

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,)	
)	CASE NO. 16-014-RPH-S
Petitioner,)	
v.)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW, AND
LISA HARRIS BAKER, R.PH.)	ORDER
Certificate of Registration No. 14725,)	
)	
Respondent.	/	

The Nevada State Board of Pharmacy (Board) heard this matter at its regularly scheduled meeting on July 20, 2016, in Las Vegas, Nevada. S. Paul Edwards, Esq., presented the case on behalf of the Board Staff. Respondent Lisa Harris Baker, R.Ph. Certificate of Registration No. 14725 (“Ms. Baker”), appeared and represented herself at the hearing. Based on the evidence presented, including the testimony of Ms. Baker and others, and the documentary evidence admitted into the record, the Board finds and concludes as follows:

FINDINGS OF FACT

1. On May 15, 2014, Board Staff sent Ms. Baker a letter informing her that she had not completed the required thirty (30) continuing education units (CEUs) she needed for the November 1, 2011 to October 31, 2013 renewal period.

2. Board Staff sent that letter based on the results of a random audit conducted by Board Staff, which determined that Ms. Baker completed only twelve (12) of the required thirty (30) CEUs she was required to complete in order to renew her pharmacist license.

3. In the May 2014 letter, Board Staff directed Ms. Baker to complete, among other things, a total of one-hundred and eight (108) CEUs for the biennium ending October 31, 2015, in lieu of formal discipline. That one-hundred and eight (108) CEUs consisted of:

a. Eighteen (18) CEUs Ms. Baker failed to complete for the renewal period of November 1, 2011, to October 31, 2013; and

b. Ninety (90) CEUs for the renewal period of November 1, 2013 through October 31, 2015.

4. The letter informed Ms. Baker that her CEUs would again be audited for the renewal period of November 1, 2013 through October 31, 2015, to verify her compliance with Board Staff's instructions.

5. In November 2015, after Ms. Baker should have completed the one-hundred and eight (108) CEUs, she contacted a Board Staff by phone and stated that she did not complete the required CEUs for the November 1, 2013 to October 31, 2015 renewal period.

6. Despite her failure to complete the required CEUs, Ms. Baker signed her pharmacist license renewal application in December 2015, certifying that she had completed all required CE hours due for the November 1, 2013 to October 31, 2015 renewal period.

7. As indicated by the May 2014 letter, Board Staff conducted an audit of Ms. Baker's CEUs for the biennium ending October 31, 2015.

8. Board Staff sent her its first notice to provide her CEU certificates by email on January 22, 2016, using an email provided to Board Staff by Ms. Baker. The deadline for her to respond was February 10, 2016.

9. Board Staff sent Ms. Baker a second notice to provide her CEU certificates on February 12, 2016, with a deadline of March 8, 2016.

10. Ms. Baker did not timely provide her CEU certificates as required.

11. Board Staff's CEU audit found that Ms. Baker completed none of the required one-hundred and eight (108) CEUs for the biennial period November 1, 2013 to October 31, 2015.

12. Board Staff sent Ms. Baker the Notice of Intended Action and Accusation in this matter on March 22, 2016, by certified mail, to the address last provided to Board Staff by Ms. Baker.

13. Board Staff had Ms. Baker personally served with the Notice of Intended Action and Accusation in this matter on April 11, 2016.

14. Ms. Baker did not file an answer or notice of defense in response to the Notice of Intended Action and Accusation.

15. On July 18, 2016, two days before her hearing, Ms. Baker sent to Board Staff by email three CPE Monitor Activity Transcripts purporting to show that she had met her CEU requirements.

a. The first CPE Monitor Activity Transcript for the date range 11/01/2013 to 10/31/2015, showed that Ms. Baker completed a total of 57.75 CEUs during that period.

b. The second CPE Monitor Activity Transcript for the date range 10/14/2014 to 10/31/2015, showed that Ms. Baker completed a total of 27.5 CEUs during that period. However, that time period is reflected in the first CPE Monitor Activity Transcript includes 10/14/2014 to 10/31/2015, and each of the 27.5 CEUs on that transcript were also reflected on the first CPE Monitor Activity Transcript for the date range.

c. The third CPE Monitor Activity Transcript Ms. Baker provided reflected her CEUs for date range of 11/01/2015 to 10/31/2016, and shows that she completed a total of 84.5 CEUs during that period.

16. Ms. Baker presented each of those CPE Monitor Activity Transcripts as evidence at the hearing.

17. Based on the CPE Monitor Activity Transcripts Ms. Baker provided, the evidence is that Ms. Baker completed only 57.75 of the 108 CEUs she was required to complete for the renewal period ending October 31, 2015.

18. The evidence is that Ms. Baker failed to complete 50.25 of the one hundred and eight (108) CEUs she was required to complete by October 31, 2015.

19. The foregoing findings are supported by the exhibits offered by the Petitioner and/or the Respondent during the hearing, which the Board admitted into the record, and by the testimonial evidence presented by both parties during the hearing.

CONCLUSIONS OF LAW

20. The Board has jurisdiction over this matter and this respondent because Ms. Baker is a pharmacist licensed by the Board.

21. By failing to respond to the Board Staff's request for documents relating to her CEUs, Lisa Harris Baker violated NAC 639.330 and NAC 639.945(m), as alleged in the Second Cause of Action, which violations are ground for action pursuant to NRS 639.210(4), (12) and (17), as NRS 639.255.

22. By signing her renewal application and certifying that she had completed the required CEUs for the biennial period of November 1, 2013 to October 31, 2015, when she did not complete 50.25 of the CEUs required by the Board, Lisa Harris Baker violated NRS 639.281, as alleged in the Third Cause of Action, which violation is grounds for action pursuant to NRS 639.210(4), (9), (10) and (12), and NRS 255.

23. Board Staff withdraw its first cause of action.

BASED UPON THE FOREGOING, THE BOARD HEREBY ORDERS:

24. Respondent Lisa Harris Baker, R.Ph., Certificate of Registration No. 14725, shall:

a. Pay a fine of One Thousand Dollars (\$1000.00) associated with the violations set forth above. Ms. Baker shall pay the forgoing fine with a *cashier's check, certified check or money order* made payable to "Nevada State Treasurer," to be received by the Board's Reno office within ninety (90) days of the effective date of this Order;

b. Pay administrative fees of Four Hundred and Ninety-Five Dollars (\$495.00) to partially off-set the Board's costs of investigating and prosecuting this matter. Ms. Baker shall pay the forgoing fine with a *cashier's check, certified check or money order* made payable to "Nevada State Board of Pharmacy," to be received by the Board's Reno office within ninety (90) days of the effective date of this Order.;

25. Additionally, Ms. Baker's pharmacist license, Certificate of Registration No. 14725, is hereby suspended effective the date of this Order. The suspension is stayed, effective immediately, for a period of up to twelve (12) months during which time Ms. Baker must take and pass the National Association of Boards of Pharmacy (NABP)'s Pharmacist Assessment for

Remediation Evaluation (PARE) exam, and comply with all terms and conditions of this Order and any other outstanding orders by the Board.

26. At the end of the twelve-month stay period, the stay will automatically lift and Ms. Baker's pharmacist license will remain suspended unless she has (a) passed the PARE Exam, and (b) complied with all other terms of this Order and all other outstanding orders by the Board.

27. Board Staff is authorized to review this case and, at its sole discretion, lift the suspension on Ms. Baker's license prior to the end of the twelve-month stay period without requiring Ms. Baker to reappear before the Board after she has passed the PARE exam and complied with the terms of this Order and any other outstanding orders by the Board.

28. For the renewal period of November 1, 2015 to October 31, 2017, Ms. Baker shall complete the thirty (30) hours of CEU that the Board ordinarily requires for renewal of a pharmacist license. Ms. Baker may not use any of the 84.5 CEUs she completed since November 1, 2015, as reported on her CPE Monitor Activity Transcripts for the time period from 11/01/2015 to 10/31/2016, to satisfy the 30-hour requirement.

29. Ms. Baker's CEU credits will be audited after the next renewal period to verify that she completed the total of thirty (30) hours of CEU required by this Order.

30. Any failure by Ms. Baker to comply with any term in this Order shall result in the immediate lifting of the stay and may also result in further discipline, up to and including revocation of the her license.

IT IS SO ORDERED.

Signed and effective this 10th day of August, 2016.



Leo Basch, President
Nevada State Board of Pharmacy