

## Shirley Hunting

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**From:** Derek Sapone <dsapone@ipspharmacy.com>  
**Sent:** Wednesday, June 07, 2017 6:32 AM  
**To:** Pharmacy Board  
**Cc:** Shirley Hunting  
**Subject:** Reinstatement Request/18411  
**Attachments:** Discipline History.06.01.2017.pdf; vb.misdemeanor.10.24.2011.pdf; Reference Letters.pdf; Completion Documents.pdf; Ethics.pdf; NV.rr.pdf; d.sapone.NV.exp.10.31.2013.jpeg

Nevada Board of Pharmacy,

I am sending this email to request a reinstatement of my pharmacist license #18411. Please let me know if there are any additional forms or documents that I need to submit. Thank you for taking the time to consider this request. Have a great day.

**Derek A. Sapone, R.Ph.**

Pharmacist in Charge  
Institutional Pharmacy Solutions  
Janus Rx  
2697 International Parkway Building 3, Suite 103/4  
Virginia Beach, VA 23452

T: 757.351.1951  
F: 757.351.1953  
C: 757.343.8626  
E: dsapone@ipspharmacy.com



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# 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 1, 2013

Mr. Derek A. Sapone  
853 Artesia Way  
Virginia Beach, VA 23456

Dear Mr. Sapone,

We are in receipt of your letter dated July 20, 2013, regarding your past legal history and admission of untruthfully answering our questions regarding past legal history on your application to become licensed with the Nevada State Board of Pharmacy as a pharmacist. Further investigation reveals that you likewise were untruthful with NABP in answering similar questions and did so under oath as notarized by Krystle J. Ford, Notary Public in the Commonwealth of Virginia (see enclosure).

While we wish you the best in your recovery, the Nevada State Board of Pharmacy takes a dim view of those who lie on our applications, and therefore find it appropriate to take action against your license. In lieu of such action, we will accept a voluntary surrender of your license by August 15, 2013, if you so choose.

I can be reached at 775-850-1440 if you wish to further discuss your matter; otherwise, we will expect an answer by August 15, 2013.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry L. Finson", with a stylized flourish at the end.

Larry L. Finson, Pharm. D.  
Executive Secretary

cc: Candy Nally, Licensing Specialist, NSBOP

**RE: D.Sapone**

LARRY L. PINSON

**Sent:** Wednesday, August 07, 2013 8:15 AM

**To:** Derek Sapone [dsapone@ipspharmacy.com]

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Good morning Mr. Sapone,

There are no further steps for you to take. Your voluntary surrender of your pharmacist's license is hereby accepted and effective today. Again, we wish you the best in your recovery.

Larry

Larry L. Pinson, Pharm. D.  
Executive Secretary  
Nevada State Board of Pharmacy  
(775) 850-1440  
(775) 850-1444 (fax)

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From: Derek Sapone [dsapone@ipspharmacy.com]  
Sent: Wednesday, August 07, 2013 6:51 AM  
To: LARRY L. PINSON  
Cc: etalamante@goodmanallen.com  
Subject: D.Sapone

Mr. Pinson,

I received your letter yesterday. Thanks for getting back to me so quickly. I do wish to proceed with the voluntary surrender offered in the response letter. Please let me know what additional (if any) steps I need to take at this point. Thank you so much for your time and I apologize for taking up the Pharmacy Board's valuable resources on this matter.

Derek A. Sapone, R.Ph.

Director of Pharmacy  
IPS Pharmacy of Virginia Beach  
2697 International Parkway Building 3, Suite 104  
Virginia Beach, VA 23452

757-351-1951 (Pharmacy)  
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COMMONWEALTH OF VIRGINIA



In The Circuit Court of the City of Virginia Beach

Commonwealth of Virginia,

Plaintiff

Prescription Fraud (2 Counts)

v.

**DEREK ANTHONY SAPONE**

Race: White Sex: Male DOB:

Hgt: 5'09" WGT: 170 Eyes: Brown Hair: Brown

SSN:

Defendant

Grand Jury Indictment

The Grand Jurors of the Commonwealth of Virginia and of the City of Virginia Beach, attending the Court aforesaid, upon their oaths present that, in the City of Virginia Beach,

DEREK ANTHONY SAPONE

1. Prescription Fraud (NAR-3016-F6)

On or about Saturday, April 3, 2010, did obtain or attempt to obtain any drug or procure or attempt to procure the administration of any controlled substance as defined in the Drug Control Act through fraud, deceit, misrepresentation, embezzlement or subterfuge, or by forgery or alteration of a prescription or written order for the dispensing of a controlled substance, or through the concealment of a material fact, or by the use of a false name or the giving of a false address, in violation of § 18.2-258.1; 54.1-3446 through 54.1-3452; 18.2-10 of the Code of Virginia (1950) as amended.

2. Prescription Fraud (NAR-3016-F6)

On or about Sunday, April 4, 2010, did obtain or attempt to obtain any drug or procure or attempt to procure the administration of any controlled substance as defined in the Drug Control Act through fraud, deceit, misrepresentation, embezzlement or subterfuge, or by forgery or alteration of a prescription or written order for the dispensing of a controlled substance, or through the concealment of a material fact, or by the use of a false name or the giving of a false address, in violation of § 18.2-258.1; 54.1-3446 through 54.1-3452; 18.2-10 of the Code of Virginia (1950) as amended.

Grand Jury Witness: Rachel A. McGraw, State D. White

A True Bill



Virginia Beach Police Department/VBPD - Special Investigations

CERTIFIED TO BE A TRUE COPY

Grand Jury Date:

September 20, 2010

OF RECORD IN MY CUSTODY

Not A True Bill

TINA E. SINNEN, CLERK

CIRCUIT COURT, VIRGINIA BEACH, VA

BY [Signature]



Virginia:

IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

Commonwealth of Virginia,

Plaintiff

v.

Docket #: CR10-002978

Derek Anthony Sapone,

Defendant

Plea Agreement

This day comes the defendant, Derek Anthony Sapone, the attorney for the defendant, and the attorney for the Commonwealth, who all represent to this Court that the parties have entered into the following plea agreement in accord with Rule 3A:8(c):

1. That the defendant stands indicted in this Court for the following offenses: two (2) counts of Prescription Fraud in violation of Virginia Code Section 18.2-258.1, 1950, as amended.
2. That the defendant agrees to plead guilty to two (2) counts of Prescription Fraud in violation of Virginia Code Section 18.2-258.1, 1950, as amended.
3. That the Attorney for the Commonwealth and the Attorney for the defendant agree that the following sentence is the appropriate disposition in this case: The Court shall place the defendant on probation in accordance with Virginia Code §18.2-258.1. As terms and conditions, the parties agree that the Court shall order the following:
  - (a) The defendant shall remain of uniform good behavior until final disposition by this court;
  - (b) The defendant shall remain under the supervision of the Community Corrections Program (CCP) for a term of one (1) year and shall comply with all rules of probation and instructions of the designated CCP caseworker to include the giving of random urine screens and completion of substance abuse treatment;
  - (c) The defendant shall report to CCP any contact with any physician or health care practitioner within seventy-two hours of such contact;
  - (d) The defendant shall report to CCP officer every prescription he receives and shall report every occasion on which he has the prescription filled or refilled, within seventy-two hours;
  - (e) The defendant shall, upon request of the CCP officer, or other law enforcement officer designated by CCP, execute release forms authorizing CCP or such other designated person to obtain his medical records;
  - (f) The defendant shall be evaluated and enter a treatment and/or-education program, if available, such as, in the opinion of the court, may be best suited to the needs of the defendant. Such services shall be provided by a program certified or licensed by the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services or, if warranted and permitted by this Court, the appropriate counterpart in another state or commonwealth. The defendant will

OFFICE OF THE  
COMMONWEALTH'S  
ATTORNEY  
25 NIMMO PARKWAY  
VIRGINIA BEACH, VIRGINIA  
23456-9050  
(757) 385-4401

be responsible for all the costs of the program, including the costs of the screening, evaluation, testing and education, unless the defendant is determined by the court to be indigent;

(g) The defendant is required to remain drug free during the period of probation, except to the degree permitted by licensed medical personnel, and during the period of probation the defendant shall submit to such tests as may be necessary to determine if he is drug free;

(h) As consideration for this agreement, and as a special condition of his suspended sentence and probation, the defendant shall waive his Fourth Amendment right against unreasonable searches and seizures for a period of one year ending on October 20, 2011. During this period any probation officer or law enforcement officer may seize and/or search his person, place of residence, or property at any time of the day or night with or without a warrant;

(i) The defendant's license shall be restricted or suspended pursuant to statute (see section 18.2-259.1) and defendant shall pay costs as the Court may direct.

4. BY SIGNING THIS AGREEMENT THE DEFENDANT ACKNOWLEDGES FULL RESPONSIBILITY FOR HIS ACTIONS IN THIS MATTER. HE AGREES THAT IF HE ATTEMPTS TO ENTER ANY PLEA WHEREBY HE DOES NOT ACCEPT FULL RESPONSIBILITY FOR HIS ACTIONS, THIS AGREEMENT IS WITHDRAWN.

5. Upon violation of a term or condition of this plea agreement, the court may enter an adjudication of guilt upon the felonies and proceed as otherwise provided under the statute. Upon fulfillment of the terms and conditions of probation, the court shall find the defendant guilty of two (2) Class 1 misdemeanors.

6. This plea agreement is the total agreement between the parties and there have been no other inducements, promises, threats or coercion of any kind imposed upon the defendant or suggested to the defendant by the attorney for the Commonwealth or any agent of the Commonwealth.

7. No Judge of the Circuit Court participated in any discussion leading to this agreement under Rule 3A:8.

In support of this agreement, the defendant, the attorney for the defendant and the attorney for the Commonwealth hereto affix their signatures.

[Signature] Defendant [Signature] Attorney for the Defendant

[Signature] Attorney for the Commonwealth

Filed this 20th day of October, 2010.

Accepted this 20th day of October, 2010.

Rejected this 20th day of October, 2010.

[Signature]  
JUDGE

OFFICE OF THE  
COMMONWEALTH'S  
ATTORNEY  
25 NIMMO PARKWAY  
GINN BEACH, VIRGINIA  
23456-9050  
(757) 385-4401

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

HEARING DATE: OCTOBER 20, 2010  
JUDGE: SHOCKLEY

COMMONWEALTH OF VIRGINIA  
vs  
DEREK ANTHONY SAPONE, DEFENDANT

CASE NO.: CR10-2978

OFFENSE:  
PRESCRIPTION FRAUD (2 COUNTS)

OFFENSE DATE:  
04-03-10; 04-04-10

Court Reporter: Ronald Graham & Associates, Inc.

This day came J. DiNonno, Attorney for the Commonwealth, and the defendant, in person, and M. Del Duca, attorney for the defendant.

The defendant plead GUILTY.

A written plea agreement was filed and made part of the record.

The court reviewed and considered the applicable discretionary sentencing guidelines and made the completed worksheet a part of the record of the case pursuant to the provisions of Code § 19.2-298.01.

The court found that there were sufficient facts that would justify a finding of guilt. Pursuant to Code § 18.2-258.1, the court, without entering a judgment of guilt and with the consent of the defendant, deferred further proceedings and placed the defendant on probation upon these terms and conditions:

- The defendant shall remain of uniform good behavior until final disposition by this court.
- The defendant shall remain under the supervision of the Community Corrections Program (CCP) for a term of one (1) year and shall comply with all rules of probation and instructions of the designated CCP caseworker to include the giving of random urine screens and completion of substance abuse treatment;
- The defendant shall report to CCP any contact with any physician or health care practitioner within seventy-two hours of such contact;
- The defendant shall report to CCP officer every prescription he receives and shall report every occasion on which he has the prescription filled or refilled, within seventy-two hours;

For Your Records

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- The defendant shall, upon request of the CCP officer, or other law enforcement officer designated by CCP, execute release forms authorizing CCP or such other designated person to obtain his medical records;
- The defendant shall be evaluated and enter a treatment and/or education program, if available, such as, in the opinion of the court, may be best suited to the needs of the defendant. Such services shall be provided by a program certified or licensed by the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services or, if warranted and permitted by this Court, the appropriate counterpart in another state or commonwealth. The defendant will be responsible for all the costs of the program, including the costs of the screening, evaluation, testing and education, unless the defendant is determined by the court to be indigent;
- The defendant is required to remain drug free during the period of probation, except to the degree permitted by licensed medical personnel, and during the period of probation the defendant shall submit to such tests as may be necessary to determine if he is drug free;

**4<sup>th</sup> Amendment Waiver as part of plea agreement:** As part of a plea agreement the defendant agreed as a special condition of good behavior and probation to waive his or her Fourth Amendment right against unreasonable searches and seizures in accordance with the terms and during the period specified in the plea agreement.

The defendant shall report back to this court on October 24, 2011 to determine if the conditions of probation have been fulfilled. Any surety on a bond shall be discharged and the defendant is placed on their personal recognizance to appear back in court.

**Forfeiture of license for drug charge.**

Pursuant to § 18.2-259.1 the defendant's privilege to drive or operate a motor vehicle, engine, or train in the Commonwealth is forfeited for a period of six months on each charge. The defendant shall surrender his or her driver's license to be disposed of in accordance with the provisions of § 46.2-398, and the clerk shall provide a copy of this order to the Department of Motor Vehicles.

For Your Records



Pursuant subsection C of § 18.2-259.1 the court provides that, if and when the defendant is otherwise eligible, the Commissioner of the Department of Motor Vehicles issue, upon request of the defendant, a restricted license for the following purposes (after receipt of a restricted license, the defendant shall carry a copy of this order, the restricted license and any required written verification, at all times while operating a motor vehicle):

- travel to and from place of employment.
- travel to and from an alcohol rehabilitation or safety action program upon written verification the defendant is enrolled in such a program.
- travel during the hours of such person's employment if the operation of a motor vehicle is a necessary incident of such employment.
- travel for health care services, including medically necessary transportation of a any person residing in their household with a serious medical problem upon written verification of need by a licensed health professional.
- travel necessary to transport a minor child under the care of such person to and from school, day care, and facilities housing medical service providers.
- travel to a screening, evaluation and education program entered pursuant to § 18.2-251 or subsection H of § 18.2-258.1; or
- travel to and from court appearances in which the defendant is a subpoenaed witness or a party and appointments with a probation officer and to and from any programs required by the court or as a condition of probation.

The Clerk of this Court shall forward a copy of this order to:

- Division of Motor Vehicles
- Office of Community Corrections

Costs. The defendant shall pay costs pursuant to § 19.2-354.

ENTERED: 10/20/10  
AP Stuckly  
JUDGE

**Defendant Identification:**

SSN: 167-56-9336

DOB: 09-13-1975

SEX: MALE

Clerk: vbm

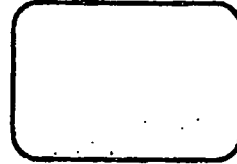
CERTIFIED TO BE A TRUE COPY  
OF RECORD IN MY CUSTODY  
TINA E. SINNEN, CLERK  
CIRCUIT COURT VIRGINIA BEACH, VA  
BY Stephanie Umans  
DEPUTY CLERK

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

HEARING DATE: OCTOBER 24, 2011  
JUDGE: LOWE

COMMONWEALTH OF VIRGINIA  
vs  
DEREK ANTHONY SAPONE, Defendant

Case Number: CR10-2978



SENTENCING ORDER

Attorney for the Commonwealth: E. Gaines  
Attorney for the Defendant: M. Delduca  
Court Reporter: Fiduciary Reporting, Inc.

On October 20, 2010, the Court deferred the entry of a finding. The Court, this day, found the defendant NOT GUILTY of Prescription Fraud- Felony (2 counts), but GUILTY of the following offense:

| OFFENSE DESCRIPTION                        | OFFENSE DATE | CODE SECTION | CRIME CODE REFERENCE <sup>(1)</sup> |
|--|--------------|--------------|-------------------------------------|
| Prescription Fraud- Misdemeanor (2 counts) | 04-03-10;    | 18.2-258.1;  | 999-9999-99                         |
|  | 04-04-10     | 54.1-3446 -  |                                     |
|  |              | 54.1-3452;   |                                     |
|  |              | 18.2-10      |                                     |

The Court SENTENCES the defendant to:

Incarceration in the jail of this City for the term of: Twelve (12) Months on each charge. The terms shall run concurrently. The total sentence imposed is twelve (12) months.

The Court SUSPENDS the entire sentence on the following condition(s):

Good Behavior. The defendant shall be of good behavior for one (1) year.

ENTER: 10/26/11

JUDGE: [Signature]

Defendant Identification:  
SSN: 167-56-9336  
DOB: 09/13/75  
SEX: M  
Clerk: cns

CERTIFIED TO BE A TRUE COPY  
OF RECORD IN MY CUSTODY  
TINA E. SINNEN, CLERK  
CIRCUIT COURT, VIRGINIA BEACH, VA  
BY Stephanie Manis  
DEPUTY CLERK

<sup>(1)</sup> Virginia crime codes shall only be used to facilitate administration and research, and shall not have any legal standing as they relate to a particular offense or offenses. Virginia Code § 19.2-390.01.