opportunity for the Legislative Commission and the Board to discuss the best manner to proceed in the case, pending the introduction of clarifying legislation in the 2011 Session.

Thank you for your time in considering this matter. If you want to discuss it in more detail, please call me on my cell phone at: 702-610-5240.

Sincerely,

A handwritten signature in cursive script that reads "Mike Schneider".

Senator Michael A. Schneider
Vice Chairman, Senate Committee on
Commerce and Labor

MAS/tlw:W91714

cc: Barry Boudreaux, Las Vegas, President
State Board of Pharmacy



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

July 23, 2009

Senator Michael A. Schneider
Vice Chairman, Senate Committee on Commerce and Labor
Legislative Building
401 S. Carson Street
Carson City, Nevada 89701-4747

Dear Senator Schneider:

On July 13, 2009, I received your letter dated July 10, 2009, regarding Rx Realty and their use of "Rx" in its name. The Board of Pharmacy had indeed issued a cease and desist letter based on *Nevada Revised Statutes* (NRS) 639.230(1).

First, we thank you for recognizing our always ongoing enforcement of the provisions of Chapter 639. The Board takes this responsibility very seriously and especially when the public health and safety is at issue. With respect to the statute in question, this is an issue that we have addressed numerous times over the years. Although the language in the statute seems quite clear, I agree that the intent behind legislation must be considered and often the language used results in unforeseen consequences. Specifically, the language of NRS 639.230 (1) is as follows:

A person operating a business in this state shall not use the letters "Rx" or "RX" or the word "drug" or "drugs", "prescription" or "pharmacy" or similar words or words of similar import, without first having secured a license from the Board.

Of note, the above language appeared following a 2003 amendment to several parts of chapter 639. "Rx" and "RX" was added and "pharmacy or person operating a pharmacy" was changed to "person operating a business".

The Board will certainly honor your request to suspend its action in this matter until the Legislative Commission can clarify the intent of the statute with the Board, and help us develop criteria for enforcement, hopefully at its next meeting. I will direct my General Counsel to inform Rx Realty accordingly, and look forward to the discussion. I will also schedule a discussion of this matter for the next Board of Pharmacy meeting. We sincerely appreciate your willingness to work with the Board of Pharmacy in understanding the intent of not only this statute, but any future matters as well.

Senator Michael A. Schneider
July 23, 2009
Page 2

If you would like to discuss this matter further, please call me at any time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry L. Pinson, Pharm. D.", written in a cursive style.

Larry L. Pinson, Pharm. D.
Executive Secretary

cc: Carolyn J. Cramer
General Counsel



August 17, 2009

Larry Pinson
Executive Secretary
Nevada Board of Pharmacy
431 W. Plumb Lane
Reno, NV 89509

Re: Surety Bond Reduction Request

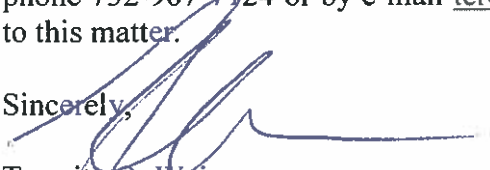
Dear Mr. Pinson:

On behalf of J. Knipper and Company, Inc., I kindly request clarification on the surety bond requirements for out-of-state wholesalers and request for a reduction in surety bond from \$100,000 to \$5000 pursuant to NRS 639.515. Knipper has two facilities which are both registered in the state of Nevada—Registration # WH00558 at One Healthcare Way (“OHW”), Lakewood, NJ and Registration # WH01435 at 1550 Oak Street, Lakewood, NJ.

- 1) **Does one surety bond apply for both facilities?** Or does Knipper need a separate bond for each facility? If I understand the regulations correctly, it seems Knipper has to show proof of its net worth to determine the answer. What proof would the Board require?
- 2) J. Knipper has been a licensed wholesaler in Nevada since 2000, but the company moved to its main facility at OHW in 2005. Do you begin the clock for license accrual since 2000 or 2005 to qualify for the surety bond reduction [5 years licensed with NV with no licensure violations]? Moreover, J. Knipper’s OHW facility has been VAWD-certified by the NABP since December 2007. VAWD-certification for J. Knipper’s second facility is pending per acceptance of the Letter Agreement with the NABP. We are just waiting for the actual certificate. **Would J. Knipper then qualify for the \$5000 security requirement?**

I kindly a response in writing (e-mail or letter) indicating the board’s decision on our request for a reduction in surety bond requirement. I am available for any questions you may have by phone 732-987-7124 or by e-mail teresita.weiss@knipper.com. Thank you for your attention to this matter.

Sincerely,


Teresita O. Weiss
Sr. Director
Regulatory, QA & Sampling



J. Knipper and Company, Inc.

One Healthcare Way, Lakewood, New Jersey 08701
Phone: 732-905-7878 • Toll Free: 1-888-KNIPPER • Fax: 732-905-0469 • www.knipper.com

REGIONAL WEST COAST SALES OFFICE
300 Main Street, Suite 21, Half Moon Bay, CA 94019 • Phone: 650-712-0912 • Fax: 650-712-0913

Jeri Walter

From: LARRY L. PINSON
Sent: Friday, August 28, 2009 1:51 PM
To: Weiss, Teresita
Cc: Jeri Walter
Subject: RE: Surety Bond

Good afternoon Teresita:

The statute allows a reduction **not below \$5000**, so the amount is solely dependent upon the Board, and would fit in the range of \$100K to \$5K. I do not feel that it is necessary for you to appear, however you are certainly welcome to do so if you wish; just let me know and I will schedule accordingly.

I am forwarding our email "string" to Jeri Walter, my Board Coordinator, who will actually schedule the date and time of your matter as we get closer to that meeting, so she will be your contact (jwalter@pharmacy.nv.gov and at the phone number below).

Have a great weekend,

Larry

Larry L. Pinson, Pharm. D.
Executive Secretary
Nevada State Board of Pharmacy
(775) 850-1440
(775) 850-1444 (fax)

From: Weiss, Teresita [Teresita.Weiss@knipper.com]
Sent: Monday, August 24, 2009 1:38 PM
To: LARRY L. PINSON
Subject: FW: Surety Bond

Hello Mr. Pinson,

Thank you for your reply to my letter. Because of the type of services we provide our clients and the growing number of states requiring a bond, I am interested in pursuing Knipper's request for a surety bond reduction. However, I do have some questions to how I should proceed to improve our chances for board approval of our request. I am a bit surprised that Knipper would be the first applicant to request for a reduction...is this a new regulation that now provides for this option? Not sure if I read and interpreted the regulations correctly, but would the reduction be from \$100,000 to \$25,000 or to \$5000? And understanding that this would be the first application so you may not know the answer, but I'd like your opinion nevertheless, do you think it would be better for me to appear before the board in support of my application? Either way, please include Knipper's request on the October agenda.

Thank you again in advance.

Best regards,
Teresita

From: LARRY L. PINSON [mailto:lpinson@pharmacy.nv.gov]
Sent: Thursday, August 20, 2009 4:41 PM
To: Weiss, Teresita
Subject: Surety Bond

Good afternoon Ms. Weiss:

I am in receipt of your letter asking questions about surety bond requirements with the Board of Pharmacy. J. Knipper has always been compliant with Board requirements and has to date an excellent record with the Board. To answer your questions specifically:

- 1) The surety bond does apply for **both** facilities, so no need to secure a second bond.
- 2) In light of J. Knipper's excellent record with the Board, I can certainly ask the Board for a reduction in the bond as is outlined in NRS 639.515 (3). This will require formal Board action, so I must agendize the request, the next meeting that I could get it on being October 14-15 in Las Vegas. At that time I can present your letter on your behalf, or you can appear in person if you wish.

Since no one has ever asked for a reduction in a surety bond, I cannot predict how the Board will rule, however I can say that I will be happy to recommend the reduction if you wish to pursue it.

Please give me a call if you have questions, and please let me know if you wish me to put you on the October meeting agenda.

Sincerely,

Larry

Larry L. Pinson, Pharm. D.
Executive Secretary
Nevada State Board of Pharmacy
(775) 850-1440
(775) 850-1444 (fax)

B/ark

EXECUTIVE SECRETARY REPORT – OCTOBER 2009

A) FINANCIAL REPORT

B) INVESTMENT REPORT

C) TEMPORARY LICENSES

1. McKesson & H1N1 Vaccine Distribution (update)

D) STAFF ACTIVITIES

1. Meetings
 - a. NABP District Meeting (9/30-10/2)
 - b. CE
 - c. PT Advisory Committee (10/7)
 - d. CE Committee (10/8)
 - e. Nevada Newsmakers

E) REPORT TO BOARD

F) BOARD RELATED NEWS

1. Medical Assistants issue

G) ACTIVITIES REPORT

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TEMPORARY LICENSES
(Issued since last board meeting)

Renown Medical Center

Brian Vu

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Nevada State Board of Pharmacy

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NEVADA STATE BOARD OF PHARMACY

ACTIVITIES REPORT

SEPTEMBER 2nd & 3rd, 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 September 2009 Board meeting.

Licensing Activity:

- 11 licenses were granted for Out-of-State pharmacies.
- 7 licenses were granted for Out-of-State MDEG companies.
- 15 licenses were granted for Out-of-State wholesalers.
- 4 licenses were granted for Nevada pharmacy (pending inspection).
- 2 licenses were granted for Nevada MDEG companies.

Disciplinary Action:

- Pharmaceutical technicians CT and HM were both revoked for diversion of controlled substances.
- Pharmacist CW's request for reinstatement was denied because of failure to successfully enroll in a drug treatment program.
- Pharmacist DO was reduced to intern status due to a second misfill, causing alleged harm to the patient.
- Pharmaceutical technicians in training JO and MR were granted registration after appearances, as was APN SL. All had questionable applications.

Other Activity:

- Besides the usual business activities of the Board, discussions were held on the non-pharmacy utilization of the symbol "Rx"; the "physical examination" of a patient by the practitioner prior to prescribing; and advertising activities. A report was given to the Board from the Controlled Substance Prescription Abuse Task Force Intervention Officer.

Workshop:

1. **Amendment of Nevada Administrative Code 453.550** Remove Buprenorphine from Schedule V
2. **Amendment of Nevada Administrative Code 453.530** Addition of Buprenorphine to Schedule III to Parallel Federal Law
3. **Amendment of Nevada Administrative Code 639.254** Add ICPT for acceptable in-service training for pharmaceutical technicians.
4. **Amendment of Nevada Administrative Code 639.220** **Schedule of fees; penalty for late renewal; exemptions from certain fees.** Fee increase for pharmacists and pharmacist interns.
5. **Amendment of Nevada Administrative Code 639.870** **Certificate of registration: Application; fee; period of validity; appearance before Board; collaborating physician; late renewal.** Delete consultant pharmacist requirement for Advanced Practitioner of Nursing.
6. **Amendment of Nevada Administrative Code 639.272** **Requirements for registration certificate.** Delete consultant pharmacist requirement for physician assistant.
7. **Amendment of Nevada Administrative Code AB213** Cancer Drug Donation Program.
8. **Amendment of Nevada Administrative Code SB197** Regulations for reissued drugs by nonprofit pharmacies.

Public Hearing:

1. **Amendment of Nevada Administrative Code 453.530** **Amendment of Schedule III.** This language removes references to over the counter products containing ephedrine, pseudoephedrine or phenylpropanolamine, their optical isomers, salts and salts of optical isomers. Also, some spelling corrections were made.
2. **Amendment of Nevada Administrative Code 639.6934** **"Life Sustaining Equipment" defined.** This amendment removes the term "oxygen concentrator" from the definition of life sustain equipment to correct the existing language.
3. **Amendment of Nevada Administrative Code 639.254** **Initial and biennial in-service training of pharmaceuticals working in or for a**

pharmacy; substitution of continuing education for in-service training. This regulation amendment requires pharmaceutical technicians to obtain one hour of Nevada law by attending a program approved or presented by the Board that relates to the practice of pharmacy.

4. **Amendment of Nevada Administrative Code 639.528 Preparation and storage of food in prescription of pharmacy.** This regulation amendment prohibits food to be stored in a refrigerator that is used to store medicine in the pharmacy.
5. **Amendment of Nevada Administrative Code 639.694 MDEG Administrator required.** This regulation amendment clarifies the existing language and specifies the requirements for MDEG provider administrators. MDEG provider applicants will know in advance of a Board appearance if their administrators qualify to participate in that capacity.
6. **Amendment of Nevada Administrative Code 639.707 Counseling.** Changing the language in this regulation will allow the pharmacist to use his or her professional judgment in the depth of counseling a patient.

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EXECUTIVE SECRETARY REPORT – SEPTEMBER 2009

A) FINANCIAL REPORT

B) INVESTMENT REPORT

C) TEMPORARY LICENSES

1. McKesson & H1N1 Vaccine Distribution

D) STAFF ACTIVITIES

1. Meetings
 - a. NACDS Pharm & Tech Conf. (Aug)
 - b. CE
 - c. PT Advisory Committee (10/7)
 - d. CE Committee (10/8)

E) REPORT TO BOARD

1. Task Force Meeting (8/28)
2. Illegal surgery center follow-up
3. ACPE site visit observer

F) BOARD RELATED NEWS

1. Calif. Nursing Board

G) ACTIVITIES REPORT

TEMPORARY LICENSES
(Issued since last board meeting)

CVS/pharmacy

Christy Andersen

Walgreens

Suzette Jacobs



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Centers for Disease Control
and Prevention (CDC)
Atlanta GA 30333

The Honorable Jim Gibbons
State of Nevada
State Capitol, 101 North Carson Street
Carson City, Nevada 89701

AUG 11 2009

Dear Governor Gibbons:

The Department of Health and Human Services and the Centers for Disease Control and Prevention (CDC) are rapidly making preparations to implement large-scale distribution of novel influenza A (H1N1) vaccine in the fall of 2009. The novel H1N1 flu vaccination program is expected to be a public health effort of unprecedented scale, potentially involving hundreds of millions of vaccine doses to be distributed across the U.S. CDC has contracted with McKesson Specialty Distribution LLC (McKesson) to distribute this vaccine to state and local health departments, medical facilities, doctor offices and other vaccine providers. CDC may also contract with McKesson Medical-Surgical for additional services. In order to accomplish this massive task, McKesson must quickly open new distribution centers and obtain applicable permits. The normal time required to obtain these permits presents a significant barrier to the success of this urgent public health program.

In the near future, the appropriate wholesale distributor licensing agency in your state will receive distribution permit applications for these distribution facilities. These permits are needed to allow McKesson to distribute novel H1N1 flu vaccine into or from your state. McKesson may also be applying for related business and building permits from local and state governmental entities. CDC urgently requests your assistance in expediting applications for these distribution facilities and, if necessary, asks that you consider waiving requirements that would prevent these facilities from becoming fully operational by September 1, 2009. Requirements you may be asked to waive will not compromise safety or integrity of products.

McKesson plans to operate the novel H1N1 flu vaccine distribution facilities for the limited time period of the upcoming flu season (September 2009 through spring/summer 2010). CDC and McKesson fully expect that any distribution activities conducted in these facilities beyond this period would be subject to the usual licensing processes.

Your assistance in helping expedite receipt of the necessary permits that are required by these distribution centers will be a critical factor to the success of this public health effort to mitigate the threat presented by this newly emerged disease. Thank you for your time and consideration.

Sincerely,

Thomas R. Frieden, M.D., M.P.H.
Director, CDC, and
Administrator, Agency for Toxic Substances
and Disease Registry

cc: Robin Reedy, Chief of Staff
Tracey Green, State Health Officer
Larry Pinson, Executive Director, Nevada State Board of Pharmacy

AUG 12 2009

PAGE 2 • LAS VEGAS SUN

7/21/09

HEALTH CARE

Alleged illegal surgery is basis for woman's arrest

By MARSHALL ALLEN
Las Vegas Sun

Metro Police arrested a woman on multiple counts of practicing medicine without a license, harming a patient and possessing dangerous drugs without a prescription in connection with a botched surgery that allegedly took place in the back of a drugstore.

Patricia Padilla, 50, was arrested Friday and is now free on bail, police spokeswoman Barbara Morgan said.

Authorities were first called June 19 to Botanica Maya, 5347 E. Lake Mead Blvd., Las Vegas, because a woman was bleeding profusely — apparently from gynecological surgery that had gone wrong — in the retail store, which sells over-the-counter medications, vitamins and herbs. The woman was rushed to a hospital, and then police and health authorities investigated the site. They found a crude surgical suite set up in the back room, including a cabinet with intravenous and injectable medications, many with Spanish labels, and a log with the names of patients and procedures.

In the trash were found bloody rags, used syringes and needles, pill bottles and bottles of injectable drugs with Span-

ish labels.

The state Health Department shut down the surgery operations with a cease-and-desist order on June 26.

The store is owned by Patricia Padilla's stepson, Adam Padilla. When reached by the Sun June 26, he said his stepmother operated the store and that the procedure done June 19 was performed by a man known only as "Gustavo," and he fled to another country after the police were called.

Adam Padilla did not return calls on Monday.

Patricia Padilla was arrested on two counts of practicing medicine without a license, one count of willful wanton disregard with substantial bodily harm or death, one count of conspiracy to commit a crime and five counts of possession of a dangerous drug without prescription.

On the Internet, the location is listed as the address of "Patricia Padilla, M.D.," but she is not a physician and is not licensed to practice medicine.

The case was investigated by Metro Police's Violent Crimes unit.

Marshall Allen can be reached at 259-2330 or at marshall.allen@lasvegassun.com.

LARRY + CAROLYD —
LAS VEGAS SUN
ARTICLE THIS
MORNING REF:
PATRICIA PADILLA
ARREST.
FRO

+ EL ALCOHOL



ACCREDITATION COUNCIL FOR PHARMACY EDUCATION

20 North Clark Street, Suite 2500 • Chicago, Illinois 60602-5109 • www.acpe-accredit.org
312/664-3575 • FAX 312/664-4652 • E-mail: jwadelin@acpe-accredit.org

Jeffrey W. Wadelin, Ph.D.
Associate Executive Director and
Director, Professional Degree Program Accreditation

August 10, 2009

Larry L. Pinson
Executive Secretary
Nevada State Board of Pharmacy
431 W. Plumb Lane
Reno, NV 89509

Dear Mr. Pinson:

An evaluation team of the Accreditation Council for Pharmacy Education (ACPE) will evaluate the Doctor of Pharmacy program at the University of Southern Nevada College of Pharmacy on October 20-22, 2009. The purpose of the visit is to evaluate the program for continued accreditation status. Both the main campus in Henderson and the satellite campus in South Jordan, Utah, will be visited.

ACPE extends to the Nevada State Board of Pharmacy an opportunity to designate one of its officers or members to participate on the site visit as an observer. For your information and assistance in the appointment of the representative, we are enclosing *suggested guidelines* for Board of Pharmacy appointment of a representative.

The presence of the Board of Pharmacy representative gives the opportunity for better understanding of the ACPE accreditation process, not only as it applies to this specific College of Pharmacy, but to all others. The Board of Pharmacy representative will receive orientation to the evaluation procedures at the beginning of the on-site visit. The representative will be participating with the evaluation team during all aspects of the on-site evaluation including social and executive sessions.

Please let ACPE know by **September 15, 2009** if the Nevada State Board of Pharmacy will be sending a representative. ACPE will need the enclosed *information sheet* filled out for our records as well as a signed *Conflict of Interest form*, also enclosed. The Dean of the College, Dr. Renee Coffman, should be notified as well.

ACPE is not in a position to assume travel expenses for Board member appointees; therefore, expenses of the Board member will be the responsibility of the Board of Pharmacy.

Sincerely,

Enclosures

AUG 17 2009



ACCREDITATION COUNCIL FOR PHARMACY EDUCATION
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**SUGGESTED GUIDELINES FOR BOARD OF PHARMACY APPOINTMENT
OF OBSERVER TO WORK WITH ACPE EVALUATION TEAM
FOR PURPOSES OF ACCREDITATION OF
COLLEGES OR SCHOOLS OF PHARMACY**

To avoid potential conflicts of interest the Board of Pharmacy observer should:

1. Preferably **not** be a graduate of the College/School to be evaluated. This criterion is difficult to achieve in most instances; however, wherever possible, attempts should be made in accord with this preference.
2. Preferably not now be active in affairs of the College/School, or have a particular relationship with the School.
 - a. Representative should not be a member of the governance board, such as the Board of Regents or Board of Trustees.
 - b. The representative should not be a member of an official advising body to the College/School.
 - c. The representative should not be a salaried adjunct faculty member. It is preferable not to be a "volunteer" or preceptor for the externship program, but this is less important as a criterion.
 - d. Relatives or children should not be on the faculty or staff of the College/School, or be students in the program.

Note: Application of these guidelines may require various interpretations based on the circumstances. If questions arise, the ACPE office will be pleased to provide guidance.

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L.A. NOW Southern California - this just in

From the staff of the Los Angeles Times and



• Two arrested in fatal North Hollywood shootout | Man | Airport police officer arrested for alleged child molestation »

Schwarzenegger wants sweeping reforms in discipline system for healthcare providers

1:28 PM | August 12, 2009



Gov. Arnold Schwarzenegger acknowledged Wednesday that there are "significant" backlogs in the discipline of healthcare providers across the state and promised sweeping reforms to correct a system that doesn't protect consumers from dentists, acupuncturists, therapists and other such professionals accused of misconduct.

The announcement comes a month after The Times and ProPublica published an investigation that found it takes more than three years, on average, to investigate and discipline registered nurses accused of sometimes serious misconduct, including patient abuse, neglect and theft of drugs from patients.

ProPublica filed a request under the California Public Records Act for a detailed statistical breakdown of how long it takes for all agencies that license health professionals in the state to investigate and discipline caregivers.

The data showed that it takes more than two years on average to discipline virtually every type of health professional.

"The enforcement and backlog time found at these boards is absolutely unacceptable," Schwarzenegger said in a press release. "It is clear the

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LOCAL FEEDS

Overheard

Prison riots don't happen because a facility is too lenient, they happen when they are overcrowded.

Today's Walling, on the second day of a three-day strike

unacceptable," Schwarzenegger said in a press release. "It is clear the current system is broken and the entire enforcement process across all of the boards must be reformed."

"The old model doesn't work," said Brian Stiger, who was appointed Tuesday as director of the state Department of Consumer Affairs. "We want to put in something new." Stiger acknowledged that the existing system "protects licensees."

"The new model will make the protection of consumers paramount," he told a meeting of the Board of Registered Nursing, called to discuss reforms to speed up the agency's disciplinary process.

Stiger said the changes being considered involve hiring more investigative and legal personnel, including civilian investigators and paralegals to supplement sworn peace officers that handle cases now.

He also said his department would likely seek legislative permission to more easily suspend the licenses of professionals who refuse to cooperate during an investigation, and suspend or refuse to renew the licenses of those who are jailed or incarcerated for a felony.

Stiger said the Consumer Affairs Department is exploring the creation of an enforcement and compliance officer to audit each board's enforcement program.

"We need to make it clear that merely hiring more investigators is not going to make these backlogs just go away," he said.

--Tracy Weber and Charles Ornstein, with Rong-Gong Lin II in Sacramento

Weber and Ornstein are senior reporters at ProPublica. Lin is a Times health writer.

Photo: Gov. Arnold Schwarzenegger in July in Sacramento. Credit: Rich Pedroncelli / Associated Press

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Today's Local Headlines

1. City agrees to give activists first dibs on new Venice skate park
2. Drugs were dealt at Los Angeles skid row, given, police say
3. At Chino, male evidence speaks of violent riot
4. Super-dino finds super-nice in L.A. region
5. \$500-million settlement reached in suspension of Social Security benefits

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Wednesday



Partly Cloudy
83° | 67°

EXTENDED FORECAST

Thursday



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83° | 65°

Friday



Partly Cloudy
81° | 63°

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FW: Breaking: Schwarzenegger Replaces Most of Troubled California Nursing Board

Debra Scott

Sent: Tuesday, July 14, 2009 10:12 AM**To:** Louis Ling; LARRY L. PINSON; Kathleen Kelly; Keith D. Marcher [KMarcher@ag.nv.gov]

You've probably heard by now, but thought you might find interesting. Debra



July 14, 2009

Breaking: Schwarzenegger Replaces Most of Troubled California Nursing Board

By Tracy Weber and Charles Ornstein

Gov. Arnold Schwarzenegger replaced most members of the California Board of Registered Nursing on Monday night, citing the unacceptable time it takes to discipline nurses accused of egregious misconduct. He fired three of six sitting board members – including President Susanne Phillips – in two-paragraph letters curtly thanking them for their service. Another member resigned Sunday. Late Monday, the governor's administration released a list of replacements.



The shake-up came a day after the *Los Angeles Times* and ProPublica published an investigation finding that it takes the board, which oversees 350,000 licensees, an average of three years and five months to investigate and close complaints against nurses.

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Nevada State Board of Pharmacy

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NEVADA STATE BOARD OF PHARMACY

ACTIVITIES REPORT

JULY 15th & 16th, 2009 BOARD MEETING HELD IN LAS VEGAS, 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 July 2009 Board meeting.

Licensing Activity:

- 12 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.
- 1 license was granted for Nevada pharmacy (pending inspection).
- 6 licenses were granted for Nevada MDEG companies.

Disciplinary Action:

- Pharmaceutical technician TH was revoked for submitting a false Application secondary to felony charges in Arizona.
- Pharmacist KK's request for reinstatement was denied because of failure to successfully enroll in a drug treatment program.
- Pharmacist HD was fined \$500 for filling a prescription with generic drug that was clearly marked by the physician to be brand name, causing alleged harm to the patient.
- The Board recalculated fines in the DBS case as requested by the courts.

Other Activity:

- Besides the usual business activities of the Board, discussions were held on licensing fees, consultant pharmacists for Pas and APNs, as well as the development of a disaster response policy statement.
- Reports to the Board included a final legislative report and a report on some illegal surgery activity.

Discussion and Determination

October 14 and 15, 2009

NRS 454.213 has gotten a lot of press lately. There has been a lot of interest in NRS 454.213 because Medical Assistants are not on the list to possess and administer dangerous drugs. There are two Para professional groups, nuclear medicine technologists and radiologic technologists, who are listed in NRS 454.213 which may possess and administer dangerous drugs at the direction of a physician and pursuant to any conditions as established by this Board. However these two groups are not regulated by the State except for mammographers who are radiologic technologists and are licensed pursuant to NRS 457.183. Nuclear medicine technologists and radiologic technologists are not licensed by the State but by NRS 454.213 they may administer dangerous drugs. At this time should the Board consider regulations to establish the conditions for these two para professional groups to possess and administer dangerous drugs? Physicians are asking radiologic technologists to administer flu shots and antibiotics which is not within their training or expertise. Maybe the Board should consider adopting regulations to safeguard the public and protect them from being subjected to persons working outside of their scope of practice does seem appropriate at this time.

REMOVE BUPRENORPHINE FROM SCHEDULE V

(ver. 9/2/2009)

NAC 453.550 Schedule V. ([NRS 453.146](#), [639.070](#))

1. Schedule V consists of the drugs and other substances listed in this section, by whatever official, common, usual, chemical or trade name designated.

2. ~~[Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing buprenorphine, including its salts.]~~

~~[3.]~~ Any compound, mixture or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base alkaloid, containing one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone, in quantities:

(a) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;

(b) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

(c) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

(d) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(e) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams; or

(f) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

~~[4.]~~ 3. Unless specifically excepted or excluded or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of pyrovalerone having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers.

~~[5.]~~ 4. Unless specifically excepted or excluded or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of pregabalin having a depressant effect on the central nervous system, including their salts, isomers and salts of isomers.

(Added to NAC by Bd. of Pharmacy, eff. 6-25-82; A 10-26-83; 9-11-91; 1-10-94; R181-07, 4-17-2008)

schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers	1100
(2) Methamphetamine, its salts, isomers, and salts of its isomers	1105
(3) Phenmetrazine and its salts	1631
(4) Methylphenidate	1724
(5) Lisdexamfetamine, its salts, isomers, and salts of its isomers	1205

(e) *Depressants*. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Amobarbital	2125
(2) Glutethimide	2550
(3) Pentobarbital	2270
(4) Phencyclidine	7471
(5) Secobarbital	2315

(f) *Hallucinogenic substances*.

(1) Nabilone	7379
[Another name for nabilone: (±)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one]	

(g) *Immediate precursors*. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine:

(i) Phenylacetone	8501
Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone;	

(2) Immediate precursors to phencyclidine (PCP):

(i) 1-phenylcyclohexylamine	7460
(ii) 1-piperidinocyclohexanecarbonitrile (PCC)	8603

[39 FR 22142, June 20, 1974]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1308.12, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 1308.13 Schedule III.

(a) Schedule III shall consist of the drugs and other substances, by what-

ever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the DEA Controlled Substances Code Number set forth opposite it.

(b) *Stimulants*. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under § 1308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances	1405
(2) Benzphetamine	1228
(3) Chlorphentermine	1645
(4) Clortermine	1647
(5) Phendimetrazine	1615

(c) *Depressants*. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture or preparation containing:	
(i) Amobarbital	2126
(ii) Secobarbital	2316
(iii) Pentobarbital	2271
or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.	
(2) Any suppository dosage form containing:	
(i) Amobarbital	2126
(ii) Secobarbital	2316
(iii) Pentobarbital	2271
or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.	
(3) Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof	2100
(4) Chlorhexadol	2510
(5) Embutramide	2020
(6) Any drug product containing gamma hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act	2012
(7) Ketamine, its salts, isomers, and salts of isomers ..	7285
[Some other names for ketamine: (±)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone]	
(8) Lysergic acid	7300
(9) Lysergic acid amide	7310
(10) Methyprylon	2575

§ 1308.14

21 CFR Ch. II (4-1-08 Edition)

(11) Sulfondiethylmethane	2600
(12) Sulfonethylmethane	2605
(13) Sulfonmethane	2610
(14) Tiletamine and zolazepam or any salt thereof	7295
Some trade or other names for a tiletamine-zolazepam combination product:	
Telazol..	
Some trade or other names for tiletamine:	
2-(ethylamino)-2-(2-thienyl)-cyclohexanone..	
Some trade or other names for zolazepam:	
4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e] [1,4]-diazepin-7(1 <i>H</i>)-one, flupyrzapon..	

(d) Nalorphine 9400.

(e) *Narcotic drugs*. Unless specifically excepted or unless listed in another schedule:

- (1) Any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:
 - (i) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium 9803
 - (ii) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts 9804
 - (iii) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium 9805
 - (iv) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts 9806
 - (v) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts ... 9807
 - (vi) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts ... 9808
 - (vii) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts ... 9809
 - (viii) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts 9810
- (2) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts, as set forth below:
 - (i) Buprenorphine 9064
 - (ii) [Reserved].

(f) *Anabolic Steroids*. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any quantity of the following

substances, including its salts, esters and ethers:

(1) Anabolic steroids (see §1300.01 of this chapter)—4000

(2) [Reserved]

(g) *Hallucinogenic substances*. (1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved product—7369.

[Some other names for dronabinol: (6*aR*,*trans*)-6*a*,7,8,10*a*-tetrahydro-6,6,9-trimethyl-3-pentyl-6*H*-dibenzo [*b,d*]pyran-1-ol] or (-)-delta-8-(*trans*)-tetrahydrocannabinol]

(2) [Reserved]

[39 FR 22142, June 20, 1974, as amended at 41 FR 43401, Oct. 1, 1976; 43 FR 3359, Jan. 25, 1978; 44 FR 40888, July 13, 1979; 46 FR 52334, Oct. 27, 1981; 51 FR 5320, Feb. 13, 1986; 52 FR 2222, Jan. 21, 1987; 52 FR 5952, Feb. 27, 1987; 56 FR 5754, Feb. 13, 1991; 56 FR 11932, Mar. 21, 1991; 62 FR 13968, Mar. 24, 1997; 64 FR 35930, July 2, 1999; 64 FR 37675, July 13, 1999; 65 FR 13238, Mar. 13, 2000; 65 FR 17440, Apr. 3, 2000; 67 FR 62370, Oct. 7, 2002; 70 FR 74657, Dec. 16, 2005; 71 FR 51116, Aug. 29, 2006]

§ 1308.14 Schedule IV.

(a) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. Each drug or substance has been assigned the DEA Controlled Substances Code Number set forth opposite it.

(b) *Narcotic drugs*. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

- (1) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit 9167
- (2) Dextropropoxyphene (alpha-(+)-4 dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane) 9278

(c) *Depressants*. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

ADDITION OF BUPRENORPHINE TO SCHEDULE III TO PARALLEL FEDERAL LAW

(ver. 9/2/2009)

NAC 453.530 Schedule III. ([NRS 453.146](#), [639.070](#))

1. Schedule III consists of the drugs and other substances listed in this section, by whatever official, common, usual, chemical or trade name designated.

2. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation, is hereby enumerated on schedule III, including:

(a) Those compounds, mixtures or preparations in dosage unit form containing any substance listed in schedule II which has a stimulant effect on the central nervous system, which compounds, mixtures or preparations were listed on August 25, 1971, as excepted compounds under the regulations of the Drug Enforcement Administration of the Department of Justice, and any other drug of the same quantitative composition as a drug shown on the list or which is the same except that it contains a lesser quantity of controlled substances;

(b) Benzphetamine;

(c) Chlorphentermine;

(d) Clortermine; or

(e) Phendimetrazine.

☐ For the purposes of this subsection, "isomer" includes the optical, position or geometric isomer.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system is hereby enumerated on schedule III:

(a) Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof;

(b) Chlorhexadol;

(c) Embutramide;

(d) Lysergic acid;

(e) Lysergic acid amide;

(f) Methypylon;

(g) Sulfondiethylmethane;

(h) Sulfonethylmethane;

(i) Sulfonmethane;

(j) Any compound, mixture or preparation containing amobarbital, secobarbital, pentobarbital or any salt thereof and one or more other active medicinal ingredients, which are not listed in any schedule;

(k) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs approved by the Food and Drug Administration of the United States Department of Health and Human Services for marketing only as a suppository; or

(l) Tiletamine and zolazepam or any salt thereof. (Some trade or other names for a tiletamine-zolazepam combination product: Telzol. Some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone. Some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]-diazepin-7(1H)-one, flupyrzapon).

4. Nalorphine is hereby enumerated on schedule III.

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs or their salts, calculated as the free anhydrous base or alkaloid, in quantities is hereby enumerated on schedule III:

(a) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(b) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(c) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(d) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(e) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(f) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(g) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; or

(h) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

6. Except as otherwise provided in subsections 7 and 8, or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of:

(a) Ephedrine, pseudoephedrine or phenylpropanolamine, their optical isomers, salts and salts of optical isomers, other than an over-the-counter ephedrine, pseudoephedrine or phenylpropanolamine drug product;

(b) N-methylephedrine, its optical isomers, salts and salts of optical isomers;

(c) Hydriodic acid; or

(d) Hydrogen iodide gas,

□ are, as immediate precursors, controlled, the control of which is necessary to prevent, curtail or limit the manufacture of the controlled substances methamphetamine and N, N-dimethylamphetamine.

7. Ephedrine sulfate injection, as a solution, in either single-dose or multiple-dose ampules or vials in the possession of a practitioner or other person licensed by the Board to possess drugs is not a controlled substance.

8. Mahuang or other botanical products of genus *Ephedra* used in their natural state as a preparation for human consumption are not controlled substances for the purposes of this section.

9. Except as otherwise provided in subsections 10 and 11, or specifically excepted or listed in another schedule, any material, compound, mixture or preparation containing any quantity of anabolic steroids, including their salts, isomers, esters and salts of isomers, whenever the existence of such salts of isomers is possible within the specific chemical designation, is hereby enumerated on schedule III:

- (a) Androisoxazole;
- (b) Androstenediol;
- (c) Bolandiol;
- (d) Bolasterone;
- (e) Boldenone;
- (f) Chlormethandienone;
- (g) Clostebol;
- (h) Chorionic gonadotropin (HGC);
- (i) Dihydrochlormethyltestosterone;
- (j) Dihydromesterone;
- (k) Drostanolone;
- (l) Ethylestrenol;
- (m) Fluoxymesterone;
- (n) Fomebolone;
- (o) Fomyldienolone;
- (p) 4-Hydroxy-19-nortestosterone;
- (q) Mesterolone;
- (r) Methandrenone;
- (s) Methandriol;
- (t) Methandrostenolone;

- (u) Methenolone;
- (v) 17-Methyltestosterone;
- (w) Methyltrienolone;
- (x) Mibolerone;
- (y) Nandrolone;
- (z) Norbolethone;
- (aa) Norethandrolone;
- (bb) Normethandrolone;
- (cc) Oxandrolone;
- (dd) Oxymesterone;
- (ee) Oxymetholone;
- (ff) Quinbolone;
- (gg) Stanolone;
- (hh) Stanozolol;
- (ii) Stenbolone;
- (jj) Testolactone;
- (kk) Testosterone; or
- (ll) Trenbolone.

10. Any anabolic steroid described in subsection 9 which is used solely for implantation in cattle or any other nonhuman species and is approved by the Food and Drug Administration for that use is not a controlled substance.

11. The following classifications are not controlled substances for the purposes of this section:

- (a) Oral combinations containing therapeutic doses of estrogen and androgen;
- (b) Parenteral preparations containing therapeutic doses of estrogen and androgen;

(c) Topical preparations containing androgens or combinations of androgen and estrogen; and

(d) Vaginal preparations.

12. Ketamine HCL is hereby enumerated on schedule III.

13. Synthetic Dronabinol in sesame oil encapsulated in a soft gelatin capsule in a drug product approved by the Food and Drug Administration (some trade or other names: (6aR-trans)-6a,7,8,10a-tetrahydro-6; 6,9-trimethyl-3-pentyl-6H-dibenzo [b,d]pyran- 1-ol; (-)-delta-9-(trans)-tetrahydrocannabinol; Marinol) is hereby enumerated on schedule III.

14. Gamma-hydroxybutyrate prepared by a registered pharmaceutical manufacturer of the Food and Drug Administration which is properly labeled, including lot numbers, and is available for medicinal purposes through a distribution system approved by the Food and Drug Administration is hereby enumerated on schedule III.

15. Human growth hormone (HGH) is hereby enumerated on schedule III.

16. As used in this section, "over-the-counter ephedrine, pseudoephedrine or phenylpropanolamine drug product" means a drug product that is packaged and sold in compliance with 21 U.S.C. §§ 801 et seq.

17. Any material, compound, mixture or preparation containing Buprenorphine or their salts is hereby enumerated on schedule III.

(Added to NAC by Bd. of Pharmacy, eff. 6-25-82; A 10-26-83; 7-2-84; 8-10-89; 2-6-90; 9-11-91; 10-1-93; 1-10-94; 7-17-96; 11-14-97; R153-99, 3-1-2000; R003-01, 11-1-2001; R163-01, 12-17-2001; R141-03, 4-8-2004; R041-07 & R047-07, 12-4-2007; R181-07, 4-17-2008)

IN-SERVICE TRAINING FOR PHARMACEUTICAL TECHNICIANS

(ver. 9/2/2009)

NAC 639.254 Initial and biennial in-service training of pharmaceutical technicians working in or for pharmacy; substitution of continuing education for in-service training. ([NRS 639.070](#), [639.1371](#))

1. The owner and managing pharmacist of a pharmacy shall provide training for pharmaceutical technicians working in or for the pharmacy that ensures the continuing competency of those technicians. Except as otherwise provided in this section, the training must consist of initial training upon employment and at least 12 hours of in-service training during the 2-year period immediately preceding the renewal of the registration of the pharmaceutical technician.

2. The managing pharmacist shall maintain a written record of the initial training and the annual training completed by each pharmaceutical technician working in or for the pharmacy that contains:

- (a) The name and signature of the person receiving the training;
- (b) The date or dates on which the training was received;
- (c) The number of hours of training received;
- (d) A general description of the topics covered; and
- (e) The name of the person or provider conducting the training.

3. A pharmaceutical technician may substitute the completion of the continuing education necessary for recertification by the Pharmacy Technician Certification Board or the Institute for Certification of Pharmacy Technicians for the biennial in-service training required by subsection 1.

(Added to NAC by Bd. of Pharmacy, eff. 11-15-93; A by R033-02, 5-31-2002)

Workshop for Fee Increase For Pharmacists and Pharmacist Interns
August 10, 2009

NAC 639.220 Schedule of fees; penalty for late renewal; exemptions from certain fees. ([NRS 639.070](#), [639.170](#))

1. The Board hereby adopts the following schedule of fees:

For the examination of an applicant for registration as a pharmacist..... Actual cost of the examination
For the investigation or registration of an applicant as a registered pharmacist.....	\$150
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity.....	150
For the investigation or issuance of an original license to conduct a retail pharmacy.....	500
For the biennial renewal of a license to conduct a retail pharmacy.....	500
For the investigation or issuance of an original license to conduct an institutional pharmacy.....	500
For the biennial renewal of a license to conduct an institutional pharmacy.....	500
For the investigation or issuance of an original license to conduct a pharmacy in a correctional institution.....	500
For the biennial renewal of a license to conduct a pharmacy in a correctional institution.....	500
For the issuance of an original or duplicate certificate of registration as a registered pharmacist.....	50
For the biennial renewal of registration as a registered pharmacist.....	[+50] 180
For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse).....	100
For the initial registration of a pharmaceutical technician or pharmaceutical technician in training.....	40
For the biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training.....	40
For the investigation or registration of an intern pharmacist.....	15
For the biennial renewal of registration as an intern pharmacist.....	[+5] 30
For the investigation or registration of an advanced practitioner of nursing or a physician assistant to prescribe drugs that are not controlled substances.....	80

For the biennial renewal of registration of an advanced practitioner of nursing or a physician assistant to prescribe drugs that are not controlled substances.....	80
For authorization of a physician, advanced practitioner of nursing, physician assistant, euthanasia technician, ambulatory surgical center, facility for treatment with narcotics, researcher, instructional user or any other authorized person to prescribe or possess controlled substances.....	80
For the biennial renewal of authorization of a physician, advanced practitioner of nursing, physician assistant, euthanasia technician, ambulatory surgical center, facility for treatment with narcotics, researcher, instructional user or any other authorized person to prescribe or possess controlled substances.....	80
For the investigation or issuance of an original license to engage in business as an authorized warehouse, medical products provider or medical products wholesaler.....	300
For the biennial renewal of a license to engage in business as an authorized warehouse, medical products provider or medical products wholesaler.....	300
For the investigation or issuance of an original license to a manufacturer or wholesaler.....	500
For the biennial renewal of a license for a manufacturer or wholesaler.....	500
For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon.....	50
For authorization of a practitioner to dispense controlled substances or dangerous drugs, or both, for each location where the practitioner will dispense controlled substances or dangerous drugs, or both.....	300
For the biennial renewal of authorization of a practitioner to dispense controlled substances or dangerous drugs, or both, for each location where the practitioner will dispense controlled substances or dangerous drugs, or.....	300

2. The penalty for failure to pay the renewal fee for any license, permit or certificate within the statutory period, as provided in subsection 4 of [NRS 639.170](#), is 50 percent of the renewal fee for each period of delinquency in addition to the renewal fee for each period of delinquency.

3. Any person who has been registered as a pharmacist in this State for at least 50 years is not required to pay the fee for the biennial renewal of a certificate of registration as a registered pharmacist.

4. The provisions of this section concerning the fee for the biennial renewal of the authorization to dispense controlled substances or dangerous drugs do not apply to an advanced practitioner of nursing who is required to pay a fee pursuant to [NAC 639.870](#).

5. A health center:

(a) Which is a federally qualified health center as defined in 42 U.S.C. § 1396d(1)(2)(B), as that section existed on March 1, 2000, that provides health care primarily to medically underserved persons in a community; and

(b) Which is not a medical facility as defined in [NRS 449.0151](#),
↪ is not required to pay the fee for the collective certification of advanced practitioners of nursing in the employ of a public or nonprofit agency as set forth in subsection 1.

6. A practitioner employed by or serving as an independent contractor of a health center:

(a) Which is a federally qualified health center as defined in 42 U.S.C. § 1396d(1)(2)(B), as that section existed on March 1, 2000, that provides health care primarily to medically underserved persons in a community; and

(b) Which is not a medical facility as defined in [NRS 449.0151](#),
↪ is not required to pay a fee to the Board for a change of address or for an additional address at which the practitioner dispenses drugs.

7. A practitioner who is exempt from the payment of a fee pursuant to subsection 6 shall notify the Board in writing of each change of address or additional address, or both.

[Bd. of Pharmacy, § 639.050, eff. 6-26-80]—(NAC A 6-25-82; 6-16-86; 2-18-88; 4-28-88; 8-10-89; 9-11-91; 10-17-91; 11-15-93; 1-10-94; 7-7-94; 11-9-95; 5-22-96; R155-99, 3-1-2000; R011-01, 11-1-2001; R012-02, 5-31-2002; R081-04, 8-25-2004; R217-05, 5-4-2006)

Workshop to Delete Pharmacist Requirement for Advance Practitioner of Nursing

August 12, 2009

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;]~~

~~(d)~~ [(e)] Written verification from the State Board of Nursing that the applicant has passed an examination on Nevada law relating to pharmacy; and

~~(e)~~ [(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:

- (a) Will be operating in a practice not previously licensed by the Board;
- (b) Responded affirmatively to any of the questions on the application regarding his character or competency; or
- (c) Is requested to do so by the Board.

4. Each advanced practitioner of nursing to whom a certificate of registration is issued must be registered to a collaborating physician.

5. An advanced practitioner of nursing who fails to renew his certificate of registration within the time prescribed by statute or regulation must pay, in addition to the fee for renewal required by subsection 2, a fee equal to 50 percent of the fee for the renewal of the certificate.

(Added to NAC by Bd. of Pharmacy, eff. 12-3-84; A 6-14-90; 10-17-91; 10-1-93; 1-10-94; R015-03, 10-21-2003)

Workshop to Delete Pharmacist Requirement for Physician Assistant

August 12, 2009

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; and
 - (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]~~
 - (e) Pass an examination administered by the Board on the law relating to pharmacy.
5. Each physician assistant to whom a registration certificate is issued must be registered to a supervising physician.

(Added to NAC by Bd. of Pharmacy, eff. 10-26-83; A 2-6-90; 9-10-90; 10-17-91; 10-1-93; 10-24-97; R006-01, 11-1-2001)

Regulations for AB 213 Cancer Drug Donation Program

August 12, 2009

Authority: AB 213

Section 1. Chapter 457 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this regulation.

Sec. 2 *“Board” means the Nevada State Board of Pharmacy.*

Sec. 3 *“Cancer Drug” means a dangerous drug that is used to treat cancer.*

Sec. 4 *“Cancer Patient” means a patient who has cancer and is a resident of the State of Nevada.*

Sec. 5 *“Dispense” has the meaning ascribed to it in NRS 639.0065.*

Sec. 6 *“Medical Facility” has the meaning ascribed to it in NRS 449.0151.*

Sec. 7 *“Program” means the Cancer Drug Donation Program established pursuant to Assembly Bill 213; Nevada Statutes, Chapter 409 (effective July 1, 2009).*

Sec. 8 *“Person” means a resident of the State of Nevada*

Sec. 9 *“Pharmacy” has the meaning ascribed to it in NRS 639.012.*

Sec. 10 *“Practitioner” means a person authorized by law to prescribe dangerous drugs, acting within the scope of such authority, pursuant to NRS chapters 630, 632 and 633.*

Sec. 11 *Program Goals: The Cancer Drug Donation Program is established for the purpose of allowing any person to donate unused cancer drugs to cancer patients in the State of Nevada. The program allows any person to donate unused cancer drugs to a practitioner, medical facility, or pharmacy that elects to participate in the*

program. A pharmacy that receives a donated cancer drug under the program may dispense to an eligible cancer patient.

Sec. 12

1. Any person or practitioner, medical facility, or pharmacy may donate cancer drugs to the program that have been dispensed from a Nevada licensed pharmacy. A cancer drug may not be designated by the donor for a specific person or resold. There is no limitation on the number of doses that can be donated to the program as long as the donated drugs meet the requirements of these regulations.

2. Any practitioner, medical facility, or pharmacy as defined above, are eligible to participate in the program.

3. Nothing in these rules is intended to supersede or negate any other state and federal laws and administrative rules applicable to practitioner, medical facilities, or pharmacies participating in the program.

4. A practitioner, medical facility or pharmacy may accept and dispense cancer drugs donated under the program to eligible patients, if all of the following requirements are met:

(a) The cancer drug is in its original, unopened, sealed and tamper-evident unit dose packaging;

(b) The cancer drug is prescribed by a practitioner for use by an eligible patient;

(c) The cancer drug donated for use in the program bears an expiration date that is later than 30 days after the drug is donated;and

(d) A practitioner or pharmacist has inspected the cancer drug prior to dispensing it and has determined that the cancer drug is not adulterated or misbranded.

5. Donated cancer drugs under this program shall be stored separately from other stock and stored under the manufacturer's recommended storage conditions.

6. A practitioner, medical facility, or pharmacy shall maintain records of receipt of all returned or donated cancer drugs, which shall include at least the following information:

- (a) Date of receipt;*
- (b) Original date dispensed;*
- (c) Original prescription number;*
- (d) Drug name and strength;*
- (e) Quantity returned;*
- (f) Expiration date of drug;*
- (g) Name, address and phone number of the original dispenser; and*
- (h) Name, address and phone number of person donating the drug.*

7. A practitioner, medical facility, or pharmacy shall maintain records of cancer drugs transferred to other eligible practitioners, medical facilities, or pharmacies, which shall include at least the following information:

- (a) All of the information required in subsection 6;*
- (b) Name, address and phone number of transferring entity;*
- (c) The quantity of drug transferred; and*

(d)The name and address of the receiving practitioner, medical facility, or pharmacy.

8.Nothing in these rules is intended to supersede or negate any of the recordkeeping requirements established by the Nevada State Board of Pharmacy for dispensing drugs.

Sec. 13.

- 1. Cancer drug dispensing shall be prioritized first to cancer patients who are uninsured, then to any other cancer patient if an uninsured patient is not available.*
- 2. A practitioner, medical facility, or pharmacy may exercise discretion in determining eligibility of cancer patients when an uninsured patient is not available.*
- 3. Cancer drugs may only be dispensed pursuant to a prescription issued by a prescribing practitioner.*

Sec. 14.

- 1. No cancer drug donated under the program may be resold.*
- 2. A practitioner, medical facility, or pharmacy may charge a handling fee of no more than \$10.00 for distributing or dispensing donated cancer drugs.*
- 3. A provider of health care, medical facility or pharmacy may exercise discretion as to whether a handling fee may be waived.*

Sec. 15. *A cancer drug is not acceptable for donation or distribution through the program if it meets any of the following:*

- 1. It is a controlled substance;*

- 2. It bears an expiration date of less than 30 days from the day the cancer drug was donated;*
- 3. The receiving practitioner or dispensing pharmacist believes the cancer drug may have been adulterated or misbranded, or the effectiveness and safety of the cancer drug cannot be ensured;*
- 4. The packaging that has been opened, unsealed, or tampered with or is no longer in its original container;*
- 5. It requires refrigeration, freezing, or other special temperature requirements beyond controlled room temperature;*
- 6. It can only be dispensed to a patient registered with the drug manufacturer; or*
- 7. It was not originally dispensed from a licensed Nevada pharmacy or Nevada dispensing practitioner.*

Sec. 16

- 1. The Board will establish and maintain a registry for the program which will include:*

(A) Participant's name, address and telephone number; and

(B) Whether the participant is a practitioner, medical facility, or pharmacy.

- 2. It is the responsibility of the participant to notify the Board of the desire to participate in the program and provide the required registry information to the Board.*

3. Any participant in the program will be entered on the registry by the board.

4. It is the responsibility of the participant to notify the board of:

(a) A change in name, address, telephone number, or participant type; and

(b) When the participant no longer wishes to participate in the program.

5. The Board will make the registry information available to any person or entity wishing to donate cancer drugs to the program by its web site, by contacting the Board in person, by telephone, or in writing.

Regulations for SB 197 Reissued Drugs By Nonprofit Pharmacies

August 17, 2009

Authority: SB 197

Section 1. Chapter 639 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this regulation.

Sec. 2. *“Board” means the Nevada State Board of Pharmacy.*

Sec. 3. *“Reissued Drug” means a dangerous drug that was originally dispensed from a licensed Nevada pharmacy in a unit dose, individually sealed dose or in a container that is sealed by the manufacturer of the drug.*

Sec. 4. *“Reissue” means to fill a lawful prescription for patients in the same facility, if the pharmacist of the pharmacy determines that the reissued drug is suitable for that purpose, or transfer the drug to be reissued to a nonprofit pharmacy as defined by 42 U.S.C. § 1396(l)(2)(B) for dispensing by a pharmacist of nonprofit pharmacy.*

Sec. 5. *“Facility” means a public or private mental health facility, correctional facility, or long term care facility.*

Sec. 6. *A facility may reissue dangerous drugs to a patient of the same facility if the registered pharmacist of the pharmacy determines that the drug to be reissued is suitable for that purpose or may transfer the drug to be reissued to a Nevada licensed nonprofit pharmacy as defined by 42 U.S. C. § 1396(l)(2)(B), if the reissued drug:*

(a) Is not designated by a donor for a specific person;

(b) Is not resold;

(c) Is a unit dose, individually sealed dose or in a container that is sealed by the manufacturer of the drug;

(d) Is reissued drug only one time;

(e) Bears an expiration date that is later than 30 days after the drug is donated;

(f) Drug packaging or container bears an expiration date that is later than 30 days after the drug is donated;

(g) Original packaging has had removed or obliterated from it the name of the patient, prescription number and any identifying information; and

(h) Has been inspected by a pharmacist prior to dispensing to determine that the drug to be reissued is not adulterated or misbranded.

Sec. 7. *Reissued drugs shall be stored separately from other stock and shall be stored under the manufacturer's recommended storage conditions.*

Sec. 8. *A facility or pharmacy shall maintain records of receipt of drugs to be reissued, which shall include at least the following information:*

1. Date of return to the facility;

2. Date reissued;

3. Prescription number;

4. Drug name and strength;

5. Quantity returned;

6. Expiration date of drug;

7. Manufacturer's name and lot number if available; and

8. Name, address and phone number of person donating the drug to be reissued.

Sec. 9. A facility or pharmacy shall maintain records of transferred reissued drugs to nonprofit pharmacy, which shall include at least the following information:

- 1. Name, address and phone number of receiving entity;***
- 2. Name and strength of drug;***
- 3. The dosage form, if appropriate;***
- 4. The quantity of drug;***
- 5. Manufacturer's name and lot number if available;***
- 6. The date of distribution;***
- 7. The name and address of the distributing facility, or pharmacy; and***
- 8. Expiration date of drug.***

Sec. 10. Reissued drugs may only be dispensed pursuant to a prescription issued by a prescribing practitioner.

Sec. 11. A drug is not acceptable for reissuing if it meets any of the following:

- 1. Is classified as a controlled substance;***
- 2. Bears an expiration date of less than 30 days from the day the reissued drug was donated;***
- 3. May have been adulterated or misbranded as determined by the pharmacist;***
- 4. Has packaging that has been opened, unsealed, or tampered with or that is no longer in its original container;***

- 5. Requires refrigeration, freezing, or other special temperature requirements beyond controlled room temperature;*
- 6. Can only be reissued to a patient registered with the drug manufacturer; or*
- 7. Was not dispensed from a licensed Nevada pharmacy.*

Sec. 12 *Nothing in these regulations is intended to supersede or negate any other state and federal laws and administrative rules applicable to practitioners, facilities and pharmacies.*

PROPOSED REGULATION OF THE
STATE BOARD OF PHARMACY

LCB File No. R033-09

September 11, 2009

AUTHORITY: §§1 and 2, NRS 639.070.

A REGULATION relating to medical products; specifying the qualifications for an administrator of a medical products provider or medical products wholesaler; and providing other matters properly relating thereto.

Section 1. NAC 639.694 is hereby amended to read as follows:

639.694 1. ~~[Each]~~ *Except as otherwise provided in subsection 4, each* medical products provider or medical products wholesaler shall ~~[have]~~ *employ* an administrator at all times. The administrator must ~~[be a]~~ :

(a) *Be a* natural person ~~[who is]~~ ;

(b) *Have a high school diploma or its equivalent;*

(c) *Have:*

(1) *At least 1,500 hours of ~~[verified]~~ verifiable work experience relating to the products provided by the medical products provider or medical products wholesaler; or*

(2) *An associate's degree or higher degree from an accredited college or university in a field of study that is directly related to patient health care;*

(d) *Be* employed by the medical products provider or medical products wholesaler at the place of business or facility of the employer at least 40 hours per week or during all regular business hours if the business or facility is regularly open less than 40 hours per week ~~[.]~~ ; *and*

(e) *Be approved by the Board.*

2. The administrator shall ensure that the operation of the business or facility complies with all applicable federal, state and local laws, regulations and rules.

~~[2.]~~ 3. A medical products provider or medical products wholesaler shall notify the staff of the Board of the cessation of employment of an administrator within 3 business days after ~~[such]~~ *the* cessation ~~[.]~~ *of the employment.* A medical products provider or medical products wholesaler shall notify the staff of the Board of the employment of a new administrator within 3 business days after ~~[such]~~ *the beginning of the employment.* *The new administrator must meet the qualifications for administrator as set forth in section 1 of this regulation.*

~~[3.]~~ 4. A medical products provider or medical products wholesaler may not operate for more than 10 business days without an administrator. The Board may summarily suspend the operation of a business or facility that operates without an administrator.

Sec. 2. The amendatory provisions of subsection 1 of section 1 of this regulation apply only to a person who begins employment as an administrator of a medical products provider or medical products wholesaler on or after the effective date of this regulation.

**PROPOSED REGULATION OF THE
STATE BOARD OF PHARMACY**

LCB File No. R218-08

June 17, 2009

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §1, NRS 453.146 and 639.070.

A REGULATION relating to controlled substances; revising the list of schedule III controlled substances; and providing other matters properly relating thereto.

Section 1. NAC 453.530 is hereby amended to read as follows:

453.530 1. Schedule III consists of the drugs and other substances listed in this section, by whatever official, common, usual, chemical or trade name designated.

2. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation, is hereby enumerated on schedule III, including:

(a) Those compounds, mixtures or preparations in dosage unit form containing any substance listed in schedule II which has a stimulant effect on the central nervous system, which compounds, mixtures or preparations were listed on August 25, 1971, as excepted compounds under the regulations of the Drug Enforcement Administration of the Department of Justice, and

any other drug of the same quantitative composition as a drug shown on the list or which is the same except that it contains a lesser quantity of controlled substances;

- (b) Benzphetamine;
- (c) Chlorphentermine;
- (d) Clortermine; or
- (e) Phendimetrazine.

↪ For the purposes of this subsection, “isomer” includes the optical, position or geometric isomer.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system is hereby enumerated on schedule III:

- (a) Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof;
- (b) Chlorhexadol;
- (c) Embutramide;
- (d) Lysergic acid;
- (e) Lysergic acid amide;
- (f) Methyprylon;
- (g) Sulfondiethylmethane;
- (h) Sulfonethylmethane;
- (i) Sulfonmethane;

(j) Any compound, mixture or preparation containing amobarbital, secobarbital, pentobarbital or any salt thereof and one or more other active medicinal ingredients, which are not listed in any schedule;

(k) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs approved by the Food and Drug Administration of the United States Department of Health and Human Services for marketing only as a suppository; or

(l) Tiletamine and zolazepam or any salt thereof. (Some trade or other names for a tiletamine-zolazepam combination product: ~~{Telzol.}~~ *Telazol*. Some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone. Some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]-diazepin-7(1H)-one, flupyrzapon).

4. Nalorphine is hereby enumerated on schedule III.

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs or their salts, calculated as the free anhydrous base or alkaloid, in quantities is hereby enumerated on schedule III:

(a) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(b) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(c) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(d) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(e) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(f) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(g) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; or

(h) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

6. ~~{Except as otherwise provided in subsections 7 and 8, or unless}~~ **Unless** listed in another schedule, any material, compound, mixture or preparation which contains any quantity of:

(a) ~~{Ephedrine, pseudoephedrine or phenylpropanolamine, their optical isomers, salts and salts of optical isomers, other than an over-the-counter ephedrine, pseudoephedrine or phenylpropanolamine drug product;~~

~~—(b)}~~ N-methylephedrine, its optical isomers, salts and salts of optical isomers;

~~{(e)}~~ (b) Hydriodic acid; or

~~{(d)}~~ (c) Hydrogen iodide gas,

↪ are, as immediate precursors, controlled, the control of which is necessary to prevent, curtail or limit the manufacture of the controlled substances methamphetamine and N, N-dimethylamphetamine.

7. ~~{Ephedrine sulfate injection, as a solution, in either single dose or multiple dose ampules or vials in the possession of a practitioner or other person licensed by the Board to possess drugs is not a controlled substance.~~

~~—8. Mahuang or other botanical products of genus Ephedra used in their natural state as a preparation for human consumption are not controlled substances for the purposes of this section.~~

—9.] Except as otherwise provided in subsections ~~{10}~~ 8 and ~~{11,}~~ 9, or specifically excepted or listed in another schedule, any material, compound, mixture or preparation containing any quantity of anabolic steroids, including their salts, isomers, esters and salts of isomers, whenever the existence of such salts of isomers is possible within the specific chemical designation, is hereby enumerated on schedule III:

(a) Androisoxazole;

(b) Androstenediol;

(c) Bolandiol;

(d) Bolasterone;

(e) Boldenone;

(f) Chlormethandienone;

- (g) Clostebol;
- (h) Chorionic gonadotropin [~~(HGC);~~] (*HCG*);
- (i) [~~Dihydrochlormethyltestosterone;~~] *Dehydrochlormethyltestosterone*;
- (j) Dihydromesterone;
- (k) Drostanolone;
- (l) Ethylestrenol;
- (m) Fluoxymesterone;
- (n) Formebolone;
- (o) Formyldienolone;
- (p) 4-Hydroxy-19-nortestosterone;
- (q) Mesterolone;
- (r) Methandrenone;
- (s) Methandriol;
- (t) Methandrostenolone;
- (u) Methenolone;
- (v) 17-Methyltestosterone;
- (w) Methyltrienolone;
- (x) Mibolerone;
- (y) Nandrolone;
- (z) Norbolethone;
- (aa) Norethandrolone;
- (bb) Normethandrolone;

- (cc) Oxandrolone;
- (dd) Oxymesterone;
- (ee) Oxymetholone;
- (ff) Quinbolone;
- (gg) Stanolone;
- (hh) Stanozolol;
- (ii) Stenbolone;
- (jj) Testolactone;
- (kk) Testosterone; or
- (ll) Trenbolone.

~~{10-}~~ 8. Any anabolic steroid described in subsection ~~{9}~~ 7 which is used solely for implantation in cattle or any other nonhuman species and is approved by the Food and Drug Administration for that use is not a controlled substance.

~~{11-}~~ 9. The following classifications are not controlled substances for the purposes of this section:

- (a) Oral combinations containing therapeutic doses of estrogen and androgen;
- (b) Parenteral preparations containing therapeutic doses of estrogen and androgen;
- (c) Topical preparations containing androgens or combinations of androgen and estrogen; and
- (d) Vaginal preparations.

~~{12-}~~ 10. Ketamine HCL is hereby enumerated on schedule III.

~~{13-}~~ 11. Synthetic Dronabinol in sesame oil encapsulated in a soft gelatin capsule in a drug product approved by the Food and Drug Administration (some trade or other names: (6aR-trans)-

6a,7,8,10a-tetrahydro-6; 6,9-trimethyl-3-pentyl-6H-dibenzo [b,d]pyran- 1-ol; (-)-delta-9-(trans)-tetrahydrocannabinol; Marinol) is hereby enumerated on schedule III.

~~{14.}~~ 12. Gamma-hydroxybutyrate prepared by a registered pharmaceutical manufacturer of the Food and Drug Administration which is properly labeled, including lot numbers, and is available for medicinal purposes through a distribution system approved by the Food and Drug Administration is hereby enumerated on schedule III.

~~{15.}~~ 13. Human growth hormone (HGH) is hereby enumerated on schedule III.

~~{16. — As used in this section, “over the counter ephedrine, pseudoephedrine or phenylpropanolamine drug product” means a drug product that is packaged and sold in compliance with 21 U.S.C. §§ 801 et seq.}~~

**PROPOSED REGULATION OF THE
STATE BOARD OF PHARMACY**

LCB File No. R015-09

June 26, 2009

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 639.070.

A REGULATION relating to life-sustaining equipment; removing oxygen concentrators from the definition of life-sustaining equipment; and providing other matters properly relating thereto.

Section 1. NAC 639.6934 is hereby amended to read as follows:

639.6934 “Life-sustaining equipment” means a medical product that is necessary for a consumer to avoid exposure to a medically reasonable expectation of imminent death or serious injury. The term includes, without limitation, a ventilator . ~~{and}~~ *The term does not include* an oxygen concentrator.

PROPOSED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R016-09

June 26, 2009

EXPLANATION – Matter in *italics* is new; matter in brackets ~~(omitted material)~~ is material to be omitted.

AUTHORITY: §1, NRS 639.070 and 639.1371.

A REGULATION relating to pharmaceutical technicians; specifying the contents of a portion of the in-service training required prior to the renewal of registration as a pharmaceutical technician; and providing other matters properly relating thereto.

Section 1. NAC 639.254 is hereby amended to read as follows:

639.254 1. The owner and managing pharmacist of a pharmacy shall provide training for pharmaceutical technicians working in or for the pharmacy that ensures the continuing competency of those technicians. Except as otherwise provided in this section, the training must consist of initial training upon employment and at least 12 hours of in-service training during the 2-year period immediately preceding the renewal of the registration of the pharmaceutical technician. *One of the 12 hours of in-service training must be a jurisprudence program approved or presented by the Board that relates to the practice of pharmacy or the law concerning pharmacy in this State.*

2. The managing pharmacist shall maintain a written record of the initial training and the annual training completed by each pharmaceutical technician working in or for the pharmacy that contains:

- (a) The name and signature of the person receiving the training;
- (b) The date or dates on which the training was received;
- (c) The number of hours of training received;
- (d) A general description of the topics covered; and
- (e) The name of the person or provider conducting the training.

3. A pharmaceutical technician may substitute the completion of the continuing education necessary for recertification by the Pharmacy Technician Certification Board or the Institute for the Certification of Pharmacy Technicians for the biennial in-service training required by subsection 1.

PROPOSED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R032-09

June 29, 2009

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 639.070.

A REGULATION relating to pharmacies; prohibiting the storage of any food or beverage in a refrigerator that is used to store medicine in the prescription department of a pharmacy; and providing other matters properly relating thereto.

Section 1. NAC 639.528 is hereby amended to read as follows:

639.528 **1.** Food for consumption by the public must not be ~~to~~

~~—1. Prepared~~ *prepared* in the prescription department of a pharmacy. ~~to or~~

~~—2. Stored in the refrigerator of the prescription department of a pharmacy.~~

~~to~~

2. A pharmacist or a member of the staff of a pharmacy may prepare food in the prescription department of the pharmacy ~~for store food in the refrigerator of the prescription department of the pharmacy~~ if the food is for his own personal consumption.

3. *No food or beverage may be stored in a refrigerator that is used to store medicine in the prescription department of a pharmacy.*

**PROPOSED REGULATION OF THE
STATE BOARD OF PHARMACY**

LCB File No. R033-09

July 10, 2009

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1 and 2, NRS 639.070.

A REGULATION relating to medical products; specifying the qualifications for an administrator of a medical products provider or medical products wholesaler; and providing other matters properly relating thereto.

Section 1. NAC 639.694 is hereby amended to read as follows:

639.694 1. ~~{Each}~~ *Except as otherwise provided in subsection 4, each* medical products provider or medical products wholesaler shall ~~{have}~~ *employ* an administrator at all times. The administrator must ~~{be a}~~ :

(a) *Be a natural person* ~~{who is}~~ ;

(b) *Have a high school diploma or its equivalent;*

(c) *Have:*

(1) *At least 1,500 hours of verified work experience relating to the products provided by the medical products provider or medical products wholesaler; or*

(2) *An associate's degree or higher degree from an accredited college or university in a field of study that is directly related to patient health care;*

(d) *Be* employed by the medical products provider or medical products wholesaler at the place of business or facility of the employer at least 40 hours per week or during all regular business hours if the business or facility is regularly open less than 40 hours per week ~~{-}~~ ; *and*

(e) *Be approved by the Board.*

2. The administrator shall ensure that the operation of the business or facility complies with all applicable federal, state and local laws, regulations and rules.

~~{2-}~~ 3. A medical products provider or medical products wholesaler shall notify the staff of the Board of the cessation of employment of an administrator within 3 business days after ~~{such}~~ *the* cessation ~~{-}~~ *of the employment.* A medical products provider or medical products wholesaler shall notify the staff of the Board of the employment of a new administrator within 3 business days after ~~{such}~~ *the beginning of the* employment.

~~{3-}~~ 4. A medical products provider or medical products wholesaler may not operate for more than 10 business days without an administrator. The Board may summarily suspend the operation of a business or facility that operates without an administrator.

Sec. 2. The amendatory provisions of subsection 1 of section 1 of this regulation apply only to a person who begins employment as an administrator of a medical products provider or medical products wholesaler on or after the effective date of this regulation.

**PROPOSED REGULATION OF THE
STATE BOARD OF PHARMACY**

LCB File No. R034-09

July 10, 2009

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 639.070 and 639.266; §2, NRS 639.070 and 639.236.

A REGULATION relating to pharmacists; revising provisions concerning information about a prescription drug or device which a pharmacist or intern pharmacist may provide to a patient or a person caring for a patient; authorizing a pharmacist or intern pharmacist to consider any warning labels or other information included with a prescription drug to determine the therapeutic appropriateness of the drug before dispensing the drug; and providing other matters properly relating thereto.

Section 1. NAC 639.707 is hereby amended to read as follows:

639.707 1. Except as otherwise provided in this section, a pharmacist or *an* intern pharmacist under the supervision of a pharmacist shall verbally provide a patient or a person caring for the patient with information about each prescription drug or device dispensed to the patient that:

- (a) Has not been previously dispensed to the patient from that pharmacy; or
- (b) Has been previously dispensed to the patient from that pharmacy, including, without limitation, a prescription drug or a device that is being refilled, if, in the professional judgment of the pharmacist or intern pharmacist:

(1) ~~{Such}~~ *The* information would further or improve the drug therapy of the patient; or

(2) A reasonable concern relating to the safety or efficacy of the drug therapy of the patient was raised by the review of the patient's record that the pharmacist or intern pharmacist conducted pursuant to subsection 4.

2. The information provided by the pharmacist or intern pharmacist pursuant to subsection 1 ~~{must}~~ *may* include, without limitation:

- (a) The name and a description of the drug;
- (b) The form of dosage, dose, route of administration and duration of drug therapy;
- (c) The intended use of the drug or device and expected responses from that use;
- (d) Any special directions and precautions for the preparation, administration and use of the drug or device by the patient;
- (e) Any common severe side effects, interactions and contraindications that may occur, recommendations to avoid these side effects, interactions or contraindications, and the action required if they occur;
- (f) Techniques for the patient or the person caring for the patient to monitor the drug therapy;
- (g) Proper storage of the drug or device;
- (h) Information about refilling the prescription;
- (i) Actions to be taken in the event of a missed dose;
- (j) Any relevant information contained in the record of medication of the patient; and
- (k) Any other information which, in the professional judgment of the pharmacist or intern pharmacist, is necessary to ensure the safe and effective use of the drug or device by the patient.

3. The pharmacist or intern pharmacist shall provide the information required pursuant to subsections 1 and 2 in written form to the patient if a drug or device will be distributed to the

patient outside the confines of the pharmacy by mail or any other delivery service. A pharmacist or intern pharmacist is not required to provide written information pursuant to this subsection if the drug or device is being delivered to a patient who is in a licensed medical facility where other licensed health care professionals are authorized to administer drugs.

4. The pharmacist or intern pharmacist shall review a patient's record before dispensing a prescription to determine its therapeutic appropriateness ~~{by considering:}~~ ***and, in making that determination, may consider:***

- (a) Overutilization of the drug and drug abuse;
- (b) Underutilization of the drug and therapeutic ineffectiveness;
- (c) Therapeutic duplications , ~~{and}~~ contraindications ~~{:}~~ ***and any warning labels or other information included with the drug;***
- (d) Interactions between the drug and any:
 - (1) Other drugs which the patient is taking or has recently taken;
 - (2) Diseases which the patient has, including any stages of that disease; and
 - (3) Allergies that the patient may have; and
- (e) Incorrect dosage or duration of treatment.

5. A pharmacist or intern pharmacist is not required to counsel a patient pursuant to this section if the patient or a person caring for the patient refuses to accept the counseling.

6. Except as otherwise provided in subsection 7, the pharmacist or intern pharmacist shall, at the time that counseling is provided or refused:

(a) Initial ~~{by his own hand}~~ a written document that is maintained at the pharmacy to record whether counseling was provided to or refused by a patient or the person caring for the patient; or

(b) Enter, pursuant to section 4 of ~~{this regulation,}~~ *LCB File No. R050-07, which was adopted by the State Board of Pharmacy and filed with the Secretary of State on December 17, 2008*, initials onto a record in a computerized system used by the pharmacy for recording information concerning prescriptions to indicate whether counseling was provided to or refused by a patient or the person caring for the patient.

7. The pharmacist or intern pharmacist is not required to comply with the provisions of subsection 6 if the prescription drug or device dispensed to the patient is being refilled.

Sec. 2. NAC 639.910 is hereby amended to read as follows:

639.910 1. Any computerized system used by a pharmacy for recording information concerning prescriptions must be designed in such a manner that it provides:

(a) A readily retrievable printed record of the information relating to a prescription or a patient which the pharmacy is required to maintain pursuant to state or federal law, including, without limitation, information relating to the original prescription or the refill or modification of that prescription;

(b) The original prescription number;

(c) The prescribing practitioner's name, address and the registration number issued to him by the Drug Enforcement Administration if he is registered with that agency;

(d) The full name and address of the patient;

- (e) The date on which the original prescription was filled, if it is different from the date prescribed;
 - (f) The name, strength, form, dosage, quantity and directions for use of the drug prescribed;
 - (g) The name or common abbreviation of the manufacturer, packer or distributor or the National Drug Code number of the drug dispensed to the patient;
 - (h) The total number of refills authorized by the prescriber;
 - (i) The date and quantity of each refill of a drug dispensed to a patient;
 - (j) The total number of refills of a drug dispensed to a patient;
 - (k) The quantity dispensed, if that is different from the quantity prescribed;
 - (l) At the time a prescription is filled or refilled, an automatic notice of the information the pharmacist or intern pharmacist ~~{is required to consider}~~ **considered** pursuant to subsection 4 of NAC 639.707; and
 - (m) A procedure that may be conducted at least once each day to ensure that the information which is recorded in the system is not lost or destroyed.
2. The managing pharmacist of a pharmacy that uses a computerized system for recording information concerning prescriptions shall ensure that a procedure is conducted upon the computerized system that ensures that the information which is recorded in the system is not lost or destroyed.
3. As used in this section, “National Drug Code number” means the number assigned to a drug by the Food and Drug Administration.

**REVISED PROPOSED REGULATION OF THE
STATE BOARD OF PHARMACY**

LCB File No. R035-09

September 8, 2009

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 639.070 and 639.0745.

A REGULATION relating to pharmacies; revising provisions governing the filling and refilling of prescriptions by a fulfillment pharmacy for a dispensing pharmacy; and providing other matters properly relating thereto.

Section 1. NAC 639.7125 is hereby amended to read as follows:

639.7125 1. ~~{A}~~ *Except as otherwise provided in subsection 2, a* prescription may be filled or refilled by a fulfillment pharmacy for a dispensing pharmacy if:

(a) The dispensing pharmacy enters the data concerning the prescription into its computer system and transfers that data to the computer system of the fulfillment pharmacy in a secure and confidential manner;

(b) The computer system of the dispensing pharmacy:

(1) Transmits to the computer system of the fulfillment pharmacy the National Drug Code number of ~~{a generic}~~ *the* drug ~~{in stock}~~ that the dispensing pharmacy would have used to fill or refill the prescription if the prescription had not been transmitted to the fulfillment pharmacy;

(2) Makes and retains a record documenting the date and time that the prescription is transmitted to the fulfillment pharmacy and the identity of the fulfillment pharmacy; and

- (3) If applicable, automatically reduces the number of refills of the prescription;
- (c) The computer systems of the dispensing pharmacy and the fulfillment pharmacy are operated in compliance with the applicable provisions of this chapter and chapter 639 of NRS;
- (d) The fulfillment pharmacy labels the container in which the prescription will be dispensed in compliance with NRS 639.2801 using a label from the dispensing pharmacy or a label that contains the same information as the dispensing pharmacy would have been required to place on the label if the dispensing pharmacy had filled or refilled the prescription;
- (e) For each prescription that is being filled for the first time by the fulfillment pharmacy, a pharmacist employed by the dispensing pharmacy:
- (1) Verifies the correctness of the data in the computer system of the dispensing pharmacy concerning the prescription before the prescription is transmitted to the fulfillment pharmacy to be filled, if:
- (I) The computer system of the dispensing pharmacy is capable of recording the identification of the pharmacist and the date and time when the pharmacist performed the verification; and
- (II) The pharmacist properly records in the computer system of the dispensing pharmacy his *or her* verification of the data ~~{;}~~ *or makes a written notation of the verification of the data directly on the prescription;* or
- (2) Verifies the correctness of the prescription drug ordered by the prescription when it is received from the fulfillment pharmacy and the pharmacist makes a written notation on the prescription or in the record of the prescription in the computer system of the dispensing

pharmacy that includes ~~{his}~~ *the name of the pharmacist* and the date on which ~~{he}~~ *the pharmacist* performed the verification; ~~{and}~~

(f) For each prescription that is being refilled by the fulfillment pharmacy, a pharmacist *or any other person* employed by the dispensing pharmacy ~~{:~~

~~——(1) Makes}~~ *makes* a record, by hand on a written document or in the record of the prescription in the computer system of the dispensing pharmacy, that includes:

~~{(I)}~~ (1) The date that the request to refill the prescription was sent to the fulfillment pharmacy; *and*

~~{(II)}~~ (2) The date that the prescription drug ordered to refill the prescription was received by the dispensing pharmacy from the fulfillment pharmacy; and

~~{(III)}~~ The date that the prescription drug was dispensed to the patient or an agent of the patient; and

~~——(2) Verifies}~~

(g) *A pharmacist employed by the dispensing pharmacy verifies* the correctness of the prescription drug ordered to refill the prescription when the prescription drug is received from the fulfillment pharmacy if, in his *or her* professional judgment, the pharmacist determines such verification is necessary.

2. If ~~{a fulfillment pharmacy fills or refills a prescription pursuant to this section with a generic drug that is manufactured by a different manufacturer than the manufacturer used by the dispensing pharmacy, the fulfillment pharmacy shall show on the label of the container in which the prescription will be dispensed the name of the manufacturer of the generic drug used to fill or refill the prescription and the computer system of the fulfillment pharmacy must transmit to the~~

~~computer system of the dispensing pharmacy} the drug identified by the National Drug Code number {and the price of that generic drug. If the computer system of} which is transmitted to a fulfillment pharmacy pursuant to subparagraph (1) of paragraph (b) of subsection 1 is not available to the fulfillment pharmacy, the fulfillment pharmacy {is incapable of transmitting such data to the dispensing pharmacy, the fulfillment pharmacy shall not fill or refill the prescription and shall notify the dispensing pharmacy that the fulfillment pharmacy cannot} :~~

(a) Shall not fill or refill the prescription {-} ; and

(b) Shall transmit the prescription back to the dispensing pharmacy to be filled or refilled.

3. If a dispensing pharmacy:

(a) Does not include prescription drugs ordered by prescriptions that are filled or refilled by a fulfillment pharmacy in the inventory of the dispensing pharmacy, the dispensing pharmacy shall, not later than 30 days after receipt of a prescription drug ordered by a prescription that was filled or refilled by a fulfillment pharmacy:

(1) Return the prescription drug to the fulfillment pharmacy that filled or refilled the prescription if the prescription drug has not been dispensed to a patient or an agent of a patient; and

(2) Ensure that a pharmacist employed by the dispensing pharmacy records the date that the prescription drug was returned to the fulfillment pharmacy on a written document that is maintained at the dispensing pharmacy or in the record of the prescription in the computer system of the dispensing pharmacy.

(b) Includes prescription drugs ordered by prescriptions that are filled or refilled by a fulfillment pharmacy in the inventory of the dispensing pharmacy, the dispensing pharmacy shall:

(1) Not take possession of a prescription drug ordered by a prescription that was filled or refilled by a fulfillment pharmacy unless the prescription drug is accompanied by an invoice;

(2) File and process an invoice for each prescription drug that it receives from a fulfillment pharmacy in the same manner as the dispensing pharmacy files and processes invoices for prescription drugs that it receives from a wholesaler; and

(3) Process and treat each prescription drug ordered by a prescription that is filled or refilled by a fulfillment pharmacy in the same manner as the dispensing pharmacy processes and treats prescription drugs that originate from the inventory of the dispensing pharmacy.

4. The transmission of a prescription by a dispensing pharmacy to a fulfillment pharmacy pursuant to this section is not a transfer of a prescription.

5. A dispensing pharmacy shall ensure that:

(a) A patient has been counseled in compliance with NRS 639.266 and NAC 639.707 and 639.708; and

(b) All communications with the patient are made by and through the dispensing pharmacy.

6. If a prescription is transmitted to and filled or refilled by a fulfillment pharmacy pursuant to this section, both the dispensing pharmacy and the fulfillment pharmacy are individually responsible for ensuring that *their respective portions of* the prescription ~~has~~ *have* been filled or refilled correctly.

7. A dispensing pharmacy shall not transmit, and a fulfillment pharmacy shall not fill or refill, a prescription pursuant to this section for any controlled substance listed in schedule II.

8. As used in this section:

(a) “Dispensing pharmacy” means a pharmacy licensed by the Board that:

(1) Sends a prescription to a fulfillment pharmacy to be filled or refilled by the fulfillment pharmacy; and

(2) Dispenses the prescription drug ordered by the prescription and filled or refilled by the fulfillment pharmacy to the ultimate user.

↪ *The term includes a mail order pharmacy.*

(b) “Fulfillment pharmacy” means a pharmacy licensed by the Board that fills or refills prescriptions on behalf of a dispensing pharmacy.

(c) *“Mail order pharmacy” means a pharmacy licensed by the Board that fills or refills prescriptions and dispenses the majority of the prescriptions it fills or refills by mail or common carrier to the ultimate user.*

(d) “Wholesaler” has the meaning ascribed to it in NRS 639.016.

BOARD MEETING

Airport Plaza Hotel
1981 Terminal Way
Reno

September 2nd and 3rd, 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
Mary Lau		

Board Members Absent:

Board Staff Present:

Larry Pinson	Jeri Walter	Carolyn Cramer	Keith Marcher
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CONSENT AGENDA

1. Approval of July 15-16, 2009, Minutes
2. Applications for Out-of-State MDEG – Non Appearance:
 - A. Carefusion Corporation – Tucker, GA
 - B. Choice Medical, Inc. – Knoxville, TN
 - C. Eye Response Technologies, Inc. – Charlottesville, VA
 - D. Hoveround Corporation – Sarasota, FL
 - E. Kinex Medical Company, LLC – Waukesha, WI
 - F. Liberator Medical Supply Inc. – Stuart, FL
 - G. Thrifty Medical Supply, Inc. – San Leandro, CA

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

- H. Aapex Community Pharmacy – Houston, TX
- I. Care Plus CVS/pharmacy #2801 – West Hollywood, CA
- J. Care Plus CVS/pharmacy #2915 – Honolulu, HI

- K. Care Plus CVS/pharmacy #3129 – Phoenix, AZ
- L. Covance Specialty Pharmacy – Lakeland, FL
- M. Omnicare Clinical Intervention – Oklahoma City, OK
- N. One Stop Pharmacy Inc. LLC – St Petersburg, FL
- O. PVPL Pharmacy – Omaha, NE
- P. Reliance Meds – Ft Myers, FL
- Q. Southern Desert Pharmacy – Prescott, AZ
- R. Tropical Pharmacy – Sunrise, FL

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

- S. Abbott Laboratories Inc. – Dallas, TX
- T. Ameridose, LLC – Westborough, MA
- U. AxoGen Corporation – Alachua, FL
- V. Cadista Pharmaceuticals, Inc. – Salisbury, MD
- W. Diamond Pharmacy Services – Kolter, PA
- X. Dusa Pharmaceuticals, Inc. – Wilmington, MA
- Y. Far West Returns, Inc. – Paradise, CA
- Z. Healthfirst Corporation – Mountlake Terrace, WA
- AA. Just Packaging, Inc. – South Plainfield, NJ
- BB. Lannett Company Inc. – Philadelphia, PA
- CC. McKesson Specialty Distribution LLC – Fairfield, OH
- DD. McKesson Specialty Distribution LLC – Memphis, TN
- EE. McKesson Specialty Distribution LLC – Suwanee, GA
- FF. McKesson Specialty Distribution LLC – West Sacramento, CA
- GG. Xttrium Laboratories, Inc. – Chicago, IL

Applications for Nevada MDEG – Non Appearance:

- HH. AmPro Orthotics & Prosthetics Inc. – Las Vegas
- II. Family Pharmacy – Pahrump

Applications for Nevada Pharmacy – Non Appearance:

- JJ. CVS/pharmacy #6625 – Reno
- KK. Golden Health Pharmacy – Elko
- LL. St Mary's Outpatient Surgery Center at Galena LLC – Reno
- MM. Target Pharmacy T-2568 – Henderson

NOTE: Mary Lau recused from participation in the vote on items I, J, K, KK and MM as they are members of RAN. Chad Luebke recused from participation in the vote on items I, J, K and JJ as he is employed by CVS.

Discussion:

The consent agenda applications and supporting documents were reviewed.

Board Action:

Motion: Leo Basch found the consent agenda application information to be accurate and complete and moved for approval with the exception of items I, J, K, KK, MM and JJ.

Second: Keith Macdonald

Action: Passed Unanimously.

Discussion:

Motion: Leo Basch found the minutes to accurate and complete and moved for approval.

Second: David Chan

Action: Passed Unanimously.

REGULAR AGENDA

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

A. Drug Crafters – Frisco, TX

Drug Crafters have rescheduled to October.

B. Royal Palm Compounding Pharmacy LLC – Wellington, FL

Royal Palm has rescheduled to October.

4. Disciplinary Actions:

A. Davidson Okpukpara, R.Ph (09-054-RPH-N)

B. Scolari's Pharmacy #28 (09-054-PH-N)

NOTE: David Chan recused from participation as he is employed by Scolari's. Mary Lau recused from participation as Scolari's is a member of RAN.

Dani Dooley was present to represent Scolari's. Davidson Okpukpara represented himself.

Carolyn Cramer introduced Loie Brooks, the complainant in this matter. Ms. Cramer admitted six Exhibits into evidence as follows:

Exhibit 1 Scolari's statement

Exhibit 2 Board staffs 13 pages of evidence

- Exhibit 3 Squires/Scloari's #24 Order dated January 6, 2004
- Exhibit 4 Letter to Loran Foster in another complaint from Ms. Brooks regarding
 Scloari's #28
- Exhibit 5 Okpukpara/Rite Aid #6281 Order dated October 1, 2006
- Exhibit 6 Rx vial showing label changed from 25 mg to 50 mg but no change in
 directions

Loie Brooks appeared and was sworn by President Fey prior to answering questions or offering testimony.

Ms. Cramer questioned Ms. Brooks regarding the circumstances of her complaint. Ms. Brooks stated that she had her prescription for metoprolol refilled at Scloari's #28. She picked up her medication and left the store, got into her vehicle and looked at what she was given from the pharmacy. Ms. Brooks testified that the tablets looked different from the ones she usually takes, so she returned to the pharmacy to inquire about the difference. Ms. Brooks stated that she spoke with Mr. Okpukpara when she returned and told him that they were not what she had previously taken. She indicated that Mr. Okpukpara acknowledged a mistake had occurred. Ms. Brooks prescription was for 25 mg. metoprolol tablets and the prescription vial contained 50 mg. metoprolol tablets. Ms. Brooks indicated that Mr. Okpukpara went to retrieve the correct 25 mg. metoprolol tablets but found there were only twelve in the stock bottle. Mr. Okpukpara offered to call other stores to see if he could obtain more, however Ms. Brooks asked for the dispensed prescription back again and declined his attempt to find more of the correct medication. Before giving her the prescription vial back, Ms. Brooks stated that Mr. Okpukpara printed out another label, wrote 50 mg. on the label and placed that label over the original label but did not change the directions to take one half tablet.

Mr. Okpukpara gave a statement and indicated that he advised Ms. Brooks to take one half tablet and she seemed to be okay with that solution. Mr. Okpukpara also indicated that he had handwritten the directions on the label. He also indicated that the pharmaceutical technician he was working with made the error and he failed to catch it. He indicated that the pharmaceutical technician was under some stress and made a lot of mistakes that he did catch but missed this one. Ms. Cramer questioned him about the label he said he had handwritten directions on. Ms. Cramer reminded him that Ms. Brooks testimony indicated that she did not receive a label with handwritten directions and asked Mr. Okpukpara if he was possibly upset or nervous about the error and did not remember clearly what he did. Ms. Cramer presented Exhibit 6 which is the original prescription vial with Mr. Okpukpara's handwritten "50 mg." but no change in directions.

The Board questioned Mr. Okpukpara regarding his statement about giving Ms. Brooks 15 extra 50 mg. metoprolol tablets which would have extended the prescription to seven months instead of the six month life of the prescription. They also asked Mr. Okpukpara about what he has done to improve his pharmacy practice since going through the Your Success Rx program.

Dani Dooley was sworn by President Fey prior to answering questions or offering testimony.

Ms. Cramer reviewed the details of the meeting Board staff had with Scolari's. They showed that they had made significant changes in their computer system to keep pharmaceutical technicians from making drug choices without the intervention of a pharmacist so this type of error would not happen again. Ms. Dooley explained thoroughly what steps had been taken. Scolari's and Board staff also discussed the issue of pharmaceutical technician errors in general. Ms. Dooley advised the Board that she and Mr. Chan have talked to all managing pharmacists about the need to report pharmaceutical technician errors to management so they are documented. If a pharmaceutical technician is making many errors and management is not aware of them they are unable to do anything to help correct the situation and document what occurred. If there was a pattern of errors that was not improving on the pharmaceutical technician's part, then an action could be taken against a technician that is not performing well.

Carolyn Cramer gave closing statements and recommended that Scolari's pay one half the fees and costs in this matter and no other penalties as they have already made significant changes to their computer system. Regarding Mr. Okpukpara, Ms. Cramer recommended three years probation, the first year of probation Mr. Okpukpara would practice as an intern and have his preceptor report to the Board Mr. Okpukpara's behaviors as a practicing intern.

The Board questioned Ms. Dooley about Scolari's error reporting forms and how they were filed and asked if Mr. Okpukpara had ever filed error reports on other errors. Ms. Dooley described their procedures.

Mr. Okpukpara gave a closing statement indicating that he is a good pharmacist and had never made a practice error before the Rite Aid issue and has had nothing since Ms. Brooks matter. Again, he stated that the pharmaceutical technician was at issue and that he had caught many of her errors but admitted missing this one and it was not because he was not paying attention or was distracted. He asked the Board to look at all the facts and show leniency.

The Board discussed what they had heard. Mr. Basch showed concern that Mr. Okpukpara had not filed an error report on this incident with Scolari's management as required in their policies and procedures. Mr. Luebke is concerned that Mr. Okpukpara only takes partial responsibility for the error and blames the pharmaceutical technician even though he is ultimately responsible.

Board Action:

Motion: Leo Basch moved to find Mr. Okpukpara guilty of the First, Second and Third Causes of Action.

Second: Kam Gandhi

Action: Passed Unanimously

Motion: Mr. Basch moved to fine Mr. Okpukpara \$3,000.00 plus one half of the fees and costs, suspend his license for 30 days and stay the suspension, three years probation requiring him to report any errors he makes to the Board within seven days of the incident, not be allowed to practice as a managing pharmacist and work no more than 90 hours in a fourteen day work period.

Second: No Second

Action: Motion Failed

Motion: Chad Luebke moved to have Mr. Okpukpara perform his duties as an intern pharmacist for 60 days plus everything in Mr. Basch's motion.

Second: Kam Gandhi

Discussion: Mr. Basch stated he did not see an internship helpful since Mr. Okpukpara is a fully knowledgeable pharmacist.

Action: Passed With One Negative Vote

Motion: Leo Basch moved to find Scloari's #28 guilty of the Fourth Cause of Action.

Second: Keith Macdonald

Action: Passed Unanimously

Motion: Leo Basch moved to fine Scloari's #28 one half the fees and costs in this matter.

Second: Kam Gandhi

Action: Passed Unanimously

C. Christine Thurman, PT

(09-037-PT-N)

Ms. Cramer noted for the record that Ms. Thurman was not present even though the Accusation and notice to appear were sent to her last known address and the certified mail card was signed.

Ms. Cramer explained the circumstances of this matter. Ms. Thurman was terminated from employment from Wal-Mart #10-4370 for attempting to add refills to prescriptions for herself and her family for controlled substances and dangerous drugs. After the notice of termination of employment, it was learned that Ms. Thurman had been arrested and convicted of a Category B felony. The Judgment of Conviction provide

that Ms. Thurman was found guilty of embezzlement and was sentenced to 12 months in prison, pay \$150.00 for a DNA fee, pay \$500.00 for attorney fees, and pay \$27,913.79 for restitution and an administrative fee of \$25.00.

Board Action:

Motion: Keith Macdonald moved to find Ms. Thurman guilty of the First, Second and Third Causes of Action.

Second: David Chan

Action: Passed Unanimously

Motion: Keith Macdonald moved to revoke Ms. Thurman's pharmaceutical technician registration.

Second: David Chan

Action: Passed Unanimously

D. Heidi Miscovich, PT

(08-087-PT-N)

Heidi Miscovich appeared and was sworn by President Fey prior to answering questions or offering testimony.

Carolyn Cramer noted for the Board that Ms. Miscovich was terminated from employment from Carson Tahoe Regional Medical Center for drug diversion. Ms. Cramer said that Ms. Miscovich is present today to explain her circumstances.

Ms. Miscovich admitted to the facts of the Accusation however she needed to come before the Board to explain what she did. She indicated that she had gone through a difficult time in her life – her daughter was writing bad checks and her husband of 21 years was still married to his first wife. Ms. Miscovich said she took the drugs to commit suicide, however for various reasons she did not do it. She stated she flushed the drugs she had taken to get rid of them.

President Fey asked Ms. Miscovich how she has changed her life. Ms. Miscovich said she got her daughter back on the right track and she has just graduated and she and her husband are still trying to rectify the situation with their marriage. She said her husband is 20 years older than she is and the attorney he used for the divorce is dead and no records can be found. Ms. Miscovich apologized to the Board and thanked them for allowing her to appear and clear her conscience.

Board Action:

Motion: Chad Luebke moved to accept Ms. Miscovich's admission of guilt.

Second: Leo Basch

Action: Passed Unanimously

Motion: Keith Macdonald moved to revoke Ms. Miscovich's pharmaceutical technician registration.

Second: Chad Luebke

Action: Passed Unanimously

E. Constance Willman, R.Ph (09-010-RPH-N)

Constance Willman appeared and was sworn by President Fey prior to answering questions or offering testimony. Mr. Espadero was reminded he was still under oath.

Carolyn Cramer advised the Board that Ms. Willman's pharmacist license is under suspension. Ms. Willman is currently on numerous medications and cannot enter the PRN-PRN program. Ms. Cramer indicated that she has spoken with Ms. Willman and Mr. Espadero and suggests that Ms. Willman have an independent medical examination at the Board's expense.

Mr. Espadero explained that before Ms. Willman can have an independent medical examination she needs to detox from all the medications she is currently taking. Mr. Espadero stated he would work with the psychiatrist to help Ms. Willman regain her health. Once an evaluation is made they can work together towards that goal.

Board Action:

Motion: Keith Macdonald moved to table this request for reinstatement until a treatment plan can be implemented.

Second: Leo Basch

Action: Passed Unanimously

5. Request for Pharmaceutical Technician in Training License – Appearance:

A. Jennifer Ochadleus

Jennifer Ochadleus and Larry Espadero, PRN-PRN monitor, appeared and were sworn by President Fey prior to answering questions or offering testimony.

Carolyn Cramer advised that Ms. Ochadleus is a student in the pharmaceutical technician program at Kaplan College and has applied for a PTT registration. She answered yes to question three on her application regarding use of alcohol or substance abuse.

Ms. Ochadleus stated that she was at a very low point in her life and used extremely poor judgment. She lost her house and her boyfriend and went out with friends and used drugs. Kaplan College did a drug screen and she tested positive for amphetamines. Ms. Ochadleus contacted PRN-PRN immediately for an evaluation. She testified that she does not use drugs and that was a onetime occurrence. She now lives with her mother and is devoting herself to raising her 15 year old and 4 year old children and going to school.

Mr. Espadero testified that Ms. Ochadleus shows a very low propensity for drug abuse and recommended that the Board issue her pharmaceutical technician in training registration so she can complete her course at Kaplan College.

Board Action:

Motion: Keith Macdonald moved to approve Ms. Chadleus' application for pharmaceutical technician in training and continue with PRN-PRN for a period of time to be determined by Mr. Espadero.

Second: Mary Lau

Action: Passed With One Negative Vote

B. Marcos Rodriguez

NOTE: Keith Macdonald recused from participation in this matter as he signed Mr. Rodriguez's application for pharmaceutical technician in training at Wal-Mart #10-3408.

Ms. Cramer indicated that Mr. Rodriguez had answered yes to having been charged, arrested, or convicted of a misdemeanor.

Mr. Rodriguez indicated that he was at a party with people his age – 19 and 20 year olds. At some point, some people arrived at the party that were 21 years of age or older and they brought beer. A neighbor had called the police probably because they were making too much noise. The police arrested about 40% of the party that were under age and let the older group that brought the beer go because they were legal. He was charged for use or possession of alcohol by a minor.

Board Action:

Motion: Chad Luebke moved to approve Mr. Rodriguez's application for pharmaceutical technician in training.

Second: Kam Gandhi

Action: Passed Unanimously

6. Request for Advanced Practitioner of Nursing License – Appearance:

Shannon Leasure, APN

Carolyn Cramer noted that Ms. Leasure has requested an APN license, however she answered all the questions on the application regarding any abuses, arrests or convictions, administrative actions or licensing issues with another Board in the affirmative and she is present to testify to the circumstances.

Ms. Leasure described an incredible period in her life that took place in 2007 regarding drugs and alcohol. She was arrested on a felony charge of child neglect that was pled down to a misdemeanor. She, her boyfriend and daughter were on vacation and had drugs with them and her daughter found and ingested Ecstasy. Ms. Leasure said she is still under a probationary period with the San Bernardino County Court. Since that experience she has married, worked for the last year and a half as a RN and just recently had the suspension lifted from her APN license. Ms. Leasure explained that she has completed a year and a half of a five year contract with the Nursing Board. The contract required her to call in daily for random alcohol and drug screening, attend two AA meetings a week, have regular contact and reports from her sponsor and attend a weekly nurse support group for the entire contract. She has completed several of the requirements from the contract such as attending weekly aftercare for one year, and attend bi-weekly individual counseling sessions for one year. She also completed a 60 day inpatient drug and alcohol rehab program. Ms. Leasure indicated that she volunteers to tell her story before groups and advise them how alcohol and drug abuse can devastate a family. She feels she is making an impact on others and she is proud of the progress she has made in her recovery.

Board Action:

Motion: Keith Macdonald moved to approve the application for APN prescribing privileges for Ms. Leasure.

Second: Mary Lau

Action: Passed Unanimously

7. Task Force Intervention Officer Report – Appearance:

Jenine Davis

Joanee Quirk appeared with Jenine Davis to report to the Board on the work Ms. Davis is doing as the intervention officer for the Task Force. Ms. Quirk introduced Ms. Davis to the Board and gave a summary of her background. She obtained her degree in Accounting, however she worked as an intervention officer for NDI before accepting a position with the Task Force. Ms. Davis indicated that she receives information from the Task Force identifying doctor shoppers. She contacts the people, sets up appointments to interview them and explain that they are committing a felony by doctor shopping and

offers them help. If they agree to get the help offered, she works with them, however, if they choose to continue with their doctor shopping behavior, Ms. Davis turns them over to the police department. Ms. Davis gave individual case stories and answered questions from the Board. Ms. Quirk indicated that Ms. Davis has had more success in the North than the previous intervention officer located in the South.

8. Discussion and Determinations:

A. NRS 639.230(1)

Larry Pinson advised the Board that he instructed Board general counsel to send a cease and desist order to Rx Realty advising them that a realty company was not to use “Rx” as part of its name as it was a violation of NRS 639.230. Senator Schneider sent a letter to Mr. Pinson advising that his friend could use “Rx” as part of his realty company’s name because it was not the legislative intent to restrict a company that did not sell drugs to use that symbol. The Board questioned staff about how we could prohibit another company that sold skate boards from using a symbol or the word “pharmacy” that was violating the same law and allow a realty company to use Rx. It was noted that Senator Schneider’s letter indicated that he was going to present this matter at the next legislative commission meeting for their opinion, and the Board directed staff to wait until an opinion was made before enforcing the cease and desist notice.

B. “Physical Examination” of Patient Prior to Prescribing

Louis Ling, Executive Director of the Medical Board of Examiners, Ivan Garlick, Regional Medical Director for Prison Health Services-Western Region, Mike Pavalakis, of the law firm of Alison McKenzie who represents Prison Health Services, and Joel Locke, also of Allison McKenzie, appeared for the discussion of telemedicine.

Mr. Pavalakis described how telemedicine is used in Nevada for inmate physical examinations in prisons. He advised the Board that the legal medical perspective is found in Chapter 630 and defines the practice of medicine as taking place where the patient is located, regardless of where the practitioner is located, and therefore can be performed electronically or through fiber optics. Mr. Pavalakis was advised that Nevada pharmacy law requires a bona fide patient/physician relationship and requires that the patient be physically examined within six months of dispensing medication.

Dr. Garlik is a well qualified licensed physician that works for Prison Health Services and he noted that he has found that telemedicine is an efficient way of treating inmates to ensure quality patient care. He described the prison setting and how medical units, or infirmaries, perform tasks to accomplish the examination. Telemedicine has the peripherals to examine ears, throat, listen to the chest, etc. He has a computer screen before him at the off-site location with all of the patient information to review. Dr. Garlik works with the APN or PA to do the inmate examination and noted that he has even diagnosed chicken pox through telemedicine. There is always a doctor that he can refer an inmate to for abdominal issues or to check for a mass where he cannot physically

touch the patient's abdomen. The APNs are there all the time and they know what is going on with the patients and can advise the off-site physician. After the examination, Dr. Garlic sends his orders and findings to the nurse so he/she has records in the prison. Chronic care patients are seen every three months to review their medical needs. Dr. Garlic sees patients with depression, seizure disorders and addiction issues in addition to the general service needs. If he prescribes, he enters the order into the computer and faxes it to the nurse. All controlled substance prescriptions are ordered via hard copy, and the prescription is filled and sent to the prison for the specific inmate.

Mr. Pavalakis noted that telemedicine is being practiced in Nevada, however the issue here is that Dr. Garlic is physically located in another state and needs approval to examine Nevada inmate patients.

Louis Ling gave the history of how the Pharmacy Board bona fide relationship regulations came about. They were crafted to curb illegal internet pharmacy practice and requiring a physical examination would prevent them from this practice. The legislature adopted statute requiring the six month physical examination in both the 2001 and 2003 sessions. Mr. Ling suggested that the Board of Pharmacy allow for this practice through regulation – that the six month physical examination not be required for persons in correctional facilities.

The Board directed staff to write regulations to allow this practice in correctional facilities only.

C. Advertising Practices

Board staff has had concerns raised by pharmacists regarding their company requiring them to provide advertisements to patients. For example when a label set is printed for Flonase, the patient information includes an advertisement for a competitive drug, perhaps Nasonex, and it is stuffed into the patients bag along with the usual drug information sheet. It can be confusing for the patient or they may call their doctor and ask them to change their prescription and it may not be in the patient's best interest.

Coupons for drugs is another issue that has been brought to Board staff's attention. Patients transfer their prescriptions around every month from pharmacy to pharmacy to utilize these coupons. This activity then circumvents one of pharmacy's primary rolls, that being drug utilization review, checking for drug interactions and the like. It could become a potential for error.

The Board discussed these issues and directed Board staff to contact Massachusetts and New Jersey that may have laws in place regulating these practices. It was noted that the Board needs to be careful not to violate freedom of advertising rights. Chad Luebke indicated that he has concerns about patient safety with these practices and also allowed that patients will do most anything to save money.

9. General Counsel Report

Carolyn Cramer advised the Board that she sent a letter to pharmacies to correct a problem that was brought to her attention. A doctor requested a Task Force report to check his own written prescriptions. He found that pharmacies had selected his name to use for 206 prescriptions for people that were not his patients. Ms. Cramer advised in her letter that the pharmacies need to correct their computer records to reflect the correct physician for the specific prescriptions she identified.

Keith Macdonald wanted to know what pharmacist is going to tell the doctors to identify themselves on the list of doctors on the prescription form or the prescription written by a doctor in an ER.

10. Executive Secretary Report:

A. Financial Report

B. Investment Report

Larry Pinson gave the financial and investment reports to the Board's satisfaction.

C. Temporary Licenses

1. McKesson & H1N1 Vaccine Distribution

Mr. Pinson advised the Board that he granted a temporary license for several McKesson warehouse locations in advance of their application being approved so they could prepare for the H1N1 vaccine distribution to Nevada locations that will be giving the immunizations.

D. Staff Activities

1. Meetings

a. NACDS Pharmacy & Tech Conference (August)

Mr. Pinson gave an overview of the NACDS meeting he attended in August.

b. CE

He reported on various Nevada law CE's that he, Joe Depczynski and Ron Shockey had done and noted that he had two more scheduled before the pharmacist renewal deadline of October 31st, 2009.

c. PT Advisory Committee (10/7)

Mr. Pinson advised that he had called another meeting of the PT Advisory Committee to be held on October 7th and he would bring forth any of their issues to the October Board meeting.

d. CE Committee (10/8)

A CE Committee meeting will be held on October 8th.

E. Report to Board

1. Task Force Meeting (8/28)

Mr. Pinson gave a review of the Task Force meeting that was held on August 28th.

2. Illegal surgery center follow-up

Larry Pinson gave an update on illegal surgery and possession of dangerous drug activity in Hispanic convenience stores in the Las Vegas area. Mr. Pinson also noted that an anonymous person has contacted him with information on where several more of these back room surgery centers and pharmacies are located. Metro is now in the loop.

3. ACPE site visit observer

President Fey has volunteered to represent the Board as an ACPE site observer.

F. Board Related News

1. California Nursing Board

Governor Schwarzenegger has replaced the entire California Nursing Board because they were not doing their job. It was taking them an average of three years to bring a complaint forward.

Mr. Pinson reported that the first meeting with Katie Johnson for her Your Success Rx report with Jose Rodriguez, and Cathi Ketterling/Professional Pharmacy went very well. Mr. Rodriguez and Ms. Ketterling appeared by telephone. He indicated that Ms. Ketterling had prepared policies and procedures for the pharmacy and Mr. Rodriguez had put procedures in place for a more efficiently run pharmacy.

G. Activities Report

WORKSHOP

11. **Proposed Regulation Amendment Workshop**

1. **Amendment of Nevada Administrative Code 453.550** Remove Buprenorphine from Schedule V

President Fey asked for public comment. There was no public comment and President Fey asked for a motion.

Board Action:

Motion: Keith Macdonald moved to move this regulation amendment to Public Hearing.

Second: David Chan

Action: Passed Unanimously

2. **Amendment of Nevada Administrative Code 453.530** Addition of Buprenorphine to Schedule III to Parallel Federal Law

President Fey asked for public comment. There was no public comment and President Fey asked for a motion.

Board Action:

Motion: Keith Macdonald moved to move this regulation amendment to Public Hearing.

Second: David Chan

Action: Passed Unanimously

3. **Amendment of Nevada Administrative Code 639.254** Add ICPT for acceptable in-service training for pharmaceutical technicians.

President Fey asked for public comment. There was no public comment and President Fey asked for a motion.

Board Action:

Motion: Mary Lau moved to move this regulation amendment to Public Hearing.

Second: Keith Macdonald

Action: Passed Unanimously

4. **Amendment of Nevada Administrative Code 639.220 Schedule of fees; penalty for late renewal; exemptions from certain fees.** Fee increase for pharmacists and pharmacist interns.

Leo Basch noted that he thought the fee increase for pharmacist interns should be \$40.00 rather than the proposed \$30.00 to keep it in line with pharmaceutical technician fees. Interns generally make more money than pharmaceutical technicians and would be more appropriate to keep the fees equal. Mr. Basch also noted that the increased fees needed to be reflected in both the application and the renewal application sections. The fee increase for pharmacists will be raised to \$180.00 for both the registration application fee and the renewal fee.

President Fey asked for public comment. There was no public comment and President Fey asked for a motion.

Board Action:

Motion: Leo Basch moved to move this regulation amendment to Public Hearing with the changes discussed.

Second: David Chan

Action: Passed Unanimously

5. **Amendment of Nevada Administrative Code 639.870 Certificate of registration: Application; fee; period of validity; appearance before Board; collaborating physician; late renewal.** Delete consultant pharmacist requirement for Advanced Practitioner of Nursing.

President Fey asked for public comment. There was no public comment and President Fey asked for a motion.

Board Action:

Motion: Leo Basch moved to move this regulation amendment to Public Hearing.

Second: Chad Luebke

Action: Passed Unanimously

6. **Amendment of Nevada Administrative Code 639.272 Requirements for registration certificate.** Delete consultant pharmacist requirement for physician assistant.

President Fey asked for public comment. There was no public comment and President Fey asked for a motion.

Board Action:

Motion: Leo Basch moved to move this regulation amendment to Public Hearing.

Second: Chad Luebke

Action: Passed Unanimously

7. **Amendment of Nevada Administrative Code AB213 Cancer Drug Donation Program.**

President Fey advised the Board that he wanted them to go through the language section by section and discuss each section individually. Carolyn Cramer referred to the bill, AB213, throughout the discussion to ensure the Board was clear why she wrote the language she presented. Leo Basch made specific suggestions for language changes and David Chan questioned liability to the pharmacist if they received an adulterated product and redispensed it. Larry Pinson referenced our adulterated Serostim case and noted that the pharmacist was not held responsible. If anyone should have been held responsible it would be the wholesaler.

President Fey opened the Workshop to the public for comment.

Liz Macmenamin, representing RAN, noted that this program needs to be voluntarily and liability free for pharmacies and pharmacists that participate in the program.

Tom McCoy, representing the American Cancer Society, described the objective of AB213. He noted that the intent was to provide drugs to uninsured and under insured cancer patients. They wanted to allow cancer patient's care givers to register them into the program on their behalf. Mr. McCoy indicated that programs of this nature generally

start slowly as evidenced in other states with similar programs. He noted that the program needs to be publicized so the public is aware the program is available.

President Fey closed the Workshop to the public and asked for a motion to give Board staff direction.

Board Action:

Motion: Mary Lau moved to make changes as discussed and re-Workshop.

Second: Leo Basch

Action: Passed Unanimously

8. **Amendment of Nevada Administrative Code SB197** Regulations for reissued drugs by nonprofit pharmacies.

The Board discussed the proposed language and directed Board staff to get input from HAWC, FISH and the Salvation Army before going further with these regulations.

Board Action:

Motion: Keith Macdonald moved to bring back to Workshop after Board staff has discussions with HAWC, FISH and the Salvation Army for their input.

Second: Mary Lau

Action: Passed Unanimously

PUBLIC HEARING

12. Notice of Intent to Act Upon a Regulation:

1. **Amendment of Nevada Administrative Code 453.530 Amendment of Schedule III.** This language removes references to over the counter products containing ephedrine, pseudoephedrine or phenylpropanolamine, their optical isomers, salts and salts of optical isomers. Also, some spelling corrections were made.

President Fey opened the Public Hearing for comment.

There was no public comment and President Fey asked for a motion.

Board Action:

Motion: Mary Lau moved to adopt NAC 453.530 as presented.

Second: Leo Basch

Action: Passed Unanimously

2. **Amendment of Nevada Administrative Code 639.6934 “Life Sustaining Equipment” defined.** This amendment removes the term “oxygen concentrator” from the definition of life sustain equipment to correct the existing language.

This regulation was adopted as a temporary regulation on April 27, 2009 during the legislative session.

President Fey opened the Public hearing for comment.

There was no public comment and President Fey asked for a motion.

Board Action:

Motion: Leo Basch moved to permanently adopt NAC 639.6934 as presented.

Second: Chad Luebke

Action: Passed Unanimously

3. **Amendment of Nevada Administrative Code 639.254 Initial and biennial in-service training of pharmaceuticals working in or for a pharmacy; substitution of continuing education for in-service training.** This regulation amendment requires pharmaceutical technicians to obtain one hour of Nevada law by attending a program approved or presented by the Board that relates to the practice of pharmacy.

This regulation was adopted as a temporary regulation on April 27, 2009 during the legislative session.

President Fey opened the Public hearing for comment.

There was no public comment and President Fey asked for a motion.

Board Action:

Motion: David Chan moved to permanently adopt NAC 639.254 as presented.

Second: Chad Luebke

Action: Passed Unanimously

4. **Amendment of Nevada Administrative Code 639.528 Preparation and storage of food in prescription of pharmacy.** This regulation amendment prohibits food to be stored in a refrigerator that is used to store medicine in the pharmacy.

President Fey opened the Public hearing for comment.

There was no public comment and President Fey asked for a motion.

Board Action:

Motion: Keith Macdonald moved to adopt NAC 639.528 as presented.

Second: Leo Basch

Action: Passed Unanimously

5. **Amendment of Nevada Administrative Code 639.694 MDEG Administrator required.** This regulation amendment clarifies the existing language and specifies the requirements for MDEG provider administrators. MDEG provider applicants will know in advance of a Board appearance if their administrators qualify to participate in that capacity.

The Board discussed the language returned from LCB and questioned Board staff how they would verify a foreign high school education or the required 1500 hours of work experience. It was suggested to change the word “verified” to “verifiable” and it would clarify to the applicant that the documents provided to Board staff would need to be verifiable so Board staff could check to ensure the MDEG Administrator meets the required qualifications. The Board also discussed procedures for when a change in MDEG Administrator occurs. They want assurance that the new administrator is qualified. Board staff was directed to make changes and bring this regulation back to Workshop as there would be substantial changes.

President Fey opened the Public Hearing for comment.

There was no public comment and President Fey asked for a motion.

Board Action:

Motion: Leo Basch moved to amend NAC 639.694 as discussed and re-Workshop since there are substantial changes.

Second: Kam Gandhi

Action: Passed Unanimously

6. Amendment of Nevada Administrative Code 639.707 Counseling.

Changing the language in this regulation will allow the pharmacist to use his or her professional judgment in the depth of counseling a patient.

Leo Basch noted that he would like to see the wording “without limitation” at the end of the first paragraph in section 4 to be consistent with section 2 so it reads: “The pharmacist or intern pharmacist shall review a patient’s record before dispensing a prescription to determine its therapeutic appropriateness *and, in making that determination, may consider without limitation.*”

President Fey opened the Public Hearing for comment.

Liz Macmenamin, representing RAN, appeared and was sworn by President Fey prior to answering questions or offering testimony.

Ms. Macmenamin wanted clarification on the warning labels referenced in section 4.

President Fey closed the Public Hearing.

Keith Macdonald noted that the lists of things that a pharmacist must counsel is unrealistic. One example specifically would be section 4(b), which reads, “Underutilization of the drug and therapeutic ineffectiveness.” Mr. Macdonald stated that underutilization is nothing that can be verified and asked the Board to consider removing the words “and therapeutic ineffectiveness” from the language.

Board Action:

Motion: Keith Macdonald moved to adopt the language to NAC 639.707 with the suggested minor changes.

Second: Leo Basch

Action: Passed Unanimously

13. Next Board Meeting:

October 14-15, 2009 – Las Vegas

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

Mary Lau asked Mary Staples about how NACDS stands on the coupon issue. Ms. Staples stated that she would research the issue and report back to the Board.

Liz Macmenamin asked if there might be five pharmacists they could recommend that would consider volunteering their time to help law enforcement identify returned drugs. They will be doing a public service taking unused prescription drugs back rather than

flushing them. Ms. Cramer said she would check with Larry Pinson to see if a fax broadcast could be sent to pharmacies providing he had all the information.

An out of state pharmacy student heard about the Your Success Rx program and asked if a pharmacy student could take the course. She was given Katie Johnson's information to contact her about that possibility.