

FILED

JUN 30 2023

NEVADA STATE BOARD  
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

SMITH'S PHARMACY #389,  
Pharmacy License No. PH00976,

Respondent.

CASE NO. 22-344-PH-N

ANSWER AND NOTICE  
OF DEFENSE

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

As it relates to Case No. 22-344-PH-N, we object to the inclusion of the factual allegations listed below (4. and 8.), as they are related to Case No. 22-344-RPH-N.

- Factual Allegation 4. On or about August 12, 2022, Clemons left employment as the Managing Pharmacist at Smith's #389 and took a job as the Managing Pharmacist at a CVS Pharmacy located in Carson City, Nevada.
- Factual Allegation 8. Clemons notified the Board of her change of practice location on September 19, 2022, which was more than 10 days after changing her place of practice.

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

Respondent Smith's #389 denies Count Two as it pertains to Respondent Clemons and Case No. 22-344-RPH-N.

Respondent Smith's #389 admits to Counts One and Three as listed.

We have researched the situation and determined the following, as it relates to both Counts One and Three:

- On August 12, 2022, Karah Clemons, managing pharmacist at Smith's Pharmacy #389, vacated her position. Unfortunately, despite having the position posted, no replacement managing pharmacist had been hired or identified prior to Karah Clemons's departure date.
- It was the understanding of overseeing Pharmacy Practice Coordinator (PPC) that the Nevada Board of Pharmacy (BOP) was to be notified upon identifying a replacement managing pharmacist for Smith's Pharmacy #389.
- During a Nevada BOP inspection on August 24<sup>th</sup>, 2022, it was identified that Smith's Pharmacy #389 was out of compliance with NRS 639.220(1) and (5).
- The overseeing PPC had a subsequent conversation on August 31<sup>st</sup>, 2022 with the BOP representative to ensure a proper understating of NRS 639.220(1) and (5). As a result, Marcy Rathjen Rouse, was identified as the replacement managing pharmacist for Smith's Pharmacy #389 on September 1, 2022, at which time the required application was submitted to the NV BOP.

We regret the oversight which led to Counts One and Three in Case No. 22-344-PH-N. We are committed to operating within the constraints of Nevada laws, as well as to the safety and welfare of our patients. Effective immediately, the below procedures have implemented to avoid a similar situation in the future:

- NRS 639.220(1) and (5) reviewed with all Smith's Pharmacy PPCs overseeing pharmacy locations in Nevada
- The overseeing PPC will designate an incoming managing pharmacist prior to the departure date of the outgoing managing pharmacist.
- To ensure timely completion and notification, the overseeing PPC provides the incoming managing pharmacist with the "Change in Managing Pharmacist/Pharmacist in Charge/Supervising Pharmacist Application", including the credit card authorization.
- Upon completion, the incoming managing pharmacist submits the application via USPS mail to Nevada BOP and files the application, according to company guidance. Additionally, the incoming managing pharmacist notifies the overseeing PPC of application completion and submission.


Lastly, Smith's Pharmacy #389 is willing to enter into a consent order to avoid the necessity of the July 12<sup>th</sup>, 2023 scheduled hearing.

Thank you for the opportunity to respond as it relates to Case No: 22-344-PH-N. If there are any questions, please feel free to contact Andrea Adams at [andrea.adams@sfdc.com](mailto:andrea.adams@sfdc.com).

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 30<sup>th</sup> day of June, 2023.

Jaime Montuoro  
TYPE OR PRINT NAME

  
AUTHORIZED REPRESENTATIVE FOR  
SMITH'S PHARMACY #389

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

SMITH'S PHARMACY #389,  
Pharmacy License No. PH00976,

and

KARAH CLEMONS, RPH,  
Certificate of Registration No. 20924,

Respondents.

Case Nos. 22-344-PH-N  
22-344-RPH-N

STIPULATION AND ORDER AS TO  
RESPONDENT  
SMITH'S PHARMACY #389

J. David Wuest, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, by and through its General Counsel, Peter K. Keegan, Esq., and Respondent, Smith's Pharmacy #389 ("Smith's #389"), Pharmacy License No. PH00976, **HEREBY STIPULATE AND AGREE THAT:**

1. The Board has jurisdiction over Respondent and these matters.
2. On or about June 5, 2023, Board Staff served Respondent Smith's #389 with the Notice of Intended Action and Accusation ("Accusation") on file in this matter together with the Statement to Respondent and Notice of Hearing.
3. Respondent, in lieu of filing an Answer, submit this Stipulation and Order for the Board's consideration.
4. Respondent is aware of the right to seek the advice of counsel in this matter and prior to entering this Stipulation.
5. Respondent is aware of the right to a hearing on the matters alleged in the Accusation, their right to reconsideration, their right to appeal, and any and all other rights which may be accorded pursuant to NRS Chapter 233B, Nevada Administrative Procedure Act, NRS Chapter 622A, Administrative Procedure Before Certain Regulatory Bodies, and NRS Chapter 639, Nevada Pharmacy Act.



6. Conditioned on the acceptance of this Stipulation by the Board, and with the exception of the right to challenge any determination that Respondent, or any of them, have failed to comply with the provisions of this Stipulation, Respondent hereby freely and voluntarily waive their rights to a hearing, reconsideration, appeal and any and all other rights related to this action that may be accorded to them by NRS Chapter 233B, Nevada Administrative Procedure Act, NRS Chapter 622A, Administrative Procedure Before Certain Regulatory Bodies, and NRS Chapter 639, Nevada Pharmacy Act.

7. Respondent admits that evidence exists, and that Board's staff prosecuting this case could present such evidence at an administrative hearing, to establish a factual basis for certain of the violations alleged in the Accusation, that:

A. Respondent Smith's #389 violated NRS 639.220(1) when it operated a pharmacy without a managing pharmacist during the period of August 12, 2022, to September 1, 2022; therefore, Respondent Smith's #389 is subject to disciplinary action pursuant to NRS 639.210(12) and/or NRS 639.255.

8. These violations are plead with particularity in the Accusation, and are grounds for disciplinary action against Respondent pursuant to NRS 639.210 and/or NRS 639.255.

9. In order to resolve this matter without incurring any further costs or the expense associated with a hearing, the Board and Respondent Smith's #389, Certificate of Registration No. PH00976, stipulate to the following penalties and/or conditions:

A. Respondent Smith's #389 shall pay a fine of Five-Thousand Dollars (\$5,000.00) for the violations; and

B. Respondent Smith's #389 shall pay Five-Hundred Dollars (\$500.00) to partially reimburse the Board for recoverable attorney's fees and investigative costs.

10. Any failure by any Respondent to comply with the terms of this Order may result in issuance by the Executive Secretary of an order to show cause pursuant to NAC 639.965 directing the non-compliant Respondent to appear before the Board at the next regularly scheduled meeting for a show cause hearing. If such a hearing results in a finding of a violation of this Order

by any Respondent, the Board may impose additional discipline upon the non-compliant Respondent(s) consistent with the provisions of NRS Chapter 639.

11. General Counsel will present this Stipulation to the Board for approval pursuant to NRS 622.330 at the Board's regularly scheduled public meeting on July 12, 2023, in Reno, Nevada. Respondent will appear in person at the meeting to answer questions from the Board Members and/or Board Staff. The Board Members and Staff may discuss and deliberate regarding this Stipulation, even if Respondent or counsel are not present at the meeting.

12. The Board has discretion to accept this Stipulation, but it is not obligated to do so. If this Stipulation is approved by the Board, it shall be a public record pursuant to NRS 622.330 and shall be reported to the National Practitioner Data Bank pursuant to 42 USC § 1396r-2 and 45 CFR Part 60.

13. If the Board rejects any part or all of this Stipulation, and unless they reach an alternative agreement on the record during the hearing, the parties agree that a full hearing on the merits of this matter may be heard by the Board on the same day or at a later date. The terms and admissions herein may not be used or referred to in a full hearing on the merits of this matter.

14. Upon approval of this Stipulation by the Board, Respondent shall pay the fines agreed to herein by *personal check, business check, cashier's check or certified check or money order* made payable to "**State of Nevada, Office of the Treasurer,**" to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within thirty (30) days of entry of this Order.

15. Upon approval of this Stipulation by the Board, Respondent shall pay the attorney's fees and investigative costs agreed to herein by *personal check, business check, cashier's check or certified check or money order* made payable to "**Nevada State Board of Pharmacy,**" to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within thirty (30) days of entry of this Order.

16. Subject to the approval of this Stipulation by the Board, the Board and Respondent agree to release one another from any and all additional claims arising from the facts set forth in the Accusation on file herein, whether known or unknown that might otherwise have existed on or before the effective date of this Order.

Respondent have fully considered the charges and allegations contained in the *Notice of Intended Action and Accusation* in this matter, and the terms of this Stipulation, and have freely and voluntarily agreed to the terms set forth herein, and waived certain rights, as stated herein.

**AGREED:**

Signed this 1 <sup>June</sup>~~July~~ date of ~~July~~ 2023.

  
SMITH'S PHARMACY #389  
Pharmacy License No. PH03798

By: Jaime Montuoro, PharmD

Its: Division Health Leader

Signed this 1st date of July 2023.

  
PETER K. KEEGAN, ESQ.  
General Counsel  
Nevada State Board of Pharmacy

**ORDER**

The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as to Respondent Smith's Pharmacy #389, Pharmacy License No. PH00976, in Case No. 22-344-PH-N, and hereby orders that the terms of the foregoing Stipulation be made immediately effective upon execution below.

**IT IS SO ORDERED.**

Entered this \_\_\_\_ day of July 2023.

\_\_\_\_\_  
Helen Park, President  
Nevada State Board of Pharmacy



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NEVADA STATE BOARD  
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

JOSEPH DELALLO, RPh.  
Certificate of Registration No. 18429,

and

CVS PHARMACY #4691  
Certificate of Registration No. PH02471

Respondents.

Case No. 22-104-PH-N  
22-104-RPH-N

STIPULATED FACTS

Peter Keegan, Esq., General Counsel for the Nevada State Board of Pharmacy, and William Stilling, Esq., counsel for Respondents, Joseph DeLallo, RPh. ("DeLallo"), Certificate of Registration No. 18429, and CVS Pharmacy #4691 ("CVS 4691"), License No. PH02471, **HEREBY STIPULATE TO THE FOLLOWING OPERATIVE FACTS IN THIS MATTER:**

1. The Nevada State Board of Pharmacy ("Board") has jurisdiction over this matter because, at the time of the events alleged herein, Respondent DeLallo, Certificate of Registration No. 18429, and Respondent, CVS 4691, License No. PH02471.

**PRIOR DISCIPLINE**  
**(DeLallo)**

2. On or about February 18, 2022, Respondent DeLallo was mailed a \$500.00 Citation and Fine in Case No. 19-008-RPH-N for a medication misfill of Guanfacine HCL ER 3MG TB24 with incorrect directions "take 3 tablets by mouth at bedtime," instead of the prescribed "take 3mg by moth every bedtime." Respondent DeLallo timely paid the \$500.00 fine.

3. On or about September 3, 2014, Respondent DeLallo Stipulated in Case No. 14-023-RPH-N to pay (i) a \$750.00 fine for the medication misfill of a prescription for Cedax 400mg capsules with Citalopram 40mg; (ii) complete one additional hours of CE in the area of "error prevention;" (iii) pay a fine of \$750.00 for a counseling violation; (iv) complete additional CVS



corporate pharmacist training; and (v) pay a \$45.00 administrative fingerprinting fee. Respondent DeLallo timely complied with the terms of the Stipulation.

**PRIOR DISCIPLINE**  
**(CVS #4691)**

4. On or about March 6, 2019, Respondent CVS #4691 stipulated in Case No. 17-089-PH-N to pay (i) a \$1,000.00 fine; and (ii) \$1,500.00 in attorney's fees and costs for deleting and/or having a system that allowed its employee to delete a prescription record or portion of a prescription record, specifically by removing the original data and eliminating any reference of a filling error; as well as for failing to maintain a record keeping system that would allow for readily retrievable prescription records. CVS #4691 further stipulated to take the necessary corrective action regarding its electronic record keeping system.

5. On or about June 5, 2019, Respondent CVS #4691 stipulated in Case No. 18-086-PH-N to pay (i) a \$500.00 fine and \$750.00 in attorney fees and costs as the pharmacy/pharmacy owner liable for (i) allowing two pharmaceutical technicians to work with expired registrations; (ii) the dispensation of medication to the wrong patient by a pharmaceutical technician operating the point of sale under a different pharmaceutical technician's credentials and (iii) the unprofessional conduct of a pharmaceutical technician who failed to maintain the security of her password.

**FACTUAL ALLEGATIONS**

6. Respondent DeLallo was employed by CVS #4691, Certificate of Registration No. PH02471, located at 5151 Sparks Blvd., Sparks, NV 89436, as the managing pharmacist at the time of the events alleged herein.

7. Anup Chabra, RPh. ("Chabra"), was employed by CVS #4691 as a pharmacist at the time of the events alleged herein.

8. Maria Camila Giraldo Piedrahita, P.T. ("Giraldo Piedrahita"), was employed by CVS #4691 as a pharmaceutical technician at the time of the events alleged herein.

9. On March 13, 2022, a prescription refill for Mercaptopurine 50mg #60 tablets, issued to patient C.L., was processed at by CVS #4691 for patient C.L. and designated as RX #1178244 CVS's computer system.

10. On March 13, 2022, pharmacist Chabra, performed the Drug Utilization Review ("DUR") override, warning verification, data entry verification, and patient age check for RX #1178244 within CVS #4691's computer system.

11. On March 14, 2022, pharmaceutical technician Giraldo Piedrahita printed the label, filled, and performed the multipackage confirmation scan for RX #1178244.

12. On March 14, 2022, managing pharmacist, Respondent DeLallo verified and dispensed RX #1178244 to patient C.L.

13. Beginning the first week of April 2022, patient C.L. began taking tablets from the bottle containing RX #1178244; after taking the tablets for approximately one (1) week patient C.L. noticed the bottle contained different size tablets.

14. On April 10, 2022, patient C.L. reported to the Renown Hospital emergency room upon suspicion of ingesting unknown medication mixed into RX #1178244.

15. Pharmacy staff at Renown Hospital determined the unknown tablets mixed into RX #1178244 were 250mg Mefloquine, a Malaria prevention drug.

16. Patient C.L. was examined by Renown medical staff and discharged in "good" condition.

**Respondent(s) have fully considered the charges and allegations contained in the *Notice of Intended Action and Accusation* in this matter, and has knowingly and voluntarily agreed to the stipulated facts set forth herein and thereby waived certain rights to contest the stipulated facts and to require the State to prove each stipulated fact by a preponderance of evidence.**

AGREED:

Signed this 12<sup>th</sup> day of July 2023.

STILLING & HARRISON

  
WILLIAM J. STILLING

222 South Main Street, Suite 500

Salt Lake City, Utah 84101

801-341-2021

*Counsel for Joseph DeLallo, RPh. and  
CVS Pharmacy #4691*

Signed this 12<sup>th</sup> day of July 2023.

NEVADA STATE BOARD OF PHARMACY

  
PETER K. KEEGAN, ESQ.

General Counsel

985 Damonte Ranch Pkwy., Ste. 206

Reno, Nevada 89502

775-850-1440

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

JOSEPH DELALLO, RPh.  
Certificate of Registration No. 18429,

and

CVS PHARMACY #4691  
Certificate of Registration No. PH02471

Respondents.

Case No. 22-104-PH-N  
22-104-RPH-N

DECLARATION OF  
MONICA SEGEDY

I, Monica Segedy, hereby state the following:

1. I am an investigator employed by the Nevada State Board of Pharmacy ("Board"). Pursuant to NRS 53.045, I have made this declaration at the request of Peter K. Keegan, General Counsel, for his use in the above-entitled administrative action.

2. As an investigator for the Board, I am responsible for investigating administrative disciplinary cases involving alleged violations of chapters 453 and 639 of the Nevada Revised Statutes (NRS). In this regard, I investigate persons and companies who are subject to the Board's regulatory jurisdiction, including physicians, advance practice registered nurses, pharmacists, pharmacy technicians, dispensing technicians, pharmacies, wholesalers, manufacturers, and other persons who prescribe, dispense, sell, and/or distribute dangerous drugs and/or controlled substances.

3. I have access to InLumon, the Board's electronic database which contains information maintained in the Board's normal course of business operations including the investigation of complaints and the licensing of parties under the Board's jurisdiction.

4. As part of my job responsibilities as an investigator, I prepared an investigative report, dated September 12, 2022, which details my investigation of the complaint filed with the Board against CVS Pharmacy #4691 and Joseph DeLallo, RPh. A true and correct copy of my Investigative Report is attached hereto as **Exhibit 1**.



5. A copy of the patient's complaint to the Board along with the photographs attached hereto is attached hereto as **Exhibit 2**.

6. During my investigation I obtained a copy of the complaining patient's prescription for mercaptopurine 50 mg #60 oral tablets from CVS. The prescription at issue was designated as prescription no. 1178244 by CVS. A copy of my investigation report is attached hereto as **Exhibit 3**.

7. During my investigation I obtained a copy of the credential history and POS information for prescription no. 1178244 from CVS. The credential history and POS information is an electronic chronology maintained by CVS detailing the receipt, filling, and dispensation of prescription no. 1178244. A copy of CVS's fill chronology is attached hereto as **Exhibit 4**.

8. During my investigation I obtained medical records from Renown Regional Medical Center for the complaining patient. The patient's medical records indicate she presented on April 10, 2022, and expressed concern that she had ingested medication that was incorrectly comingled with her CVS prescription. Copies of the medical records are attached hereto as **Exhibit 5**.

9. As part of my investigation, I obtained a declaration from William Andrew Bell, RPh., who was the pharmacist on staff at Renown Regional Medical Center on April 10, 2022. The Declaration reflects Pharmacist Bell's findings upon evaluating the contents of the complaining patient's prescription bottle for CVS prescription no. 1178244. A copy of Pharmacist Bell's declaration is attached hereto as **Exhibit 6**.

10. At the request of Peter Keegan, I performed a search of InLumon, the Board's electronic database, and I verified that Respondent DeLallo had past discipline including:

- a. a \$500.00 Citation and Fine in Case No. 19-008-RPH-N for a medication misfill; and
- b. a Stipulation in Case No. 14-023-RPH-N to pay (i) a \$750.00 fine for a medication misfill of a prescription for Cedax 400mg capsules with Citalopram 40mg; (ii) complete one additional hours of CE in the area of "error prevention;" (iii) pay a fine of \$750.00 for a counseling violation; (iv) complete additional CVS corporate pharmacist training; and (v) pay a \$45.00 administrative fingerprinting fee.

Copies of the Citation and Fine in Case No. 19-008-RPH-N as well as the Stipulation in Case No. 14-023-RPH-N are attached here to as **Exhibit 7**.

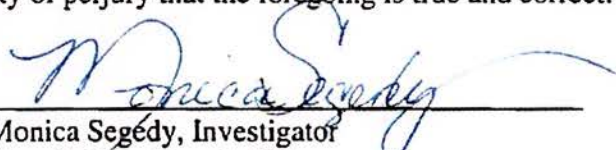
11. At the request of Mr. Keegan, I also performed a search of InLumon, the Board's electronic database, and I verified that Respondent CVS #4691 had past discipline including:

- a. a Stipulation in Case No. 17-089-PH-N to pay (i) a \$1,000.00 fine and \$1,500.00 in attorney fees and costs for failing to maintain records in a readily retrievable manner and for deleting and/or having a system that allowed its employee to delete records, or a portion of records, specifically by removing the original data and eliminating any reference to a filling error; and
- b. a Stipulation in Case No. 18-086-PH-N to pay (i) a \$500.00 fine and \$750.00 in attorney fees and costs as the pharmacy/pharmacy owner liable for (i) allowing two pharmaceutical technicians to work with expired registrations; (ii) the dispensation of medication to the wrong patient by a pharmaceutical technician operating the point of sale under a different pharmaceutical technician's credentials and (iii) the unprofessional conduct of a pharmaceutical technician who failed to maintain the security of her password.

Copies of the Stipulations in Case Nos. Case No. 17-089-PH-N and 18-086-PH-N are attached here to as **Exhibit 8**.

I, Monica Segedy, declare under penalty of perjury that the foregoing is true and correct.

Executed this 5<sup>th</sup> day of July 2023.

  
\_\_\_\_\_  
Monica Segedy, Investigator  
Nevada State Board of Pharmacy

# EXHIBIT 1

Case No. 22-104-PH/RPH-N

JOSEPH DELALLO, RPH.

CVS PHARMACY #4691



**Inlumon Case:** 22-104-PH-N

Date: 9/12/2022

**Investigator:** Monica S. Segedy

**Date Complaint Filed:** 4/11/2022

**Offense:** Mis-Fill

**Respondent:** CVS Pharmacy (PH02471);  
5151 Sparks Blvd.,  
Sparks, NV 89436  
RPh Anup Chabra (#19283);  
Managing RPh Joseph DeLallo (#18429);

**Summary of Complaint:**

CVS Pharmacy filled complainant's prescription with two different drugs.

**Investigative Findings:**

Rx#1178244 in the name of C [REDACTED] L [REDACTED] for 60 tablets of 50 mg Mercaptopurine was filled on 3/13/2022 by RPh Anup Chabra (#19283) and verified and dispensed by Managing Pharmacist RPh Joseph DeLallo (#18429) on 3/14/2022.

On 4/10/2022, after L [REDACTED] reported to the ER, The Renown Regional Hospital Pharmacy determined Rx#1178244 was mis-filled and mixed with at least two or more tablets of 250 mg Mefloquine, a drug for the treatment of Malaria.

**Contact with Complainant**

On 4/13/2022 Monica S. Segedy telephonically contacted C [REDACTED] L [REDACTED] at (775) [REDACTED]. After being advised of the identity of the interviewing investigator and the purpose of the contact Lancaster provided the following information:

On 3/13/2022 she had her prescription of Mercaptopurine filled at CVS Pharmacy on Sparks Blvd., Sparks, NV. Lancaster takes Mercaptopurine for ulcerative colitis. Inasmuch as L [REDACTED] had pills left from her previous prescription, she did not start taking the pills from the 3/13/2022 prescription until the first week in April 2022. After taking the medication for about one week she noticed some of the pills were smaller than the others. Since L [REDACTED] did not know what she had



taken she reported to the Renown Emergency Room on Mills St., Reno NV on 4/10/2022, and she brought the pills with her.

L [REDACTED] was examined by Dr. John R. Hardwick who conducted several blood tests and an EKG. Dr. Hardwick reported that L [REDACTED] was fine, and she did not suffer any known ill effects of the unknown medication.

Dr. Hardwick took the unknown medication to the Renown Pharmacy, who later determined that the unknown medication was 250 MG Mefloquine mixed with her prescribed Mercaptopurine.

L [REDACTED] advised her prescribing physician is Dr. William Pfau.

L [REDACTED] provided four (4) photos of the prescription in question which was given Rx# 1178244 by CVS Pharmacy, a copy of the description of the incorrect drug mixed with her Mercaptopurine, and a copy of the Renown ER "After Visit Summary."

Renown Pharmacy identified the unknown drug as 250 MG Mefloquine, a drug for the prevention of Malaria.

See Complainant Documents: 22-104 Photo 1

22-104 Photo 2

22-104 Photo 3

22-104 Photo 4

22-104 Mis-fill drug identification

22-104 Renown ER After Visit Summary

### **Request for Records from CVS**

On 4/19/2022 Monica S. Segedy spoke with RPh Holly Yin at CVS Pharmacy 5151 Sparks Blvd., Sparks, NV and requested the following documents:

1. Copy of the original script for Rx#1178244 in the name of C [REDACTED] L [REDACTED] DOB [REDACTED] dated on or about 3/13/2022 from her prescriber Dr. William Pfau.
2. Identification of who filled and verified Rx#1178244
3. The date the prescription was filled and dispensed.

### **Request for Records from Renown**

On 4/19/2022 Monica S. Segedy contacted Pharm D James Milner, Renown Regional Hospital, at (775) 982-3622 and requested the following records:

1. Identification of Pharmacy personnel who examined pills in question brought in by patient C [REDACTED] L [REDACTED], DOB [REDACTED] when she reported to the ER on 4/10/2022.
2. Identification of the pills in question
3. Any notations or documentation regarding the identification of the pills in question.
4. Renown patient chart for C [REDACTED] L [REDACTED]

### **Renown Records Received and Reviewed**

On 4/21/2022 Monica S. Segedy received from Renown PharmD James Milner, a Renown Emergency Department report regarding a visit to the Renown Hospital Emergency Room (ER) on 4/10/2022 by patient C [REDACTED] L [REDACTED]. A summary of this report is as follows:

L [REDACTED] reported to the Renown ER on 4/10/2022 at 11:12 a.m. after she discovered that an unknown medication was mixed in with her prescription of Mercaptopurine. After taking the medication for a week L [REDACTED] noticed some pills were larger than the others. Not knowing what she ingested, L [REDACTED] reported to the ER. (Pg 3).

L [REDACTED] was examined by Dr. John R. Hardwick, who made a final diagnosis of poisoning by antimalarials and drugs acting on other blood protozoa. (Pg 1).

Dr. Hardwick took the pills in question to the Renown Pharmacy who determined the unknown medication mixed with L [REDACTED]'s prescription of Mercaptopurine was Mefloquine. (Pg. 5). Dr. Hardwick also verified the medication through the pill lookup database.

Dr. Hardwick reported the drug had low toxicity, and the patient's labs were "very reassuring." (Pg. 5).

Dr. Hardwick called the CVS pharmacy used by L [REDACTED] and reported the error. Dr. Hardwick stressed the importance of CVS reporting the errors to the NBOP. The pharmacy advised they would re-fill Lancaster's prescription correctly. (Pg. 6)

L [REDACTED] was discharged from Renown at 1:35 p.m. to her home in "good" condition, ambulating independently. (pg. 13).

See Log Document: 22-104 Renown Records.

### **Records Received from CVS**

On 4/27/2022 Monica S. Segedy received the following documents from Lauren Pacia, Senior Analyst, Regulatory Affairs, CVS Health.

1. Copy of the original Rx for C [REDACTED] L [REDACTED] dated 1/28/2022, and given Rx# 1178244
2. Point of Sale (POS) Activity Report for Rx#1178244.

See Respondent Document: 22-104 Copy of Original Rx

See Respondent Document: 22-104 POS Activity Report

See Respondent Document: 22-104 Email Response from CVS

### **Review of CVS Records**

On 5/4/2022 Monica S. Segedy reviewed the above reference documents from CVS and determined the following:

Rx#1178244 was originally written on 1/28/2022 for C [REDACTED] L [REDACTED] for 50 mg Mercaptopurine, 60 tablets to be taken by mouth once a day, with 8 refills.

On 3/13/2022 L [REDACTED] refilled Rx#1178244 at CVS Pharmacy Store #4691 at 5151 Sparks Blvd., Sparks, NV. The prescription was filled by RPh Anup Chabra (#19283) and verified and dispensed on 3/14/2022 by Managing Pharmacist Joseph DeLallo (RPh #18429).

### **Declaration of RPh William "Andy" Bell**

On 9/12/2022 Monica s. Segedy obtained from RPH William "Andy" Bell a signed Declaration regarding his testing and identification of the contents of RX#1178244 for patient C [REDACTED] L [REDACTED] See Log Document: 22-104 signed Declaration.



# EXHIBIT 2

Case No. 22-104-PH/RPH-N

JOSEPH DELALLO, RPH.

CVS PHARMACY #4691



**Rx Details**

Request Number : 4804329 Store Number : 4691

Rx Number : 1178244

Fill No : 1

Fill Date : 03/13/2022

**Rx Image**Approved: **01/28/2022 12:11 PM****New eRx**Name: **L [REDACTED], C [REDACTED]**DOB: [REDACTED] Gender: **F** Phone: **(775) [REDACTED]**Address: **[REDACTED] VISTA BLVD APT [REDACTED] SPARKS, NV  
89436**Drug: **mercaptopurine 50 mg oral tablet**

Alt Drug:

Qty: **60 Tablet**DAW: **0 - Substitution Permitted**SIG: **Take Two 50 mg tablet by mouth once a day**

MD Notes:

Orig. Date Written: **01/28/2022**

Rx Exp Date:

Do Not Fill Before:

Refills: **8**

Diagnosis:

**Interchange is mandated unless the practitioner writes the words "No Substitution" in the space.**Prescriber: **Pfau, William, MD  
655 Sierra Rose Dr RENO, NV, 89511, (775) 829-7600  
DEA: BP5982295**NPI #: **1346204641**

St Lic:

Sup. Prescriber:

NPI #:

DEA:

St Lic:

SPI #: **6870472415001**

# EXHIBIT 3

Case No. 22-104-PH/RPH-N

JOSEPH DELALLO, RPH.

CVS PHARMACY #4691

FW: Prescription mix up

Monica Segedy <msegedy@pharmacy.nv.gov>

Wed 4/13/2022 10:50 AM

To: Darlene Nases <dnases@pharmacy.nv.gov>

Darlene:

Will you please open a case on the below complaint. Complainant's Full name is C [REDACTED] L [REDACTED] DOB [REDACTED]  
[REDACTED] Address: [REDACTED] Axis Dr., Sparks, NV 89436  
Respondent is CVS on Sparks Blvd., Sparks NV

Thank you!

*Monica S. Segedy*

Investigator

Nevada State Board of Pharmacy

msegedy@Pharmacy.nv.gov

(775) 850-1440



NOTICE: This information is provided as a courtesy on behalf of the Nevada State Board of Pharmacy. This information does not constitute legal advice and does not establish an attorney-client relationship. This information does not override the specific provisions of Nevada law as applied to a particular set of facts.

From: Pharmacy Board <pharmacy@pharmacy.nv.gov>

Sent: Tuesday, April 12, 2022 3:35 PM

To: Monica Segedy <msegedy@pharmacy.nv.gov>

Subject: Fw: Prescription mix up

Thank you.

**Nevada State**

**Board of Pharmacy**

985 Damonte Ranch Pkwy Suite 206



NVBOP0012



Reno, NV 89521

Office: 775-850-1440

Fax: 775-850-1444

Web Page: [www.bop.nv.gov](http://www.bop.nv.gov)

This information is provided as a courtesy on behalf of the Nevada State Board of Pharmacy. This information does not constitute legal advice and does not override the specific provisions of Nevada law as applied to a particular set of facts.

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**From:** [REDACTED]  
**Sent:** Monday, April 11, 2022 11:45 AM  
**To:** Pharmacy Board <[pharmacy@pharmacy.nv.gov](mailto:pharmacy@pharmacy.nv.gov)>  
**Subject:** Prescription mix up

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I was given a bottle of pills that were labeled as Mercaptopurine, however, about a week into taking them I noticed that there were some pills that looked different in the bottle. Took them to ER when I noticed and they confirmed that they were in fact a different type of drug. I am very concerned that not only myself, but others may have had the same thing happen. They are from the CVS on Sparks Blvd in Sparks, NV. The ER doctor notified CVS immediately and did tests on me to make sure that I didn't have any side effects. My phone number is (775) [REDACTED] or I will respond to any emails. Thank you!



NVBOP0013



# EXHIBIT 4

Case No. 22-104-PH/RPH-N

JOSEPH DELALLO, RPH.

CVS PHARMACY #4691



04/10/2022 - ED in Renown Regional Medical Center, Emergency Dept

Reason for Visit

Chief Complaint [last edited by Britt K Hayes, R.N. on 4/10/2022 1112]

- Drug Ingestion (Possible drug ingestion. Pt states she was taking her normal medication and noticed that there were a few pills that look similar in bottle but not her normal medication. Pt believes CVS may have accidentally placed medication with hers and worried that she may have taken the wrong medication )

Visit Diagnosis [last edited by John R Hardwick, M.D. on 4/10/2022 1323]

Name	Is ED?
Accidental drug ingestion, initial encounter	Yes

Visit Information

Admission Information

Arrival Date/Time:	04/10/2022 1102	Admit Date/Time:	04/10/2022 1123	IP Adm. Date/Time:	
Admission Type:	Emergency	Point of Origin:	Non-health Care	Admit Category:	
Means of Arrival:	Walk-in	Primary Service:	Emergency	Secondary Service:	N/A
Transfer Source:		Service Area:	RENOWN HEALTH	Unit:	Renown Regional Medical Center, Emergency Dept
Admit Provider:		Attending Provider:	John R Hardwick, M.D.	Referring Provider:	

ED Disposition

ED Disposition	Condition	User	Date/Time	Comment
Discharge	Stable	John R Hardwick, M.D.	Sun Apr 10, 2022 1:23 PM	

Discharge Information

Date/Time: 04/10/2022 1335	Disposition: Discharged To Home/self Care (01)	Destination: Home
Provider: —	Unit: Renown Regional Medical Center, Emergency Dept	

Admission Diagnoses / Reasons for Visit (ICD-10-CM)

Code	Description	Comments
T37.2X1A	Poisoning by antimalarials and drugs acting on other blood protozoa, accidental (unintentional), initial encounter	

Final Diagnoses (ICD-10-CM)

Code	Description	POA	CC	HAC	Affects DRG
T37.2X1A	Poisoning by antimalarials and drugs acting on other blood protozoa, accidental (unintentional), initial encounter				
[Principal]					
Z87.891	Personal history of nicotine dependence				

ED Arrival Information

Expected	Arrival	Acuity	
-	4/10/2022 11:02	Acuity 4	
Means of arrival	Escorted by	Service	Admission type
Walk-In	Self	EMERGENCY	Emergency
Arrival complaint			
follow up			

ED Disposition

ED Disposition	Condition	Comment
Discharge	Stable	

04/10/2022 - ED in Renown Regional Medical Center, Emergency Dept (continued)

ED Disposition (continued)

ED Chief Complaint

Complaint	Comment
Drug Ingestion	Possible drug ingestion. Pt states she was taking her normal medication and noticed that there were a few pills that look similar in bottle but not her normal medication. Pt believes CVS may have accidentally placed medication with hers and worried that she may have taken the wrong medication

Treatment Team

Provider	Role	From	To
John R Hardwick, M.D.	Attending Provider	04/10/22 1133	04/10/22 1335
Megan J. Swanson, R.N.	Registered Nurse	04/10/22 1123	--

Events

ED Arrival at 4/10/2022 1102

Unit: Renown Regional Medical Center, Emergency Dept  
User: Luis A Viera Reyes

Admission at 4/10/2022 1123

Unit: Renown Regional Medical Center, Emergency Dept  
Room: YE 65  
Bed: 65 YEL  
User: Megan J. Swanson, R.N.  
Patient class: Emergency

ED Roomed at 4/10/2022 1123

Unit: Renown Regional Medical Center, Emergency Dept  
Room: YE 65  
Bed: 65 YEL  
User: Megan J. Swanson, R.N.  
Patient class: Emergency

Discharge at 4/10/2022 1335

Unit: Renown Regional Medical Center, Emergency Dept  
Room: YE 65  
Bed: 65 YEL  
User: Megan J. Swanson, R.N.  
Patient class: Emergency

Patient as-of Visit

Immunizations as of 4/10/2022

Immunizations last reviewed by Susan Whatley, Med Ass't on 4/18/2017 1056

Influenza Vaccine Quad Inj (Pf)

Administered on: 10/14/2021  
CVX code: 150  
Manufacturer: ID Biomedical  
Site: Left deltoid  
Lot number: 47K47  
Route: Intramuscular  
Location: CVS #4691

Influenza Vaccine Quad Inj (Pf)

Administered on: 9/26/2020  
CVX code: 150  
Manufacturer: GLAXO SMITH KLINE  
Site: Left arm  
Lot number: P100255598  
Route: Intramuscular  
Location: WG #12488

Influenza Vaccine Quad Inj (Pf)

Administered on: 10/5/2018  
CVX code: 150  
Manufacturer: GLAXO SMITH KLINE  
Site: Left deltoid  
Lot number: M73CE  
Route: Intramuscular  
Location: ALPFAMMED

Influenza Vaccine Quad Inj (Preserved)

Administered on: 11/15/2019  
CVX code: 158  
Site: Right arm  
Route: Intramuscular



04/10/2022 - ED in Renown Regional Medical Center, Emergency Dept (continued)

Patient as-of Visit (continued)

Manufacturer: Seqirus	Lot number: P100142911	Location: WG #12540
<b>Moderna SARS-CoV-2 Vaccine</b>		
Administered on: 6/18/2021	Site: Right arm	Route: Intramuscular
CVX code: 207		
Manufacturer: Moderna	Lot number: 025C21A	External: Auto Reconciled From Outside Source
Location: NWWALG12540		

<b>Moderna SARS-CoV-2 Vaccine</b>		
Administered on: 7/16/2021	Site: Right arm	Route: Intramuscular
CVX code: 207		
Manufacturer: Moderna	Lot number: 036C21A	External: Auto Reconciled From Outside Source
Location: NWWALG12540		

**Pneumococcal Conjugate Vaccine (Prevnar/PCV-13)**

Administered on: 5/21/2012	CVX code: 133
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**Immunization Review History**

User	Reviewed On
Susan Whatley, Med Ass't	04/18/2017 1056
Susan Whatley, Med Ass't	03/13/2017 1414
Susan Whatley, Med Ass't	02/06/2017 1213

**ED Provider Note**

**ED Provider Notes by John R Hardwick, M.D. at 4/10/2022 1147**

Author: John R Hardwick, M.D.	Service: Emergency Medicine	Author Type: Physician
Filed: 4/10/2022 4:57 PM	Date of Service: 4/10/2022 11:47 AM	Status: Signed
Editor: John R Hardwick, M.D. (Physician)		

ED Provider Note

**CHIEF COMPLAINT**

**Chief Complaint**

Patient presents with

• Drug Ingestion

*Possible drug ingestion. Pt states she was taking her normal medication and noticed that there were a few pills that look similar in bottle but not her normal medication. Pt believes CVS may have accidentally placed medication with hers and worried that she may have taken the wrong medication*

**HPI**

Christine M Lancaster is a 45 y.o. female who presents with chief complaint of drug ingestion. Patient reports that she has been taking mercaptopurine for multiple months, she was recently refilled this medication a week ago. She has been taking it for a week. Today she noticed that one of her pills was much larger than the other and had a drug number. Patient was concerned about this and came to the emergency department. Patient is on mercaptopurine for ulcerative colitis and reports that is actually been controlling her symptoms very well. She denies any associated abdominal pain or change in bowel movements. Patient denies any fevers or chills, nausea vomiting or symptoms otherwise at this point.

Patient mercaptopurine is code 54-420

The suspect medication is 54-111; methloquine



04/10/2022 - ED in Renown Regional Medical Center, Emergency Dept (continued)

ED Provider Note (continued)

**REVIEW OF SYSTEMS**

ROS

See HPI for further details. All other systems are negative.

**PAST MEDICAL HISTORY**

has a past medical history of Acne, Anxiety, ASTHMA, Depression, and Ulcerative colitis.

**SOCIAL HISTORY**

Social History

Tobacco Use

- Smoking status: Former Smoker  
Quit date: 2/7/2002  
Years since quitting: 20.1
- Smokeless tobacco: Never Used

Vaping Use

- Vaping Use: Never used

Substance and Sexual Activity

- Alcohol use: Yes  
*Comment: Occ.*
- Drug use: No
- Sexual activity: Yes  
Partners: Male

**SURGICAL HISTORY**

has a past surgical history that includes primary c section; sigmoidoscopy flex (10/24/2015); and sigmoidoscopy flexible with biopsy (10/24/2015).

**CURRENT MEDICATIONS**

Home Medications

Reviewed by Britt K Hayes, R.N. (Registered Nurse) on  
04/10/22 at 1113

Med List Status: Partial

Medication	Last Dose	Status
albuterol 108 (90 Base) MCG/ACT Aero Soln inhalation aerosol	4/10/2022	Active
ergocalciferol (DRISDOL) 50000 UNIT capsule		Active
escitalopram (LEXAPRO) 10 MG Tab	4/10/2022	Active
ferrous sulfate 325 (65 FE) MG tablet		Active
levothyroxine (SYNTHROID) 75 MCG Tab	4/10/2022	Active
mercaptopurine (PURINETHOL) 50 MG Tab	4/10/2022	Active
Omega-3 Fatty Acids (FISH OIL) 1000 MG Cap capsule		Active
Saccharomyces boulardii (PROBIOTIC) 250 MG Cap		Active

**ALLERGIES**

04/10/2022 - ED in Renown Regional Medical Center, Emergency Dept (continued)

ED Provider Note (continued)

Allergies

Allergen

- Avocado
- Remicade [Infliximab]
- Rosemary Oil  
rash
- Sage [Salvia Officinalis]

Reactions

Itching  
Shortness of Breath  
Rash

**PHYSICAL EXAM**

Vitals:

04/10/22 1103

BP: 143/85

Pulse: 77

Resp: 14

Temp: 36 °C (96.8 °F)

SpO2: 95%

**Physical Exam**

Constitutional:

Appearance: She is well-developed.

HENT:

Head: Normocephalic and atraumatic.

Eyes:

Conjunctiva/sclera: Conjunctivae normal.

Cardiovascular:

Rate and Rhythm: Normal rate and regular rhythm.

Pulmonary:

Effort: Pulmonary effort is normal.

Breath sounds: Normal breath sounds.

Abdominal:

General: Bowel sounds are normal. There is no distension.

Palpations: Abdomen is soft.

Tenderness: There is no abdominal tenderness. There is no rebound.

Musculoskeletal:

Cervical back: Normal range of motion and neck supple.

Skin:

General: Skin is warm and dry.

Findings: No rash.

Neurological:

Mental Status: She is alert and oriented to person, place, and time.

Psychiatric:

Behavior: Behavior normal.

**COURSE & MEDICAL DECISION MAKING**

Pertinent Labs & Imaging studies reviewed. (See chart for details)

Patient here with what appears to be a pharmacy error, I have confirmed with both the pharmacist and our pill lookup database, that patient was given tabs of mefloquine. This can increase patient's QT but otherwise is low toxicity at the dose which patient was prescribed. I checked basic labs, these are very reassuring. Patient's EKG fails to reveal any

04/10/2022 - ED in Renown Regional Medical Center, Emergency Dept (continued)

ED Provider Note (continued)

evidence of long QT. I called the pharmacy to let them know about the error and stressed the importance of them reporting to this to the pharmacy board. I have also stressed the importance of patient reporting some form support as well. I discussed return cautions with patient. The pharmacy reports that they are able to refill patient's medicine correctly.

The patient will return for worsening symptoms and is stable at the time of discharge. The patient verbalizes understanding and will comply.

**FINAL IMPRESSION**

1. Accidental drug ingestion, initial encounter

Electronically signed by: John R Hardwick, M.D., 4/10/2022 11:48 AM

Electronically signed by John R Hardwick, M.D. at 4/10/2022 4:57 PM

ED Notes

ED Notes by Megan J. Swanson, R.N. at 4/10/2022 1334

Author: Megan J. Swanson, R.N.	Service: —	Author Type: Registered Nurse
Filed: 4/10/2022 1:35 PM	Date of Service: 4/10/2022 1:34 PM	Status: Signed
Editor: Megan J. Swanson, R.N. (Registered Nurse)		

Pt discharged home as ordered by erp. Pt instructed to follow up with her PCP and return here as needed. Pt verbalized understanding and left ambulating independently

Electronically signed by Megan J. Swanson, R.N. at 4/10/2022 1:35 PM

ED Triage Notes by Britt K Hayes, R.N. at 4/10/2022 1113

Author: Britt K Hayes, R.N.	Service: —	Author Type: Registered Nurse
Filed: 4/10/2022 11:14 AM	Date of Service: 4/10/2022 11:13 AM	Status: Signed
Editor: Britt K Hayes, R.N. (Registered Nurse)		

Pt to triage .

**Chief Complaint**

Patient presents with

- Drug Ingestion

*Possible drug ingestion. Pt states she was taking her normal medication and noticed that there were a few pills that look similar in bottle but not her normal medication. Pt believes CVS may have accidentally placed medication with hers and worried that she may have taken the wrong medication*

Electronically signed by Britt K Hayes, R.N. at 4/10/2022 11:14 AM



04/10/2022 - ED in Renown Regional Medical Center, Emergency Dept (continued)

ED Notes (continued)

ED Care Timeline

Patient Care Timeline (4/10/2022 11:02 to 4/10/2022 13:35)

4/10/2022	Event	Details	User
11:01:58	Emergency encounter created		Luis A Viera Reyes
11:02	Patient arrived in ED		Luis A Viera Reyes
11:03	Travel Screening	In the last 10 days, have you been in contact with someone who was confirmed or suspected to have Coronavirus/COVID-19? <b>No / Unsure</b> ; Have you had a COVID-19 viral test in the last 10 days? <b>No</b> ; Do you have any of the following new or worsening symptoms? <b>None of these</b> ; Have you traveled internationally or domestically in the last month? <b>No</b> Travel Locations: <b>Travel history not shown for past encounters</b>	Luis A Viera Reyes
11:03	Simple Vitals	<b>Vital Signs (Complex)</b> Temperature: 36 °C (96.8 °F) Temp src: Temporal Pulse: 77 Respiration: 14 Blood Pressure: 143/85 Blood Pressure MAP (Calculated): 104 MM HG BP Location: Right; Upper Arm Patient BP Position: Sitting <b>Oxygen Therapy</b> Pulse Oximetry: 95 %	Destiny H Linnell, EMT-Advanced
11:03	Custom Formula Data	<b>Vitals Calculations</b> Most Recent SBP (ANY): 143 Most Recent DBP (ANY): 85 Most Recent BP Type: Entered BP Most Recent Temp (ANY): 96.8 Most Recent BP (Any): 143/85 <b>Sepsis Screening Tool</b> SIRS Temperature: 0 SIRS Heart Rate: 0 SIRS Respiratory Rate: 0 <b>PEWS Score</b> Systolic BP Score: 0 Heart Rate Score: 0 RR Score: 0 <b>Relevant Labs and Vitals</b> Temp (in Celsius) for APACHE IV: 36 <b>Other flowsheet entries</b> Pulse Ox: 95 Sepsis Heart Rate : 0 Total Score: 4 Sepsis Temperature: 4 SIRS Respiratory Rate : 0 Most Recent HR (ANY): 77 Most Recent HR Type: Pulse (Entered) Most Recent HR (ANY): 77 WBC (Within 24 hrs of screening): 0	Destiny H Linnell, EMT-Advanced
11:03	Language Interpreter	Language Interpreter Interpreter Needed?: No	Luis A Viera Reyes
11:03:11	Patient arrived in ED		Luis A Viera Reyes
11:03:11	Arrival Complaint	follow up	

04/10/2022 - ED in Renown Regional Medical Center, Emergency Dept (continued)

ED Care Timeline (continued)

11:07	Height and Weight	<b>Height and Weight</b> Weight: 81.9 kg (180 lb 8.9 oz) Weight Source: Stand Up Scale	Britt K Hayes, R.N.
11:07	Triage Start	<b>Triage Start</b> Triage Start: Quick Look Start <b>Other flowsheet entries</b> Escorted By...: Self Means of Arrival: Walk In	Britt K Hayes, R.N.
11:07	Custom Formula Data	<b>Other flowsheet entries</b> Weight % change since last entry.: 0 %	Britt K Hayes, R.N.
11:07:36	Quick Triage Start		Britt K Hayes, R.N.
11:12	Screening	<b>TB Screening</b> Cough Noted?: No <b>Healthcare Outside the USA</b> Overnight Healthcare Outside the US: No <b>Home Medications</b> Does the patient have any home medications with them?: No <b>Domestic Violence Screening</b> Have you ever been the victim of abuse or violence?: No <b>Columbia Suicide Severity Rating Scale</b> 1. Wish to be Dead: No 2. Suicidal Thoughts: No 6. Suicide Behavior Question: No <b>Additional Suicide Screening Questions</b> Suspected or Confirmed Suicide Attempt?: No Harming or killing others?: No <b>Legal Hold</b> Legal Hold: No <b>Tetanus</b> Last Tetanus: Unknown <b>Immunization</b> Are you current on your Pneumococcal vaccine?: No Are you current on FLU vaccine?: No <b>Triage Sepsis Screening Tool (ALL QUESTIONS MUST BE ANSWERED)</b> Resp Rate > 20: No Temp > 100.4 or <96.5 or complaining of rigors (shaking chills): No Heart Rate > 90: No Altered Mental Status: No O2 Sat < 90%: No SBP < 90 mmHg: No Suspected Infection: No If 3 or more, START SEPSIS TIMER, contact charge nurse for immediate room assignment and initiate sepsis nursing protocol. If 5 or more, also page "Code Sepsis" with patient room number.: 0 <b>Neutropenic Screen</b> Are you currently receiving treatment for cancer? : No Have you recently been told you are neutropenic or have a low WBC count or are on any medications known to lower your WBC count or immune system?: No <b>Aortic Screening Group</b> Complains of Chest Pain, Abdominal Pain with Syncope, and/or hypertension and tachycardia: No	Britt K Hayes, R.N.
11:12	Custom Formula Data	<b>Columbia Suicide Severity Rating Scale</b> C-SSRS Risk Level: No Risk	Britt K Hayes, R.N.



04/10/2022 - ED in Renown Regional Medical Center, Emergency Dept (continued)

ED Care Timeline (continued)

11:12:09	Allergies Reviewed	Drug Ingestion (Possible drug ingestion. Pt states she was taking her normal medication and noticed that there were a few pills that look similar in bottle but not her normal medication. Pt believes CVS may have accidentally placed medication with hers and worried that she may have taken the wrong medication )	Britt K Hayes, R.N.
11:12:45	Home Medications Reviewed		Britt K Hayes, R.N.
11:13:47	Home Medications Reviewed		Britt K Hayes, R.N.
11:13:52	History Reviewed	Sections Reviewed: Medical, Surgical, Tobacco, Alcohol, Drug Use	Britt K Hayes, R.N.
11:13:57	ED Triage Notes	Pt to triage . Chief Complaint Patient presents with • Drug Ingestion <i>Possible drug ingestion. Pt states she was taking her normal medication and noticed that there were a few pills that look similar in bottle but not her normal medication. Pt believes CVS may have accidentally placed medication with hers and worried that she may have taken the wrong medication</i>	Britt K Hayes, R.N.
11:14	Triage Plan	Triage Plan Acuity: 4 Destination: Yellow Pod Triage: Primary Assessment Complete	Britt K Hayes, R.N.
11:14:14	Triage Completed		Britt K Hayes, R.N.
11:23:07	Patient roomed in ED	To room YE 65	Megan J. Swanson, R.N.
11:23:10	Assign Nurse	Megan J. Swanson, R.N. assigned as Registered Nurse	Megan J. Swanson, R.N.
11:32	Sepsis Risk Scores	Sepsis Model Scores Early Detection of Sepsis Score (2019): 0.82	Batch, User
11:33	Patient Comfort	Patient Safety Call Bell within reach?: Yes Side rails up with brakes locked?: Yes Family / Friend at bedside: No Appropriate ID bracelet on?: Yes Patient Comfort Bathroom Privileges: Walking to Restroom	Megan J. Swanson, R.N.
11:33	Fall Risk Assessment	KINDER Fall Risk Assessment Present to ED because of fall (IF YES, INTERVENTION DOCUMENTATION IS REQUIRED): No Age > 70 (IF YES, INTERVENTION DOCUMENTATION IS REQUIRED): No Altered mental status (IF YES, INTERVENTION DOCUMENTATION IS REQUIRED): No Impaired Mobility (IF YES, INTERVENTION DOCUMENTATION IS REQUIRED): No Nursing Judgment (IF YES, INTERVENTION DOCUMENTATION IS REQUIRED): No	Megan J. Swanson, R.N.



04/10/2022 - ED in Renown Regional Medical Center, Emergency Dept (continued)

ED Care Timeline (continued)

11:33:41	<b>Begin Patient Medical Exam</b>	John R Hardwick, M.D. assigned as Attending	John R Hardwick, M.D.
11:33:41	<b>Begin Patient Medical Exam</b>	Begin Medical Screening Exam	John R Hardwick, M.D.
11:47	<b>Sepsis Risk Scores</b>	<b>Sepsis Model Scores</b> Early Detection of Sepsis Score (2019): 0.82	Batch, User
12:00	<b>RISK OF FALL SCORES</b>	<b>RISK OF FALLS</b> Risk of Fall Score: 1.23	Batch, User
12:01	<b>Sepsis Risk Scores</b>	<b>Sepsis Model Scores</b> Early Detection of Sepsis Score (2019): 0.82	Batch, User
12:05:25	<b>Lab Ordered</b>	COMP METABOLIC PANEL, CBC WITH DIFFERENTIAL	John R Hardwick, M.D.
12:05:25	<b>Orders Placed</b>	Lab - CBC WITH DIFFERENTIAL; CMP ECG - EKG	John R Hardwick, M.D.
12:16	<b>Sepsis Risk Scores</b>	<b>Sepsis Model Scores</b> Early Detection of Sepsis Score (2019): 0.82	Batch, User
12:18:34	<b>Registration Completed</b>		Teresa G Lemons
12:20:19	<b>Orders Acknowledged</b>	New - CBC WITH DIFFERENTIAL; CMP	Megan J. Swanson, R.N.
12:20:21	<b>Orders Acknowledged</b>	New - EKG	Megan J. Swanson, R.N.
12:31	<b>Sepsis Risk Scores</b>	<b>Sepsis Model Scores</b> Early Detection of Sepsis Score (2019): 0.82	Batch, User
12:33:30	<b>Specimens Collected</b>	EKG - ID: 20502647	
12:37:14	<b>ER Imaging Prelim</b>	EKG	Intf, Rad
12:38	<b>Draw Lab for CBC WITH DIFFERENTIAL Completed</b>	CBC WITH DIFFERENTIAL - Type: Blood	Stefanie A. Williams
12:38	<b>Draw Lab for CMP Completed</b>	CMP - Type: Blood	Stefanie A. Williams
12:38	<b>Specimens Collected</b>	CBC WITH DIFFERENTIAL - ID: N2101399 Type: Blood CMP - ID: N2101399 Type: Blood	Stefanie A. Williams
12:38	<b>Specimens Collected</b>	ESTIMATED GFR - ID: N2101399	
12:44	<b>Cardiac Procedures</b>	<b>Cardiac Procedures</b> EKG Performed: Yes STEMI?: No ERP Name: Dr.Hardwick Time EKG Reviewed: 1244	Stefanie A. Williams
12:47	<b>Sepsis Risk Scores</b>	<b>Sepsis Model Scores</b> Early Detection of Sepsis Score (2019): 0.82	Batch, User

04/10/2022 - ED in Renown Regional Medical Center, Emergency Dept (continued)

ED Care Timeline (continued)

12:56	<b>CBC WITH DIFFERENTIAL Resulted</b>	<p>Abnormal Result Collected: 4/10/2022 12:38 Last updated: 4/10/2022 12:56 Intf, Lab</p> <p>Status: <b>Final result</b> WBC: <b>5.1 K/uL</b> [Ref Range: 4.8 - 10.8] RBC: <b>4.02 M/uL</b> [Ref Range: 4.20 - 5.40] Hemoglobin: <b>14.0 g/dL</b> [Ref Range: 12.0 - 16.0] Hematocrit: <b>41.6 %</b> [Ref Range: 37.0 - 47.0] MCV: <b>103.5 fL</b> [Ref Range: 81.4 - 97.8] MCH: <b>34.8 pg</b> [Ref Range: 27.0 - 33.0] MCHC: <b>33.7 g/dL</b> [Ref Range: 33.6 - 35.0] RDW: <b>54.3 fL</b> [Ref Range: 35.9 - 50.0] Platelet Count: <b>200 K/uL</b> [Ref Range: 164 - 446] MPV: <b>9.0 fL</b> [Ref Range: 9.0 - 12.9] Neutrophils-Polys: <b>76.90 %</b> [Ref Range: 44.00 - 72.00] Lymphocytes: <b>14.20 %</b> [Ref Range: 22.00 - 41.00] Monocytes: <b>6.10 %</b> [Ref Range: 0.00 - 13.40] Eosinophils: <b>1.80 %</b> [Ref Range: 0.00 - 6.90] Basophils: <b>0.60 %</b> [Ref Range: 0.00 - 1.80] Immature Granulocytes: <b>0.40 %</b> [Ref Range: 0.00 - 0.90] Nucleated RBC: <b>0.00 /100 WBC</b> Neutrophils (Absolute): <b>3.89 K/uL</b> [Ref Range: 2.00 - 7.15] (Includes immature neutrophils, if present.) Lymphs (Absolute): <b>0.72 K/uL</b> [Ref Range: 1.00 - 4.80] Monos (Absolute): <b>0.31 K/uL</b> [Ref Range: 0.00 - 0.85] Eos (Absolute): <b>0.09 K/uL</b> [Ref Range: 0.00 - 0.51] Baso (Absolute): <b>0.03 K/uL</b> [Ref Range: 0.00 - 0.12] Immature Granulocytes (abs): <b>0.02 K/uL</b> [Ref Range: 0.00 - 0.11] NRBC (Absolute): <b>0.00 K/uL</b></p>
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12:56:47	<b>Lab Resulted</b>	(Final result) CBC WITH DIFFERENTIAL	Intf, Lab
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12:57:36	<b>EKG Resulted</b>	Collected: 4/10/2022 12:33 Last updated: 4/10/2022 12:57 Status: <b>Final result</b> Report: Renown Regional Medical Center Emergency Dept.	Intf, Rad
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Test Date: 2022-04-10

Pt Name: CHRISTINE LANCASTER	Department: ER
MRN: 3210453	Room: YE 65
Gender: Female	Technician: 36737
DOB: 1976-07-21	Requested By: JOHN R HARDWICK
Order #: 275553811	Reading MD: Hardwick John, MD

Measurements

Intervals	Axis
Rate: 62	P: 36
PR: 144	QRS: 36
QRSD: 90	T: 25
QT: 396	
QTc: 402	

Interpretive Statements

EKG is nsr, nl axis, nl intervals, no ST elevation or depression  
Electronically Signed On 4-10-2022 12:57:36 PDT by Hardwick John, MD

12:57:48	<b>ER Imaging Final</b>	EKG	Intf, Rad
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13:01	<b>Sepsis Risk Scores</b>	<b>Sepsis Model Scores</b> Early Detection of Sepsis Score (2019): 1.35	Batch, User
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13:16	<b>Sepsis Risk Scores</b>	<b>Sepsis Model Scores</b> Early Detection of Sepsis Score (2019): 1.26	Batch, User
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04/10/2022 - ED in Renown Regional Medical Center, Emergency Dept (continued)

ED Care Timeline (continued)

13:17	<b>CMP Resulted</b>	Abnormal Result Collected: 4/10/2022 12:38 Last updated: 4/10/2022 13:17 Intf, Lab Status: <b>Final result</b> Sodium: <b>137 mmol/L</b> [Ref Range: 135 - 145] Potassium: <b>3.9 mmol/L</b> [Ref Range: 3.6 - 5.5] Chloride: <b>101 mmol/L</b> [Ref Range: 96 - 112] Co2: <b>24 mmol/L</b> [Ref Range: 20 - 33] Anion Gap: <b>12.0</b> [Ref Range: 7.0 - 16.0] Glucose: <b>83 mg/dL</b> [Ref Range: 65 - 99] Bun: <b>7 mg/dL</b> [Ref Range: 8 - 22] Creatinine: <b>0.67 mg/dL</b> [Ref Range: 0.50 - 1.40] Calcium: <b>8.9 mg/dL</b> [Ref Range: 8.5 - 10.5] AST(SGOT): <b>41 U/L</b> [Ref Range: 12 - 45] ALT(SGPT): <b>55 U/L</b> [Ref Range: 2 - 50] Alkaline Phosphatase: <b>64 U/L</b> [Ref Range: 30 - 99] Total Bilirubin: <b>0.6 mg/dL</b> [Ref Range: 0.1 - 1.5] Albumin: <b>4.5 g/dL</b> [Ref Range: 3.2 - 4.9] Total Protein: <b>7.5 g/dL</b> [Ref Range: 6.0 - 8.2] Globulin: <b>3.0 g/dL</b> [Ref Range: 1.9 - 3.5] A-G Ratio: <b>1.5 g/dL</b>	
13:17	<b>ESTIMATED GFR Resulted</b>	Collected: 4/10/2022 12:38 Last updated: 4/10/2022 13:17 Status: <b>Final result</b> GFR (CKD-EPI): <b>109 mL/min/1.73 m<sup>2</sup></b> [Ref Range: >60] (Effective 3/15/2022, estimated Glomerular Filtration Rate is calculated using race neutral CKD-EPI 2021 equation per NKF-ASN recommendations. )	Intf, Lab
13:17:30	<b>Lab Ordered</b>	ESTIMATED GFR	Intf, Lab
13:17:30	<b>Lab Resulted</b>	(Final result) COMP METABOLIC PANEL	Intf, Lab
13:17:52	<b>Lab Resulted</b>	(Final result) ESTIMATED GFR	Intf, Lab
13:23:35	<b>Discharge Disposition Selected</b>	ED Disposition set to Discharge	John R Hardwick, M.D.
13:23:35	<b>Disposition Selected</b>		John R Hardwick, M.D.
13:25:54	<b>Ready To Go</b>		John R Hardwick, M.D.
13:27	<b>Simple Vitals</b>	<b>Vital Signs (Complex)</b> Temperature: 36.1 °C (97 °F) Temp src: Temporal Pulse: 68 Respiration: 15 Blood Pressure: 130/77 Blood Pressure MAP (Calculated): 95 MM HG <b>Oxygen Therapy</b> Pulse Oximetry: 96 % O2 Delivery Device: None - Room Air	Megan J. Swanson, R.N.



04/10/2022 - ED in Renown Regional Medical Center, Emergency Dept (continued)

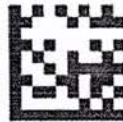
ED Care Timeline (continued)

13:27	<b>Custom Formula Data</b>	<b>Vitals Calculations</b> Most Recent SBP (ANY): 130 Most Recent DBP (ANY): 77 Most Recent BP Type: Entered BP Most Recent Temp (ANY): 97 Most Recent BP (Any): 130/77 <b>Sepsis Screening Tool</b> SIRS Temperature: 0 SIRS Heart Rate: 0 SIRS Respiratory Rate: 0 <b>PEWS Score</b> Systolic BP Score: 0 Heart Rate Score: 0 RR Score: 0 <b>Relevant Labs and Vitals</b> Temp (in Celsius) for APACHE IV: 36.1 <b>Other flowsheet entries</b> Pulse Ox: 96 Sepsis Heart Rate : 2 Total Score: 6 Sepsis Temperature: 4 SIRS Respiratory Rate : 0 Most Recent HR (ANY): 68 Most Recent HR Type: Pulse (Entered) Most Recent HR (ANY): 68 WBC (Within 24 hrs of screening): 0	Megan J. Swanson, R.N.
13:28:21	<b>AVS Printed</b>	Safe Discharge ED After Visit Summary ED After Visit Summary	Megan J. Swanson, R.N.
13:32	<b>Sepsis Risk Scores</b>	<b>Sepsis Model Scores</b> Early Detection of Sepsis Score (2019): 1.26	Batch, User
13:34:40	<b>ED Notes</b>	Pt discharged home as ordered by erp. Pt instructed to follow up with her PCP and return here as needed. Pt verbalized understanding and left ambulating independently	Megan J. Swanson, R.N.
13:35	<b>Patient discharged</b>		Megan J. Swanson, R.N.
13:35	<b>Discharge Assessment</b>	<b>Discharge Assessment</b> Readiness to Learn: Yes Willingness to Learn: Yes Ability to Learn: Yes Cultural Barriers?: No Condition Upon Leaving ER: Good Discharge to:: Self Discussion of Discharge Instructions: Simple	Megan J. Swanson, R.N.
13:35	<b>LACE+ Score</b>	<b>Other flowsheet entries</b> LACE+ Historical Score Over Time (0-28: Low, 29-58: Medium, 59+: High): 19	Megan J. Swanson, R.N.
13:35:23	<b>Charting Complete</b>		Megan J. Swanson, R.N.
13:35:23	<b>Charting Complete</b>		John R Hardwick, M.D.

## AFTER VISIT SUMMARY

C [REDACTED] M. L. [REDACTED] MRN: 3210453

4/10/2022 Renown Regional Medical Center, Emergency Dept 775-982-4144



### Today's Visit

You were seen by John R Hardwick, M.D.

### Reason for Visit

Drug Ingestion

### Diagnosis

Accidental drug ingestion, initial encounter

### Lab Tests Completed

CBC WITH DIFFERENTIAL

CMP

ESTIMATED GFR

### Imaging Tests

EKG

### Instructions

Your labs look very reassuring. Please make sure you are only taking the properly marked medications, I discussed her case with CVS pharmacy in Sparks, they should be able to replace these for you.



### Schedule an appointment with Megan A. Pailing, A.P.R.N. as soon as possible for a visit

Specialty: Family Medicine, Internal Medicine

Contact: 21 Locust St

A9

Reno NV 89502-1316

775-982-5000

### What's Next

You currently have no upcoming appointments scheduled.



BMI  
33.02



Weight  
180 lb  
8.9 oz

MyChart Sign Up

### MyChart Access

**Code:** Activation code  
not generated  
Current MyChart  
Status: Active

## Changes to Your Medication List

ASK your doctor about these medications



ASK

**albuterol** 108 (90 Base) MCG/ACT Aers inhalation aerosol

INHALE 2 PUFFS BY MOUTH EVERY 6 HOURS AS NEEDED FOR SHORTNESS OF BREATH



ASK

**ergocalciferol** 50000 UNIT capsule  
Commonly known as: DRISDOL

Take 1 Capsule by mouth every 7 days.



ASK

**escitalopram** 10 MG Tabs  
Commonly known as: Lexapro

Take 1 Tablet by mouth every day.



ASK

**ferrous sulfate** 325 (65 Fe) MG tablet



ASK

**fish oil** 1000 MG Caps capsule



ASK

**levothyroxine** 75 MCG Tabs  
Commonly known as: SYNTHROID

TAKE 1 TABLET BY MOUTH EVERY DAY IN THE MORNING ON AN EMPTY STOMACH



ASK

**mercaptopurine** 50 MG Tabs  
Commonly known as: PURINETHOL



ASK

**Probiotic** 250 MG Caps

### Patient Information

## Patient Information

Following emergency treatment: all patient requiring follow-up care must return either to a private physician or a clinic if your condition worsens before you are able to obtain further medical attention, please return to the emergency room.

## Billing Information

At Renown Health, we work to make the billing process streamlined for our patients. Our Representatives are here to answer any questions you may have regarding your hospital bill. If you have insurance coverage



## Patient Information (continued)

and have supplied your insurance information to us, we will submit a claim to your insurer on your behalf.

Should you have any questions regarding your bill, we can be reached online or by phone as follows:

Online: You are able pay your bills online or live chat with our representatives about any billing questions you may have. We are here to help Monday – Friday from 8:00am to 7:30pm and 9:00am – 12:00pm on Saturdays. Please visit <https://www.renown.org/interact/paying-for-your-care/> for more information.

Phone: 775-982-4130 or 1-866-691-0284

Please note that your emergency physician, surgeon, pathologist, radiologist, anesthesiologist, and other specialists are not employed by Renown and will therefore bill separately for their services. Please contact them directly for any questions concerning their bills at the numbers below:

Emergency Physician Services: 1-800-225-0953

Reno Radiological Associates: 775-856-2132

Associated Anesthesiology: 775-348-1900

Sierra Pathology Associates: 775-334-3450

1. Your final bill may vary from the amount quoted upon discharge if all procedures are not complete at that time, or if your doctor has additional procedures of which we are not aware. You will receive an additional bill if you return to the Emergency Department at Renown Health for suture removal regardless of the facility of which the sutures were placed.
2. Please arrange for settlement of this account at the emergency registration.
3. All self-pay accounts are due in full at the time of treatment. If you are unable to meet this obligation then payment is expected within 4-5 days.
4. If you have had radiology studies (CT, X-ray, Ultrasound, MRI), you have received a preliminary result during your emergency department visit. Please contact the radiology department (775) 982-2790 to receive a copy of your final result. Please discuss the Final result with your primary physician or with the follow up physician provided.

### Crisis Hotline:

National Crisis Hotline: 1-800-SUICIDE or 1-800-784-2433

Nevada Crisis Hotline: 1-800-992-5757 or 775-784-8090

## ED Discharge Follow Up Questions

1. In order to provide you with very good care, we would like to follow up with a phone call in the next few days. May we have your permission to contact you? **YES / NO**
2. What is the best phone number to call you? (     ) \_\_\_\_\_ - \_\_\_\_\_
3. What is the best time to call you? **Morning / Afternoon / Evening**

## Test Results and Care Notes Information

If you have laboratory tests, an imaging study, or any other test or procedure completed at a Renown location, you will have access to results as soon as they become available in MyChart. You will also have access to any care notes your Renown Medical Group provider, specialist, or hospital provider writes.

## Test Results and Care Notes Information (continued)

It is possible you may see a diagnostic test result before your provider has a chance to review it. Typically, providers will call you to discuss critical results. Your provider may wait to discuss a routine test result at your next scheduled visit.

Renown recommends that you wait for your care team to contact you with your results as the provider who ordered your test will know the best plan of care for you. Test results and care notes can sometimes be difficult to understand, so the provider who ordered your test will be able to best answer your questions.

If you need to contact your provider about a test result or care note before they've contacted you, here are the best ways to reach out:

- Send a message to your doctor through MyChart.
- Call their office/clinic during normal business hours. For Renown Medical Group providers, call 775-982-5000.

After-hours calls are routed to an answering service, who will then contact the on-call doctor. This doctor may not be familiar with your care.

Patient Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### Information on File

@ [REDACTED]

☎ [REDACTED] (Home Phone)  
[REDACTED] (Mobile)

🏠 [REDACTED] AXIS DR  
Sparks Nevada 89436

Preferred language: English

Date of birth [REDACTED]

Ethnicity: Non-Hispanic

Race: White



4/10/2022



Cl M L  
Axis Dr  
Sparks NV 89436

Dear Cl

Renown Health wants to ensure your discharge home is safe and you or your loved ones have had all of your questions answered regarding your care after you leave the hospital.

Below is a list of resources and contact information should you have any questions regarding your hospital stay, follow-up instructions, or active medical symptoms.

Questions or Concerns Regarding...	Contact
Medications or Discharge Instructions	Refer to your discharge packet or contact your Renown Primary Care Provider <b>775-982-5000</b>
Follow-up Appointment(s)	Schedule your appointment via MyChart or contact Scheduling <b>775-982-5000</b>
Billing	Review your statement via MyChart or contact Billing <b>775-982-4130</b>
Medical Records	Review your records via MyChart or contact Medical Records <b>775-982-2790</b>

You may receive a telephone call within two days of discharge. This call is to make certain you understand your discharge instructions and have the opportunity to have any questions answered. You can also easily access your medical information, test results and upcoming appointments via the MyChart free online health management tool. You can learn more and sign up at [renown.org/MyChart](https://renown.org/MyChart). For assistance setting up your MyChart account, please call **775-982-2781**.

Once again, we want to ensure your discharge home is safe and that you have a clear understanding of any next steps in your care. If you have any questions or concerns, please do not hesitate to contact us, we are here for you. Thank you for choosing Renown for your healthcare needs.

Sincerely,

Your Renown Healthcare Team



# EXHIBIT 5

Case No. 22-104-PH/RPH-N

JOSEPH DELALLO, RPH.

CVS PHARMACY #4691

LAST_NAME	FIRST_NAME	MIDDLE_NAME	ACTIVITY	ACTIVITY	TIMESTAMP
Grove	Jenifer	J	1	DATAENTRY	1/28/2022 15:11
SYSTEM	SYSTEM		23	DELETEFILL	1/28/2022 15:11
SYSTEM	SYSTEM		26	SCHEDULED_FILL_DATE	1/28/2022 15:11
SYSTEM	SYSTEM		69	ON_HOLD	1/28/2022 15:11
SYSTEM	SYSTEM		26	SCHEDULED_FILL_DATE	1/28/2022 15:11
SYSTEM	SYSTEM		69	ON_HOLD	1/28/2022 15:11
SYSTEM	SYSTEM		1	DATAENTRY	1/28/2022 15:11
SYSTEM	SYSTEM		12	INACTIVATE	1/31/2022 3:14
SYSTEM	SYSTEM		25	AUTOPROCESSING	1/31/2022 3:14
Paden	Brittney	N	1	DATAENTRY	1/31/2022 11:24
De Galicia	Nicole		109	WARNING_VERIFICATION	1/31/2022 11:33
De Galicia	Nicole		40	DATA_ENTRY_VERIFICATION	1/31/2022 11:33
De Galicia	Nicole		13	DUR_OVERRIDE	1/31/2022 11:33
Painter	Aspen	L	2	PRINTREADY	1/31/2022 13:11
Scribner	Serena	S	75	MULTI_PACKAGE_CONFIRMATION_SCAN	1/31/2022 14:28
De Galicia	Nicole		4	VERIFICATION	1/31/2022 14:43
POS	SYS		26	SCHEDULED_FILL_DATE	2/14/2022 12:43
SYSTEM	SYSTEM		25	AUTOPROCESSING	3/13/2022 9:04
chabra	anup		13	DUR_OVERRIDE	3/13/2022 17:49
chabra	anup		109	WARNING_VERIFICATION	3/13/2022 17:49
chabra	anup		40	DATA_ENTRY_VERIFICATION	3/13/2022 17:49
chabra	anup		94	IMM_PATIENT_AGECHECK	3/13/2022 17:49
Giraldo Piedrahita	Maria	C	2	PRINTREADY	3/14/2022 13:36
Giraldo Piedrahita	Maria	C	75	MULTI_PACKAGE_CONFIRMATION_SCAN	3/14/2022 14:10
DeLallo	Joseph	M	4	VERIFICATION	3/14/2022 15:27
POS	SYS		26	SCHEDULED_FILL_DATE	3/15/2022 21:25
SYSTEM	SYSTEM		25	AUTOPROCESSING	4/12/2022 3:15
DeLallo	Joseph	M	13	DUR_OVERRIDE	4/12/2022 11:24
DeLallo	Joseph	M	109	WARNING_VERIFICATION	4/12/2022 11:24
DeLallo	Joseph	M	40	DATA_ENTRY_VERIFICATION	4/12/2022 11:24
DeLallo	Joseph	M	94	IMM_PATIENT_AGECHECK	4/12/2022 11:24
Fujimoto	April	E	2	PRINTREADY	4/12/2022 11:55

Demoss	Faith	C		74	MULTI_PACKAGE_SCAN	4/12/2022 12:08
DeLallo	Joseph	M		4	VERIFICATION	4/12/2022 12:40
POS	SYS			26	SCHEDULED_FILL_DATE	4/12/2022 17:54

POS Information:

TXN_TYPE	REGISTER_NUM	REGISTER_TXN	REGISTER_TXN_SEQ	POS_USERID	POS_AMOUNT	POS_DATETIME
S	20	222	0	855016	0	2/14/2022 12:43
S	20	4539	0	2152114	0	3/15/2022 21:25
S	20	8642	0	829160	0	4/12/2022 17:54



# EXHIBIT 6

Case No. 22-104-PH/RPH-N

JOSEPH DELALLO, RPH.

CVS PHARMACY #4691

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Case No. 22-104-RPH-N

Petitioner,

v.

JOSEPH DELALLO, RPh.  
Certificate of Registration No. 18429,

Respondents.

DECLARATION OF WILLIAM  
ANDREW BELL, RPh.

I, WILLIAM ANDREW BELL, hereby declare as follows:

1. I am a Nevada registered Pharmacist, and have held Pharmacist Certificate of Registration No. 20498 since March 16, 2020.

2. I am currently employed as a Pharmacist by Renown Health Regional Medical Center, located at 1155 Mill Street, Reno, Nevada 89502. In my employment capacity, I am responsible for receiving, reviewing, inputting, processing, filling, checking, and dispensing dangerous drugs and controlled substances for administration to hospital patients pursuant to practitioner chart orders. I am also responsible for identifying prescription drugs.

3. On April 10, 2022, I was working as a Pharmacist at Renown, and I received a prescription bottle labeled as RX#1178244 for patient C.L. and I was requested to identify the contents. The label on the prescription bottle identified as RX#1178244 was for Mercaptopurine; upon examination of the contents, I determined the prescription bottle contained tablets of Mefloquine mixed with the tablets of Mercaptopurine.

4. On September 12, 2022, I was contacted by Investigator Moncia Segedy from the Nevada State Board of Pharmacy regarding the drug identification I performed for patient C.L. who had presented at the Renown Emergency Room on April 10, 2022, for a suspected accidental ingestion of an unknown medication

5. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12 day of September 2022, in Reno, Nevada.

  
WILLIAM ANDREW BELL, RPH

# EXHIBIT 7

Case No. 22-104-PH/RPH-N

JOSEPH DELALLO, RPH.

CVS PHARMACY #4691



MAR 06 2019

NEVADA STATE BOARD  
OF PHARMACY

## BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 17-089-RPH-A-N
	)	17-089-RPH-B-N
Petitioner,	)	17-089-RPH-C-N
v.	)	17-089-PT-N
	)	17-089-PH-N
NUTTAVAT ROJPRASITPORN, RPH	)	
Certificate of Registration No. 19161,	)	
	)	
JEFFREY ARBOGAST, RPH	)	
Certificate of Registration No. 16986,	)	STIPULATION AND ORDER
	)	(Respondent CVS PHARMACY #4691)
MUI CHING LEE, RPH	)	
Certificate of Registration No. 08993,	)	
	)	
LYDIA PASERO, PT	)	
Certificate of Registration No. PT08989, and	)	
	)	
CVS PHARMACY #4691	)	
Certificate of Registration No. PH02471,	)	
	)	
Respondents.	)	
	/	

Brett Kandt, General Counsel for Petitioner the Nevada State Board of Pharmacy (Board), and Respondent CVS PHARMACY #4691 ("CVS"), Certificate of Registration No. PH02471, by and through counsel, Michael W. Dyer, Esq., **HEREBY STIPULATE AND AGREE THAT:**

1. The Board has jurisdiction over Respondent CVS and this matter.
2. On or about October 24, 2018, Board Staff properly served the Notice of Intended Action and Accusation (Accusation) on file in this matter on Respondent CVS.
3. Respondent CVS filed an Answer to the Accusation on or about January 11, 2019.
4. Respondent CVS is fully aware of its right to seek the advice of counsel in this matter and obtained the advice of counsel prior to entering into this Stipulation.

5. Respondent CVS is aware of its right to a hearing on the matters alleged in the Accusation, its right to reconsideration, its right to appeal and any and all other rights which may be accorded to it pursuant to NRS Chapter 233B (Nevada Administrative Procedure Act), NRS Chapter 622A (Administrative Procedure Before Certain Regulatory Bodies), and NRS Chapter 639 (Nevada Pharmacy Act).

6. Conditioned on the acceptance of this Stipulation by the Board, and with the exception of the right to challenge any determination that Respondent CVS has failed to comply with the provisions of Paragraphs 9, 14 and/or 15 below, Respondent CVS hereby freely and voluntarily waive its rights to a hearing, reconsideration, appeal and any and all other rights related to this action that may be accorded to it by NRS Chapter 233B (Nevada Administrative Procedure Act), NRS Chapter 622A (Administrative Procedure Before Certain Regulatory Bodies), and NRS Chapter 639 (Nevada Pharmacy Act).

7. Respondent CVS does not contest the allegations in the Accusation, *to wit*, that:

A. Respondents Nuttavat Rojprasitporn (Rojprasitporn), Certificate of Registration No. 19161, Jeffrey Arbogast (Arbogast), Certificate of Registration No. 16986, and Mui Ching Lee (Lee), Certificate of Registration No. 08993, were pharmacists registered by the Board and employed by Respondent CVS #4691. Respondent Lydia Pasero (Pasero), Certificate of Registration No. PT08989, was a pharmaceutical technician registered by the Board and employed by Respondent CVS #4691.

B. Rojprasitporn engaged in unprofessional conduct in violation of NAC 639.945(1)(d) and (i) by dispensing thirty (30) chlordiazepoxide 25 mg. capsules to P.C., a patient who did not have a prescription for that schedule IV-controlled substance, when he either verified the label on Prescription No. 0613015 as accurate when it was incorrect, or by failing to verify the label and prescription before CVS dispensed it.

C. Arbogast violated NRS 639.266, NAC 639.707(1) and (2) and engaged in unprofessional conduct and conduct contrary to the public interest as defined in NAC 639.945(1)(i) by failing to counsel P.C. regarding Prescription No. 0613015.

D. Pasero violated NAC 639.482, NAC 639.485 and NAC 639.910(1) and engaged in unprofessional conduct and conduct contrary to the public interest by deleting the record, or a portion of the record, for Prescription No. 0613015, specifically by removing the original data and eliminating any reference of the filling error.

E. Respondent CVS violated NAC 639.482, NAC 639.485 and/or NAC 639.910(1) by deleting and/or having a system that allowed its employee, Pasero, to delete the record, or a portion of the record, for Prescription No. 0613015, specifically by removing the original data and eliminating any reference of the filling error.

F. By failing to maintain records for Prescription No. 0613015 in a readily retrievable manner, by failing to timely provide documents to Board Staff upon request, and by failing to maintain a recordkeeping system that would allow for readily retrievable prescription records for Prescription No. 0613015, Respondent CVS violated NAC 639.751(1)(b) and (2), NAC 639.930(3), (4) and (5), and NAC 639.935(3)(g)(3).

G. Lee, as the managing pharmacist of CVS Pharmacy #4691 at the time of each of the violations alleged above, is responsible for those violations pursuant to NRS 639.210(15), NRS 639.220(3)(c), NAC 639.702 and NAC 639.910(2); and

H. As the pharmacy in which the violations occurred, Respondent CVS is responsible for those violations, including those committed by Rojprasitporn, Arbogast, Pasero, and Lee pursuant to NRS 639.230(5), NAC 639.702 and NAC 639.945(2).

8. Those violations are plead with particularity in the Accusation, and are grounds for action pursuant to NRS 639.210 and NRS 639.255.

9. In order to resolve this matter without incurring any further costs or the expense associated with a hearing, and without Respondent CVS admitting to the allegations in the



Accusation, the Board and Respondent CVS stipulate to the following penalties. Respondent CVS Pharmacy #4691, Certificate of Registration No. PH02471, shall:

- A. Pay a fine of One-Thousand Dollars (\$1,000.00) associated with the violations indicated above; and
- B. Pay an administrative fee of One-Thousand Five-Hundred Dollars (\$1,500.00) to partially reimburse the Board for the costs and expenses incurred in investigating and prosecuting this matter.

Furthermore, Respondent CVS represents and warrants that CVS Pharmacy has taken all necessary corrective action in conformance with Paragraph 11(C) of the Stipulation and Order entered in Case No. 16-036.

10. Any failure by Respondent CVS to comply with the terms of this Order may result in issuance by the Executive Secretary of an order to show cause directing Respondent CVS to appear before the Board at the next regularly-scheduled meeting for a show cause hearing. If such a hearing results in a finding of a violation of this Order by Respondent CVS, the Board may impose additional discipline upon Respondent CVS not inconsistent with the provisions of NRS Chapter 639.

11. General Counsel will present this Stipulation to the Board for approval pursuant to NRS 622.330 at the Board's regularly scheduled public meeting on March 6, 2019, in Reno, Nevada. Respondent CVS's authorized representative(s) will appear at the meeting to answer questions from the Board Members and/or Board Staff. The Board Members and Staff may discuss and deliberate regarding this Stipulation, even if Respondent CVS or its counsel are not present at the meeting.

12. The Board has discretion to accept this Stipulation, but it is not obligated to do so. If this Stipulation is approved by the Board it shall be a public record pursuant to NRS 622.330.

13. If the Board rejects any part or all of this Stipulation, and unless they reach an alternative agreement on the record during the hearing, the parties agree that a full hearing on the

merits of this matter may be heard by the Board. The terms and admissions herein may not be used or referred to in a full hearing on the merits of this matter.

14. Upon approval of this Stipulation by the Board, Respondent CVS shall pay the fine agreed to herein by *cashier's check* or *certified check* or *money order* made payable to "State of Nevada, Office of the Treasurer," to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within thirty (30) days of the effective date of this Order.

15. Upon approval of this Stipulation by the Board, Respondent CVS shall pay the administrative fee agreed to herein by *cashier's check* or *certified check* or *money order* made payable to "Nevada State Board of Pharmacy," to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within thirty (30) days of the effective date of this Order;

16. Subject to the approval of this Stipulation by the Board, the Board and Respondent CVS agree to release each other from any and all additional claims arising from the facts set forth in the Accusation on file herein, whether known or unknown that might otherwise have existed on or before the effective date of this Order.

Respondent CVS has fully considered the charges and allegations contained in the *Notice of Intended Action and Accusation* in this matter, and the terms of this Stipulation, and has freely and voluntarily agreed to the terms set forth herein, and waived certain rights, as stated herein.

AGREED:

Signed this 6 day of March, 2019



AUTHORIZED REPRESENTATIVE  
CVS Pharmacy #4691  
Certificate of Registration No. PH02471

Signed this 6<sup>th</sup> day of March, 2019



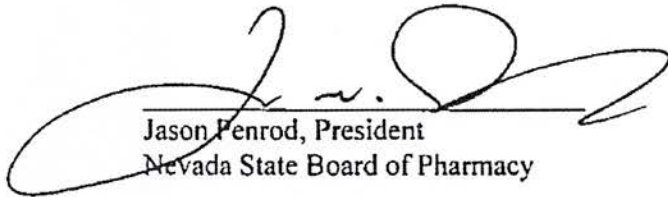
BRETT KANDT, ESQ.  
General Counsel  
Nevada State Board of Pharmacy



**DECISION AND ORDER**

The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as its decision as to Respondent CVS Pharmacy #4691, Certificate of Registration No. PH02471, in Case No. 17-089 and hereby orders that the terms of the foregoing Stipulation be made effective upon execution below.

6 MARCH 2019  
Dated

  
Jason Penrod, President  
Nevada State Board of Pharmacy

OCT 24 2018

## BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD  
OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 17-089-RPH-A-N
	)	17-089-RPH-B-N
Petitioner,	)	17-089-RPH-C-N
v.	)	17-089-PT-N
	)	17-089-PH-N
NUTTAVAT ROJPRASITPORN, RPH	)	
Certificate of Registration No. 19161,	)	NOTICE OF INTENDED ACTION
	)	AND ACCUSATION
JEFFREY ARBOGAST, RPH	)	
Certificate of Registration No. 16986,	)	
	)	
MUI CHING LEE, RPH	)	
Certificate of Registration No. 08993,	)	
	)	
LYDIA PASERO, PT	)	
Certificate of Registration No. PT08989, and	)	
	)	
CVS PHARMACY #4691	)	
Certificate of Registration No. PH02471,	)	
	)	
Respondents.	/	

Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, 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.

**JURISDICTION**

I.

The Nevada State Board of Pharmacy (Board) has jurisdiction over this matter and these respondents because at the time of the alleged events, respondents Nuttavat Rojprasitporn (Rojprasitporn), Certificate of Registration No. 19161, Jeffrey Arbogast (Arbogast), Certificate

of Registration No. 16986, and Mui Ching Lee (Lee), Certificate of Registration No. 08993, were pharmacists registered by the Board. Additionally, respondent Lydia Pasero (Pasero), Certificate of Registration No. PT08989, was a pharmaceutical technician registered by the Board, and respondent CVS Pharmacy #4691, Certificate of Registration No. PH02471 (CVS), was a pharmacy registered by the Board.

### **FACTUAL ALLEGATIONS**

#### **II.**

On December 30, 2016, APRN C.J. separately examined and prescribed medications to P.C. and his girlfriend R.D.

#### **III.**

P.C. was prescribed dextroamphetamine salts XR (Adderall XR) 25 mg. capsules with instructions to take one capsule every day.

#### **IV.**

R.D. was prescribed chlordiazepoxide 25 mg. with instructions to take one capsule every 8 hours as needed for anxiety.

#### **V.**

P.C. and R.D. tendered their prescriptions to CVS the same day where pharmaceutical technician Gisela Ochoa (Ochoa) performed the pre-data entry scan in CVS's computer system.

#### **VI.**

During the pre-data entry scan, Ochoa mistakenly entered R.D.'s chlordiazepoxide prescription under P.C.'s name and patient profile.



VII.

CVS processed and dispensed both of the prescriptions later that day.

VIII.

When he arrived at home, P.C. discovered that the contents of the CVS bag contained the dextroamphetamine salts XR 25 mg. capsules (Prescription No. 0613014) as prescribed. The bag also included a second medication bottle containing chlordiazepoxide 25 mg. capsules (Prescription No. 0613015). The prescription label on both medication bottles included P.C.'s name and address.

IX.

P.C. assumed that the chlordiazepoxide 25 mg. capsules were also prescribed to him so he ingested a dose per the instructions on the label.

X.

Later that evening, P.C. ingested alcoholic beverages. P.C. believes that the alcohol interacted with the chlordiazepoxide causing him to become extremely intoxicated and causing his subsequent arrest for driving under the influence.

XI.

On January 1, 2017, R.D. contacted CVS to inform it that the chlordiazepoxide prescribed to her was dispensed to P.C. Pharmacist Arbogast confirmed that CVS dispensed chlordiazepoxide to P.C. in error.

XII.

P.C. ingested approximately 3-5 doses of the wrong medication before discovering the error.

XIII.

Rojprasitporn is on record as the pharmacist who performed data entry verification and product verification for Prescription No. 0613015. To the extent Rojprasitporn performed any verification at all, he failed to detect during those processes that CVS was preparing to dispense the medication to the wrong patient.

XIV.

Arbogast is on record as the counseling pharmacist for Prescription No. 0613015. Arbogast did not counsel P.C. regarding Prescription No. 0613015, nor did he offer counseling to P.C.

XV.

Approximately five (5) hours after CVS sold the product, Arbogast entered into CVS's computer system that P.C. declined counseling.

XVI.

On January 18, 2017, approximately seventeen days after P.C. discovered CVS's dispensing error, Pasero deleted records regarding Prescription No. 0613015 from CVS's computer system.

XVII.

A Board Investigator requested a copy of the original prescription records, including the workflow documents, for Prescription No. 0613015 from the managing pharmacist at CVS on September 21, 2017. The request asked that CVS submit the records by no later than October 4, 2017.

XVIII.

Having received no reply to his initial request for records, the Board Investigator met with Arbogast on November 2, 2017, at CVS. Arbogast was unable to provide any record of Prescription No. 0613015 from CVS's computer system.

XIX.

During his November 2 interview with the Board Investigator, Arbogast produced a typewritten, signed statement on letter head from One CVS Drive, Woonsocket, Rhode Island. That statement was dated October 3, 2017.

XX.

With Arbogast's statement was a clear plastic zip lock-style bag containing various documents relating to Prescription No. 0613015, including handwritten notes and copies of computer screens that have since been deleted from CVS's records.

XXI.

When the Board Investigator asked for a copy of the documents in the plastic bag related to Prescription No. 0613015, Arbogast stated that he would first have to clear their release with CVS's corporate office.

XXII.

On November 14, 2017, nearly two months after the Board Investigator's September 21 request for records, CVS Manager of Pharmacy Regulatory Affairs, Leigh Parenteau, wrote an email to the Board Investigator requesting a list of the specific additional records the Board's Investigator needed for the investigation. The Board Investigator responded with a list the same day.



XXIII.

After significant email, telephonic and facsimile communications through May 2018, Parenteau provided some records related to Prescription No. 613015 to the Board Investigator. Through primarily key stroke logs, Parenteau was able to piece together the fill history for Prescription No. 613014 and 613015.

XXIV.

During the course of the investigation, CVS and/or each of the Respondents failed to timely provide documents, data and information to the Board Investigator because those records were not readily retrievable.

XXV.

Mui Ching Lee was the managing pharmacist at CVS at the time of the events alleged herein.

**FIRST CAUSE OF ACTION**

**Unprofessional Conduct: Mislabeling and Dispensing to the Wrong Patient  
(Respondent Rojprasitporn)**

XXVI.

Unprofessional conduct includes the failure by a licensee to follow strictly the instructions of a practitioner when labeling and dispensing a prescription. *See* NAC 639.945(1)(d). It also includes a licensee performing his duties in an “incompetent, unskillful or negligent manner”. *See* NAC 639.945(1)(i).

Additionally, NAC 639.252 states in relevant part:

If a pharmaceutical technician performs one or more of the functions necessary to prepare a prescription, *the pharmacist*

*supervising the pharmaceutical technician* is responsible for the filled prescription, including, but not limited to, verifying:

- (a) The selection and strength of the drug;
- (b) The dosage form; and
- (c) The labeling of the prescription.

NAC 639.252(2) (emphasis added.)

Respondent Rojprasitporn engaged in unprofessional conduct in violation of NAC 639.945(1)(d) and (i) and he is responsible for dispensing thirty (30) chlordiazepoxide 25 mg. capsules to P.C., a patient who did not have a prescription for that schedule IV-controlled substance, when he either verified the label on Prescription No. 0613015 as accurate when it was incorrect, or by failing to verify the label and prescription before CVS dispensed it.

### **SECOND CAUSE OF ACTION**

#### **Failure to Adequately Counsel**

(Respondent Arbogast)

#### **XXVII.**

NRS 639.266 requires a pharmacist, on receipt of a prescription and after review of the patient's record, to communicate with the patient, or a person caring for the patient, matters that will enhance the patient's therapy through drugs. NAC 639.707(1) and (2) require that discussion to include, among other things, the name of the drug, dosage and administration instructions, the intended use of the drug, common side effects, and other information that is necessary for the safe and effective use of the drug. A pharmacist who performs those duties in an "incompetent, unskillful or negligent manner" is guilty of unprofessional conduct pursuant to NAC 639.945(1)(i).

Respondent Arbogast violated NRS 639.266, NAC 639.707(1) and (2) and engaged in unprofessional conduct and conduct contrary to the public interest as defined in NAC

639.945(1)(i) by failing to counsel P.C. regarding Prescription No. 0613015. That error, combined with other errors within the pharmacy, caused CVS to dispense thirty (30) chlordiazepoxide 25 mg. capsules to P.C., a patient who did not have a prescription for that schedule IV-controlled substance. For that conduct, Arbogast is subject to discipline pursuant to NRS 639.210(4) and (12), and NRS 639.255.

**THIRD CAUSE OF ACTION**  
**Failure to Maintain and Produce Prescription Records**  
(Respondent CVS #4691)

XXVIII.

NAC 639.910(1)(a) requires that “[a]ny computerized system used by a pharmacy for recording information concerning prescriptions must be designed in such a manner that it provides: (a) A readily retrievable printed record of the information relating to a prescription or a patient which the pharmacy is required to maintain pursuant to state or federal law, including, without limitation, information relating to the original prescription or the refill or modification of that prescription”.

Additionally, NAC 639.485 states, in part:

1. A pharmacy shall maintain records for controlled substances:
  - (a) In a readily retrievable manner.
  - (b) In a manner that establishes the receipt, distribution and destruction of all controlled substances handled by the pharmacy.
2. A pharmacy shall maintain a perpetual inventory of any controlled substance listed in schedule II.
3. Records of the distribution of controlled substances listed in schedule II, schedule III or schedule IV must include:
  - (a) The name of the drug, dosage form and strength.
  - (b) The name of the pharmacist distributing or authorizing the distribution of the controlled substance.
  - (c) The name of the authorized person receiving the controlled substance. This information may be included on the record of administration.



(d) The location to which the controlled substance is being distributed.

(e) Controlled substances returned to the pharmacy.

(f) A record of any waste of any prepared or partially administered dose of a controlled substance, which must be witnessed and cosigned by another person who is licensed to provide medical care.

NAC 639.482 requires such records to be kept by a pharmacy for at least 2 years and made available for inspection and copying upon the request of the Board.

Nevada law also requires a pharmacy computer system to have adequate safeguards to identify whether information in the system concerning a prescription has been modified or manipulated, and, where information was modified or manipulated, identify the manner, date and person who modified or manipulated the information. *See* NAC 639.930(3), *see also* NAC 639.751(1)(b) and (2). Additionally, NAC 639.930(4) and (5) require the pharmacy's computer system to maintain the information identified per NAC 639.930(3) and to prevent the removal of that information and the record of a prescription once the system assigns a number to the prescription. Further, NAC 639.935(3)(g)(3) states that computer system must produce printed records of history of each modification or manipulation of information concerning the prescription.

Respondent CVS #4691 violated NAC 639.482, NAC 639.485 and/or NAC 639.910(1) by deleting and/or having a system that allowed its employee, Respondent Pasero, to delete the record, or a portion of the record, for Prescription No. 0613015, specifically by removing the original data and eliminating any reference of the filling error. In failing to maintain records for Prescription No. 0613015 in a readily retrievable manner, by failing to timely provide documents to Board Staff upon request, and in failing to maintain a recordkeeping system that would allow

for readily retrievable prescription records for Prescription No. 0613015, CVS #4691 violated NAC 639.751(1)(b) and (2), NAC 639.930(3), (4) and (5), and NAC 639.935(3)(g)(3). For that conduct, CVS #4691 is subject to discipline pursuant to NRS 639.210(12) and (17) and NRS 639.255.

#### **FOURTH CAUSE OF ACTION**

##### **Unprofessional Conduct (Respondent Pasero)**

##### **XXIX.**

Nevada law requires a pharmacy to maintain and produce records in conformance with NAC 639.482, NAC 639.485 and NAC 639.910(1). NAC 639.945(1)(i) provides that “(p)erforming . . . duties as the holder of a license, certificate or registration issued by the Board . . . in an incompetent, unskillful or negligent manner” shall constitute unprofessional conduct and conduct that is contrary to the public interest. NAC 639.945(1)(m) provides that “(f)ailing to provide any document, data or information that is required to be made and maintained pursuant to chapters 453, 454, 585 and 639 of NRS and chapters 453, 454, 585 and 639 of NAC to a member of the Board or a member of the staff of the Board upon his or her request” shall constitute unprofessional conduct and conduct that is contrary to the public interest.

Respondent Pasero violated NAC 639.482, NAC 639.485 and NAC 639.910(1) by deleting the record, or a portion of the record, for Prescription No. 0613015, specifically by removing the original data and eliminating any reference of the filling error. Respondent Pasero's actions constitute unprofessional conduct as defined in NAC 639.945(1)(i) and (m). For that conduct, Respondent Pasero is subject to discipline pursuant to NRS 639.210(4) and (17) and/or NRS 639.255.

**FIFTH CAUSE OF ACTION**  
**Managing Pharmacist Responsibilities**  
**(Respondent Lee)**

XXX.

NRS 639.0087 defines “managing pharmacist” as “a registered pharmacist who is responsible for the operation of a pharmacy.” A managing pharmacist is responsible for the acts and omissions of pharmaceutical technicians and other personnel. NAC 639.702.

Additionally, “[t]he managing pharmacist of a pharmacy that uses a computerized system for recording information concerning prescriptions shall ensure that a procedure is conducted upon the computerized system that ensures that the information which is recorded in the system is not lost or destroyed.” NAC 639.910(2). Whenever a managing pharmacist designates another pharmacist to assume the managing pharmacist’s duties in his or her absence “[t]he managing pharmacist is responsible for the activities of the designee.” NRS 639.220(3)(c).

The Board may suspend or revoke a registration pursuant to NRS 639.210(15) when a person has “as a managing pharmacist, violated any provision of law or regulation concerning recordkeeping or inventory in a store over which he or she presides, or has knowingly allowed a violation of any provision of this chapter or other state or federal laws or regulations relating to the practice of pharmacy by personnel of the pharmacy under his or her supervision.”

As the managing pharmacist/pharmacist in charge of CVS #4691 at the time of each of the violations alleged above, Respondent Lee is responsible for those violations pursuant to NRS 639.210(15), NRS 639.220(3)(c), NAC 639.702 and NAC 639.910(2). Lee has also engaged in unprofessional conduct and conduct contrary to the public interest as defined in NAC



639.945(1)(m). Lee is therefore subject to discipline pursuant to NRS 639.210(4), (12), (15) and (17) and NRS 639.255.

**SIXTH CAUSE OF ACTION**  
**Pharmacy/Pharmacy Owner Responsibility**  
**(Respondent CVS #4691)**

**XXXI.**

NRS 639.230(5) provides: "Any violation of any of the provisions of this chapter [NRS Chapter 639] by a managing pharmacist or by personnel of the pharmacy under the supervision of the managing pharmacist is cause for the suspension or revocation of the license of the pharmacy by the Board."

Additionally, "[t]he owner of a pharmacy, the managing pharmacist of the pharmacy and the registered pharmacist on duty at the pharmacy are responsible for the acts and omissions of pharmaceutical technicians and other personnel who are not pharmacists working in or for the pharmacy, including, but not limited to, any errors committed or unauthorized work performed by such personnel, if the owner, managing pharmacist or registered pharmacist knew or reasonably should have known of the act or omission." NAC 639.702.

Further, the 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. NAC 639.945(2).

As the pharmacy/pharmacy owner at which the violations of law alleged herein occurred, CVS #4691 is responsible for those violations, including those of Respondents Rojprasitporn, Arbogast, Pasero, and Lee pursuant to NRS 639.230(5), NAC 639.702 and NAC 639.945(2). CVS #4691 is therefore subject to discipline pursuant to NRS 639.210(4) and (12) and NRS 639.255.


XXXII.

For the errors, misconduct and violations alleged above in the First, Second, Third, Fourth, Fifth and Sixth Causes of Action, Respondents, and each of them, are subject to discipline pursuant NRS 639.210, as well as NRS 639.230(5) and/or NRS 639.255.

XXXIII.

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 24<sup>th</sup> day of October 2018.



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 20 days of your receipt of this Notice of Intended Action and Accusation a written statement showing your compliance.



FILED

JUN 05 2019

NEVADA STATE BOARD  
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 18-086-PH-N
	)	
Petitioner,	)	
	)	
v.	)	
	)	STIPULATION AND ORDER
CVS PHARMACY #4691,	)	
Certificate of Registration No. PH02471,	)	
	)	
Respondent.	/	

Brett Kandt, General Counsel for Petitioner the Nevada State Board of Pharmacy (Board), and Respondent CVS PHARMACY #4691 ("CVS"), Certificate of Registration No. PH02471, by and through counsel, Brian J. Convery, Esq., **HEREBY STIPULATE AND AGREE THAT:**

1. The Board has jurisdiction over Respondent CVS and this matter.
2. On or about May 2, 2019, Board Staff properly served the Notice of Intended Action and Accusation (Accusation) on file in this matter on Respondent CVS.
3. Respondent CVS filed an Answer to the Accusation on or about May 21, 2019.
4. Respondent CVS is fully aware of its right to seek the advice of counsel in this matter and obtained the advice of counsel prior to entering into this Stipulation.
5. Respondent CVS is aware of its right to a hearing on the matters alleged in the Accusation, its right to reconsideration, its right to appeal and any and all other rights which may be accorded to it pursuant to NRS Chapter 233B (Nevada Administrative Procedure Act), NRS Chapter 622A (Administrative Procedure Before Certain Regulatory Bodies), and NRS Chapter 639 (Nevada Pharmacy Act).
6. Conditioned on the acceptance of this Stipulation by the Board, and with the exception of the right to challenge any determination that Respondent CVS has failed to comply with the provisions of Paragraphs 9, 14 and/or 15 below, Respondent CVS hereby freely and



voluntarily waive its rights to a hearing, reconsideration, appeal and any and all other rights related to this action that may be accorded to it by NRS Chapter 233B (Nevada Administrative Procedure Act), NRS Chapter 622A (Administrative Procedure Before Certain Regulatory Bodies), and NRS Chapter 639 (Nevada Pharmacy Act).

7. Respondent CVS admits that evidence exists, and that Board staff prosecuting this case could present such evidence at an administrative hearing, which may be sufficient to establish a factual basis for the violations alleged in the Accusation, *to wit*, that:

A. At the time of the events alleged in the Accusation, Gisela Ochoa (Ochoa), Certificate of Registration No. PT18361, and Jenifer Grove (Grove), Certificate of Registration No. PT11159, were both pharmaceutical technicians registered by the Board and employed by Respondent CVS #4691.

B. Ochoa violated NAC 639.482, NAC 639.485 and NAC 639.910(1) and engaged in unprofessional conduct and conduct contrary to the public interest under NAC 639.945(1)(d) and (i) by dispensing a prescription drug to the wrong patient and performing the point of sale prescription scans and sales transaction under Grove's computer initials.

C. Grove violated NAC 639.482, NAC 639.485 and NAC 639.910(1) and engaged in unprofessional conduct and conduct contrary to the public interest under NAC 639.945(1)(d) and (i) by failing to maintain the security of her password.

D. As the pharmacy/pharmacy owner at which the violations of law alleged herein occurred, CVS #4691 is responsible for the violations committed by Ochoa and Grove pursuant to NRS 639.230(5) and NAC 639.945(2). CVS #4691 is therefore subject to discipline pursuant to NRS 639.210(4) and (12) and NRS 639.255, NAC 639.751, and NAC 639.930.

8. Those violations are plead with particularity in the Accusation, and are grounds for action pursuant to NRS 639.210 and NRS 639.255.

9. Based upon the Accusation and the foregoing admissions, the Board and Respondent CVS stipulate to the following penalties. Respondent CVS Pharmacy #4691, Certificate of Registration No. PH02471, shall:

A. Pay a fine of Five-Hundred Dollars (\$500.00) associated with the violations indicated above; and

B. Pay Seven-Hundred Fifty Dollars (\$750.00) to partially reimburse the Board for reasonable attorney's fees and costs incurred in investigating and prosecuting this matter.

10. Any failure by Respondent CVS to comply with the terms of this Order may result in issuance by the Executive Secretary of an order to show cause directing Respondent CVS to appear before the Board at the next regularly-scheduled meeting for a show cause hearing. If such a hearing results in a finding of a violation of this Order by Respondent CVS, the Board may impose additional discipline upon Respondent CVS not inconsistent with the provisions of NRS Chapter 639.

11. General Counsel will present this Stipulation to the Board for approval pursuant to NRS 622.330 at the Board's regularly scheduled public meeting on March 6, 2019, in Reno, Nevada. Respondent CVS's authorized representative(s) will appear at the meeting to answer questions from the Board Members and/or Board Staff. The Board Members and Staff may discuss and deliberate regarding this Stipulation, even if Respondent CVS or its counsel are not present at the meeting.

12. The Board has discretion to accept this Stipulation, but it is not obligated to do so. If this Stipulation is approved by the Board it shall be a public record pursuant to NRS 622.330.

13. If the Board rejects any part or all of this Stipulation, and unless they reach an alternative agreement on the record during the hearing, the parties agree that a full hearing on the merits of this matter may be heard by the Board. The terms and admissions herein may not be used or referred to in a full hearing on the merits of this matter.

14. Upon approval of this Stipulation by the Board, Respondent CVS shall pay the fine agreed to herein by *cashier's check* or *certified check* or *money order* made payable to "State of Nevada, Office of the Treasurer," to be received by the Board's Reno office located at 985 Damonte Ranch Parkway - Suite 206, Reno, Nevada 89521, within thirty (30) days of the effective date of this Order.

15. Upon approval of this Stipulation by the Board, Respondent CVS shall pay the administrative fee agreed to herein by *cashier's check* or *certified check* or *money order* made payable to "Nevada State Board of Pharmacy," to be received by the Board's Reno office located at 985 Damonte Ranch Parkway - Suite 206, Reno, Nevada 89521, within thirty (30) days of the effective date of this Order;

16. Subject to the approval of this Stipulation by the Board, the Board and Respondent CVS agree to release each other from any and all additional claims arising from the facts set forth in the Accusation on file herein, whether known or unknown that might otherwise have existed on or before the effective date of this Order.



Respondent CVS has fully considered the charges and allegations contained in the *Notice of Intended Action and Accusation* in this matter, and the terms of this Stipulation, and has freely and voluntarily agreed to the terms set forth herein, and waived certain rights, as stated herein.

**AGREED:**

Signed this 5 day of June, 2019



AUTHORIZED REPRESENTATIVE  
CVS Pharmacy #4691  
Certificate of Registration No. PH02471

Signed this 5<sup>th</sup> day of June, 2019



BRETT KANDT, ESQ.  
General Counsel  
Nevada State Board of Pharmacy

**DECISION AND ORDER**

The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as its decision as to Respondent CVS Pharmacy #4691, Certificate of Registration No. PH02471, in Case No. 18-086-PH-N and hereby orders that the terms of the foregoing Stipulation be made effective upon execution below.

6/5/19

Dated

Ken Dland Po

Jason Penrod, President  
Nevada State Board of Pharmacy

## CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 6<sup>th</sup> day of June 2019, I served a true and correct copy of the foregoing document by Certified U.S.

Mail to the following:

Brian J. Convery, Esq.  
Senior Legal Counsel, Pharmacy Regulatory Affairs  
CVS Health  
200 Campus Drive - Suite 310  
Florham Park, NJ 07932

  
SHIRLEY HUNTING

Brian Covery, Esq.  
200 Campus Drive, Suite 310  
Florham Park, NJ 07932  
Order 18-086-PH-N



9171 9690 0935 0157 4991 36

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY													
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>		<p>A. Signature x <i>Chrymne Jhon</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>													
<p>1. Article Addressed to:</p> <p>Brian Covery, Esq. 200 Campus Drive, Suite 310 Florham Park, NJ 07932</p>		<p>3. Service Type</p> <table border="0"><tr><td><input type="checkbox"/> Adult Signature</td><td><input type="checkbox"/> Priority Mail Express®</td></tr><tr><td><input type="checkbox"/> Adult Signature Restricted Delivery</td><td><input type="checkbox"/> Registered Mail™</td></tr><tr><td><input checked="" type="checkbox"/> Certified Mail®</td><td><input type="checkbox"/> Registered Mail Restr: Delivery</td></tr><tr><td><input type="checkbox"/> Certified Mail Restricted Delivery</td><td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td></tr><tr><td><input type="checkbox"/> Collect on Delivery</td><td><input type="checkbox"/> Signature Confirmation™</td></tr><tr><td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td><td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td></tr></table>		<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restr: Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®														
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™														
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restr: Delivery														
<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise														
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™														
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery														
<p>2. <i>(Transfer from service label)</i></p> <p>9171 9690 0935 0157 4991 36</p>		<p>18-086-N</p>													
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt													



# EXHIBIT 8

Case No. 22-104-PH/RPH-N

JOSEPH DELALLO, RPH.

CVS PHARMACY #4691

STEVE SISOLAK  
Governor



HELEN PARK  
President

J. DAVID WUEST  
Executive Secretary

STATE OF NEVADA  
BOARD OF PHARMACY

985 Damonte Ranch Pkwy, Ste 206  
Reno, NV 89521

February 18, 2022

**VIA CERTIFIED U.S. MAIL & ELECTRONIC MAIL**

Joseph DeLallo  
Certificate of Registration RPh. 18429  
[REDACTED] Heritage Oaks Dr.  
Reno, Nevada 89523  
[REDACTED]

**Re: Notice of Nevada Citation and Fine (Case No. 19-008-PH-N)**

Greetings:

The Nevada State Board of Pharmacy ("Board") has determined that you misfilled the following prescription:

On or about December 7, 2018, patient DD was prescribed Guanfacine HCL ER 3MG TB24, with directions "take 3mg by mouth every bedtime;" this prescription was tendered to Raley's Drug Center #115 and designated Prescription No. 6862953-115. The prescription was erroneously dispensed to the patient with instructions to "take 3 tablets by mouth at bedtime."

This notice shall serve as a CITATION pursuant to NRS 639.2895(2) for unprofessional conduct by a pharmacist under NAC 639.945(1)(d) for "failing strictly to follow the instructions of the person writing, making or ordering a prescription as to its filling or refilling." Furthermore, pharmacists are responsible for errors committed by pharmaceutical technicians and other personnel who are not pharmacists pursuant to NAC 639.252 and 639.702.

The Board has assessed an administrative fine of five hundred dollars (\$500.00) pursuant to NRS 639.2895(3). This administrative fine must be paid within 30 days of receipt of this citation. Payment must be by *cashier's check, certified check or money order* made payable to "State of Nevada, Office of the Treasurer," to be received at the Board's Reno office, located at 985 Damonte Ranch Parkway – Suite 206, Reno, NV 89521. Please include a copy of this notice with payment.

You have the right to appeal this citation by submitting a written request for a hearing to the Board at the Board's Reno office no later than 30 days after receipt of this notice. See NRS 639.2895(2). If you have any questions, please do not hesitate to contact Board staff at 775-850-1440.

Sincerely,

Peter Keegan  
Assistant General Counsel  
Nevada State Board of Pharmacy

9171 9690 0935 0265 8779 56

Tele: 775-850-1440 • Fax: 775-850-1444 • Web: bop.nv.gov  
• E-mail: pharmacy@pharmacy.nv.gov

NVBOP0069

SEP - 3 2014

FILED

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

JOSEPH M. DELALLO, R.PH  
Certificate of Registration No. 18429

CVS PHARMACY #8779  
Certificate of Registration No. PH01613,

Respondents.

CASE NO. 14-023-RPH-N

CASE NOS. 14-023-PH-N

STIPULATION AND ORDER

S. Paul Edwards, General Counsel for Petitioner the Nevada State Board of Pharmacy, and respondents Joseph M. Delallo, R.Ph., Certificate of Registration No. 18429 and CVS Pharmacy #8779, Certificate of Registration No. PH01613 (collectively "Respondents"), by and through their counsel, Mike Dyer, of the law firm Dyer, Lawrence, Flaherty, Donaldson & Prunty **HEREBY STIPULATE AND AGREE THAT:**

1. The Board has jurisdiction over these matters.
2. The Board properly served a Notice of Intended Action and Accusation (Accusation) on each of the Respondents on or about July 30, 2014.
3. Respondents filed a joint written Answer and Notice of Defense (Answer) with the Board on August 15, 2014.
4. Respondents, and each of them, were fully aware of their right to seek the advice of counsel in this matter, and obtained the advice of counsel prior to entering into this Stipulation.
5. Respondents (Mr. Delallo and CVS Pharmacy #8779), and each of them, are fully aware of their right to a hearing on the matters alleged in the Accusation, their right to reconsideration, their right to appeal and any and all other rights which may be accorded to them pursuant to the Nevada Administrative Procedure Act and the Nevada Pharmacy Act.



6. Conditioned on the Board's acceptance of this Stipulation, and with the exception of the right to challenge any determination that Respondents have failed to comply with the provisions of this Stipulation, Respondents, and each of them, hereby freely and voluntarily waive their rights to a hearing, reconsideration, appeal, and any and all other rights that may be accorded to them by the Nevada Administrative Procedure Act and the Nevada Pharmacy Act.

7. Conditioned on the Board's acceptance of this Stipulation, Respondent CVS Pharmacy #8779 is dismissed from the First and Second Causes of Action.

8. With the exception of the allegations against CVS Pharmacy #8779 in the First and Second Causes of Action, Respondents, and each of them, admit that evidence exists, and that such evidence could be presented at a hearing, to establish a factual basis for the violations specified in Paragraph 9, below, *to wit*, that while employed by CVS Pharmacy #8779, Mr. Delallo (a) failed to strictly follow the instructions of patient S.H.'s physician by dispensing citalopram HBR 40 mg. tablets, rather than the prescribed ceftibuten 400 mg. tablets, (b) failed to adequately counsel regarding patient S.H.'s prescription for ceftibuten 400 mg. tablets, and (c) when providing the correct medication to S. H., edited the original fill record for prescription number 1133086, rather than creating a new prescription number for the correct medication.

9. Based on Respondents' admissions, Respondents admit that Mr. Delallo is guilty of violating:

- a. Nevada Administrative Code (NAC) 639.945(1)(d) (First Cause of Action);
- b. Nevada Revised Statutes (NRS) 639.266(1) and NAC 639.707(1) and (2) (Second Cause of Action); and
- c. NAC 639.945(1)(i) (Third Cause of Action), respectively.

10. Those violations are grounds for discipline against Mr. Delallo pursuant to NRS 639.210(4) and (12), as well as NRS 639.255.

11. Based on Respondents' admissions, CVS Pharmacy #8779 is responsible for acts of its employee Mr. Delallo under NAC 639.945(2).<sup>1</sup>

12. Based upon the Accusation and the foregoing admissions, Respondents individually stipulate to the following penalties, which will become binding and enforceable upon approval of this Stipulation by the Board:

a. Mr. DeLallo shall (i) pay a fine of \$750.00 for the dispensing error, (ii) complete one additional hour of CE in the area of "error prevention", by taking a CE credit approved in advance by the Board Executive Secretary, (iii) pay a fine of \$750.00 for the counseling violation, (iv) complete any additional training program deemed appropriate by CVS, and (v) pay a \$45.00 administrative fee for fingerprinting.

b. CVS Pharmacy #8779 shall (i) provide to Board Staff within sixty (60) days a letter which contains: a summary or outline of CVS's Policies and Procedures regarding "counseling", a summary or outline of the training procedures for CVS pharmacists; and a summary of the additional training which CVS required Mr. Delallo to complete as a result of the underlying facts of the Accusation and violations found herein, and (ii) pay an administrative fee of \$450.00. The adequacy of the training CVS requires Mr. Delallo to complete pursuant to this Stipulation is subject to review by Board Staff.

13. The foregoing is for the purposes of this proceeding only, and shall have no force or effect in any other case or proceeding before the Board.

14. Board Counsel will present this stipulation to the Board for approval at its meeting on September 3, 2014, in Reno, Nevada. Respondents, and each of them, will appear at that meeting to answer questions put to them by members of the Board and Board Staff. The Board may discuss and deliberate regarding this stipulation even if a Respondent or both of them are absent. The Board has discretion to approve this stipulation, but it has no obligation to do so.

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<sup>1</sup> The Board does not find that CVS Pharmacy #8779 acted negligently.

15. If the Board adopts the recommendations set forth above, the Board and Respondents Mr. Delallo and CVS Pharmacy #8779 each agree to release the other from any and all claims arising from the facts set forth in the Accusation on file herein, whether known or unknown, that might otherwise have existed on or before the effective date of the Board's Order in this matter.


16. If the Board rejects any part or all of this Stipulation and Order, the parties agree that a full hearing on the merits of this matter may be heard by the Board, and that the hearing shall occur at the Board's December 3, 2014 meeting in Reno, Nevada. The terms and admissions herein may not be used or referred to in any full hearing on the merits of this matter.

17. Respondents shall pay the fines agreed to herein by *cashier's check* or *certified check* or *money order* made payable to "State of Nevada, Office of the Treasurer" to be received by the Board's Reno office located at 431 W. Plumb Lane, Reno, NV 89509, within 90 days of the effective date of the Board's Order.

18. Respondents shall pay the administrative fees agreed to herein by *cashier's check*, *certified check* or *money order* made payable to the "Nevada State Board of Pharmacy" to be received by the Board's Reno office located at 431 W. Plumb Lane, Reno, NV 89509, within thirty (30) days of the effective date of the Board's Order.

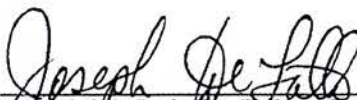
19. Any failure by any Respondent to satisfy the obligations stated herein may result in additional discipline, up to and including suspension or revocation of the Respondent's respective registration/license, until all terms have been satisfied.

Signed this 3 day of September, 2014

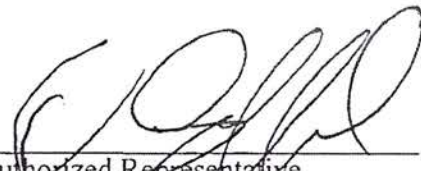
  
S. Paul Edwards,  
General Counsel  
Nevada State Board of Pharmacy

Signed this 3 day of September, 2014

Signed this 3 day of September, 2014

  
Joseph M. Delallo, R.Ph., Certificate of  
Registration No. 18429

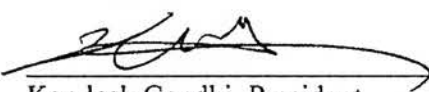


  
Authorized Representative  
CVS Pharmacy #8779

**DECISION AND ORDER**

The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as its decision as to Respondent Joseph M. Delallo, R.Ph., Certificate of Registration No. 18429 and CVS Pharmacy #8779, Certificate of Registration No. PH01613, in case numbers 14-023-RPH-N and 14-023-RH-N, and hereby orders that the terms of the foregoing Stipulation be made effective. This decision and order shall be effective upon execution.

9/3/2014  
\_\_\_\_\_  
DATED

  
\_\_\_\_\_  
Kamlesh Gandhi, President  
Nevada State Board of Pharmacy



BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	
	)	
Petitioner,	)	CASE NO. 14-023-RPH-N
v.	)	CASE NO. 14-023-PH-N
	)	
JOSEPH M. DELALLO, RPH	)	NOTICE OF INTENDED
Certificate of Registration No. 18429,	)	ACTION AND ACCUSATION
	)	
CVS PHARMACY #8779	)	
Certificate of Registration No. PH01613,	)	
	)	
Respondents.	)	
	/	

Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, 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 (Board) has jurisdiction over this matter because at the time of the events alleged herein, Respondent Joseph Delallo (Mr. Delallo), Certificate of Registration No. 18429, was a registered pharmacist with the Board, and Respondent CVS Pharmacy #8779 (CVS #8779), Certificate of Registration No. PH01613, was a pharmacy registered with the Board.

II.

On or about March 25, 2014, Dr. R treated patient SH and prescribed Cedax® (ceftibuten) 400 mg. with instructions to take 400 mg. every day for five days. SH tendered the prescription to CVS #8779 on March 25, 2014. SH's spouse picked up the filled prescription later that same day.

III.

On March 27, 2014, SH ingested one tablet as instructed on the prescription label

(prescription number 1133086). He soon developed a variety of symptoms including headache, excessive sweating, heart palpitations, dry mouth and diarrhea.

IV.

SH queried the internet and discovered that the tablets were not the antibiotic, ceftibuten (Cedax®), prescribed by his physician. He identified the dispensed tablets as the generic for Celexa® (citalopram), an antidepressant.

V.

HS contacted CVS #8779. At Mr. Delallo's request, SH returned to the pharmacy on March 30, 2014, at which time Mr. Delallo exchanged the citalopram 400 mg. tablets for ceftibuten 180mg/5ml suspension.

VI.

Pharmaceutical technician Annette Smith initiated the processing of SH's prescription for ceftibuten 400 mg. on March 25, 2014. During data entry, Ms. Smith incorrectly entered citalopram HBR 40 mg. instead of the prescribed ceftibuten 400 mg.

VII.

Pharmaceutical technician Esai Rodriquez labeled and filled the prescription. Ms. Rodriquez did not detect the error.

VIII.

Mr. Delallo performed the final review and verification of the prescription. During verification, Mr. Delallo failed to detect that the prescription had been filled with citalopram HBR 40 mg. rather than the prescribed ceftibuten 400 mg.

IX.

During counseling, Mr. Delallo again failed to identify the error.

X.

During the Board investigation, attempts to locate a record of the original prescription (1133086) for citalopram HBR 40 mg. met with negative results. The original prescription could



not be located, and the original data entered into the pharmacy computer system on March 25, 2014, had been edited by Mr. Delallo to remove any reference to the citalopram error. Prescription number 1133086 now reflects the data connected to the corrected ceftibuten fill of March 30, 2014. The investigation also revealed that Mr. Delallo disposed of the returned bottle of citalopram shortly after it was returned to the pharmacy.

### **FIRST CAUSE OF ACTION**

#### **XI.**

In failing to strictly follow the instructions of SH's physician by verifying and dispensing citalopram HBR 40 mg., rather than the ceftibuten 400 mg. that was prescribed, Respondents Joseph Delallo and CVS Pharmacy #8779 violated Nevada Administrative Code (NAC) 639.945(1)(d) and/or (i), which violations are grounds for action pursuant to Nevada Revised Statute (NRS) 639.210(4), (11) and/or (12), or alternatively under NRS 639.255.

### **SECOND CAUSE OF ACTION**

#### **XII.**

By failing to detect during counseling that the prescription was filled with citalopram HBR 40 mg., rather than the ceftibuten 400 mg. that was prescribed, Mr. Delallo and CVS Pharmacy #8779 provided inadequate counseling in violation of NRS 639.266(1) and NAC 639.707(1) and (2), as well as NRS 639.945(1)(i), which violations are grounds for action pursuant to NRS 639.210(4) and (12), or alternatively under NRS 639.255.

### **THIRD CAUSE OF ACTION**

#### **XIII.**

In removing the original fill record for prescription number 1133086, Joseph Delallo violated NAC 639.910(1) and (2) and/or NAC 639.945(1)(h) and (i), which violations are grounds for action pursuant to NRS 639.210(4), (11), (12) and/or (15), or alternatively under NRS 639.255.

#### **FOURTH CAUSE OF ACTION**

#### **XIV.**

As the owner of the pharmacy in which the foregoing violations, or any one of them, occurred, Respondent CVS Pharmacy #8779 is responsible and therefore subject to discipline pursuant to NAC 639.945(1)(d) and (i) and/or (2), as well as NAC 639.910(1)(m) and (2), which violations are grounds for action pursuant to NRS 639.210(4), (11) and/or (12), or alternatively under 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 30<sup>th</sup> day of July, 2014.

  
Larry L. Pinson, Pharm.D., 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.

# EXHIBIT 9

Case No. 22-104-PH/RPH-N

JOSEPH DELALLO, RPH.

CVS PHARMACY #4691



Attorney Timesheet for Peter Keegan

Case No. 22-104-RPH/PH-N – DeLallo/CVS #4691

DATE	TIME
------	------

August 31, 2022	3.9
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Reviewed investigative file with Executive Secretary David Wuest and Deputy Executive Secretary YenH Long; legal research; discuss investigation with Board staff including Investigator Monica Segedy. Draft declaration from Pharmacist a Renown that performed drug verification.

September 29, 2022	2.9
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Draft Citation and Fine for Anup Chabra, draft accusation for Joseph DeLallo and CVS #4691, submit for review and Executive Secretary signature.

January 17, 2022	0.3
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Follow up with Investigator Segedy on declaration from Renown Pharmacist

June 26, 2022	0.4
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Email to executive staff concerning prosecution of case at Board's July meeting. Discussion of possible range of settlement options if any.

June 29, 2022	0.3
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Request for timesheets from Board Coordination staff

July 5, 2022	2.8
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Review Discovery file and email to Bill Stilling. Telephone call from Joseph DeLallo regarding options to resolve case. Discussion with Executive Staff regarding possible avenues of settlement. Prepare Declaration for Investigator Segedy.

July 6, 2022	2.1
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Telephone conference with Bill Stilling. Prepare Exhibits and timesheets. Follow up with Investigator Segedy on timesheet. Respond to Joseph DeLallo email.

July 11, 2023	1.0
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Peter Keegan – Prepare for hearing before the Board.

June 12, 2023	2.0
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Peter Keegan – Prosecute Case before the Board.

**TOTAL 15.7 hours x \$59.97/hour = \$937.60**

Timesheet for Monica S. Segedy

CVS Pharmacy (PH02471);  
RPh Joseph Delallo;

Case No. 22-104-PH-N

<u>DATE</u>	<u>TIME</u>	<u>ACTIVITY</u>
4/13/2022	1.0 Hours	Interview/Documentation of Christine Lancaster Review of Photos
4/19/2022	1.0 Hours	Contact with CVS/Requested Records Contact with Renown/Requested Records
4/21/2022	2.0 Hours	Renown Records Received and Reviewed
4/27/2022	.50 Hours	CVS Records Received
5/4/2022	1.0 Hours	CVS Records Reviewed and Documented
5/4/2022	2.0 Hours	Preparation of investigative report
9/12/2022	1.0 Hours	Obtained Signed Declaration from RPh Andy Bell Updated Investigative Report

Total Hours: 8.5 Hours @ \$47 per Hour = \$399.50

Timesheet for Kristopher Mangosing –

CVS PHARMACY #4691/ JOSEPH DELALLO, Case No. 22-104-N

DATE	TIME
------	------

6/12/2023	0.25
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Prepared 21 day notice for mailing.

6/29/2023	0.25
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Prepared documents for Board Book

7/5/2023	0.25
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Prepared discovery request

**TOTAL POSTAGE \$8.10 X 3 = 24.30**

**TOTAL 0.75 hours x \$34.86/hour = \$26.15**

**TOTAL \$50.45**



Timesheet for Darlene Nases –

CVS PHARMACY #4691 & JOSEPH DELALLO - CASE NO. 22-104-N

DATE	TIME
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5/30/2023	.75
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Proofed, certified, and mailed out Notice of Intended Action and Accusation for CVS Pharmacy #4691 and to CVS Counsel

Mailing Cost: \$10.74 each

5/30/2023	.50
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Proofed, certified, and mailed out Notice of Intended Action and Accusation for Joseph DeLallo

Mailing Cost: \$10.74 each

**TOTAL 1.25 hours x \$34.86/hour = \$43.57**

**TOTAL TIME & COST SUMMARY**

**Case No. 22-104-PH/RPH-N – DeLallo & CVS #4691**

Attorney Peter Keegan – 15.7 hours @\$59.97/hr =	<b>\$937.60</b>
Investigator Monica Segedy – 8.5 hours @\$47.00/hr =	<b>\$399.50</b>
Board Coordinator Kristopher Mangosing – 0.75@34.86/hr =	<b>\$26.15</b>
Certified Mailing Postage	<b>\$24.30</b>
Board Coordinator Darlene Nases – 1.25 hours @34.86/hr =	<b>\$43.57</b>
Certified Mailing Postage	<b>\$21.48</b>
<hr/>	
<b>Total</b>	<b>\$1,452.60</b>