

IV.

On March 10, 2016, D.S.P.'s physician changed the dosage of diltiazem to *360 mg. ER capsules #90* with instructions to take one capsule daily. The physician's office electronically transmitted the new prescription to CVS.

V.

Pharmaceutical technician Damon Phillips (Mr. Phillips) entered the new prescription data into CVS' computer system that same day. The computer system designated the prescription as No. 1084000.

VI.

CVS' records indicate that the initial input for prescription No. 1084000 was rejected. CVS' records further show that five subsequent data inputs attempted by pharmaceutical technicians Gayle Phillips, Nikole Dickerson and Jennifer Combs over the next four days were also rejected.

VII.

On March 14, 2016, Ms. Sutton performed the final data entry, data verification, filling, and product verification of prescription No. 1084000.

VIII.

During data entry for prescription No. 1084000, two hard-stop Drug Utilization Review (DUR) warnings appeared on the computer screen. Those warnings were triggered by the diltiazem 240 mg. prescription No.1074484 still active in D.P.S.'s patient profile. The DUR warnings were indicated as follows:

1 Drug-Drug Interaction

2 Duplicate Therapy

IX.

Ms. Sutton overrode the DUR warnings for prescription No. 1084000 without taking further action to deactivate the remaining refills for prescription No.1074484. Prescription No. 1084000 was subsequently staged for customer pick up.

X.

The following day, Ms. Sutton processed a refill of prescription No. 1074487 diltiazem *240 mg. capsules.*

XI.

During data entry for prescription No. 1074487, two hard-stop DUR warnings appeared on the computer screen. Those warnings were triggered by the diltiazem 360 mg. prescription No. 1084000 which was also an active prescription in D.P.S.'s patient profile. The warnings were indicated as follows:

1 Drug-Drug Interaction

2 Duplicate Therapy

XII.

Ms. Sutton again overrode the DUR warnings for prescription No. 1074487 without taking further action.

XIII.

D.S.P. picked up both of the medications on March 15, 2016. Ms. Sutton did not provide patient counseling for prescription No. 1084000, which was a new prescription.

XIV.

D.S.P. indicated when she picked up the medications at CVS, she was given one bottle of diltiazem 240 mg. and one bottle of diltiazem 360 mg. D.S.P. questioned the pharmacist on duty regarding taking both strengths of the medication. The unidentified pharmacist assured her that he had spoken directly with the cardiologist who confirmed the dispensing of both strengths of diltiazem.

XV.

CVS filled and dispensed the two strengths of diltiazem for both prescription No. 1074487 and prescription No. 1084000 to D.S.P. in March, April, May, June, July, and August, 2016.

The following table lists the medication fills and the pharmacists involved:

Prescription No. 1074487 Diltiazem 240 mg.	Prescription No. 1084000 Diltiazem 360 mg.
<u>March 15, 2016</u> DUR Override: RPh Sutton Data Entry Verification: RPh Sutton Product Verification: RPh Sutton	<u>March 15, 2016</u> DUR Override: RPh Sutton Data Entry Verification: RPh Sutton Product Verification: RPh Sutton Counseling: None
<u>April 10, 2016</u> DUR Override: RPh Sutton Product Verification: RPh Sutton	<u>April 12, 2016</u> DUR Override: RPh Wong Product Verification: RPh Wong
<u>May 8, 2016*</u> Product Verification: RPh Yost	<u>May 8, 2016*</u> Product Verification: RPh Yost
<u>June 8, 2016</u> DUR Override: RPh Sutton Product Verification: RPh Sutton	<u>June 8, 2016</u> DUR Override: RPh Sutton Product Verification: RPh Sutton
<u>July 11, 2016</u> DUR Override: RPh Sutton Product Verification: RPh Sutton	<u>July 11, 2016</u> DUR Override: RPh Sutton Product Verification: RPh Sutton
<u>August 7, 2016</u> DUR Override: RPh Sutton Product Verification: RPh Sutton	<u>August 7, 2016</u> DUR Override: RPh Sutton Product Verification: RPh Sutton

*It is unclear why the CVS system did not trigger a DUR alert for the May 8, 2016, fills.

XVI.

D.S.P. ingested one diltiazem 240 mg. ER capsule *and* one diltiazem 360 mg. ER capsule daily for six (6) months. D.S.P. suffered significant lower extremity edema as a result of the concurrent use of the two medications. The combined strength that D.S.P. ingested daily (600 mg.) is above the maximum recommended prescribing dose.

XVII.

Pharmacist Beverly Zarkariassen inactivated Prescription No. 074487 (diltiazem 240 mg.) in the computer system on August 19, 2016.

FIRST CAUSE OF ACTION

(Respondent Erika Sutton)

XVIII.

NRS 639.266(1) requires a pharmacist to “communicate matters which will enhance therapy through drugs with the patient or a person caring for the patient.” NAC 639.707(1), (2) and/or (4) further requires counseling for all new prescriptions and provide a list of elements to be included as part of proper counseling. Additionally, NAC 639.707(6) requires the pharmacist to create a record that counseling was either refused or occurred.

XIX.

There is no record that Ms. Sutton provided adequate counseling to D.S.P. regarding the new prescription for diltiazem 360 mg. By failing to provide counseling for D.S.P.’s new prescription, and to create some documentation regarding whether counseling occurred, Ms. Sutton violated NRS 639.266(1), NAC 639.707(1), (2) and (6), as well as NAC 639.945(1)(i), which violations are grounds for action pursuant to NRS 639.210(4), (11) and/or (12), and under NRS 639.255.

SECOND CAUSE OF ACTION

(Respondents Erika Sutton and Hongming Wong)

XX.

NAC 639.945(1)(i) defines unprofessional conduct to include a licensee performing any of his or her duties in an “incompetent, unskillful or negligent manner.”

Ms. Sutton and Mr. Hongmong violated NAC 639.945(1)(i) by failing to act upon the DUR alerts displayed on the computer screen for the concurrent use of diltiazem 240 mg. and 360 mg. capsules. The alerts indicated the potential for (1) drug-drug interaction; and (2) duplicate therapy.

THIRD CAUSE OF ACTION

(Respondent Erika Sutton)

XXI.

As the managing pharmacist/pharmacist in charge of CVS #8793 at the time of each of the violations alleged herein, Respondent Ms. Sutton is responsible for those violations, including those of her employees. See NRS 639.0087, NRS 639.210(15), NRS 639.220(3)(c),

NAC 639.702 and NAC 639.910(2).

FOURTH CAUSE OF ACTION

(Respondent CVS #8793)

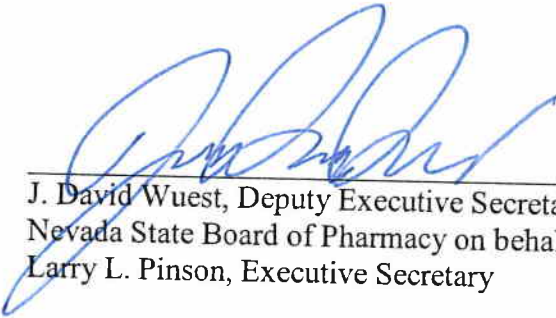
XXII.

NAC 639.945(2) states that “[t]he owner of any business or facility licensed, certified or registered by the Board is responsible for the acts of all personnel in his or her employ”. At the time of the violations alleged herein, Respondents Ms. Sutton and Mr. Wong were each CVS’ employees. As such, CVS is responsible for each of the violations alleged herein.

The violations alleged above are grounds for discipline against the licenses of Ms. Sutton and Mr. Wong, as well as CVS #8793, pursuant to NRS 639.210(4), (11), (12), and/or (15) as well as NRS 639.255.

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

Signed this 2nd day of October, 2017.



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

NOTICE TO RESPONDENT

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

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 _____, 2017.

ERIKA SUTTON, RPH

BEFORE THE NEVADA STATE BOARD OF PHARMACY



NEVADA STATE BOARD OF PHARMACY,)
)
 Petitioner,)
)
 v.)
)
 HONGMING WONG, RPH)
 Certificate of Registration No. 19078,)
)
 Respondent.)
 /

CASE NO. 16-082-B-N

ANSWER AND NOTICE OF DEFENSE FO RESPONDENT HONGMING WONG, RPH

Respondent Hongming Wong, RPH hereby files with the Nevada State Board of Pharmacy ("Board"), his Answer and Notice of Defense.

1. Respondent Hongming Wong, RPH hereby declares that he does not object to the Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against him.

2. Respondent Hongming Wong, RPH answers the Notice of Intended Action and Accusation as follows:

As to Paragraph I of the Notice of Intended Action and Accusation: Mr. Wong admits and agrees with the assertions set forth therein as they pertain to himself;

Paragraph II: Mr. Wong is without sufficient knowledge or information to address the accuracy of the assertions contained therein;

Paragraph III: Mr. Wong is without sufficient knowledge and information to address the accuracy of the assertions contained therein;

Paragraph IV: Mr. Wong is without sufficient knowledge and information to address the accuracy of the assertions contained therein;

Paragraph V: Mr. Wong is without sufficient knowledge and information to address the accuracy of the assertions contained therein;

Paragraph VI: Mr. Wong is without sufficient knowledge and information to address the accuracy of the assertions contained therein;

Paragraph VII: Mr. Wong is without sufficient knowledge and information to address the accuracy of the allegations set forth therein;

Paragraph VIII: Mr. Wong agrees and admits with the assertions of said paragraph to the extent that to the best of his knowledge on the single occasion that he did override the DUR alert for prescription No. 1084000 on April 12, 2016 that there was a DUR alert on the prescription, however he is without sufficient knowledge regarding the specifics of the DUR warning on that occasion and is without sufficient knowledge or information as to whether there were DUR alerts on the prescription on other occasions.

Paragraph IX: Mr. Wong is without sufficient knowledge and information to address the accuracy of the allegations set forth therein;

Paragraph X: Mr. Wong is without sufficient knowledge and information to address the accuracy of the allegations set forth therein;

Paragraph XI: Mr. Wong is without sufficient knowledge and information to address the accuracy of the allegations set forth therein, however he notes that he did not override the DUR alert on prescription No. 1074487 at any time.

Paragraph XII: Mr. Wong is without sufficient knowledge and information to address the accuracy of the allegations set forth therein;

Paragraph XIII: Mr. Wong is without sufficient knowledge and information to address the accuracy of the allegations set forth therein;

Paragraph XIV: Mr. Wong is without sufficient knowledge and information to address the accuracy of the allegations set forth therein;

Paragraph XV: Mr. Wong agrees with said paragraph to the extent that he did override the DUR alert on April 12, 2016 for prescription No.1084000 as noted in the table included within the paragraph and Mr. Wong alleges that his override occurred on a refill of said prescription, not the initial fill. Additionally, Mr. Wong notes that the override for the DUR alert and the product verification on Prescription No. 1074487 occurred on April 10, 2016 and was completed by pharmacist Sutton. Mr. Wong is without sufficient knowledge and information to address the accuracy of the remaining allegations contained within the paragraph;

Paragraph XVI: Mr. Wong is without sufficient knowledge and information to address the accuracy of the allegations set forth therein;

Paragraph XVII: Mr. Wong is without sufficient knowledge and information to address the accuracy of the allegations set forth therein.

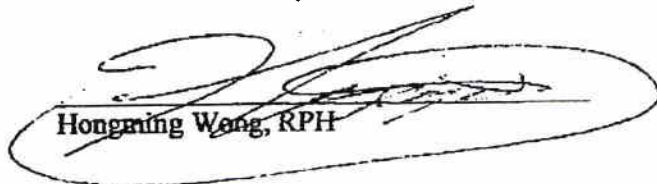
Respectfully submitted this 25th day of October, 2017.



Lyn E. Beggs, Esq
Attorney for Respondent Hongming Wong, RPH

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

DATED this 25th day of October, 2017.



Hongming Wong, RPH

10/25/17

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,)	CASE NO. 16-082-PH-S
)	
Petitioner,)	
)	
v.)	
)	
CVS PHARMACY #8793)	ANSWER AND NOTICE
Certificate of Registration No. PH00639,)	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 _____, 2017.

Authorized Representative For
CVS PHARMACY #8793