

September 30, 2009

AGENDA

◆ PUBLIC NOTICE ◆

NEVADA STATE BOARD OF PHARMACY

BOARD MEETING

at the

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

Wednesday, October 14, 2009 – 9:00 am

Thursday, October 15, 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.

## October 2009 Board Meeting Agenda

- \* 1. [Approval of September 2-3, 2009, Minutes](#)
- \* 2. [Applications for Out-of-State MDEG](#) – Non Appearance:

- A. Arriva Medical LLC – Coral Springs, FL
- B. Bell Medical Services, Inc. – Marlboro, NJ
- C. Mammoth Medical, Inc. – Glasgow, KY
- D. Omnicare Distribution Center – Toledo, OH
- E. Promed Medical, Inc. – Denver, CO
- F. Total Orthopedics, Inc. – Littleton, CO

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

- G. Medco Health Solutions of Long Beach – Long Beach, CA
- H. Prescription Headquarters, Inc. – San Jose, CA
- I. QPharmacy – Cedar Knolls, NJ
- J. Rx Biotech Specialty Pharmacy – West Hollywood, CA
- K. The Snyder Center of Pain Pharmacology – Inverness, FL

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

- L. Baxter Healthcare Corporation – Dixon, CA
- M. Baxter Healthcare Corporation – Ontario, CA
- N. Baxter Healthcare Corporation – Olive Branch, MS
- O. Baxter Healthcare Corporation – Salt Lake City, UT
- P. CarePharma, LLC – Middlesex, NJ
- Q. Graceway Pharmaceuticals, LLC – Piney Flats, TN
- R. KeySource Medical, Inc. – Cincinnati, OH
- S. Longs Drug Stores California, LLC – Patterson, CA
- T. McKesson Medical-Surgical Minnesota Supply, Inc. – Grapevine, TX
- U. McKesson Medical-Surgical Minnesota Supply, Inc. – Grove City, OH
- V. Q Pharma, Inc. – Cedar Knolls, NJ
- W. Webster Veterinary Supply, Inc. – Everett, WA

### Applications for Nevada MDEG – Non Appearance:

- X. Air Liquide Healthcare America Corporation – Henderson
- Y. Nevada Orthotics & Prosthetics – Las Vegas
- Z. RecoverCare, LLC – Las Vegas
- AA. Vitaphone USA, Corporation – Las Vegas

### Applications for Nevada Pharmacy – Non Appearance:

- BB. Advanced Care Rx Pharmacy – Las Vegas
- CC. Prime Pharmacy – Henderson
- DD. Spring Valley Surgery Center, LLC – Henderson
- EE. Surgery Center of Southern Nevada II – Las Vegas

## October 2009 Board Meeting Agenda

### Applications for Nevada Pharmacy – Name Change – Non Appearance:

FF. CVS/pharmacy #3948 – Sparks  
GG. CVS/pharmacy #7949 – Reno  
HH. CVS/pharmacy #9168 – Reno  
II. CVS/pharmacy #9170 – Sparks  
JJ. CVS/pharmacy #9191 – Reno  
KK. CVS/pharmacy #9548 – Henderson  
LL. CVS/pharmacy #9586 – Reno  
MM. CVS/pharmacy #9838 – Sun Valley  
NN. CVS/pharmacy #9840 – Reno  
OO. CVS/pharmacy #9841 – Reno  
PP. CVS/pharmacy #9842 – Carson City  
QQ. CVS/pharmacy #9843 – Fallon  
RR. CVS/pharmacy #9964 – Reno  
SS. CVS/pharmacy #9965 – Las Vegas  
TT. CVS/pharmacy #9967 – Las Vegas  
UU. CVS/pharmacy #9974 – Reno  
VV. CVS/pharmacy #9981 – Carson City

### ◆ REGULAR AGENDA ◆

- \* 3. [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.	Amanda H. Nguyen, R.Ph	(08-067-RPH-S)
B.	CVS/pharmacy #9770	(08-067-PH-S)
C.	CVS/pharmacy #5286	(06-073-PH-S)
D.	Matthew Osayaren, R.Ph	(09-080-RPH-S)
E.	Michelle L. Badten, R.Ph	(09-051-RPH-S)
F.	Cynthia J. Stone, PT	(09-042-PT-S)
G.	Lehuanani Espinda, PT	(09-081A-PT-S)
H.	Rachel Weber, PT	(09-081B-PT-S)
I.	Porsche N. Pye, PT	(09-073-PT-S)
J.	William C. Spaudling, PT	(09-071-PT-S)
K.	Martha Aceto, PT	(09-070-PT-S)
L.	Rutasha G. Moore, PT	(09-050-PT-S)
M.	Justina Bloom, PTT	(09-078-PT-S)
N.	Lola Walker, PT	(09-079-PT-S)
O.	Whitney H. Holmes, PTT	(09-077-PT-S)

- \* 4. [Request to Amend Board Order – Appearance](#):

Kenton Crowley, R.Ph	(08-013-RPH-S)
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## October 2009 Board Meeting Agenda

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

Karista Holmes

\* 6. [Applications for Out-of-State Pharmacy – Appearance:](#)

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

\* 7. [Application for Nevada Pharmacy – Appearance:](#)

Clark County Pharmaceutical Services – Las Vegas

\* 8. [Surety Bond Reduction Request – Non Appearance:](#)

J. Knipper and Company, Inc.

\* 9. General Counsel Report

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

- 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

\*11. [Discussion and Determination:](#)

NRS 454.213 Authority to possess and administer dangerous drugs.

### W O R K S H O P – Thursday, October 15, 2009 – 9:00 am

\*12. [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.



## October 2009 Board Meeting Agenda

### **Amendment of Nevada Administrative Code 639.694 MDEG Administrator**

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.

## P U B L I C H E A R I N G – Thursday, October 15, 2009 – 9:00 am

### \*13. [Notice of Intent to Act Upon a Regulation:](#)

**Amendment of Nevada Administrative Code 639.7125 Use of fulfillment pharmacy by dispensing pharmacy.** Twofold: 1) To allow a registered mail order pharmacy to act as a fulfillment pharmacy, and 2) to better regulate and clarify the practices of a fulfillment pharmacy with respect to consumer understanding and patient safety.

### 14 Next Board Meeting:

December 2-3, 2009 – Reno, Nevada

### \*15. 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](http://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

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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 31<sup>st</sup>, 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 7<sup>th</sup> 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 8<sup>th</sup>.

- 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 28<sup>th</sup>.

- 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  
561



# NEVADA STATE BOARD OF PHARMACY

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

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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)

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

- ☐ Assistive Equipment
- ☐ Parenteral and Enteral Equipment
- ☐ Orthotics and Prosthesis
- Other: Medical/Surgical Supplies

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Received SEP 10 2009 Check Number 5047 Amount 500.00

51906  
566

# NEVADA STATE BOARD OF PHARMACY

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

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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

Board Use Only

Received SEP 29 2009 Check Number 928 Amount 500.00

51996  
575

# 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

Board Use Only **SEP 29 2009**

Received \_\_\_\_\_

Check Number 861

Amount 500.00

51998  
574

# NEVADA STATE BOARD OF PHARMACY

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

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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

Received SEP 03 2009 Check Number 852 Amount 500-

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>                                      |

### Board Use Only

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](http://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](mailto:pharmacy@pharmacy.nv.gov) • Website: [bop.nv.gov](http://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 KNOLLS, NJ 07927

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: 28RI01564300  
(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 5<sup>30</sup> 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 <sup>(Informational only)</sup> License Number: PS16144

**Hours of Operation:**

Monday thru Friday 8<sup>30</sup> am 4<sup>30</sup> pm Saturday closed am \_\_\_\_\_ pm  
Sunday closed am \_\_\_\_\_ pm 24 Hours N/A

**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: 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



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)

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

Board Use Only

Received

**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

Board Use Only  
Received 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

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: 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 7<sup>30</sup> 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

**Board Use Only**

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

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: 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

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: 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

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 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

**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: 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

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: 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**

Received: SEP 03 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 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

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 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

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- ☐ Parenteral (outpatient)
- ☐ Outpatient/Discharge
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**NEVADA STATE BOARD OF PHARMACY**  
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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

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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
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- ☐ 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**  
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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
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- ☐ Outpatient/Discharge
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- ☐ 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**

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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

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**

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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)
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- ☐ 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)

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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)

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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)

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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**

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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)

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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**

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**NEVADA STATE BOARD OF PHARMACY**  
431 W Plumb Lane – Reno, NV 89509 – (775) 850-1440  
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FEE \$500.00 (non-refundable and not transferable)

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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

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**NEVADA STATE BOARD OF PHARMACY**  
431 W Plumb Lane – Reno, NV 89509 – (775) 850-1440  
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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-

**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 13<sup>th</sup> 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 13<sup>th</sup> 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 13<sup>th</sup> 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 13<sup>th</sup> 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),<sup>1</sup> 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)<sup>2</sup> regarding counseling.

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

<sup>2</sup> 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.<sup>3</sup>

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

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<sup>3</sup> 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 41.440<sup>4</sup> (holding the owner of a vehicle

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<sup>4</sup> 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)<sup>5</sup> (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 cause 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

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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.

<sup>5</sup>NRS 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 13<sup>th</sup> 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 13<sup>th</sup> 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 27<sup>th</sup> 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 27<sup>th</sup> 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 13<sup>th</sup> 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 13<sup>th</sup> 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 13<sup>th</sup> 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 14<sup>th</sup>, 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 13<sup>th</sup> 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**

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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 27<sup>th</sup> 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 27<sup>th</sup> 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.

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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**

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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 27<sup>th</sup> 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 27<sup>th</sup> 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

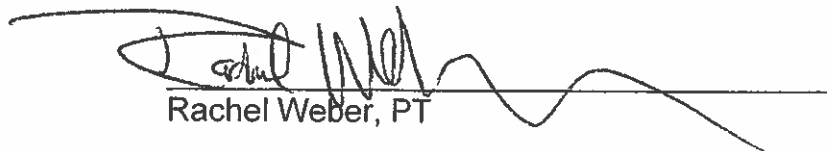


2. That, in answer to the Notice of Intended Action and Accusation, he admits, denies and alleges as follows:

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 1<sup>st</sup> 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 13<sup>th</sup> 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 13<sup>th</sup> 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 13<sup>th</sup> 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 13<sup>th</sup> 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 13<sup>th</sup> 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**

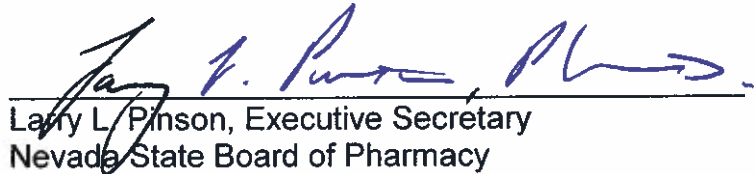
You have the right to a hearing before the Nevada State Board of Pharmacy to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. Should you desire a hearing, it is required that you complete two copies of 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 13<sup>th</sup> 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 13<sup>th</sup> 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 13<sup>th</sup> 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 27<sup>th</sup> 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 27<sup>th</sup> 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.

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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 27<sup>th</sup> 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 27<sup>th</sup> 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 27<sup>th</sup> 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 27<sup>th</sup> 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

**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 14<sup>th</sup> day of May, 2008.



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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.**

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**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 14<sup>th</sup> day of August, 2008.

A handwritten signature in black ink, appearing to read "Barry Boudreaux", written over a horizontal line.

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 12<sup>th</sup> day of December, 2008.

A handwritten signature in cursive script, appearing to read "Barry Boudreaux", written in black ink.

---

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  
Received: AUG 13 2009 Check Number: 110 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 29<sup>th</sup>, 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 29<sup>th</sup> 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](mailto:vherrera@hightechinstitute.edu)

(702) 385 6700

D/ank

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

James Dondero, Sole Member & Pof Limited Partnership

Print or Type name

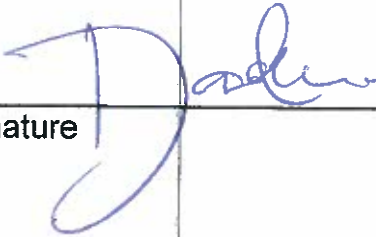
STATEMENT OF RESPONSIBILITY - PARTNERSHIP  
FOR PHARMACIES LOCATED OUTSIDE OF NEVADA

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.  
*Treasurer*  
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Buford T. Abeldt, Sr., R.Ph.  
*Lufkin*

Rosemary Forester Combs  
*El Paso*

L. Suzan Kedron  
*Dallas*

Marcelo Laijas, Jr.  
*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 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](http://www.royalpalmcompoundingpharmacy.com)

Rejuvi Pharmaceutical, Inc.  
4411 North Dixie Highway  
Boca Raton, Florida 33431  
1-877-362-3359  
[www.rejuvipharma.com](http://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](mailto:mark@rpcpharmacy.com)  
[www.royalpalmcompoundingpharmacy.com](http://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: 800-784-0702  
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

6-7-09

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



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](http://www.doh.state.fl.us/mqa)

All Florida laws/rules may be obtained by accessing our website at [www.doh.state.fl.us/mqa](http://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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of Encumbrance: (if any) <input type="checkbox"/> Revoked <input type="checkbox"/> Surrendered <input type="checkbox"/> Limited <input type="checkbox"/> Suspended <input type="checkbox"/> Restricted <input type="checkbox"/> Probation Please attach copies of any pertinent legal documents
---	---

USE REVERSE SIDE OF THIS FORM FOR EXPLANATIONS IF NECESSARY

Has the applicant been convicted of any federal, state or local laws relating to drug samples, wholesale or retail drug distribution, or distribution of controlled substances? (If yes, please explain) ☐ 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



August 17, 2009

Larry Pinson  
Executive Secretary  
Nevada Board of Pharmacy  
431 W. Plumb Lane  
Reno, NV 89509

**Re: Surety Bond Reduction Request**

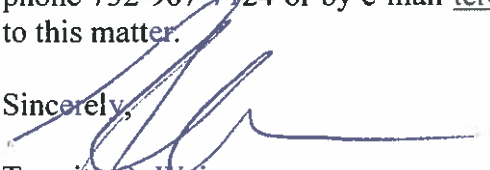
Dear Mr. Pinson:

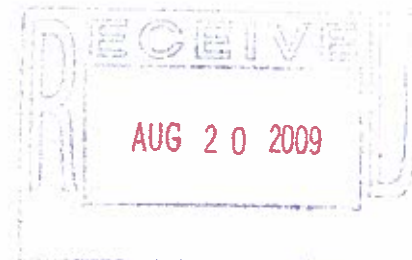
On behalf of J. Knipper and Company, Inc., I kindly request clarification on the surety bond requirements for out-of-state wholesalers and request for a reduction in surety bond from \$100,000 to \$5000 pursuant to NRS 639.515. Knipper has two facilities which are both registered in the state of Nevada—Registration # 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](mailto: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](http://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**

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**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](mailto: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](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**

Blank

TEMPORARY LICENSES  
(Issued since last board meeting)

Renown Medical Center

Brian Vu

Blank



# 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](mailto:pharmacy@pharmacy.nv.gov) • Website: [bop.nv.gov](http://bop.nv.gov)

## NEVADA STATE BOARD OF PHARMACY

### ACTIVITIES REPORT

#### SEPTEMBER 2<sup>nd</sup> & 3<sup>rd</sup>, 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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## 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.

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.

**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

at the

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

October 14<sup>th</sup> and 15<sup>th</sup>, 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

Kimberly Arguello

## CONSENT AGENDA

1. Approval of September 2-3, 2009, Minutes
2. Applications for Out-of-State MDEG – Non Appearance:
  - A. Arriva Medical LLC – Coral Springs, FL
  - B. Bell Medical Services, Inc. – Marlboro, NJ
  - C. Mammoth Medical, Inc. – Glasgow, KY
  - D. Omnicare Distribution Center – Toledo, OH
  - E. Promed Medical, Inc. – Denver, CO
  - F. Total Orthopedics, Inc. – Littleton, CO

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

- G. Medco Health Solutions of Long Beach – Long Beach, CA
- H. Prescription Headquarters, Inc. – San Jose, CA
- I. QPharmacy – Cedar Knolls, NJ
- J. Rx Biotech Specialty Pharmacy – West Hollywood, CA
- K. The Snyder Center of Pain Pharmacology – Inverness, FL

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

- L. Baxter Healthcare Corporation – Dixon, CA
- M. Baxter Healthcare Corporation – Ontario, CA
- N. Baxter Healthcare Corporation – Olive Branch, MS
- O. Baxter Healthcare Corporation – Salt Lake City, UT
- P. CarePharma, LLC – Middlesex, NJ
- Q. Graceway Pharmaceuticals, LLC – Piney Flats, TN
- R. KeySource Medical, Inc. – Cincinnati, OH
- S. Longs Drug Stores California, LLC – Patterson, CA
- T. McKesson Medical-Surgical Minnesota Supply, In. – Grapevine, TX
- U. McKesson Medical-Surgical Minnesota Supply, Inc. – Grove City, OH
- V. Q Pharma, Inc. – Cedar Knolls, NJ
- W. Webster Veterinary Supply, Inc. – Everett, WA

Applications for Nevada MDEG – Non Appearance:

- X. Air Liquide Healthcare America Corporation – Henderson
- Y. Nevada Orthotics & Prosthetics – Las Vegas
- Z. RecoverCare, LLC – Las Vegas
- AA. Vitaphone USA, Corporation – Las Vegas

Applications for Nevada Pharmacy – Non Appearance:

- BB. Advanced Care Rx Pharmacy – Las Vegas
- CC. Prime Pharmacy – Henderson
- DD. Spring Valley Surgery Center, LLC – Henderson
- EE. Surgery Center of Southern Nevada II – Las Vegas

Applications for Nevada Pharmacy – Name Change – Non Appearance:

- FF. CVS/pharmacy #3948 – Sparks
- GG. CVS/pharmacy #7949 – Reno
- HH. CVS/pharmacy #9168 – Reno
- II. CVS/pharmacy #9170 – Sparks
- JJ. CVS/pharmacy #9191 – Reno
- KK. CVS/pharmacy #9548 – Henderson
- LL. CVS/pharmacy #9586 – Reno
- MM. CVS/pharmacy #9838 – Sun Valley
- NN. CVS/pharmacy #9840 – Reno
- OO. CVS/pharmacy #9841 – Reno
- PP. CVS/pharmacy #9842 – Carson City
- QQ. CVS/pharmacy #9843 – Fallon
- RR. CVS/pharmacy #9964 – Reno
- SS. CVS/pharmacy #9965 – Las Vegas
- TT. CVS/pharmacy #9967 – Las Vegas
- UU. CVS/pharmacy #9974 – Reno

VV. CVS/pharmacy #9981 – Carson City

Discussion:

The consent agenda applications and supporting documents were reviewed.

NOTE: Mary Lau and Chad Luebke recused from participation in items S and FF through VV as CVS and Longs are members of RAN and Mr. Luebke is employed by CVS and CVS has recently purchased Longs.

Board Action:

Motion: Leo Basch found the consent agenda application information to be accurate and complete and moved for approval of all but item S and FF through VV and asked that Total Orthopedics be held aside pending information to be obtained from the Reno Board office.

Second: Keith Macdonald

Action: Passed Unanimously.

Motion: Keith Macdonald moved to approve item S and FF through VV.

Second: David Chan

Action: Passed Unanimously

Discussion:

Board staff reported that Total Orthopedics did not have an administrator, just a fitter in Nevada. The orthotics are sent to the fitter in Nevada and then the fitter goes to the patient and fits the orthotic. Jim Martin is the fitter in Nevada.

Motion: Leo Basch moved to approve Total Orthopedics application for out of state MDEG provider.

Second: Keith Macdonald

Action: Passed Unanimously

Discussion:

David Chan noted that the minutes regarding the Scolari's disciplinary matter should be for Scolari's #28 rather than Scolari's #24 as they are written. The reference to Squires/Scolari's #24 is correct.

Motion: David Chan found the minutes to accurate and complete and moved for approval with the changes discussed.

Second: Kam Gandhi

Action: Passed Unanimously.

### REGULAR AGENDA

#### 3. Disciplinary Actions

- |    |                        |                |
|----|------------------------|----------------|
| A. | Amanda H. Nguyen, R.Ph | (08-067-RPH-S) |
| B. | CVS/pharmacy #9770     | (08-067-PH-S)  |

NOTE: Chad Luebke recused from participation in this matter as he is employed by CVS and Mary Lau recused because CVS is a member of RAN.

Mike Dyer appeared to represent Ms. Nguyen and CVS and Chad Luebke was present to answer questions.

Carolyn Cramer advised the Board that she and Mr. Dyer had prepared a stipulated agreement for Ms. Nguyen and CVS #9770. The terms of the agreement regarding Ms. Nguyen would be a fine of \$500.00 for First Cause of Action for failing to fill the prescription as prescribed and a fine of \$750.00 for the Second Cause of Action for failure to counsel. CVS #9770 would receive a letter for the Third Cause of Action for owning and operating the pharmacy in which the misfill occurred. Ms. Cramer explained that the Board could accept the stipulation as presented or this matter would go to hearing.

Mr. Dyer reviewed the circumstances and how Ms. Nguyen has changed her pharmacy practice since this event. Even though the dispensed medication had a label indicating that counseling was needed, the patient was sold the prescription and Ms. Nguyen was not called to the counter to counsel. CVS has re-emphasized the importance of counseling in all of its stores following this event. Mr. Dyer indicated that Ms. Nguyen's biggest revelation caused from this event is to trust the CVS system when it flags something to be reviewed by the pharmacist. Mr. Dyer indicated that Ms. Nguyen and CVS feel the stipulated agreement is fair in this instance.

#### Board Action:

Motion: Leo Basch moved to accept the stipulated agreement as presented.

Second: Keith Macdonald

Action: Passed Unanimously

- |    |                    |               |
|----|--------------------|---------------|
| C. | CVS/pharmacy #5286 | (06-073-PH-S) |
|----|--------------------|---------------|

NOTE: Chad Luebke recused from participation in this matter as he is employed by CVS and Mary Lau recused because CVS is a member of RAN.

Mike Dyer appeared to represent CVS and Chad Luebke was present to answer questions.

Carolyn Cramer advised the Board that she and Mr. Dyer had prepared a stipulated agreement for CVS #5286. The terms of the agreement would dismiss the Second, Third and Fourth Causes of Action and impose a fine of \$1,000.00 for the First Cause of Action. Ms. Cramer explained that the Board could accept the stipulation as presented or this matter would go to hearing.

Mr. Dyer noted that this case involved a similar name mix up. CVS has policies and procedures in place to require asking the patient their address and the spelling of their name to ensure this type of error does not occur again.

Chad Luebke appeared and was sworn by President Fey prior to answering questions or offering testimony.

The Board questioned Mr. Luebke regarding CVS's practices and specifically how these policies and procedures were working in his stores.

Board Action:

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

Second: Kam Gandhi

Action: Passed Unanimously

D. Matthew Osayaren, R.Ph

(09-080-RPH-S)

Matthew Osayaren appeared and was sworn by President Fey prior to answering questions or offering testimony.

Carolyn Cramer presented two exhibits.

Exhibit 1 United States District Court Warrant for Arrest for Matthew Osayaren and Criminal Complaint in Case 2:07-mj-00591-PAL

Exhibit 2 United States District Court Judgment in a Criminal Case 2:07-CR-227-KID-PAL

Mr. Osayaren had no objection to the exhibits and they were admitted into the record.



Ms. Cramer explained that Mr. Osayaren had pleaded guilty to Obstruction of a Federal Audit and Aiding and Abetting in Medicare fraud. Mr. Osayaren was sentenced to five months in federal prison. Mr. Osayaren must report on October 16, 2009 to FCI Lompoc, California, to fulfill his incarceration requirement. One of the special conditions after his release from prison is that he will be restricted from engaging in employment, consulting, or any association with any medical supply business for a period of five years. Mr. Osayaren was required to pay \$100,000.00 in restitution to the Centers for Medicare and Medicaid Services in one lump sum which was due immediately upon sentencing.

Mr. Osayaren explained that he had a stroke and was hospitalized. The federal authorities came to his business, MD Medical, while he was hospitalized and they surmised that since he was not present, that he fled the country. Mr. Osayaren gave his version of the circumstances of this matter.

Carolyn Cramer recommended that the Board revoke Matthew Osayaren pharmacist license for being convicted of Medicare/Medicaid fraud.

Leo Basch asked Mr. Osayaren how he started doing the fraudulent Medicare/Medicaid billing. Mr. Osayaren stated that he hired an employee to help with the federal audit and that the person he hired forged some patient signatures and the authorities caught up with him and held him responsible for submitting fraudulent documents to CIGNA.

Ms. Cramer explained again what charges Mr. Osayaren pled guilty to in the Plea Agreement and recommended that Mr. Osayaren's license be revoked.

Mr. Osayaren gave his version of the charges he pled guilty to and pled for his pharmacist license not to be revoked.

Board Action:

Motion: Mary Lau moved to find Matthew Osayaren guilty of the First Cause of Action for having been convicted of a felony involving Medicare fraud.

Second: Kam Gandhi

Action: Passed Unanimously

Motion: Mary Lau moved to revoke Mr. Osayaren's pharmacist license.

Second: Kam Gandhi

Action: Passed Unanimously

E. Michelle L. Badten, R.Ph

(09-051-RPH-S)

NOTE: Chad Luebke recused from participation in this matter as Ms. Badten worked for CVS and Mr. Luebke is employed by CVS.

Carolyn Cramer noted for the record that Ms. Badten was notified of the hearing, however was not present.

Ms. Cramer advised that this matter came to Board staff as a termination of employment notice. CVS became aware of irregularities on two prescriptions for Oxycontin 80 mg. tablets for Ms. Badten. In a written statement Ms. Badten admitted that she was addicted to narcotic pain medication and had obtained Oxycontin illegally by filling falsified prescriptions for herself for personal use.

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

Mr. Espadero advised the Board that Ms. Badten entered PRN-PRN on June 26<sup>th</sup>, 2009. Ms. Badten had spent two months as an in-patient when she joined PRN-PRN. Mr. Espadero noted that she is in compliance with her PRN-PRN contract at this time.

The Board questioned staff about her diversion practices. Carolyn Cramer read portions of Ms. Badten's written statement that described how she would divert, noting that she would pay for some of the drugs she obtained and would not pay for others.

Mr. Espadero indicated that Ms. Badten has been addicted for about six years and that she is too new to the PRN-PRN program for him to be able to evaluate Ms. Badten's prognosis. He does not recommend she be allowed back into a pharmacy at this point and advised that it will be at least a year before he can re-evaluate her.

Board Action:

Motion: Leo Basch moved to find Ms. Badten guilty of the First Cause of Action.

Second: Keith Macdonald

Action: Passed Unanimously

Motion: Leo Basch moved to revoke Ms. Badten's pharmacist license.

Second: Kam Gandhi

Action: Passed Unanimously

F. Cynthia J. Stone, PT

(09-042-PT-S)

Cynthia Stone appeared and was sworn by President Fey prior to answering questions or offering testimony.

Carolyn Cramer explained that this came to Board staff's attention because we were notified of her termination of employment from UMC and ultimately Board staff received a police report.

Ms. Stone explained that she took drugs from UMC for a friend that did not have an insurance card. He was going to get one soon, but he needed heart medication. Ms. Stone contested the amount of hydrochlorothiazide she was accused of taking. She stated that she took 10 tablets, not 58 and she took no lisinopril. Ms. Stone indicated that in retrospect she realized that she should have gone to an ER doctor and gotten a prescription for the medication, but she did not.

The Board questioned Ms. Stone regarding this instance and asked why there were blister packs and clear baggies in her apartment with UMC stickers on them when authorities came to her apartment with a warrant for her friend. She indicated that she took them for storage. Ms. Stone also indicated that most of the staff at UMC took medications for themselves but she was singled out because she had made a complaint and she was just a victim of the system.

Board Action:

Motion: David Chan moved to find Ms. Stone guilty of the First Cause of Action in removing dangerous drugs without a prescription.

Second: Leo Basch

Action: Passed Unanimously

Motion: David Chan moved to revoke Ms. Stone's pharmaceutical technician registration.

Second: Mary Lau

Action: Passed Unanimously

G.	Lehuanani Espinda, PT	(09-081A-PT-S)
H.	Rachel Weber, PT	(09-081B-PT-S)

Carolyn Cramer noted for the record that Ms. Espinda and Ms. Weber were notified of the hearing, however they were not present.

NOTE: Chad Luebke recused because he is employed by CVS where Ms. Espinda and Ms. Weber were terminated from employment.

Ms. Cramer reviewed the case for the record.

Bradley Brice, CVS loss prevention, appeared and was sworn by President Fey prior to answering questions or offering testimony.

Mr. Brice testified that Las Vegas Metro Police Department notified them that Ms. Espinda and Ms. Weber were diverting drugs from their employing pharmacy and selling them. They had been arrested prior to their termination of employment. In their written statements taken during their exit interviews, Ms. Espinda indicated that she had made \$5,500.00 by selling the drugs she diverted and Ms. Weber indicated that she made \$1,000.00 for her sales. They filled fraudulent prescriptions for controlled substances, namely hydrocodone and carisoprodol.

Board Action:

Motion: Keith Macdonald moved to find Ms. Espinda guilty of the alleged violations.

Second: Kam Gandhi

Action: Passed Unanimously

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

Second: Kam Gandhi

Action: Passed Unanimously

Motion: Keith Macdonald moved to find Ms. Weber guilty of the alleged violations.

Second: Leo Basch

Action: Passed Unanimously

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

Second: Leo Basch

Action: Passed Unanimously

I. Porsche N. Pye, PT

(09-073-PT-S)

Carolyn Cramer noted for the record that Ms. Pye was notified of the hearing, however she was not present.

NOTE: Leo Basch disclosed that he works for Walgreens.

Ms. Cramer reviewed the case for the Board noting that this was a termination of employment notice. In her exit interview Ms. Pye admitted to having given a

prescription for Oxycontin to a patient without charging him for it. He offered her \$500.00 if she would give it to him without ringing it through the cash register because it would save him some money and she would gain from the transaction.

Board Action:

Motion: Chad Luebke moved to find Ms. Pye guilty of the alleged violations.

Second: Mary Lau

Action: Passed Unanimously

Motion: Chad Luebke moved to revoke Ms. Pye's pharmaceutical technician registration.

Second: Mary Lau

Action: Passed Unanimously

J. William C. Spaulding, PT

(09-071-PT-S)

Carolyn Cramer noted for the record that Mr. Spaulding was notified of the hearing, however he was not present.

NOTE: Leo Basch disclosed that he works for Walgreens.

Ms. Cramer reviewed the case for the Board noting that this was a termination of employment notice. During his exit interview, Mr. Spaulding admitted in a written statement that he was addicted to pain medications and that he had been creating fraudulent prescriptions on his home computer to meet his needs. Mr. Spaulding was arrested and charged with fraud by the Las Vegas Metropolitan Police following his exit interview.

Board Action:

Motion: Keith Macdonald moved to find Mr. Spaulding guilty of the alleged violations.

Second: Kam Gandhi

Action: Passed Unanimously

Motion: Keith Macdonald moved to revoke Mr. Spaulding's pharmaceutical technician registration

Second: David Chan

Action: Passed Unanimously

K. Martha Aceto, PT

(09-070-PT-S)

Carolyn Cramer noted for the record that Ms. Aceto was notified of the hearing, however she was not present.

Ms. Cramer reviewed the case for the Board noting that this was a termination of employment notice. Pharmacy staff at THC of Nevada observed unusual behavior of Ms. Aceto while she was working. Ms. Aceto was drug tested and the termination of her employment resulted from Ms. Aceto testing positive for oxymorphone.

Board Action:

Motion: Keith Macdonald moved to find Ms. Aceto guilty of the alleged violations.

Second: Leo Basch

Action: Passed Unanimously

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

Second: Mary Lau

Action: Passed Unanimously

L. Rutasha G. Moore, PT

(09-050-PT-S)

Carolyn Cramer noted for the record that Ms. Moore was notified of the hearing, however she was not present.

Ms. Cramer reviewed the case for the Board noting that this was a termination of employment notice. Ms. Moore participated in a scheme with persons she met socially to fill fraudulent prescriptions for hydrocodone. She would receive a call from a doctor's office to add refills for a patient, she would call the doctor's office to verify and fill the prescription and then an unknown person would go through the drive through to pick up the filled prescription. She received \$300.00 for this service and was told there was more money where that came from.

Board Action:

Motion: David Chan moved to find Ms. Moore guilty of the alleged violations.

Second: Leo Basch

Action: Passed Unanimously

Motion: David Chan moved to revoke Ms. Moore's pharmaceutical technician registration.

Second: Leo Basch

Action: Passed Unanimously

M. Justina Bloom, PTT (09-078-PT-S)

Leo Basch disclosed that he is employed by Walgreens.

Carolyn Cramer noted for the record that Ms. Bloom was notified of the hearing, however she was not present.

Ms. Cramer reviewed the case for the Board noting that this was a termination of employment notice where the managing pharmacist reported that Ms. Bloom had approved refills for controlled substances for herself and friends and that Ms. Bloom had confessed to stealing controlled substances from patient's bags and from the pharmacy's inventory. In Ms. Bloom's written statement she admitted to adding refills to one of her own prescriptions for hydrocodone however she did not confess to the other allegations reported by the managing pharmacist.

Board Action:

Motion: Chad Luebke moved to find Ms. Bloom guilty of the alleged violations.

Second: Kam Gandhi

Action: Passed Unanimously

Motion: Chad Luebke moved to revoke Ms. Bloom's pharmaceutical technician in training registration.

Second: Kam Gandhi

Action: Passed Unanimously

N. Lola Walker, PT (09-079-PT-S)

Lola Walker appeared and was sworn by President Fey prior to answering questions or offering testimony.

NOTE: Chad Luebke recused because he is employed by CVS where Ms. Walker was terminated from employment.

Ms. Cramer reviewed the case for the Board and acknowledged that Ms. Walker stipulated to the facts of this matter as presented in the Accusation. This was a notice of termination of employment. Ms. Walker admitted that she diverted one bottle of 2 mg. tablets of Alprazolam and acknowledged that she had loaded gift cards by using CVS store coupons for her personal use.

Ms. Walker testified that she was under a lot of pressure at home and she needed money so she could buy milk and diapers for her children. Ms. Walker was a ten year pharmaceutical technician and appeared to be sincerely remorseful for her actions.

Board Action:

Motion: David Chan moved to find Ms. Walker guilty of the alleged violations.

Second: Leo Basch

Action: Passed Unanimously

Motion: David Chan moved to revoke Ms. Walker's pharmaceutical technician registration

Second: Leo Basch

Action: Passed Unanimously

O. Whitney H. Holmes, PTT

(09-077-PT-S)

Carolyn Cramer noted for the record that Ms. Holmes was notified of the hearing, however she was not present.

NOTE: Chad Luebke recused from participation in this matter as he is employed by CVS.

Ms. Cramer reviewed the case for the Board noting that this was a termination of employment notice. In her exit interview with CVS loss prevention personnel, Ms. Holmes noted that she was being threatened into stealing controlled substances from her employer. Ms. Holmes estimated that she took eleven bottles of 100 hydrocodone /APAP, eleven bottles of 100 Alprazolam and two bottles of brand name Xanax. Ms. Holmes admitted that she was paid \$100.00 per bottle for the theft of those controlled substances.

Board Action:

Motion: Keith Macdonald moved to find Ms. Holmes guilty of the alleged violations.

Second: Mary Lau



Action: Passed Unanimously

Motion: Keith Macdonald moved to revoke Ms. Holmes pharmaceutical technician in training registration.

Second: Mary Lau

Action: Passed Unanimously

4. Request to Amend Board Order – Appearance:

Kenton Crowley, R.Ph

(08-013-RPH-S)

Kenton Crowley appeared and was sworn by President Fey prior to answering questions or offering testimony. Larry Espadero was reminded that he was still under oath.

Mr. Crowley advised that he was present to request a modification to his current Board Order to allow him to be a managing pharmacist. He explained that he has had opportunities for employment however cannot accept employment offers because the prospective employers want him to be a managing pharmacist. Mr. Crowley explained that he is currently working as a consultant with doctors and is teaching.

The Board asked if he had any specific reasons why he wanted to be a managing pharmacist at this time. Mr. Crowley indicated that he wants to work in a compounding pharmacy and that he is in the process of partnering with another person to open a pharmacy. He was then asked why he wanted to work in a compounding pharmacy in particular and he indicated it was for financial reasons, however did not want to divulge specific details of his collaboration at this time. Mr. Crowley indicated that he would be working three days as a pharmacist and two days as a consultant.. Mr. Gandhi advised Mr. Crowley that he had concerns that he would overextend his workload again. Mr. Crowley explained the practices of his “Partners in Practice” consulting firm. The Board noted that a managing pharmacist needs to work full time and asked how he intended to work both jobs and fulfill his Board Order allowing him to work only 90 hours in a two week period. Mr. Crowley noted that the opportunity he is pursuing would allow for him to adjust his hours to comply with his Order.

Keith Macdonald asked Mr. Espadero to give his opinion of Mr. Crowley’s request. Mr. Espadero indicated that Mr. Crowley is in compliance with his PRN-PRN contract and noted that he has no problem with Mr. Crowley being a managing pharmacist.

Mr. Basch noted that Mr. Crowley appeared to be adjusting his life to reflect the requirements in his Order so he isn’t working at such a hectic pace.

Board Action:

Motion: Leo Basch moved to amend Mr. Crowley's Board Order dated May 14<sup>th</sup>, 2008 to allow him to be a managing pharmacist.

Second: Keith Macdonald

Action: Passed Unanimously

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

Karista Holmes and Chris Lobosky, representing High Tech Institute, appeared and were sworn by President Fey prior to answering questions or offering testimony.

Ms. Holmes attends High Tech Institute and is present to request a pharmaceutical technician in training registration so she can complete her program. Ms. Holmes explained that she was charged with possession of drug paraphernalia when she and a boyfriend were stopped by police officers for a routine traffic violation. When the officer asked her boyfriend if he had anything they should know about in the car, he replied that he had a registered firearm. With that the officers searched the car and found drug paraphernalia in a bag that contained both of their possessions. Her boyfriend refused to take responsibility for the drug paraphernalia so Ms. Holmes was charged with possession since some of her belongings were in the bag. Ms. Holmes testified that she was unaware of the drug paraphernalia, that she does not do drugs, and that she no longer sees this person and has other friends through High Tech and is concentrating on her education.

Board Action:

Motion: Keith Macdonald moved to approve the application for pharmaceutical technician in training for Ms. Holmes.

Second: Kam Gandhi

Action: Passed Unanimously

6. Applications for Out-of-State Pharmacy – Appearance:

A. Drug Crafters – Frisco, TX

Drug Crafters cancelled their appearance.

B. Royal Palm Compounding Pharmacy LLC – Wellington, FL

Mark Rubin appeared and was sworn by President Fey prior to answering questions or offering testimony.

Mr. Rubin was advised that the Nevada Board of Pharmacy had received a complaint that Royal Palm and Rejuvi were soliciting physicians in Nevada to do business with them, even though they are not licensed in Nevada. Mr. Rubin explained that they were a compounding pharmacy that mostly deals in alternative medicine. He has been a pharmacist since 1995 and is in good standing with the Florida Board of Pharmacy. Mr. Rubin acknowledged the letters and indicated they were sent to all states and then if they received interest they would license in those states. It was brought to Mr. Rubin's attention that the Rejuvi letter advertised HGH as one of the products available but in Nevada HGH is a controlled substance and is not to be used for weight loss.

Board Action:

Motion: Leo Basch moved to approve the application for out of state pharmacy for Royal Palm Compounding Pharmacy

Second: David Chan

Action: Passed With One Negative Vote

C. Zoopharm – Laramie, WY

Waldo Roth appeared and was sworn by President Fey prior to answering questions or offering testimony.

Mr. Roth explained that Zoopharm prepares high powered tranquilizers for darts to tranquilize animals. They provide this service to zoos and wildlife agencies. Mr. Roth gave an overview of their model and advised the Board that this is the only product they will be shipping into Nevada.

Board Action:

Motion: Mary Lau moved to approve the application for out of state pharmacy for Zoopharm.

Second: Leo Basch

Action: Passed Unanimously

7. Application for Nevada Pharmacy – Appearance:

Clark County Pharmaceutical Services – Las Vegas

Roy Beal, William Dahlberg and Carl Miller appeared and were sworn by President Fey prior to answering questions or offering testimony.

Carolyn Cramer advised the Board that she sent a letter to Roy Beal advising him that she intended to recommend denial of the application for Clark County Pharmaceutical Services and read a summary of the reasons why she is making the objection.

Since drug diversion was paramount in Ms. Cramer's recommendation, Mr. Beal stated for the record that he has never been involved in drug diversion. Mr. Beal recalled conversations with Keith Macdonald where Mr. Macdonald told him about drug diversion in the closed door pharmacy world and he decided he did not want to be a part of anything that would be considered illegal. There were discussions about Mr. Beal's and Mr. Dahlberg's relationship with Tom Martino and DURRCO. Mr. Dahlberg was adamant that he wanted nothing to do with Mr. Martino as he did not trust him.

After a failed motion, the Board discussed possible conditions that might be applied to the license of Clark County Pharmaceutical Services and determined it would be best left to Board staff.

Board Action:

Motion: Keith Macdonald moved to table this application until Mr. Beal and Mr. Dahlberg met with Board staff to establish a list of conditions and to bring this application back to the December 2009 meeting.

Second: Leo Basch

Action: Passed With Two Negative Votes

8. Surety Bond Reduction Request – Non Appearance:

J. Knipper and Company, Inc.

Larry Pinson brought a request from J. Knipper and Company to reduce the surety bond to the Board for direction since this is the first request Board staff has received. Statute provides that after five years of consecutive licensure with the Board they may request a reduction in the amount of the surety bond.

Keith Macdonald asked about Board liability and noted that the gray market wholesalers was the reason for the statutory requirement for a surety bond. Carolyn Cramer read the statute and noted that there have been two or three more requests since the Board book was produced.

President Fey asked the Board if they wanted staff to review these requests or bring them to the Board or deny requests in general. Since this law was enacted through the 2005 legislative session it was probable that there would be many more requests since the five year registration requirement is upon us.

The Board directed staff to research of their concerns and bring this topic back to a future Board meeting.

## 9. General Counsel Report

Carolyn Cramer reported that she has the Massachusetts and New Jersey laws regarding the coupon issue that she was asked to investigate. She noted that Nevada does not have much authority for regulation as statute does not authorize the Board to preclude open-market competition in advertising and sale of prescription drugs.

Rich Polombo was present at the meeting and was asked how New Jersey came to their laws since he is on the New Jersey Board. He noted that their law was in statute also, however limited to giving rebates or coupons for drugs and medications to persons 60 years of age or older.

As a follow up to the last meetings discussion on telemedicine, Ms. Cramer presented a case in California where a doctor was charged with practicing medicine in California without a license in that state. Even though the doctor was licensed in Colorado he prescribed a drug over the internet after reviewing a questionnaire from a patient in California. Ultimately a drug was sent to the California resident and the doctor was charged for practicing medicine without a license. The doctor that appeared before our Board at the last meeting was requesting that he practice telemedicine in Nevada correctional facilities without a Nevada medical license. She noted that this case could be a precedence to the future of telemedicine.

Ms. Cramer reported that she would be appearing at the Legislative Committee meeting for the Board's regulations that are on the agenda for adoption.

## 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 (Update)

Mr. Pinson granted one temporary license and gave McKesson permission to house a distribution point for H1N1 vaccine.

- D. Staff Activities
  - 1. Meetings
    - a. NABP District Meeting (9/30-10/2)

The 2010 District Meeting will be held in New Mexico. Mr. Pinson advised that one of the topics at the meeting was the growing concern of pharmaceutical technician theft. All states are having the same difficulties that Nevada is having with this problem. NABP is heading a movement to require pharmaceutical technicians to be certified. Also, Donna Horn acknowledged Ray Seidlinger for his excellent ISMP report.

- b. CE

Joe Depczynski, Ron Shockey and Mr. Pinson have done numerous Nevada law CE appearances this year all over the state, giving pharmacists and technicians ample opportunity to obtain the one unit required for renewal of their licenses.

c. PT Advisory Committee (10/7)

- National certification of pharmaceutical technicians was discussed again. It was determined to let NABP take the lead and see where it goes from there.
- There was a discussion of the need for accurate task force data. Using a wrong DEA number to get a prescription adjudicated skews the data and attributes prescriptions to physicians that have never seen patients. Liz Macmenamin said she would bring this problem to RAN's member's attention. The Board discussed their challenges in the pharmacy because they get a prescription with no information on the prescription blank and fill the prescription with any information they can to adjudicate the prescription and serve the patient.
- Drug diversion by pharmaceutical technicians is still at the forefront of concern to the PT Advisory Committee. The Board asked Rich Polombo to comment about how New Jersey handles this issue. He stated that in New Jersey PT's have to be fingerprinted and have a background check before they are allowed in a pharmacy. The PT has to bear the cost of the background check and the fingerprinting. It was noted that most of the chain stores already do this.
- The PT Advisory Committee will take turns in drafting input for the Newsletter. Larry Pinson will accept the input, edit it and submit it for inclusion in the pharmacist's Newsletter.

d. CE Committee (10/8)

Mr. Pinson submitted three continuing education courses for approval.

Board Action:

Motion: Keith Macdonald moved to approve the the three continuing education courses recommended by the CE Committee.

Second: Leo Basch

Action: Passed Unanimously  
e. Nevada Newsmakers

Mr. Pinson reported that he and Liz Macmenamin appeared on Nevada Newsmakers with Sam Shad and discussed prescription drug abuse.

E. Report to Board

Mr. Pinson provided an article on the MDEG Armenian and Russian mafia for the Board to review and noted reasons in the article why it was imperative to screen the applicants that come before the Nevada Board requesting MDEG licensure.

He also reminded the Board to use care in how they fill out their travel expense forms.

F. Board Related News

1. Medical Assistants Issue

Medical Assistants are not defined in our law and are not listed in NRS 454.213, the statute providing authority to possess and administer drugs. Mr. Pinson finds this incredible that they are not defined in law. He stated that he needs a license to fish or drive, both activities carefully regulated, however would need no license to administer drugs as an M.A. There are no standards of education or training nor regulations with respect to their duties. Mr. Pinson reported that the Medical Board is working on correcting this issue.

He reported that the Bowl of Hygeia will be presented on October 17, 2009 to Beth Foster.

Mr. Pinson advised that he has numerous speaking engagements planned.

G. Activities Report

11. Discussion and Determination:

NRS 454.213 Authority to possess and administer dangerous drugs.

Larry Pinson advised the Board that he was contacted by Patrick Cassidy who is a radiologic technologist inquiring about giving flu shots. Mr. Cassidy indicated that he did not feel comfortable giving shots and found it to be outside his scope of practice but the doctors he works for are asking him to give them.

Mr. Cassidy was present and gave the Board a presentation as to his qualifications to be a radiologic technologist and the qualifications for nuclear medicine technologists. He cited various statutes indicating qualifications for the two types of technologists and their scope of practice. He pointed out that there is no place that indicates they have qualifications to give flu shots. Mr. Cassidy asked the Board if they would consider writing regulation amendments to define what a radiological technician can do with dangerous drugs and define the scope of practice.

After discussion the Board advised Mr. Cassidy that a bill through the next legislative session would be a more appropriate venue since they could amend the statutes that already exist to include his suggestions.

## WORKSHOP

12. **Proposed Regulation Amendment Workshop**

**Amendment of Nevada Administrative Code 639.694 MDEG Administrator**

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.

President Fey asked for public comment on the Workshop item.

There were no public comments and President Fey asked for a motion.

Board Action:

Motion: Leo Basch moved to move the MDEG Administrator Workshop item to Public Hearing.

Second: Kam Gandhi

Action: Passed Unanimously

## PUBLIC HEARING

13. Notice of Intent to Act Upon a Regulation:

**Amendment of Nevada Administrative Code 639.7125 Use of fulfillment pharmacy by dispensing pharmacy.** Twofold: 1) To allow a registered mail order pharmacy to act as a fulfillment pharmacy, and 2) to better regulate and clarify the practices of a fulfillment pharmacy with respect to consumer understanding and patient safety.

President Fey opened the Public Hearing.

Bill Okuno and Jim Palm, representing Raley's, Liz Macmenamin, representing RAN, and Dan Luce, representing Walgreens, appeared and were sworn by President Fey prior to answering questions or offering testimony.

Mr. Okuno indicated he had three items he would like clarification on. Ms. Macmenamin presented a document with changes to the language her RAN members would like to see. Mr. Luce described a model in Florida that gives flexibility for the dispensing or fulfillment pharmacy to do specific activities to meet the needs of the patient. This model amounts to a shared service and does not specify whether the dispensing or fulfillment pharmacy would perform the tasks. Discussion ensued regarding the different generics and the differences in appearance from one manufacturer to another for the same basic product and it was determined that the fulfillment pharmacy should fill with the same products the dispensing pharmacy has so the patient is not confused.

President Fey led the discussion for each of the suggestions on the document presented by RAN with Mr. Okuno, Mr. Palm, Mr. Luce, Ms. Macmenamin and the Board.

Katie Craven, Mark Hinchler and Debbie Bieber appeared and were sworn by President Fey prior to answering questions or offering testimony.

They presented questions regarding manufacturing vs. fulfillment pharmacies and how they differ. It was noted for their clarification that a fulfillment pharmacy can only be used if they have a common database with the dispensing pharmacy. The fulfillment pharmacy would be processing patient specific refill prescriptions. If not patient specific it would be manufacturing. Ms. Bieber had questions regarding the impact of how this regulation amendment would affect long term care facilities and nursing homes, Mr. Hinchler was concerned that the filling pharmacist would not have the capability of checking the original prescription, and Ms. Craven had concerns that the amendments were too far-reaching.



Gener Tejero appeared and was sworn by President Fey prior to answering questions or offering testimony.

Mr. Tejero asked for clarification for the term “patient specific”.

President Fey closed the Public Hearing and asked for a motion.

Board Action:

Motion: Keith Macdonald moved to adopt the regulation with the suggestions made.

Second: Leo Basch

Action: Passed Unanimously

14 Next Board Meeting:

December 2-3, 2009 – Reno, Nevada

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

There were no public comments.