

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

LAS VEGAS SCRIPTS RX,
Pharmacy License No. PH03930,

NATHAN EDOUARD, RPH,
Certificate of Registration No. 19462, and

SHERMAN WASHINGTON, MD,
Certificate of Registration No. CS24310,

Respondents.

CASE NOS. 19-243-PH-S
19-243-RPH-S
19-243-CS-S

**STIPULATED FIRST AMENDED
FINDINGS OF FACT,
CONCLUSIONS OF LAW;
ORDER**

***** RESPONDENTS LAS VEGAS
SCRIPTS RX, AND NATHAN
EDOUARD, RPH ONLY**

J. David Wuest, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy (“Board”), by and through its General Counsel, Peter K. Keegan, Esq., and Respondent Las Vegas Scripts, RX, Pharmacy License No. PH03930 (“LV Scripts”), and Respondent Nathan Edouard, RPh., Certificate of Registration No. 19462 (“Edouard”), by and through counsel, John H. Cotton, Esq., **HEREBY STIPULATE AND AGREE AS FOLLOWS:**

PROCEDURAL HISTORY

1. This matter came before the Board at its regularly scheduled meeting on Thursday, September 8, 2022, in Las Vegas, Nevada. Courtney K. Lee, Esq., appeared on behalf of the Board. Respondents LV Scripts and Edouard appeared jointly through counsel Chandon Alexander, Esq. of Spartacus Law Firm. Respondent Sherman Washington, MD (“Washington”), appeared through counsel Michael Mee, Esq., and agreed to a separately executed Stipulation and Order.

2. Upon hearing the case, and based upon the evidence presented, the Board entered its Findings of Facts, Conclusions of Law, and Order (“Order”) against Respondents LV Scripts and Edouard, which was filed on September 8, 2022.

3. On or about October 24, 2022, Respondent Edouard and LV Scripts filed, *in propria persona*, an email requested for reconsideration of the Order.

4. On November 10, 2022, the Board filed its Order Granting Respondents' Petition for Partial Reconsideration as to paragraphs 7 and 10 of the Board's Order.

5. On or about November 16, 2022, Ayesha Mehdi, Esq. of Spencer Fane LLP entered her appearance as counsel on behalf of Respondents LV Scripts and Edouard.

6. On or about November 28, 2022, counsel for Respondents submitted a Motion for Continuance and Leave to File Petition/Motion for New Hearing.

7. On or about November 29, 2022, counsel for the Board submitted an Opposition to Respondents' Las Vegas Scripts RX, and Nathan Edouard, RPH's Motion for Continuance and Leave to File Petition/Motion for New Hearing.

8. On or about November 29, 2022, counsel for Respondents submitted a Reply to the Board's Opposition to Respondents' Las Vegas Scripts RX, and Nathan Edouard, RPH's Motion for Continuance and Leave to File Petition/Motion for New Hearing.

9. On or about December 29, 2022, the Board's General Counsel, replaced Courtney Lee, Esq. as counsel for the Board in this matter.

10. On April 12, 2023, the Board entered its Order approving the parties' Stipulation to Rehearing.

STIPULATION

11. Respondents are aware of the right to a re-hearing on the matters alleged in the Accusation pursuant to the Board's Order filed on April 12, 2023, the right to reconsideration, the 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.

12. Conditioned on the acceptance of this Stipulation by the Board, and with the exception of the right to challenge any determination that Respondents, or any of them, have failed to comply with the provisions of this Stipulation, Respondents 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.

13. This Stipulation will be presented to the Board Members for approval pursuant to NRS 622.330 at the Board's regularly scheduled public meeting on September 6, 2023. Respondents will appear in person and/or by and through counsel at the meeting to answer questions from the Board Members. The Board Members may discuss and deliberate regarding this Stipulation, even if Respondents or counsel are not present at the meeting.

14. 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.

15. If the Board rejects any part or all of this Stipulation, and unless the parties reach an alternative agreement on the record during the hearing, the parties agree that a full rehearing on the merits of this matter may be heard by the Board 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.

16. In order to resolve this matter without incurring any further costs or the expense associated with a hearing, the Board and Respondents Edouard and LV Scripts hereby stipulate to the below First Amended Findings of Fact, Conclusions of Law, and Proposed Order.

FINDINGS OF FACTS

17. In the interest of avoiding the time and expense associated with further litigation and with the objective of seeking an efficient resolution of this matter, the Board and Respondents agree to the following findings of fact and conclusions of law for the purposes of settlement: The Board has jurisdiction over Respondents because at the time of the events alleged herein, Respondent LV Scripts held Nevada Pharmacy License No. PH03930, and Respondent Edouard held Nevada Pharmacist Certificate of Registration No. 19462.

18. Respondent LV Scripts Rx is a pharmacy located 2920 N. Green Valley Parkway, #814, in Henderson, Nevada.

19. Respondent Edouard was/is the owner of LV Scripts and was/is employed as the managing pharmacist during the alleged and relevant timeframes.

20. On or about September 25, 2019, Board inspectors completed their annual inspection at LV Scripts. At the inspection, the following violations were discovered:

- a. LV Scripts appeared to be filling hand delivered or picked up prescriptions that contained copied signatures.
- b. LV Scripts was providing a pre-printed prescription form.

CONCLUSIONS OF LAW

Based upon the foregoing findings of facts, the Board concludes as a matter of law:

21. Respondent Edouard engaged in unprofessional conduct and conduct contrary to the public interest, and performed his duties in an incompetent, unskillful or negligent manner when he processed copied signatures on prescriptions in violation of NAC 454.060, and is therefore subject to discipline pursuant to, NRS 639.210(4), and/or NRS 639.255.

22. Respondent LV Scripts engaged in unprofessional conduct and conduct contrary to the public interest by utilizing a pre-printed form in marketing its business in violation of NRS 639.264, NAC 639.945(1)(i), and is therefore subject to discipline pursuant to NRS 639.210(4) and/or NRS 639.255.

23. Respondent Edouard, as owner and managing pharmacist of the pharmacy, and Respondent LV Scripts, as the pharmacy, at which the violations of law alleged herein occurred, are individually responsible for those violations, including those of the pharmacy's employees, pursuant to NAC 639.702, NAC 639.945(2) and are therefore subject to discipline pursuant to NRS 639.210 and/or NRS 639.255.

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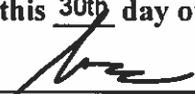
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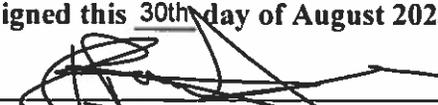
AGREED:

Signed this 30th day of August 2023.



LAS VEGAS SCRIPTS RX
By its Owner Nathan Edouard, RPh.
Pharmacy License No. PH03930

Signed this 30th day of August 2023.



NATHAN EDOUARD, RPH.
Certificate of Registration No. 19462

APPROVED AS TO FORM AND CONTENT
This day of August 2023.

SPENCER FANE LLP

WILLIAM HOPKINS, ESQ.
AYESHA MEHDI, ESQ.
Counsel for Respondents

NEVADA STATE BOARD OF PHARMACY



PETER KEEGAN, ESQ.
General Counsel

ORDER

THEREFORE, BASED UPON THE *STIPULATED* FIRST AMENDED FINDINGS OF FACTS, AND CONCLUSIONS OF LAW, THE BOARD HEREBY ORDERS AS FOLLOWS:

1. Respondent LV Scripts' Pharmacy License No. PH03930 is suspended; however, the suspension is immediately stayed. Respondent LV Scripts shall be placed on probation for one (1) year relating back to the Board's Order filed on September 8, 2022. During the 1-year probationary period, Respondent LV Scripts shall not violate any federal or state law pertaining to the dispensing of controlled substances and/or dangerous drugs. If Respondent LV Scripts successfully completes the conditions of the probationary period, Respondent's may submit a petition for reinstatement of its pharmacy license.

2. Respondent LV Scripts shall pay fines of Five Thousand Dollars (\$5,000) for the violations by *personal check, business check, cashier's check or certified check or money order*

AGREED:

Signed this ____ day of August 2023.

LAS VEGAS SCRIPTS RX
By its Owner Nathan Edouard, RPh.
Pharmacy License No. PH03930

Signed this ____ day of August 2023.

NATHAN EDOUARD, RPH.
Certificate of Registration No. 19462

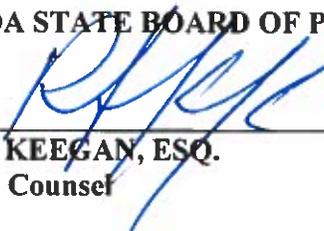
APPROVED AS TO FORM AND CONTENT
This²⁹ ____ day of August 2023.

SPENCER FANE LLP

Ayesha Mehdi

WILLIAM HOPKINS, ESQ.
AYESHA MEHDI, ESQ.
Counsel for Respondents

NEVADA STATE BOARD OF PHARMACY



PETER KEEGAN, ESQ.
General Counsel

ORDER

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2. Respondent LV Scripts shall pay fines of Five Thousand Dollars (\$5,000) for the violations by *personal check, business check, cashier's check or certified check or money order*

made payable to “State of Nevada, Office of the Treasurer,” in ten (10) equally monthly installments of Five Hundred Dollars (\$500.00), each of which shall be received by the Board’s Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521 according to the following payment schedule:

(1)	October 1, 2023	\$500
(2)	November 1, 2023	\$500
(3)	December 1, 2023	\$500
(4)	January 1, 2024	\$500
(5)	February 1, 2024	\$500
(6)	March 1, 2024	\$500
(7)	April 1, 2024	\$500
(8)	May 1, 2024	\$500
(9)	June 1, 2024	\$500
(10)	July 1, 2024	\$500
TOTAL		\$5,000

3. Respondent LV Scripts shall pay attorney’s fees and investigative costs of Nine Hundred Dollars (\$900.00) 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 the effective date of this Order.

4. Respondent Edouard shall accept this Order as a public reprimand.

5. Respondent Edouard shall pay fines of Two Thousand Five Hundred Dollars (\$2,500) for the violations by *personal check, business check, cashier’s check or certified check or money order* made payable to “State of Nevada, Office of the Treasurer,” in ten (10) equally monthly installments of Five Hundred Dollars (\$500.00), each of which shall be received by the Board’s Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521 according to the following payment schedule:

(11)	October 1, 2023	\$250
(12)	November 1, 2023	\$250
(13)	December 1, 2023	\$250
(14)	January 1, 2024	\$250
(15)	February 1, 2024	\$250
(16)	March 1, 2024	\$250
(17)	April 1, 2024	\$250
(18)	May 1, 2024	\$250
(19)	June 1, 2024	\$250
(20)	July 1, 2024	\$250
TOTAL		\$2,500

6. Respondent Edouard shall pay attorney’s fees and investigative costs of Nine Hundred Dollars (\$900) 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 the effective date of this Order.

7. 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 Respondent to appear before the Board at the next scheduled Board meeting for hearing. If the show cause hearing results in a finding of a violation of this Order by any Respondent, then the Board may impose additional discipline upon any Respondent consistent with NRS Chapter 639.

8. This Order is effective immediately.

IT IS SO ORDERED.

Entered this _____ day of September 2023.

Helen Park, President
Nevada State Board of Pharmacy

SIGNATURE CERTIFICATE



REFERENCE NUMBER
1758820E-DD67-4B66-B78B-9B8850D211A7

TRANSACTION DETAILS

Reference Number
1758820E-DD67-4B66-B78B-9B8850D211A7

Transaction Type
Signature Request

Sent At
08/29/2023 08:03 EDT

Executed At
08/30/2023 18:47 EDT

Identity Method
email

Distribution Method
email

Signed Checksum
fda3feaa53c91381329199bea670520d0b125e90b1a6ace64239b8bec306fe

Signer Sequencing
Disabled

Document Passcode
Disabled

DOCUMENT DETAILS

Document Name
Case No 19-243 - First Amended and Stipulated FFCL0 - LV Scripts Edouard - 8 21 2023

Filename
Case_No_19-243_-_First_Amended_and_Stipulated_FFCL0_-_LV_Scripts_Edouard_-_8_21_2023.pdf

Pages
7 pages

Content Type
application/pdf

File Size
237 KB

Original Checksum
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SIGNERS

SIGNER	E-SIGNATURE	EVENTS
Name Ayesha Mehdi	Status signed	Viewed At 08/29/2023 16:13 EDT
Email amehdi@spencerfane.com	Multi-factor Digital Fingerprint Checksum a45b5341d5d370183030d61ca4775ccca0f044314b0a09eeaf1ad8d7d98a0e1	Identity Authenticated At 08/29/2023 16:15 EDT
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	Signature Reference ID F73D9C41	

AUDITS

TIMESTAMP	AUDIT
08/29/2023 08:03 EDT	Jodi Peretz (jperetz@spencerfane.com) created document 'Case_No_19-243 - First Amended and Stipulated FFCL0 - LV Scripts Edouard - 8 21 2023.pdf' on Chrome via Windows from 50.159.198.90.
08/29/2023 08:03 EDT	Ayesha Mehdi (amehdi@spencerfane.com) was emailed a link to sign.
08/29/2023 08:03 EDT	Nathan Edouard (dredouard@lvscripts.com) was emailed a link to sign.
08/29/2023 15:45 EDT	Nathan Edouard (dredouard@lvscripts.com) was emailed a reminder.
08/29/2023 15:45 EDT	Ayesha Mehdi (amehdi@spencerfane.com) was emailed a reminder.
08/29/2023 16:13 EDT	Ayesha Mehdi (amehdi@spencerfane.com) viewed the document on Mobile Safari via iOS from 37.61.227.78.
08/29/2023 16:13 EDT	Ayesha Mehdi (amehdi@spencerfane.com) viewed the document on Mobile Safari via iOS from 50.159.65.233.
08/29/2023 16:15 EDT	Ayesha Mehdi (amehdi@spencerfane.com) authenticated via email on Mobile Safari via iOS from 50.159.65.233.
08/29/2023 16:15 EDT	Ayesha Mehdi (amehdi@spencerfane.com) signed the document on Mobile Safari via iOS from 50.159.65.233.
08/30/2023 13:46 EDT	Nathan Edouard (dredouard@lvscripts.com) was emailed a reminder.
08/30/2023 18:47 EDT	Nathan Edouard (dredouard@lvscripts.com) was removed from document 1758820e-dd67-4b66-b78b-9b8850d211a7 as the document was force completed.
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BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**CARSON TAHOE REGIONAL
HEALTHCARE d.b.a
CARSON TAHOE REGIONAL
MEDICAL CENTER,
Pharmacy License No. IA00531,**

and

**KELLY SCHOTT, RPh.,
Certificate of Registration No. 15179,**

Respondents.

Case No. 23-104-PH-N

**STIPULATION AND ORDER
(Respondent Carson Tahoe Regional
Medical Center ONLY)**

J. David Wuest, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy ("Board"), by and through its General Counsel, Peter K. Keegan, Esq., and Respondent Carson Tahoe Regional Healthcare d.b.a. Carson Tahoe Regional Medical Center, Pharmacy License No. IA00531 ("Respondent Carson Tahoe"), by and through counsel, John H. Cotton, Esq., **HEREBY STIPULATE AND AGREE AS FOLLOWS:**

1. On or about June 6, 2023, Board Staff properly served Respondent Carson Tahoe, by and through its counsel, John H. Cotton, Esq., with the Notice of Intended Action and Accusation ("Accusation") on file in this matter together with the Statement to Respondent and Notice of Hearing.

2. In lieu of filing an answer and notice of defense in this matter, Respondent submits this Stipulation and Order for the Board's consideration.

3. Respondent Carson Tahoe is fully aware of the right to seek the advice of legal counsel and have done so prior to entered into this Stipulation.

4. Respondent Carson Tahoe is aware the right to a hearing on the matters alleged in the Accusation, the right to reconsideration, the 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”).

5. Conditioned on the acceptance of this Stipulation by the Board, and with the exception of the right to challenge any determination that Respondent Carson Tahoe has failed to comply with the provisions of paragraphs below, Respondent Carson Tahoe hereby freely and voluntarily waives the right to a hearing, reconsideration, appeal and any and all other rights related to this action that may be accorded by NRS Chapter 233B (“Nevada Administrative Procedure Act”), NRS Chapter 622A (“Administrative Procedure Before Certain Regulatory Bodies”), and NRS Chapter 639 (“Nevada Pharmacy Act”).

JURISDICTION

6. The Board has personal jurisdiction over this matter because, at the time of the events alleged herein, Respondent Carson Tahoe held Pharmacy License No. IA00531, issued by the Board, pursuant to NRS 639.230, on June 19, 1995, which authorized Respondent Carson Tahoe to operate a pharmacy within the State of Nevada.

7. The Board has personal jurisdiction over this matter because, at the time of the events alleged herein, Respondent, Kelly Schott, RPh. (“Schott”), held Pharmacist Certificate of Registration No. 15179, issued by the Board, pursuant to NRS 639.127, on January 10, 2001, which authorized her to engage in the practice of pharmacy within the State of Nevada.

8. The Board has jurisdiction over the subject matter of this accusation because, at the time of the events alleged herein, Schott was a Nevada registered pharmacist engaged in the practice of pharmacy at Carson Tahoe, an operating Nevada pharmacy.

PRIOR DISCIPLINE

9. On April 10, 2019, Respondent Carson Tahoe entered Stipulation in Case No. 18-041-PH-N to pay a fine of \$1,500.00 to the Board to resolve allegations the hospital pharmacy had

improperly compounded bupivacaine epidurals resulting in administration by an anesthesiologist of a bupivacaine epidural which erroneously contained a methylparaben preservative, in violation of NAC 639.945(1)(a), (b), (d) and/or (i); NAC 639.6701(1)(a) and (c); NAC 639.6702; NRS 639.230(5); and NAC 639.702.

FACTUAL ALLEGATIONS

10. Respondent Carson Tahoe owns and operates a hospital located at 1600 Medical Parkway in Carson City, Nevada. The hospital is a “medical facility” as that term is defined at NRS 449.0151.

11. To provide its patients with controlled substances and/or dangerous drugs as necessary or appropriate for their treatment at the medical facility, Respondent Carson Tahoe holds Pharmacy License No. IA00531 issued by the Board. The license authorizes Carson Tahoe to operate a pharmacy on the premises of its medical facility. The pharmacy is an “institutional pharmacy” as that term is defined at NRS 639.0085.

12. At all times relevant to this accusation, Respondent Carson Tahoe employed Schott, Certificate of Registration No. 15179, as the Managing Pharmacist of its institutional pharmacy. As Managing Pharmacist, Schott was responsible for maintaining possession of and controlling access to all dangerous drugs and controlled substances acquired by Respondent Carson Tahoe for subsequent use by physicians and other medical practitioners at the medical facility.

13. As relevant to this accusation, Respondent Carson Tahoe’s institutional pharmacy stored dangerous drugs and controlled substances in Pyxis Medstation RX Systems (“Pyxis machines”) for patient administration within the hospital. Respondent Carson Tahoe’s Pyxis machines were programmed with a fingerprint security system.

14. At all times relevant to this accusation, Respondent Carson Tahoe employed Walter Allen Fink, M.D. (“Fink”) as the Chief Medical Officer of its medical facility, and it contracted with Kevin Halow, M.D. (“Halow”), an independent contractor, to serve as the Chief of Staff of

its medical facility. On information and belief, Fink and/or Halow, acting individually or through subordinates, directed certain of Schott's activities in connection with the management of Respondent Carson Tahoe's institutional pharmacy.

15. Respondent Carson Tahoe contracted with Clinical Colleagues, Inc. ("Clinical Colleagues") by way of an Anesthesia Services Agreement ("the Agreement") to provide anesthesia services at its medical facility. Pursuant to the Agreement, Respondent Carson Tahoe granted hospital privileges to Patsy Langford ("Langford"), a certified registered nurse anesthetist.

16. At no time relevant to this accusation was Langford a "practitioner" as that term is defined at NRS 453.126 and NRS 639.0125.

17. At no time relevant to this accusation was Langford issued a Certificate of Registration to Dispense Controlled Substances in Nevada pursuant to NRS 453.226.

18. Although Langford was not a "practitioner" within the meaning of NRS 453.126 and NRS 639.0125, and did not hold a Certificate of Registration to Dispense Controlled Substances, Respondent Carson Tahoe's pharmacy, acting through Schott and/or other pharmacy employees, gave Langford independent access to controlled substances stored in certain of Respondent Carson Tahoe's Pyxis machines.

19. On information and belief, Fink and/or Halow, acting individually or through subordinates, directed Schott and/or other pharmacy employees to program Respondent Carson Tahoe's Pyxis machines so that Langford could independently access and withdraw dangerous drugs and controlled substances, without a practitioner's order, by applying her fingerprint to a touch screen on the Pyxis machine.

20. On December 19, 2022, Langford, using her fingerprint, accessed the Respondent Carson Tahoe Pyxis machine in Operating Room 6 ("OR6"). Langford did so without a practitioner order and selected and administered controlled substances including: 25 mcg fentanyl IT and 0.1 mg morphine sulfate 5 mg/ml to a patient as part of a Cesarean section procedure at Respondent

Carson Tahoe. On December 19, 2022, Langford also selected and obtained a vial of midazolam 2mg (2mL) from the Pyxis machine in OR6 intended for administration to the same Cesarean section patient; however, the midazolam was not administered to the patient.

21. Respondent Carson Tahoe's Care Fusion system reflects Langford regularly used her hospital privileges to access Pyxis machines located throughout Respondent Carson Tahoe's hospital to select, order, and administer controlled substances to Respondent Carson Tahoe hospital patients.

22. Langford was not authorized to independently order controlled substances except under the circumstances authorized by NRS 453.375 and NRS 454.213, all while acting under the supervision of a licensed anesthesiologist.

APPLICABLE LAW

1. It is unlawful for any person to dispense any drug, poison, medicine or chemical unless the person is a Practitioner and holds the appropriate certificate, license or permit required under NRS 639, 453, or 454, and complies with the regulations adopted by the Board. NRS 639.100; NRS 639.0065; NRS 639.235.

2. A controlled substance may only be delivered to an ultimate user pursuant to the lawful order of a practitioner who holds a DEA registration and is authorized to prescribe controlled substances by the jurisdiction in which he or she is licensed to practice his or her profession. 21 U.S.C. § 822(a)(2); 21 U.S.C. § 823(f)(2); 21 CFR § 1306.03(a)(1); 21 CFR § 1306.04(a); NRS 453.226(1).

3. Nevada does not recognize CRNAs as Practitioners or as professionals with authority to prescribe or enter chart orders for controlled substances. NRS 453.038; NRS 453.126; NRS 453.128; NRS 453.375; NRS 453.377; NRS 639.0125; NRS 639.013; NRS 639.100; NAC 639.442.

4. Supplying or diverting drugs, biologicals, medicines, substances, or devices which are legally sold in pharmacies or by wholesalers, so that unqualified persons can circumvent any law pertaining to the legal sale of such articles constitutes unprofessional conduct and conduct contrary to the public interest pursuant to NAC 639.945(1)(k) and is grounds for suspension or revocation of any license or registration issued by the Board. NRS 453.236(1) and NRS 639.210(4).

5. The Board may suspend or revoke a registration if the holder has violated any provision of the Federal Food, Drug and Cosmetic Act or any other federal law or regulation relating to prescription drugs. NRS 639.210(11).

6. The Board may suspend or revoke a registration if the holder has violated, attempted to violate, assisted or abetted in the violation of or conspired to violate any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy. NRS 639.210(12).

7. The Board may suspend or revoke a certificate of registration to dispense controlled substances issued pursuant to NRS 453.231 upon a finding that the registrant has committed an act that renders registration inconsistent with the public interest. NRS 453.236(1)(e) and NRS 453.241(1).

8. The pharmacist in charge of the institutional pharmacy shall initiate procedures to provide for administration and technical guidance in all matters pertaining to acquiring, stocking, recordkeeping and dispensing of drugs and devices. NRS 639.2324(2).

9. Any violation of NRS Chapter 639 by a managing pharmacist or by personnel of the pharmacy under the supervision of the managing pharmacist is cause for suspension or revocation of the license of the pharmacy by the Board. NRS 639.230(5).

10. The owner of a pharmacy, the managing pharmacist of the pharmacy and the registered pharmacist on duty 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.

11. 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).

12. The managing pharmacist of a pharmacy shall establish policies, procedures and systems related to the distribution of drugs to be administered to patients, pursuant to an original or direct copy of a practitioner's order for medication. NAC 639.468(6).

13. The Board may impose a fine upon the holder of a certificate, license, or permit issued by the Board for up to \$10,000.00 for each violation. NRS 639.255(3).

14. This Stipulation constitutes a public record pursuant to NRS 622.330 and any discipline imposed by the Board shall be reported to the National Practitioner Data Bank as required by federal law. Title 42 USC § 1396r-2; 45 CFR Part 60.

ALLEGED VIOLATIONS OF LAW

COUNT ONE

Violations of State Law – Permitting Unlawful Prescribing and/or Charting Order of Controlled Substances

23. By granting CRNA Langford hospital privileges which included physician/practitioner level independent access to the hospital's Pyxis machines, Carson Tahoe, permitted CRNA Langford to engage in prescribing and/or chart ordering of controlled substances without the appropriate certificate, license, or permit. Therefore, Respondent Carson Tahoe violated, attempted to violate, assisted or abetted in the violation of, or conspired to violate, or knowingly permitted, allowed, condoned or failed to report violations of NRS 453.226(1); NRS 453.375(1); NRS 453.377; NRS 453.381(1) and (8); NRS 639.100; NRS 639.235(1); and is

therefore subject to discipline pursuant to NRS 639.230(5); NAC 639.702; NRS 453.236(1)(e); NRS 453.241(1); NRS 639.210(12); and/or NRS 639.255.

COUNT TWO

Violations of Federal Controlled Substances Act – Permitting Unlawful Prescribing and/or Charting Order of Controlled Substances

24. By granting CRNA Langford hospital privileges which included physician/practitioner level independent access to the hospital's Pyxis machines, Carson Tahoe, permitted CRNA Langford to engage in prescribing and/or chart ordering of controlled substances without the appropriate certificate, license, or permit. Therefore, Respondent Carson Tahoe violated, attempted to violate, assisted or abetted in the violation of or conspired to violate, or knowingly permitted, allowed, condoned or failed to report violations of 21 U.S.C. § 822(a)(2); 21 U.S.C. § 823(f)(2); 21 U.S.C. § 841(a); 21 U.S.C. § 846; CFR § 1306.03(a); and/or 21 CFR § 1306.04(a), and is therefore subject to discipline pursuant to NRS 639.230(5); NAC 639.702; NRS 453.236(1)(e); NRS 453.241(1); NRS 639.210(11); and/or NRS 639.255.

COUNT THREE

Violations of State Law - Unprofessional Conduct – Permitting Unlicensed Practice

25. By granting CRNA Langford hospital privileges which included physician/practitioner level independent access to the hospital's Pyxis machine in OR6, Respondent Carson Tahoe permitted CRNA Langford to engage in prescribing and/or chart ordering of controlled substances without the appropriate certificate, license, or permit. Respondent Carson Tahoe's conduct this conduct constitutes unprofessional conduct as defined in NAC 639.945(1)(i). Therefore, Respondent Carson Tahoe is subject to discipline pursuant to NRS 639.230(5); NAC 639.702; NAC 639.945(2); NRS 639.210(4) and/or NRS 639.255.

COUNT FOUR

Violations of State Law - Unprofessional Conduct – Permitting Unlicensed Practice

26. By supplying drugs, biologicals, medicines, substances or devices which are legally sold in pharmacies so that CRNA Langford was able to circumvent Nevada's Pharmacy laws

concerning licensed dispensing and sale including: NRS 453.226(1); NRS 453.375(1); NRS 453.377; NRS 453.381(1) and (8); NRS 454.213; NRS 454.215; NRS 639.100; NRS 639.235(1); Respondent Carson Tahoe performed its duty as the holder of a Nevada Pharmacy license in an unprofessional manner and engaged in conduct contrary to the public interest as defined by NAC 639.945(1)(g). Therefore, Respondent Carson Tahoe is subject to discipline pursuant to NRS 639.230(5); NAC 639.702; NAC 639.945(2); NRS 453.236(1)(e), NRS 453.241(1) and NRS 639.210(4).

CULPABILITY

15. Respondent Carson Tahoe admits truth of each and every factual allegation.

16. Respondent Carson Tahoe neither admits nor denies the truth of the alleged violations of law.

DISCIPLINARY ORDER

17. In consideration of the foregoing admissions and stipulations, and to save the time and expense of litigating the alleged violations of law before the Board, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following **Disciplinary Order**:

- A. Respondent Carson Tahoe shall pay a fine of Ten Thousand Dollars (\$10,000.00) for the violations, 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;
- B. Respondent Carson Tahoe shall pay Three Thousand Five Hundred Dollars (\$3,500.00) to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter, 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;

- C. Respondent Carson Tahoe shall update its internal policies and procedures to eliminate any inconsistencies the Nevada Assembly Bill 198 (2023) and to ensure greater pharmacy oversight of the credentialing process and user access to its Pyxis machines;
- D. Respondent Carson Tahoe shall undergo one (1) additional pharmacy inspection, to include a review of the user access and credentialing policies for the hospital's various Pyxis machines, within 90 days of the effective date of this order, the costs of which shall be borne by Respondent Carson Tahoe;
- E. Respondent Carson Tahoe shall accept this Stipulation and Order as a public reprimand regarding its duties and responsibilities as a prescribing practitioner; and
- F. Respondent Carson Tahoe acknowledges this Stipulation and Order constitutes a public record of discipline that is reportable to the National Practitioner Data Bank.

18. Any failure by Respondent Carson Tahoe 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 Respondent Carson Tahoe 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 Carson Tahoe, the Board may impose additional discipline upon Respondent Carson Tahoe consistent with the provisions of NRS Chapter 453 and/or Chapter 639.

19. The Board's 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 September 6, 2023. Respondent Carson Tahoe will appear through its representatives and/or counsel at the meeting to answer questions from the Board Members. The Board Members may discuss and deliberate regarding this Stipulation, even if Respondent Carson Tahoe is not present at the meeting.

20. The Board has discretion to accept this Stipulation, but it is not obligated to do so.

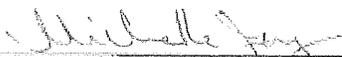
21. If the Board rejects any part or all this Stipulation, the parties agree that a full hearing on the merits of this matter may be heard by the Board unless the parties reach an alternative agreement on the record which is approved by the Board. The terms and admissions herein may not be used or referred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

22. Subject to the approval of this Stipulation by the Board, the Board and Respondent Carson Tahoe 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 Carson Tahoe 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 30TH day of August 2023.


Carson Tahoe Regional Healthcare d.b.a.
Carson Tahoe Regional Medical Center,
Pharmacy License No. IA00531

By: MICHELLE JOY

Its: PRESIDENT & CEO

APPROVED AS TO FORM AND CONTENT
this 30TH day of August 2023.

JOHN H. COTTON & ASSOCIATES, LTD.


John H. Cotton, Esq. (NSB # 5268)
7900 West Sahara, Suite 200
Las Vegas, Nevada 89117
702-832-5909
Counsel for Respondent Carson Tahoe

APPROVED AS TO FORM AND CONTENT
this 30 day of August 2023.

NEVADA STATE BOARD OF PHARMACY


Peter Keegan, Esq. (NSB # 12237)
General Counsel
985 Damonte Ranch Pkwy, Suite 206
Reno, Nevada 89521
775-850-1440

DECISION AND ORDER

The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as its decision as to Respondent Carson Tahoe Regional Healthcare d.b.a. Carson Tahoe Regional Medical Center, Pharmacy License No. IA00531, in Case No. 23-104-PH-N and hereby orders that the terms of the foregoing Stipulation be made effective immediately upon execution below.

IT IS SO ORDERED.

Entered this ____ day of September 2023.

Helen Park, Pharm.D.
President
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

CARSON TAHOE REGIONAL
HEALTHCARE d.b.a
CARSON TAHOE REGIONAL
MEDICAL CENTER,
Pharmacy License No. IA00531,

and

KELLY SCHOTT, RPH.,
Certificate of Registration No. 15179,

Respondents.

Case No. 23-104-RPH-N

STIPULATION AND ORDER
(Respondent Kelly Schott, RPh. ONLY)

J. David Wuest, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy ("Board"), by and through its General Counsel, Peter K. Keegan, Esq., and Respondent Kelly Schott, RPh., Certificate of Registration No. 15179 ("Respondent Schott"), by and through counsel, John H. Cotton, Esq., **HEREBY STIPULATE AND AGREE AS FOLLOWS:**

1. On or about June 6, 2023, Board Staff properly served Respondent Schott, by and through her counsel John H. Cotton, with the Notice of Intended Action and Accusation ("Accusation") on file in this matter together with the Statement to Respondent and Notice of Hearing.

2. In lieu of filing an answer and notice of defense in this matter, Respondent submits this Stipulation and Order for the Board's consideration.

3. Respondent Schott is fully aware of the right to seek the advice of legal counsel and have done so prior to entered into this Stipulation.

4. Respondent Schott is aware of the right to a hearing on the matters alleged in the Accusation, the right to reconsideration, the 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”).

5. Conditioned on the acceptance of this Stipulation by the Board, and with the exception of the right to challenge any determination that Respondent Schott has failed to comply with the provisions of paragraphs below, Respondent Schott hereby freely and voluntarily waives her right to a hearing, reconsideration, appeal and any and all other rights related to this action that may be accorded to her by NRS Chapter 233B (“Nevada Administrative Procedure Act”), NRS Chapter 622A (“Administrative Procedure Before Certain Regulatory Bodies”), and NRS Chapter 639 (“Nevada Pharmacy Act”).

JURISDICTION

6. The Board has personal jurisdiction over this matter because, at the time of the events alleged herein, Carson Tahoe Regional Medical Center (“Carson Tahoe”), held Pharmacy License No. IA00531, issued by the Board, pursuant to NRS 639.230, on June 19, 1995, which authorized Carson Tahoe to operate a pharmacy within the State of Nevada.

7. The Board has personal jurisdiction over this matter because, at the time of the events alleged herein, Respondent, Schott held Pharmacist Certificate of Registration No. 15179, issued by the Board, pursuant to NRS 639.127, on January 10, 2001, which authorized her to engage in the practice of pharmacy within the State of Nevada.

8. The Board has jurisdiction over the subject matter of this accusation because, at the time of the events alleged herein, Schott was a Nevada registered pharmacist engaged in the practice of pharmacy at Carson Tahoe, an operating Nevada pharmacy.

FACTUAL ALLEGATIONS

9. Carson Tahoe owns and operates a hospital located at 1600 Medical Parkway in Carson City, Nevada. The hospital is a “medical facility” as that term is defined at NRS 449.0151.

10. To provide its patients with controlled substances and/or dangerous drugs as necessary or appropriate for their treatment at the medical facility, Carson Tahoe holds Pharmacy License No. IA00531 issued by the Board. The license authorizes Carson Tahoe to operate a pharmacy on the premises of its medical facility. The pharmacy is an “institutional pharmacy” as that term is defined at NRS 639.0085.

11. At all times relevant to this accusation, Carson Tahoe employed Respondent Schott, Certificate of Registration No. 15179, as the Managing Pharmacist of its institutional pharmacy. As Managing Pharmacist, Respondent Schott was responsible for maintaining possession of and controlling access to all dangerous drugs and controlled substances acquired by Carson Tahoe for subsequent use by physicians and other medical practitioners at the medical facility.

12. As relevant to this accusation, Carson Tahoe’s institutional pharmacy stored dangerous drugs and controlled substances in Pyxis Medstation RX Systems (“Pyxis machines”) for patient administration within the hospital. Carson Tahoe’s Pyxis machines were programmed with a fingerprint security system.

13. At all times relevant to this accusation, Carson Tahoe employed Walter Allen Fink, M.D. (“Fink”) as the Chief Medical Officer of its medical facility, and it contracted with Kevin Halow, M.D. (“Halow”), an independent contractor, to serve as the Chief of Staff of its medical facility. On information and belief, Fink and/or Halow, acting individually or through subordinates, directed certain of Respondent Schott’s activities in connection with the management of Carson Tahoe’s institutional pharmacy.

14. Carson Tahoe contracted with Clinical Colleagues, Inc. (“Clinical Colleagues”) by way of an Anesthesia Services Agreement (“the Agreement”) to provide anesthesia services at its medical facility. Pursuant to the Agreement, Carson Tahoe granted hospital privileges to Patsy Langford (“Langford”), a certified registered nurse anesthetist.

15. At no time relevant to this accusation was Langford a “practitioner” as that term is defined at NRS 453.126 and NRS 639.0125.

16. At no time relevant to this accusation was Langford issued a Certificate of Registration to Dispense Controlled Substances in Nevada pursuant to NRS 453.226.

17. Although Langford was not a “practitioner” within the meaning of NRS 453.126 and NRS 639.0125, and did not hold a Certificate of Registration to Dispense Controlled Substances, Carson Tahoe’s pharmacy, acting through Respondent Schott and/or other pharmacy employees, gave Langford independent access to controlled substances stored in certain of Carson Tahoe’s Pyxis machines.

18. On information and belief, Fink and/or Halow, acting individually or through subordinates, directed Respondent Schott and/or other pharmacy employees to provide access to Carson Tahoe’s Pyxis machines so that Langford could independently access and withdraw dangerous drugs and controlled substances by applying her fingerprint to a touch screen on the Pyxis machine.

19. On December 19, 2022, Langford, using her fingerprint, accessed the Carson Tahoe Pyxis machine in Operating Room 6 (“OR6”). Langford did so without a practitioner order and selected and administered controlled substances including: 25 mcg fentanyl IT and 0.1 mg morphine sulfate 5 mg/ml to a patient as part of a Cesarean section procedure at Carson Tahoe. On December 19, 2022, Langford also selected and obtained a vial of midazolam 2mg (2mL) from the Pyxis machine in OR6 intended for administration to the same Cesarean section patient; however, the midazolam was not administered to the patient.

20. Carson Tahoe’s Care Fusion system reflects Langford regularly used her hospital privileges to access Pyxis machines located throughout Carson Tahoe’s hospital to select, order, and administer controlled substances to Carson Tahoe hospital patients.

21. Langford was not authorized to independently order controlled substances except under the circumstances authorized by NRS 453.375 and NRS 454.213, and while acting under the supervision of a licensed anesthesiologist.

APPLICABLE LAW

22. It is unlawful for any person to dispense any drug, poison, medicine or chemical unless the person is a Practitioner and holds the appropriate certificate, license or permit required under NRS 639, 453, or 454, and complies with the regulations adopted by the Board. NRS 639.100; NRS 639.0065; NRS 639.235.

23. A controlled substance may only be delivered to an ultimate user pursuant to the lawful order of a practitioner who holds a DEA registration and is authorized to prescribe controlled substances by the jurisdiction in which he or she is licensed to practice his or her profession. 21 U.S.C. § 822(a)(2); 21 U.S.C. § 823(f)(2); 21 CFR § 1306.03(a)(1); 21 CFR § 1306.04(a); NRS 453.226(1).

24. Nevada does not recognize CRNAs as Practitioners or as professionals with authority to prescribe or enter chart orders for controlled substances. NRS 453.038; NRS 453.126; NRS 453.128; NRS 453.375; NRS 453.377; NRS 639.0125; NRS 639.013; NRS 639.100; NAC 639.442.

25. Supplying or diverting drugs, biologicals, medicines, substances, or devices which are legally sold in pharmacies or by wholesalers, so that unqualified persons can circumvent any law pertaining to the legal sale of such articles constitutes unprofessional conduct and conduct contrary to the public interest pursuant to NAC 639.945(1)(k) and is grounds for suspension or revocation of any license or registration issued by the Board. NRS 453.236(1) and NRS 639.210(4).

26. The Board may suspend or revoke a registration if the holder has violated any provision of the Federal Food, Drug and Cosmetic Act or any other federal law or regulation relating to prescription drugs. NRS 639.210(11).

27. The Board may suspend or revoke a registration if the holder has violated, attempted to violate, assisted or abetted in the violation of or conspired to violate any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy. NRS 639.210(12).

28. The Board may suspend or revoke a certificate of registration to dispense controlled substances issued pursuant to NRS 453.231 upon a finding that the registrant has committed an act that renders registration inconsistent with the public interest. NRS 453.236(1)(e) and NRS 453.241(1).

29. The pharmacist in charge of the institutional pharmacy shall initiate procedures to provide for administration and technical guidance in all matters pertaining to acquiring, stocking, recordkeeping and dispensing of drugs and devices. NRS 639.2324(2).

30. Any violation of NRS Chapter 639 by a managing pharmacist or by personnel of the pharmacy under the supervision of the managing pharmacist is cause for suspension or revocation of the license of the pharmacy by the Board. NRS 639.230(5).

31. The owner of a pharmacy, the managing pharmacist of the pharmacy and the registered pharmacist on duty 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.

32. 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).

33. The managing pharmacist of a pharmacy shall establish policies, procedures and systems related to the distribution of drugs to be administered to patients, pursuant to an original or direct copy of a practitioner's order for medication. NAC 639.468(6).

34. The Board may impose a fine upon the holder of a certificate, license, or permit issued by the Board for up to \$10,000.00 for each violation. NRS 639.255(3).

35. This Stipulation constitutes a public record pursuant to NRS 622.330 and any discipline imposed by the Board shall be reported to the National Practitioner Data Bank as required by federal law. Title 42 USC § 1396r-2; 45 CFR Part 60.

ALLEGED VIOLATIONS OF LAW

COUNT FOUR

Violations of State Law -- Permitting Unlicensed Practice

36. By supplying drugs, biologicals, medicines, substances or devices which are legally sold in pharmacies so that CRNA Langford was able to circumvent Nevada's Pharmacy laws concerning licensed dispensing and sale including: NRS 453.226(1); NRS 453.375(1); NRS 453.377; NRS 453.381(1) and (8); NRS 454.213; NRS 454.215; NRS 639.100; NRS 639.235(1);, Respondent Schott, as the managing pharmacist at Carson Tahoe is responsible for the violations defined by NAC 639.945(1)(g) and for failing to comply with NRS 639.2324(2) and NAC 639.468(6). Therefore, Respondent Schott is subject to discipline pursuant to NAC 639.702; NAC 639.945(2); NRS 639.210(4); and/or NRS 639.255.

CULPABILITY

37. Respondent Schott admits the truth of each and every factual allegation.

38. Respondent Schott neither admits nor denies the truth of Count Four of the alleged violations of law.

39. Counts One, Two, and Three of the alleged violations of law contained in the Accusation are dismissed.

DISCIPLINARY ORDER

40. In consideration of the foregoing admissions and stipulations, and to save the time and expense of litigating the alleged violation(s) of law before the Board, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following **Disciplinary Order**:

- A. Respondent Schott shall pay a fine of Two Thousand Five Hundred Dollars (\$2,500.00) for the violations, 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;
- B. Respondent Schott shall pay Five Hundred Dollars (\$500.00) to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter, 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;
- C. Respondent Schott acknowledges this Stipulation and Order constitutes a public record of discipline that is reportable to the National Practitioner Data Bank.

41. Any failure by Respondent Schott 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 Respondent Schott 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 Schott, the Board may impose additional discipline upon Respondent Schott consistent with the provisions of NRS Chapter 453 and/or Chapter 639.

42. The Board's 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 September 6, 2023.

Respondent Schott will appear through its representatives and/or counsel at the meeting to answer questions from the Board Members. The Board Members may discuss and deliberate regarding this Stipulation, even if Respondent Schott is not present at the meeting.

43. The Board has discretion to accept this Stipulation, but it is not obligated to do so.

44. If the Board rejects any part or all this Stipulation, the parties agree that a full hearing on the merits of this matter may be heard by the Board unless the parties reach an alternative agreement on the record which is approved 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.

45. Subject to the approval of this Stipulation by the Board, the Board and Respondent Schott 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.

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Respondent Schott 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 30th day of August 2023.



Kelly Schott, RPh.
Certificate of Registration No. 15179

APPROVED AS TO FORM AND CONTENT
this 30th day of August 2023.

JOHN H. COTTON & ASSOCIATES, LTD.


John H. Cotton, ESQ.
Nevada Bar No. 5268
7900 West Sahara, Suite 200
Las Vegas, Nevada 89117
702-832-5909
Counsel for Respondent Schott

APPROVED AS TO FORM AND CONTENT
this 30 day of August 2023.

NEVADA STATE BOARD OF PHARMACY


Peter Keegan, Esq.
General Counsel
Nevada Bar No. 12237
985 Damonte Ranch Pkwy, Suite 206
Reno, Nevada 89521
775-850-1440

DECISION AND ORDER

The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as its decision as to Respondent Kelly Schott, RPh., Certificate of Registration No. 15179, in Case No. 23-104-RPH-N and hereby orders that the terms of the foregoing Stipulation be made effective immediately upon execution below.

IT IS SO ORDERED.

Entered this ___ day of September 2023.

Helen Park, Pharm.D.
President
Nevada State Board of Pharmacy

Exhibit 1
Maria Cruz
18-021-RPH-D-S



Audit / Board of Pharmacy Inspection Report

Rx #: 1874629-1

Store #: 4854

Sold Date: 12/24/2017

4/10

Annotations

This prescription does not have Annotations.

Prescription Information

All times are Central Standard Time except DUR comments which is local time

<p>Patient Name: [REDACTED] Address: [REDACTED] CUTTY WAY LAS VEGAS, NV. 89130-2913 Date of Birth: [REDACTED] Allergies/Health Conditions: Hypertension, Osteoarthritis, Open Wound Drug Drug: D-AMPHETAMINE SALT COMBO 3 MFC: TEVA NDC: 00555-0974-02 Generic for: ADDERALL 30MG TABLETS Drug Class: C2 Directions: TK 1 T PO TID Qty: 90 Days Supply: 30 Original Date: 10/07/2017 00:00 Refills remaining when entered: 0 Prescriber Name: CORYDON CLARK DEA #: FC0018538 Address: 7381 W CHARLESTON BLVD LAS VEGAS, NV. 89117-1571 (702) 736-1919 Fill History Scanned by M. MEDINA on 10/14/2017 16:02:49 at 4854 Entered by M. MEDINA on 10/14/2017 16:04:56 at 4854 Pal/Pbr rev by M. CRUZ on 12/22/2017 17:43:03 at 4854 Data Prod rev by M. CRUZ on 12/22/2017 17:43:03 at 4854 Filled by B. R. PEREZ on 12/22/2017 20:30:40 at 4854 Prod rev by D. Y. EBEL on 12/22/2017 20:33:24 at 4854 Sold Date: 12/24/2017 15:34:00 RPH of Record: D. Y. EBEL. Consultation Consultation Required: Y Consultation Type: SYSTEM GENERATED Initiating Comments: 12/22/17; 05:35 PM; In order to comply with state regulations, all new and copy prescriptions are blocked for patient consultation in this state. Resolution RPh: C.A.NGUYEN on 12/24/17; 03:32 PM at store#4854 Comments: 12/24/17; 03:32 PM; CAN; Consultation Completed: nv dl 1601679885 self exp 06/10/18</p>	<p>DUR DUR Type: DRUG / HLTH COND DUR Description: HYPERTENSION IS A POTENTIAL CONTRAINDICATION FOR D-AMPHETAMINE SALT COMBO 30MG TABS DUR Severity: DUR Overridden: Y DUR Overridden completed by M.CRUZ on 12/22/2017 17:43:04 at 4854 DUR Comment: DUR Type: DRUG DOSAGE CONDITION ENCOUNTERED DUR Description: 3 TAB(S) OF D-AMPHETAMINE SALT COMBO 30MG TABS EXCEEDS THE RECOMMENDED ADULT DOSAGE: 0.16 - 2 TAB(S) PER DAY DUR Severity: DUR Overridden: Y DUR Overridden completed by M.CRUZ on 12/22/2017 17:43:04 at 4854 DUR Comment: DUR Type: TP HD-DOSE TOO HIGH DUR Description: ADULT MAX DLY = 2.00 UN DUR Severity: DUR Overridden: Y DUR Overridden completed by M.CRUZ on 12/22/2017 17:43:04 at 4854 DUR Comment:</p>
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This report is considered a confidential Walgreens document. It is intended to be used for Board of Pharmacy inspections and third Party audits. Professional discretion should be used prior to releasing this document.



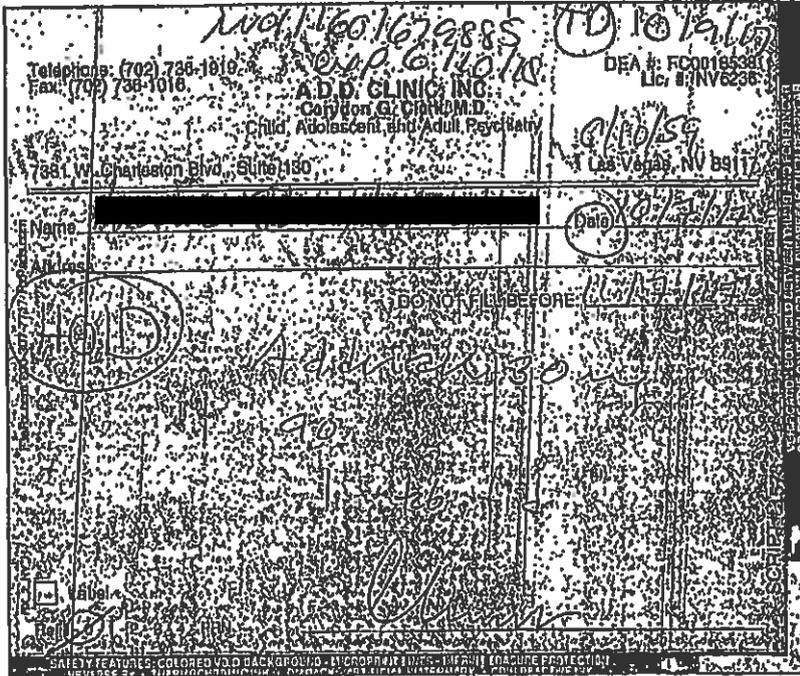
Audit / Board of Pharmacy Inspection Report

Rx #: 1874629-1

Store #: 4854

Sold Date: 12/24/2017

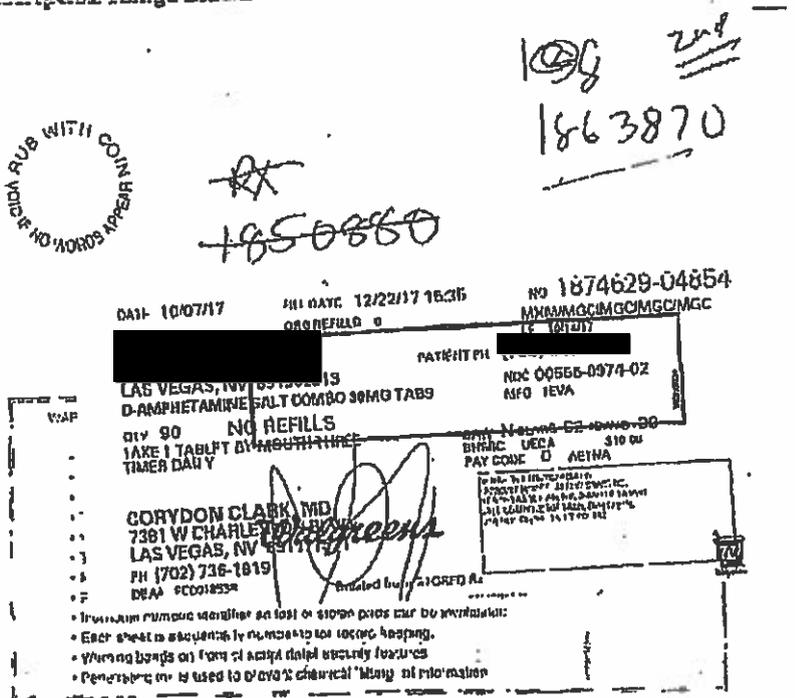
Prescription Image Side 1



DATE 12/22/17
 D-AMPHETAMINE SALT COMBO 30MG TABS
 TAKE 1 TABLET BY MOUTH THREE TIMES DAILY
 RX 1874629-04854
 QTY 90
 NO REFILLS
 CORYDON CLARK, MD
 7381 W CHARLESTON BLVD, SUITE 110
 LAS VEGAS, NV 89117
 (702) 655-1221

Rx Label (Bottle)

Prescription Image Side 2



NO 18/4529-04854
 DYE/DYE/AMN
 LE 122217
 PATIENT PH
 NDC 00555-0974-02
 MFG TEVA
 DAW N CLASS C2 40AYS 30
 PAY CODE 0 ATTRA \$10.00
 CORYDON CLARK, MD
 7381 W CHARLESTON BLVD
 LAS VEGAS, NV 89117
 PH (702) 736-1919

Rx Label on back

This report is considered a confidential Walgreens document. It is intended to be used for Board of Pharmacy inspections and Third Party audits. Professional discretion should be used prior to releasing this document.

WG 009



Audit / Board of Pharmacy Inspection Report

Rx #: 1874629-1

Store #: 4854

Sold Date: 12/24/2017

Prescription Image Side 1

Telephone: (702) 736-1819
Fax: (702) 736-1018

NOV 16 10 16 29 885 (10) 10/19/17
OAP 6/12/18

DEA #: FC0018538
Lic. #: NV6238

A.D.D. CLINIC, INC.
Corydon G. Clark, M.D.
Child, Adolescent and Adult Psychiatry

7381 W. Charleston Blvd., Suite 130
Las Vegas, NV 89117

Name: [REDACTED]
Address: [REDACTED]

DO NOT FILL BEFORE: 12/27/17

Address 30 W
90
1 Feb 17
Chin

Label: [REDACTED]

SAFETY FEATURES: COLORED VOID BACKGROUND, MICROPRESSURE LINES, IMPRINT SECURITY PROTECTION

DATE 12/22/17

D-AMPHETAMINE SALT COMBO 30MG TABS
TAKE 1 TABLET BY MOUTH THREE TIMES DAILY

Rx 1874629-04854
QTY 90
NO REFILLS

USE BEFORE 12/27/17

CORYDON CLARK, MD
4771 W CHARLTON RD, NORTH LAS VEGAS, NV 89032
(702) 555-1221

Rx Label (bottle)

The Drug May Impair The Ability To Drive Or Operate Machinery. Use With Caution Until You Become Familiar With Its Effects.

Check With Your Doctor If You Plan To Become Pregnant While Using This Medicine.

Prescription Image Side 2

VOID IF NO WORDS APPEAR
VOID IF RUB WITH COIN

WARNING: ABSENCE OF THE FOLLOWING SECURITY FEATURES MAY INDICATE ALTERATION:

- Tamper resistant background ink shows attempts to alter script.
- Hidden security "VOID" appears when photocopied.
- Copy resistant security photograph discourages duplication.
- Thermochromic ink printed on front, disappears when rubbed or heated.
- High security watermark on reverse side, which cannot be copied.
- Type on back, in coin reactive ink, appears when rubbed with a coin.
- MicroPrint Security Borders fill in to form a solid line when copied.
- Reverse printed RX in upper corners of pad die out when photocopied.
- Individual numeric identifier so lost or stolen pads can be invalidated.
- Each sheet is sequentially numbered for record keeping.
- Warning bands on front of script detail security features.
- Perforating ink is used to prevent chemical "leech" of information.

NO 1874629-04854
OYE/DVE/ME/AN/N
12/22/17

PATIENT PH [REDACTED]

NOV 16 17 27 37 18 35
CARG REFILLS 0

LAS VEGAS, NV 891302913
D-AMPHETAMINE SALT COMBO 30MG TABS
QTY 90 NO REFILLS
TAKE 1 TABLET BY MOUTH THREE TIMES DAILY

NOV 16 17 27 37 18 35
CARG REFILLS 0

NOV 16 17 27 37 18 35
CARG REFILLS 0

NOV 16 17 27 37 18 35
CARG REFILLS 0

CORYDON CLARK, MD
7381 W CHARLESTON BLVD
LAS VEGAS, NV 891171571
PH (702) 736-1819

Rx Label on back

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WG 010



Audit / Board of Pharmacy Inspection Report

Rx #: 1874629-1

Store #: 4854

Sold Date: 12/24/2017

4/16

Annotations

This prescription does not have Annotations.

Prescription Information

All times are Central Standard Time except DUR comments which is local time

<p>Patient Name: [REDACTED] Address: [REDACTED] CUTTY WAY LAS VEGAS, NV. 89130-2913 Date of Birth: [REDACTED] Allergies/Health Conditions: Hypertension; Osteoarthritis, Open Wound</p> <p>Drug Drug: D-AMPHETAMINE SALT COMBO 3 MFG: TEVA NDC: 00555-0974-02 Generic for: ADDERALL 30MG TABLETS Drug Class: C2 Directions: TK 1 TPO TID Qty: 90 Days Supply: 30 Original Date: 10/07/2017 00:00 Refills remaining when entered: 0</p> <p>Prescriber: Name: CORYDON CLARK DEA #: FC0018538 Address: 7381 W CHARLESTON BLVD LAS VEGAS, NV. 89117-1571 (702) 736-1919</p> <p>Fill History Scanned by M. MEDINA on 10/14/2017 16:02:49 at 4854 Entered by M. MEDINA on 10/14/2017 16:04:56 at 4854 Pat/Pbr rev by M. CRUZ on 12/22/2017 17:43:03 at 4854 Data Prod rev by M. CRUZ on 12/22/2017 17:43:03 at 4854 Filled by B. R. PEREZ on 12/22/2017 20:30:40 at 4854 Prod rev by D. Y. EBEL on 12/22/2017 20:33:24 at 4854 Sold Date: 12/24/2017 15:34:00 RPH of Record: D. Y. EBEL</p> <p>Consultation Consultation Required: Y Consultation Type: SYSTEM GENERATED Initiating Comments: 12/22/17; 05:35 PM; In order to comply with state regulations, all new and copy prescriptions are blocked for patient consultation in this state. Resolution RPH: C.A.NGUYEN on 12/24/17; 03:32 PM at store#4854 Comments: 12/24/17; 03:32 PM; CAN; Consultation Completed: nv dl 1601679885 self exp 06/10/18</p>	<p>DUR DUR Type: DRUG / HLTH COND DUR Description: HYPERTENSION IS A POTENTIAL CONTRAINDICATION FOR D-AMPHETAMINE SALT COMBO 30MG TABS DUR Severity: DUR Overridden: Y DUR Overridden completed by M.CRUZ on 12/22/2017 17:43:04 at 4854 DUR Comment:</p> <p>DUR Type: DRUG DOSAGE CONDITION ENCOUNTERED DUR Description: 3 TAB(S) OF D-AMPHETAMINE SALT COMBO 30MG TABS EXCEEDS THE RECOMMENDED ADULT DOSAGE: 0.16 - 2 TAB(S) PER DAY DUR Severity: DUR Overridden: Y DUR Overridden completed by M.CRUZ on 12/22/2017 17:43:04 at 4854 DUR Comment:</p> <p>DUR Type: TP HD-DOSE TOO HIGH DUR Description: ADULT MAX DLY = 2.00 UN DUR Severity: DUR Overridden: Y DUR Overridden completed by M.CRUZ on 12/22/2017 17:43:04 at 4854 DUR Comment:</p>
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WG 012

Exhibit 2
Maria Cruz
18-021-RPH-D-S



Audit / Board of Pharmacy Inspection Report

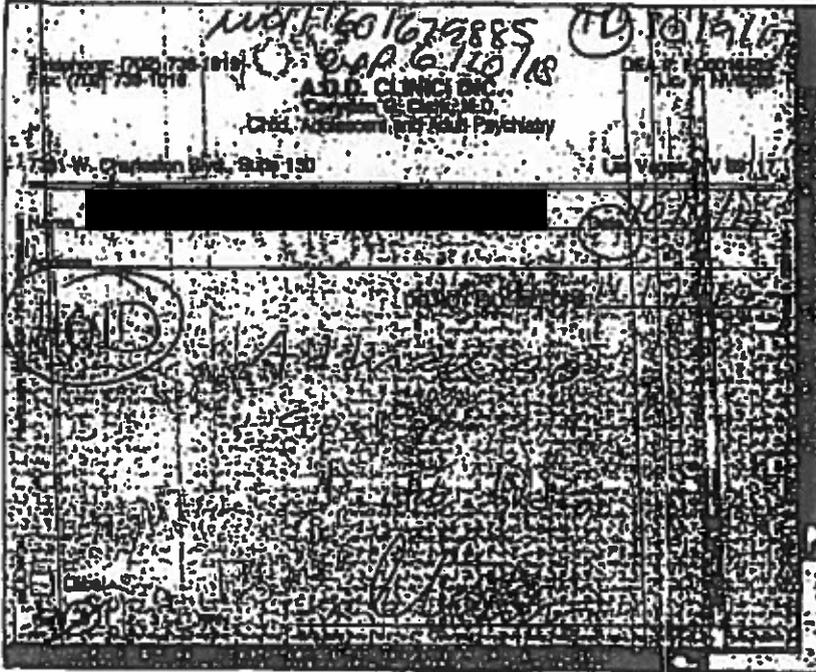
Rx #: 1863870-3

Store #: 4854

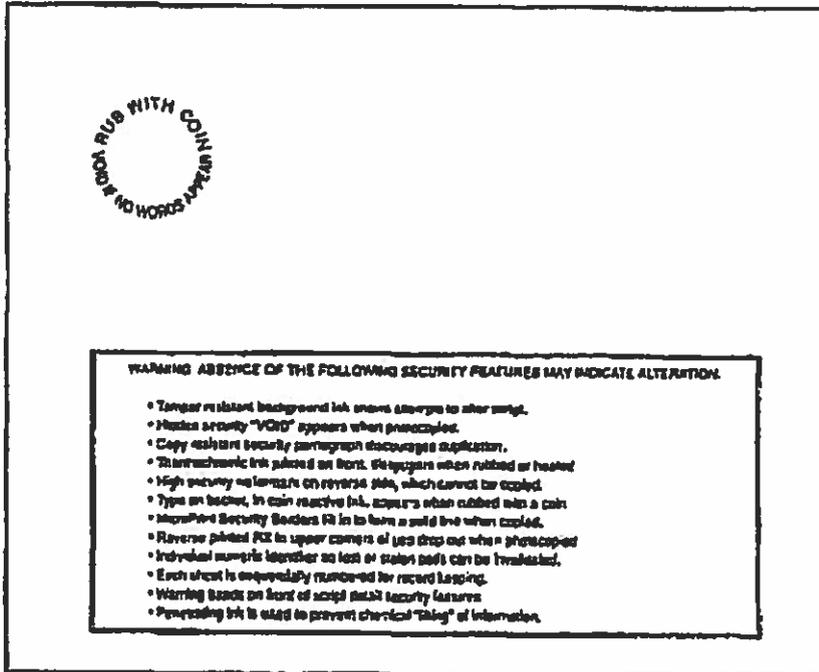
Sold Date: 11/19/2017

7/10

Prescription Image Side 1



Prescription Image Side 2



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Audit / Board of Pharmacy Inspection Report

Rx #: 1863870-3

Store #: 4854

Sold Date: 11/19/2017

8/10

Annotations

This prescription does not have Annotations.

Prescription Information

All times are Central Standard Time except DUR comments which is local time

<p>Patient Name: [REDACTED] Address: [REDACTED] CUTTY WAY LAS VEGAS, NV. 89130-2913 Date of Birth: [REDACTED] Allergies/Health Conditions: Hypertension, Osteoarthritis, Open Wound</p> <p>Drug Drug: D-AMPHETAMINE SALT COMBO 3 MFG: TEVA NDC: 00555-0974-02 Generic for: ADDERALL 30MG TABLETS Drug Class: C2 Directions: TK 1 T PO TID</p> <p>Qty: 90 Days Supply: 30 Original Date: 10/07/2017 00:00 Refills remaining when entered: 0</p> <p>Prescriber Name: CORYDON CLARK DEA #: FC0018538 Address: 7381 W CHARLESTON BLVD LAS VEGAS, NV. 89117-1571 (702) 736-1919</p> <p>Fill History Scanned by B. R. PEREZ on 10/09/2017 14:17:49 at 4854 Entered by S. L. JOHNSON on 11/19/2017 18:35:25 at 4854 Pat/Pbr rev by D. EFSTATHIOU on 11/18/2017 17:47:35 at 4854 Data Prod rev by D. EFSTATHIOU on 11/18/2017 17:47:35 at 4854 Filled by B. R. PEREZ on 11/18/2017 17:53:51 at 4854 Prod rev by D. EFSTATHIOU on 11/18/2017 17:56:31 at 4854 Sold Date: 11/19/2017 18:38:00 RPH of Record: D. EFSTATHIOU</p> <p>Consultation Consultation Required: Y Consultation Type: SYSTEM GENERATED Initiating Comments: 11/19/17; 06:35 PM; In order to comply with state regulations, all new and copy prescriptions are blocked for patient consultation in this state. Resolution RPh: M. CRUZ on 11/19/17; 06:37 PM at store#4854 Comments: 11/19/17; 06:37 PM; MGC; Consultation Completed: nv id 1601679885 06/10/1959 06/10/18 self</p>	<p>DUR DUR Type: PERFORM MANUAL DUR DUR Description: PERFORM MANUAL DUR ON DUR Severity: DUR Overridden: Y DUR Overridden completed by D.EFSTATHIOU on 11/18/2017 17:47:37 at 4854 DUR Comment:</p> <p>DUR Type: DRUG / HLTH COND DUR Description: HYPERTENSION IS A POTENTIAL CONTRAINDICATION FOR D-AMPHETAMINE SALT COMBO 30MG TABS DUR Severity: DUR Overridden: Y DUR Overridden completed by D.EFSTATHIOU on 11/18/2017 17:47:37 at 4854 DUR Comment:</p> <p>DUR Type: DRUG DOSAGE CONDITION ENCOUNTERED DUR Description: 3 TAB(S) OF D-AMPHETAMINE SALT COMBO 30MG TABS EXCEEDS THE RECOMMENDED ADULT DOSAGE: 0.16 - 2 TAB(S) PER DAY DUR Severity: DUR Overridden: Y DUR Overridden completed by D.EFSTATHIOU on 11/18/2017 17:47:37 at 4854 DUR Comment:</p>
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Audit / Board of Pharmacy Inspection Report

Rx #: 1863870-3

Store #: 4854

Sold Date: 11/19/2017

7115

Prescription Image Side 1

Telephone: (702) 736-1919
Fax: (702) 736-1018

7381 W. Charleston Blvd., Suite 130
Las Vegas, NV 89117

A.D.D. CLINIC INC.
Corydon G. Clark, M.D.
Child, Adolescent and Adult Psychiatry

DEA #: F00018508
Lic. #: NV8238

NOV 16 01679885 (FD) @ 1917
EXP. 6/10/18

NAME: [REDACTED] DATE: 11/17/17

DO NOT FILL BEFORE: 11/17/17

VOID

ADDICTION 30MG
90

1 step tid

Uran

SAFETY FEATURES: COLORED VOID BACKGROUND - MICROPRINT LINES - INKPRINT ERASURE PROTECTION

DATE 11/18/17

2301 CUTTY WAY, LAS VEGAS, NV 89102-1313

D-AMPHETAMINE SALT COMBO 30MG TABS
MFG TEVA - Generics for ADDERALL COMBO TABLETS

TAKE 1 TABLET BY MOUTH THREE TIMES DAILY

USE BEFORE 11/18/19

QTY 90 NO REFILLS

Rx 1863870-04854

CORYDON CLARK, MD

4771 W CHARLESTON BLVD, NORTH LAS VEGAS, NV 89132
(702) 656-1221

This Drug May Impair The Ability To Drive Or Operate Machinery. Do Not Drink Alcohol While Using This Medicine. Wash Its Effects.

Check With Your Doctor if You Plan To Become Pregnant While Using This Medicine.

Rx bottle label

Prescription Image Side 2

ON A COIN RUB WITH COIN MARK

WORDS APPEAR

WARNING: ABSENCE OF THE FOLLOWING SECURITY FEATURES MAY INDICATE ALTERATION.

- Tamper resistant background ink shows attempts to alter script.
- Hidden security "VOID" appears when photocopied.
- Copy resistant security pantograph discourages duplication.
- Thermochromic ink printed on front, disappears when rubbed or heated.
- High security watermark on reverse side, which cannot be copied.
- Type on backer, in coin reactive ink, appears when rubbed with a coin.
- MicroPrint Security Borders fit in to form a solid line when copied.
- Reverse printed RX in upper corners of pad drop out when photocopied.
- Individual numeric identifier so lost or stolen pads can be invalidated.
- Each sheet is sequentially numbered for record keeping.
- Warning bands on front of script detail security features.
- Penetrating ink is used to prevent chemical "bleeding" of information.

NO 18038/U-U4854

DIMDMDMDJ/AMRN

LF 11/18/17

PATIENT PH

NDC 00555-0974-02

MFG TEVA

DAW N CLASS C2 90MAY 30 \$10.00

BHSRC

PAY CODE 0 AETNA

Las Vegas, NV 89102-1313

Pharmacy: [REDACTED]

DEPT: 374848481

PH 702 736-1919

LAS VEGAS, NV 891302913

D-AMPHETAMINE SALT COMBO 30MG TABS

QTY 90 NO REFILLS

TAKE 1 TABLET BY MOUTH THREE TIMES DAILY

CORYDON CLARK, MD

7381 W CHARLESTON BLVD

LAS VEGAS, NV 891171571

PH (702) 736-1919

DEPT 374848481

Rx label in back

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WG 006



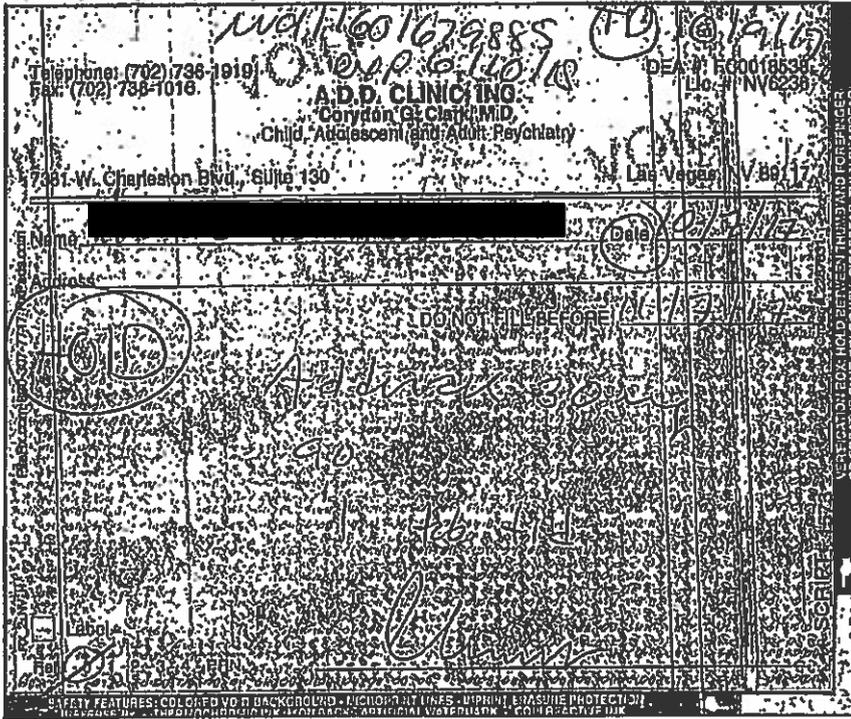
Audit / Board of Pharmacy Inspection Report

Rx #: 1863870-3

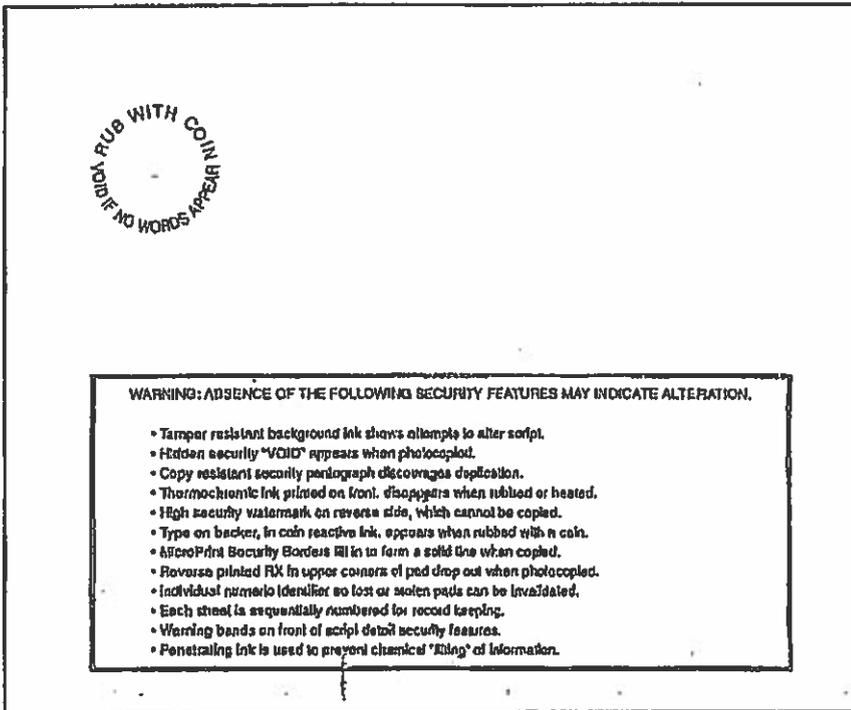
Store #: 4854

Sold Date: 11/19/2017

Prescription Image Side 1



Prescription Image Side 2



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Audit / Board of Pharmacy Inspection Report

Rx #: 1863870-3

Store #: 4854

Sold Date: 11/19/2017

5/10

Annotations

This prescription does not have Annotations.

Prescription Information

All times are Central Standard Time except DUR comments which is local time

<p>Patient Name: [REDACTED] Address: [REDACTED] CUTTY WAY LAS VEGAS, NV. 89130-2913 Date of Birth: [REDACTED] Allergies/Health Conditions: Hypertension, Osteoarthritis, Open Wound</p> <p>Drug Drug: D-AMPHETAMINE SALT COMBO 3 MFG: TEVA NDC: 00555-0974-02 Generic for: ADDERALL 30MG TABLETS Drug Class: C2 Directions: TK 1 T PO TID</p> <p>Qty: 90 Days Supply: 30 Original Date: 10/07/2017 00:00 Refills remaining when entered: 0</p> <p>Prescriber Name: CORYDON CLARK DEA #: FC0018538 Address: 7381 W CHARLESTON BLVD LAS VEGAS, NV. 89117-1571 (702) 736-1919</p> <p>Fill History Scanned by B. R. PEREZ on 10/09/2017 14:17:49 at 4854 Entered by S. L. JOHNSON on 11/19/2017 18:35:25 at 4854 Pat/Pbr rev by D. EFSTATHIOU on 11/18/2017 17:47:35 at 4854 Data Prod rev by D. EPSTATHIOU on 11/18/2017 17:47:35 at 4854 Filled by B. R. PEREZ on 11/18/2017 17:53:51 at 4854 Prod rev by D. EFSTATHIOU on 11/18/2017 17:56:31 at 4854 Sold Date: 11/19/2017 18:38:00 RPH of Record: D. EPSTATHIOU</p> <p>Consultation Consultation Required: Y Consultation Type: SYSTEM GENERATED Initiating Comments: 11/19/17; 06:35 PM; In order to comply with state regulations, all new and copy prescriptions are blocked for patient consultation in this state. Resolution RPh: M. CRUZ on 11/19/17; 06:37 PM at store#4854 Comments: 11/19/17; 06:37 PM; MGC; Consultation Completed: nv id 1601679885 06/10/1959 06/10/18 self</p>	<p>DUR DUR Type: PERFORM MANUAL DUR DUR Description: PERFORM MANUAL DUR ON DUR Severity: DUR Overridden: Y DUR Overridden completed by D.EFSTATHIOU on 11/18/2017 17:47:37 at 4854 DUR Comment:</p> <p>DUR Type: DRUG / HLTH COND DUR Description: HYPERTENSION IS A POTENTIAL CONTRAINDICATION FOR D-AMPHETAMINE SALT COMBO 30MG TABS DUR Severity: DUR Overridden: Y DUR Overridden completed by D.EFSTATHIOU on 11/18/2017 17:47:37 at 4854 DUR Comment:</p> <p>DUR Type: DRUG DOSAGE CONDITION ENCOUNTERED DUR Description: 3 TAB(S) OF D-AMPHETAMINE SALT COMBO 30MG TABS EXCEEDS THE RECOMMENDED ADULT DOSAGE: 0.16 - 2 TAB(S) PER DAY DUR Severity: DUR Overridden: Y DUR Overridden completed by D.EFSTATHIOU on 11/18/2017 17:47:37 at 4854 DUR Comment:</p>
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WG 008

Exhibit 3

Maria Cruz

18-021-RPH-D-S



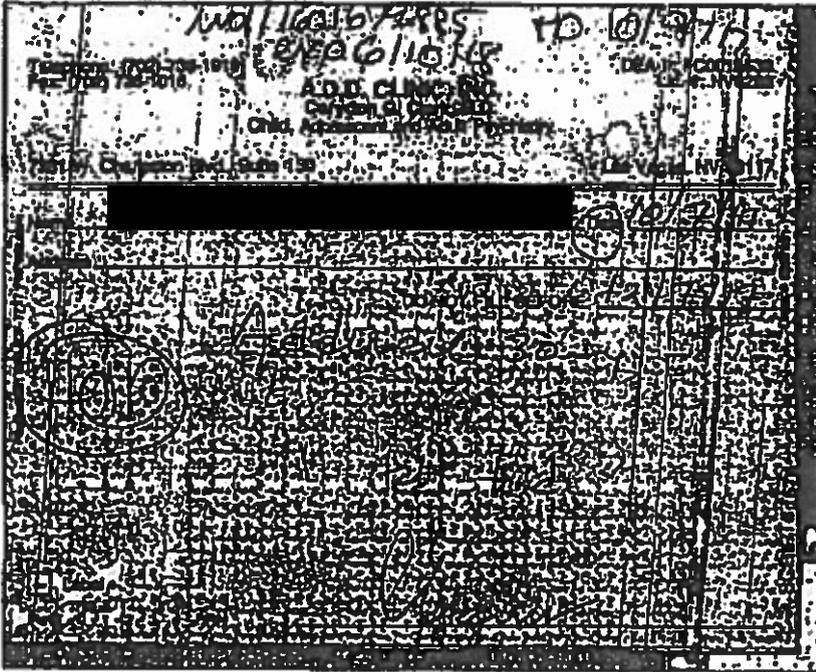
Audit / Board of Pharmacy Inspection Report

Rx #: 1896898-4

Store #: 4854

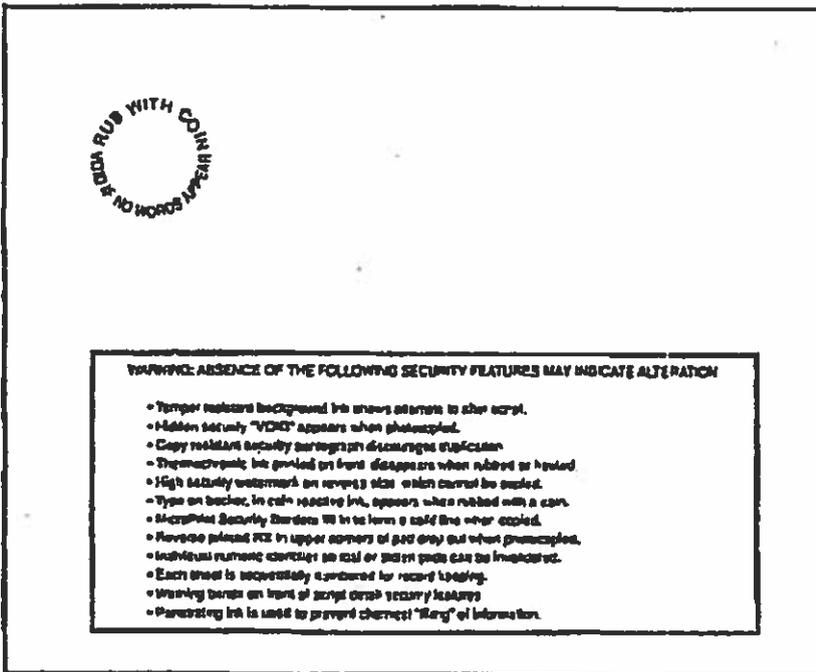
Sold Date: 03/01/2018

Prescription Image Side 1



1/20

Prescription Image Side 2



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Audit / Board of Pharmacy Inspection Report

Rx #: 1896898-4

Store #: 4854

Sold Date: 03/01/2018

2/10

Annotations

1. "ok to fill 2/28, patient aware- dye" - by DYE on 02.23.2018 12:11:20 at 4854

Prescription Information

All times are Central Standard Time except DUR comments which is local time

<u>Patient</u>	<u>DUR</u>
<p>Name: [REDACTED] Address: [REDACTED] CUTTY WAY LAS VEGAS, NV. 89130-2913 [REDACTED] Date of Birth: [REDACTED] Allergies/Health Conditions: Hypertension, Osteoarthritis, Open Wound</p>	<p>DUR Type: PERFORM MANUAL DUR DUR Description: PERFORM MANUAL DUR ON DUR Severity: DUR Overridden: Y DUR Overridden completed by: M.CRUIZ on 02/28/2018 16:50:24 at 4854 DUR Comment:</p>
<p>Drug Drug: D-AMPHETAMINE SALT COMBO 3 MFG: TEVA NDC: 00555-0974-02 Generic for: ADDERALL 30MG TABLETS Drug Class: C2 Directions: TK 1 T PO TID</p>	<p>DUR Type: DRUG / HLTH COND DUR Description: HYPERTENSION IS A POTENTIAL CONTRAINDICATION FOR D-AMPHETAMINE SALT COMBO 30MG TABS DUR Severity: DUR Overridden: Y DUR Overridden completed by: M.CRUIZ on 02/28/2018 16:50:24 at 4854 DUR Comment:</p>
<p>Qty: 90 Days Supply: 30 Original Date: 10/07/2017 00:00 Refills remaining when entered: 0</p>	<p>DUR Type: DRUG DOSAGE CONDITION ENCOUNTERED DUR Description: 3 TAB(S) OF D-AMPHETAMINE SALT COMBO 30MG TABS EXCEEDS THE RECOMMENDED ADULT DOSAGE: 0.16 - 2 TAB(S) PER DAY DUR Severity: DUR Overridden: Y DUR Overridden completed by: M.CRUIZ on 02/28/2018 16:50:24 at 4854 DUR Comment:</p>
<p>Prescriber Name: CORYDON CLARK DEA #: FC0018538 Address: 7381 W CHARLESTON BLVD LAS VEGAS, NV. 89117-1571 (702) 736-1919</p>	<p>DUR Type: TP HD-DOSE TOO HIGH DUR Description: MX DOSE/DAY= 2.00 OVR/DR APV DUR Severity: MAJOR DUR Overridden: Y DUR Overridden completed by: M.CRUIZ on 02/28/2018 16:50:24 at 4854 DUR Comment:</p>
<p>Fill History Scanned by B. R. PEREZ on 10/09/2017 14:17:50 at 4854 Entered by M. D. PARKER on 02/28/2018 16:50:03 at 4854 Pat/Pbr rev by M. CRUIZ on 02/28/2018 16:50:21 at 4854 Data Prod rev by M. CRUIZ on 02/28/2018 16:50:21 at 4854 Filled by J. HERNANDEZ on 02/28/2018 17:00:31 at 4854 Prod rev by M. D. NGUYEN on 02/28/2018 17:09:52 at 4854 Sold Date: 03/01/2018 15:53:00 RPH of Record: M. D. NGUYEN</p>	
<p>Consultation Consultation Required: Y Consultation Type: SYSTEM GENERATED Initiating Comments: 02/28/18; 04:50 PM; In order to comply with state regulations, all new and copy prescriptions are blocked for patient consultation in this state. Resolution RPh: M.D.NGUYEN on 03/01/18; 03:51 PM at store#4854 Comments: 03/01/18; 03:51 PM; WNN; mv di 1601679885 exp:06/10/59 self</p>	

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Audit / Board of Pharmacy Inspection Report

Rx #: 1896898-4

Store #: 4854

Sold Date: 03/01/2018

Prescription Image Side 1

Telephone: (702) 736-1919
 Fax: (702) 736-1016
A.D.D. CLINIC, INC.
 Corydon G. Clark, M.D.
 Child, Adolescent and Adult Psychiatry
 7381 W. Charleston Blvd., Suite 180
 Las Vegas, NV 89117

DEA # FC0018538
 Lic # NV6236

Name: [REDACTED]
 Address: [REDACTED]
 Date: 10/2/17

DO NOT FILL BEFORE 12/7/17
 Adductin 30mg
 90
 Feb 4 2018

SAFETY FEATURES: COLORED VOID BACKGROUND - MICROPRINT LINES - IMPRINT ERASURE PROTECTION
 REFLECTIVE VOID BACKGROUND - VOID SECURITY - COPY RESISTANT SECURITY PANTOGRAPH - THERMOCHROMIC INK - PENETRATING INK

DATE 02/28/18
 531 COTTY WAY, LAS VEGAS, NV 89103
 D-AMPHETAMINE SALT COMBO 30MG TABS
 TAKE 1 TABLET BY MOUTH THREE TIMES DAILY
 RX 1896898-04854
 QTY 90
 NO REFILLS
 CORYDON CLARK, MD
 USE BEFORE 02/28/18
 4771 W CHARL BLVD, NORTH LAS VEGAS, NV 89032
 (702) 656-1221

OVAL ON EACH TABLET
 SERIAL # 5152 2 53
 This Drug May Impair Your Ability To Drive Or Operate Machinery. Use Care Until You Become Familiar With Its Effects.
 Check With Your Doctor If You Are Pregnant While Using This Medicine

Rx Label (Bottle)

Prescription Image Side 2

RUB WITH COIN
 VOID IF NO WORDS APPEAR

WARNING: ABSENCE OF THE FOLLOWING SECURITY FEATURES MAY INDICATE ALTERATION.

- Tamper resistant background ink shows attempts to alter script.
- Hidden security "VOID" appears when photocopied.
- Copy resistant security pantograph discourages duplication.
- Thermo-chromic ink printed on front, disappears when rubbed or heated.
- High security watermark on reverse side, which cannot be copied.
- Type on back, in coin reactive ink, appears when rubbed with a coin.
- MicroPrint Security Borders fill in to form a solid line when copied.
- Reverse printed RX in upper corners of pad drop out when photocopied.
- Individual numeric identifier so lost or stolen pads can be invalidated.
- Each sheet is sequentially numbered for record keeping.
- Warning bands on front of script detail security features.
- Penetrating ink is used to prevent chemical "bleed" of information.

NO 1896898-04854
 WNNWNNWNNW WNN
 LP 02/28/18
 PATIENT PH [REDACTED]
 NDC 00555-0974-02
 MFG TEVA
 DAW N CLASS C2 QUANTITY 30
 SHGIC [REDACTED] PERK [REDACTED]
 PAY CODE 0
 LAS VEGAS, NV 891302913
 D-AMPHETAMINE SALT COMBO 30MG TABS
 QTY 90 NO REFILLS
 TAKE 1 TABLET BY MOUTH THREE TIMES DAILY
 CORYDON CLARK, MD
 7381 W CHARLESTON BLVD
 LAS VEGAS, NV 891171571
 PH (702) 736-1919
 NEAR 8701008

Rx Label on back

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WG 016



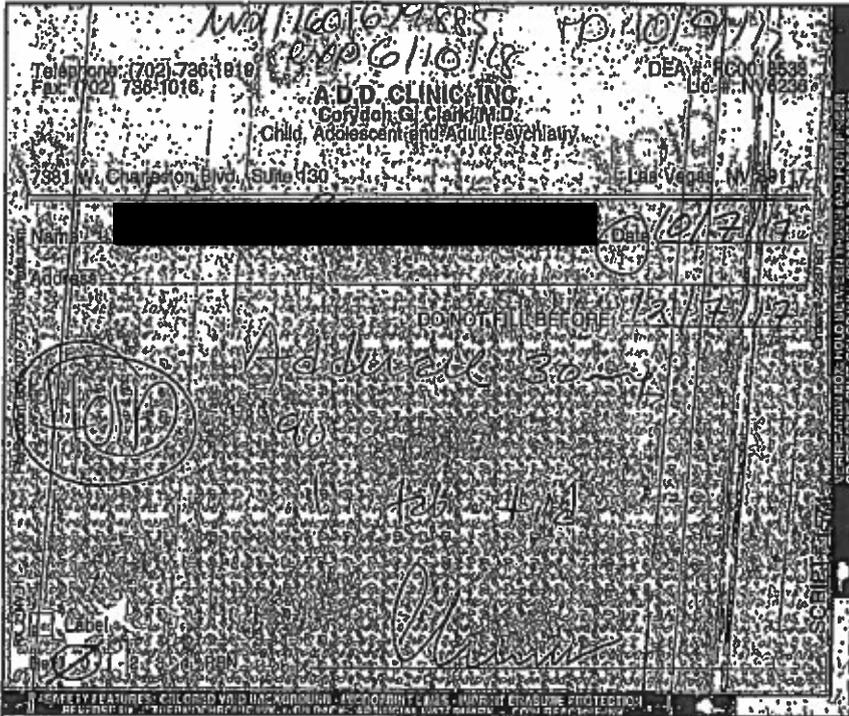
Audit / Board of Pharmacy Inspection Report

Rx #: 1896898-4

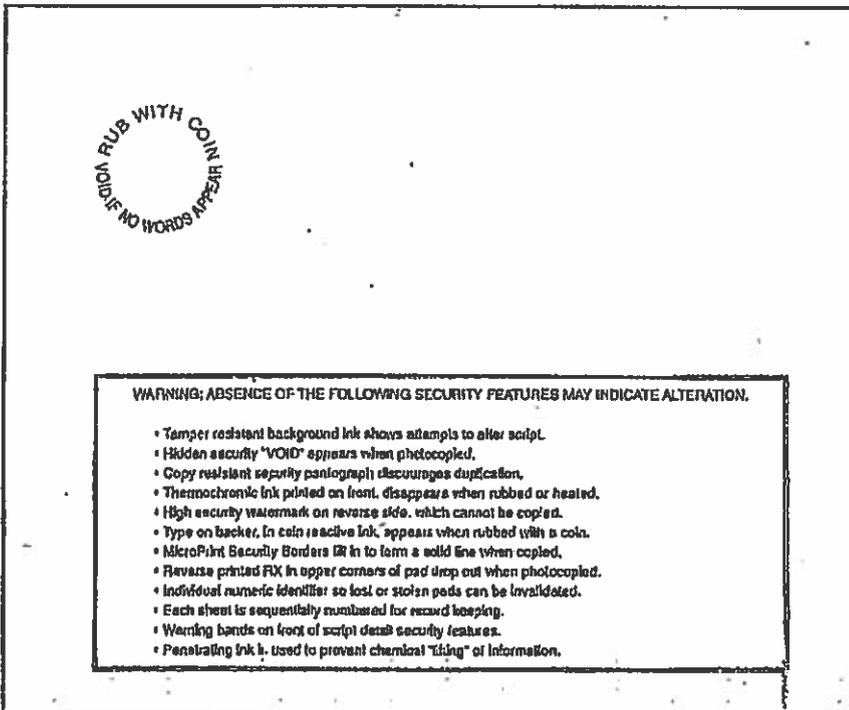
Store #: 4854

Sold Date: 03/01/2018

Prescription Image Side 1



Prescription Image Side 2



This report is considered a confidential Walgreens document. It is intended to be used for Board of Pharmacy Inspections and Third Party audits. Professional discretion should be used prior to releasing this document.

WG 017



Audit / Board of Pharmacy Inspection Report

Rx #: 1896898-4

Store #: 4854

Sold Date: 03/01/2018

Annotations

1. "ok to fill 2/28, patient aware- dye" - by DYB on 02.23.2018 12:11.20 at 4854

3/1/18

Prescription Information

All times are Central Standard Time except DUR comments which is local time

Patient	DUR
Name: [REDACTED] Address: [REDACTED] CUTTY WAY LAS VEGAS, NV. 89130-2913 Date of Birth: [REDACTED] Allergies/Health Conditions: Hypertension, Osteoarthritis, Open Wound	DUR Type: PERFORM MANUAL DUR DUR Description: PERFORM MANUAL DUR ON DUR Severity: DUR Overridden: Y DUR Overridden completed by: M.CRUIZ on 02/28/2018 16:50:24 at 4854 DUR Comment:
Drug Drug: D-AMPHETAMINE SALT COMBO 3 MFG: TEVA NDC: 00555-0974-02 Generic for: ADDERALL 30MG TABLETS Drug Class: C2 Directions: TK 1 T PO TID Qty: 90 Days Supply: 30 Original Date: 10/07/2017 00:00 Refills remaining when entered: 0	DUR Type: DRUG / HLTH COND DUR Description: HYPERTENSION IS A POTENTIAL CONTRAINDICATION FOR D-AMPHETAMINE SALT COMBO 30MG TABS DUR Severity: DUR Overridden: Y DUR Overridden completed by: M.CRUIZ on 02/28/2018 16:50:24 at 4854 DUR Comment:
Prescriber Name: CORYDON CLARK DEA #: PC0018538 Address: 7381 W CHARLESTON BLVD LAS VEGAS, NV. 89117-1571 (702) 736-1919	DUR Type: DRUG DOSAGE CONDITION ENCOUNTERED DUR Description: 3 TAB(S) OF D-AMPHETAMINE SALT COMBO 30MG TABS EXCEEDS THE RECOMMENDED ADULT DOSAGE: 0.16 - 2 TAB(S) PER DAY DUR Severity: DUR Overridden: Y DUR Overridden completed by: M.CRUIZ on 02/28/2018 16:50:24 at 4854 DUR Comment:
Fill History Scanned by B. R. PEREZ on 10/09/2017 14:17:50 at 4854 Entered by M. D. PARKER on 02/28/2018 16:50:03 at 4854 Pat/Pbr rev by M. CRUIZ on 02/28/2018 16:50:21 at 4854 Data Prod rev by M. CRUIZ on 02/28/2018 16:50:21 at 4854 Filled by J. HERNANDEZ on 02/28/2018 17:00:31 at 4854 Prod rev by M. D. NGUYEN on 02/28/2018 17:09:52 at 4854 Sold Date: 03/01/2018 15:53:00 RPH of Record: M. D. NGUYEN	DUR Type: TP HD-DOSE TOO HIGH DUR Description: MX DOSE/DAY= 2.00 OVR/DR APV DUR Severity: MAJOR DUR Overridden: Y DUR Overridden completed by: M.CRUIZ on 02/28/2018 16:50:24 at 4854 DUR Comment:
Consultation Consultation Required: Y Consultation Type: SYSTEM GENERATED Initiating Comments: 02/28/18; 04:50 PM; In order to comply with state regulations, all new and copy prescriptions are blocked for patient consultation in this state. Resolution RPh: M.D.NGUYEN on 03/01/18; 03:51 PM at store#4854 Comments: 03/01/18; 03:51 PM; WNN;nv dl 1601679885 exp: 06/10/59 self	

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WG 018

Exhibit 4

Maria Cruz

18-021-RPH-D-S



Audit / Board of Pharmacy Inspection Report

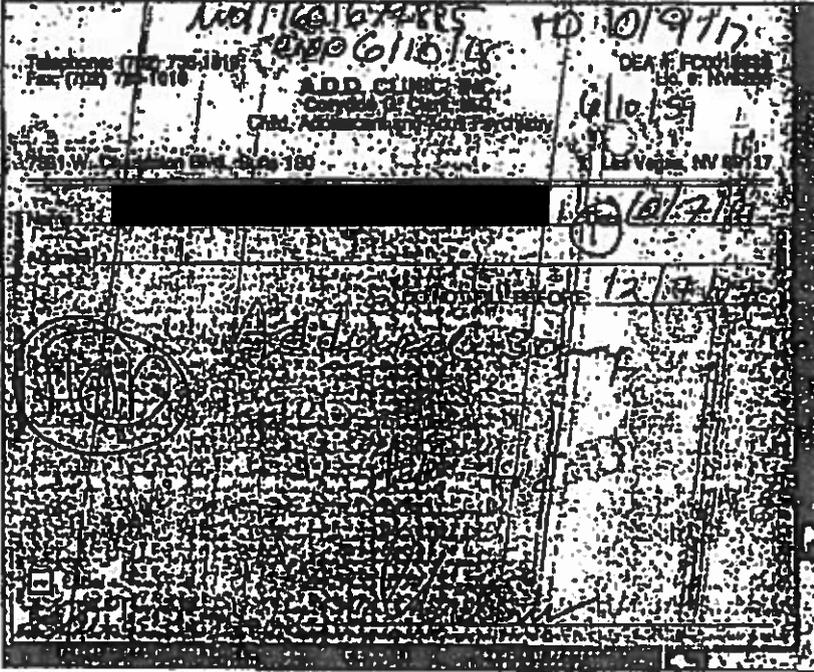
Rx #: 1886042-5

Store #: 4854

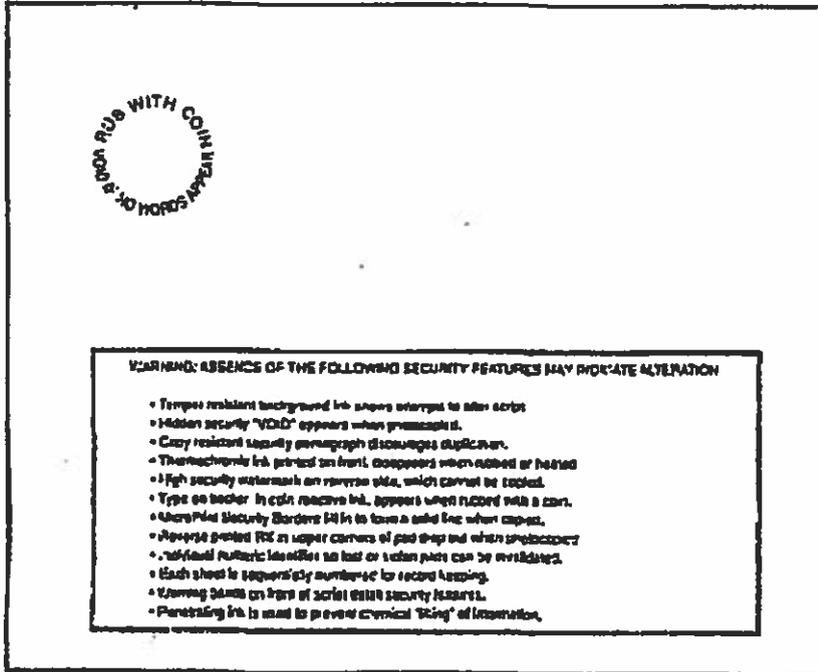
Sold Date: 01/30/2018

3/10

Prescription Image Side 1



Prescription Image Side 2



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Audit / Board of Pharmacy Inspection Report

Rx #: 1886042-5

Store #: 4854

Sold Date: 01/30/2018

4/10

Annotations

1. "Ins only covers bid faxed md 01/26/18" - by AYR on 01.26.2018 15:40:06 at 4854

Prescription Information

All times are Central Standard Time except DUR comments which is local time

<p>Patient Name: [REDACTED] Address: [REDACTED] CUTTY WAY LAS VEGAS, NV. 89130-2913 Date of Birth: [REDACTED] Allergies/Health Conditions: Hypertension, Osteoarthritis, Open Wound</p> <p>Drug Drug: D-AMPHETAMINE SALT COMBO 3 MFG: TEVA NDC: 00555-0974-02 Generic for: ADDERALL 30MG TABLETS Drug Class: C2 Directions: TK 1 T PO TID</p> <p>Qty: 90 Days Supply: 30 Original Date: 10/07/2017 00:00 Refills remaining when entered: 0</p> <p>Prescriber Name: CORYDON CLARK DEA #: PC0018538 Address: 7381 W CHARLESTON BLVD LAS VEGAS, NV. 89117-1571 (702) 736-1919</p> <p>Fill History Scanned by M. MEDINA on 10/14/2017 16:02:48 at 4854 Entered by M. MEDINA on 01/30/2018 19:55:21 at 4854 Pat/Pbr rev by M. D. NGUYEN on 01/29/2018 21:07:37 at 4854 Data Prod rev by M. D. NGUYEN on 01/29/2018 21:07:37 at 4854 Filled by M. MALANAO on 01/29/2018 21:39:39 at 4854 Prod rev by M. D. NGUYEN on 01/29/2018 21:44:28 at 4854 Sold Date: 01/30/2018 21:13:00 RPH of Record: M. D. NGUYEN</p> <p>Consultation Consultation Required: Y Consultation Type: SYSTEM GENERATED Initiating Comments: 01/30/18; 07:55 PM; in order to comply with state regulations, all new and copy prescriptions are blocked for patient consultation in this state. Resolution RPh: M. CRUZ on 01/30/18; 09:12 PM at store#4854 Comments: 01/30/18; 09:12 PM; MGC; Consultation Completed: NYDL 1601679885 EXP 06/10/18 SELF</p>	<p>DUR DUR Type: DRUG / HLT11 COND DUR Description: HYPERTENSION IS A POTENTIAL CONTRAINDICATION FOR D-AMPHETAMINE SALT COMBO 30MG TABS DUR Severity: DUR Overridden: Y DUR Overridden completed by M.DNGUYEN on 01/29/2018 21:07:36 at 4854 DUR Comment:</p> <p>DUR DUR Type: DRUG DOSAGE CONDITION ENCOUNTERED DUR Description: 3 TAB(S) OF D-AMPHETAMINE SALT COMBO 30MG TABS EXCEEDS THE RECOMMENDED ADULT DOSAGE: 0.16 - 2 TAB(S) PER DAY DUR Severity: DUR Overridden: Y DUR Overridden completed by M.DNGUYEN on 01/29/2018 21:07:38 at 4854 DUR Comment:</p>
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Audit / Board of Pharmacy Inspection Report

Rx #: 1886042-5

Store #: 4854

Sold Date: 01/30/2018

3/11

Prescription Image Side 1

Telephone: (702) 736-1818
 Fax: (702) 736-1018
A.D.D. CLINIC, INC.
 Corydon G. Clark, M.D.
 Child, Adolescent and Adult Psychiatry
 7381 W. Charleston Blvd., Suite 130
 Las Vegas, NV 89117

DEA #: EC0018538
 LIC #: NV8238

Date: 10/9/17
 10/10/18
 10/10/18
 12/17/17

Name: [Redacted]
 Address: [Redacted]

DO NOT FILL BEFORE: 12/17/17

Address 30mg

Signature: [Redacted]

SAFETY FEATURES: COLORED VOID BACKGROUND, MICROPRINT LINES, IMPRINT ERASURE PROTECTION

SOT COTTY WAY LAS VEGAS, NV 89103
 DATE 01/27/18
D-AMPHETAMINE SALT COMBO 30MG TABS
 TAKE 1 TABLET BY MOUTH THREE TIMES DAILY
 rx 1886042-04854
 QTY 90
 NO REFILLS
 CORYDON CLARK, MD
 4771 W COBURN RD, NORTH LAS VEGAS, NV 89032
 (702) 556-1221

OVAL BEACH TABLET Side 1: b / 974 Side 2: 30
 This Drug May Impair Your Ability To Drive Or Operate Machinery. Use Care Until You Become Familiar With Its Effects.
 Check With Your Doctor if You Plan to Become a Pregnant Woman or are Using This Medicine

Rx BOTTLE LABEL

Prescription Image Side 2

RUB WITH COIN TO REVEAL WORDS APPEAR ON FRONT

WARNING: ABSENCE OF THE FOLLOWING SECURITY FEATURES MAY INDICATE ALTERATION.

- Tamper resistant background ink shows attempts to alter script.
- Hidden security "VOID" appears when photocopied.
- Copy resistant security paragraph discourages duplication.
- Thermochemical ink printed on front, disappears when rubbed or heated.
- High security watermark on reverse side, which cannot be copied.
- Type on backer, in coin reactive ink, appears when rubbed with a coin.
- MicroPrint Security Borders fill in to form a solid line when copied.
- Reverse printed RX in upper corners of pad drop out when photocopied.
- Individual numeric identifier so lost or stolen pads can be invalidated.
- Each sheet is sequentially numbered for record keeping.
- Warning bands on front of script detail security features.
- Penetrating ink is used to prevent chemical "bleeding" of information.

NO 1886042-04854
 WNVNWNWNWN /WNN
 PATIENT PH [Redacted]
 NDC 00555-0574-02
 MFG TEVA
 DAW N CLASS C2 -DAYS 30
 BSRIC [Redacted] PERX \$15.00
 PAYCODE 0

LAS VEGAS, NV 891302913
D-AMPHETAMINE SALT COMBO 30MG TABS
 QTY 90
 NO REFILLS
 TAKE 1 TABLET BY MOUTH THREE TIMES DAILY
 CORYDON CLARK, MD
 7381 W CHARLESTON BLVD
 LAS VEGAS, NV 891171571
 PH (702) 736-1819
 NDC# 00555-0574-02

Rx Label on BACK

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WG 013



Audit / Board of Pharmacy Inspection Report

Rx #: 1886042-5

Store #: 4854

Sold Date: 01/30/2018

4/10

Annotations

1. "Ins only covers bld faxed md 01/26/18" - by AYR on 01.26.2018 15:40:06 at 4854

Prescription Information

All times are Central Standard Time except DUR comments which is local time

<p>Patient Name: [REDACTED] Address: CUTTY WAY LAS VEGAS, NV, 89130-2913 Date of Birth: [REDACTED] Allergies/Health Conditions: Hypertension, Osteoarthritis, Open Wound</p> <p>Drug Drug: D-AMPHETAMINE SALT COMBO 3 MFG: TEVA NDC: 00555-0974-02 Generic for: ADDERALL 30MG TABLETS Drug Class: C2 Directions: TK 1 T PO TID</p> <p>Qty: 90 Days Supply: 30 Original Date: 10/07/2017 00:00 Refills remaining when entered: 0</p> <p>Prescriber Name: CORYDON CLARK DEA #: FC0018538 Address: 7381 W CHARLESTON BLVD LAS VEGAS, NV, 89117-1571 (702) 736-1919</p> <p>Fill History Scanned by M. MEDINA on 10/14/2017 16:02:48 at 4854 Entered by M. MEDINA on 01/30/2018 19:55:21 at 4854 Pat/Pbr rev by M. D. NGUYEN on 01/29/2018 21:07:37 at 4854 Data Prod rev by M. D. NGUYEN on 01/29/2018 21:07:37 at 4854 Filled by M. MALANAO on 01/29/2018 21:39:39 at 4854 Prod rev by M. D. NGUYEN on 01/29/2018 21:44:28 at 4854 Sold Date: 01/30/2018 21:13:00 RPH of Record: M. D. NGUYEN</p> <p>Consultation Consultation Required: Y Consultation Type: SYSTEM GENERATED Initiating Comments: 01/30/18; 07:55 PM; In order to comply with state regulations, all new and copy prescriptions are blocked for patient consultation in this state. Resolution RPh: M. CRUZ on 01/30/18; 09:12 PM at store#4854 Comments: 01/30/18; 09:12 PM; MGC; Consultation Completed: NYDL 1601679885 EXP 06/10/18 SELF</p>	<p>DUR DUR Type: DRUG / HLTH COND DUR Description: HYPERTENSION IS A POTENTIAL CONTRAINDICATION FOR D-AMPHETAMINE SALT COMBO 30MG TABS DUR Severity: DUR Overridden: Y DUR Overridden completed by M.DNGUYEN on 01/29/2018 21:07:38 at 4854 DUR Comment:</p> <p>DUR Type: DRUG DOSAGE CONDITION ENCOUNTERED DUR Description: 3 TAB(S) OF D-AMPHETAMINE SALT COMBO 30MG TABS EXCEEDS THE RECOMMENDED ADULT DOSAGE: 0.16 - 2 TAB(S) PER DAY DUR Severity: DUR Overridden: Y DUR Overridden completed by M.DNGUYEN on 01/29/2018 21:07:38 at 4854 DUR Comment:</p>
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WG 015

Exhibit 5

Maria Cruz

18-021-RPH-D-S

WALGREEN #4854 4771 W. CRAIG RD LAS VEGAS, NV 89130

04/16/18

Case #18-021

SUMMARY

Three prescriptions for a Class-II medication were written for patient LS on 10/07/17. Two of the prescriptions were post-dated thirty days apart from each other. The Prescription Monitoring Program shows five prescriptions were filled because the two post-dated prescriptions were scanned and entered twice. To help explain the events, I am referencing the numbers placed in the bottom right-hand corner of each page.

DETAILS

On 10/9/2017, Bren Perez, a pharmacy technician-in-training, scanned and entered three prescriptions into Walgreen Intercom Plus, which assigned the following prescription numbers:

Rx#1850877,
Rx#1863870 (post-dated 11/7/2017), and
Rx#1896898 (post-dated 12/7/2017).

The first prescription was processed and filled this same day (see WG 004). I understand the two post-dated prescriptions were placed on hold in the Class-II section of our prescription sorter.

On 10/11/17, the first prescription (#1850877) was dispensed. The labels, prescription copies, and prescription information are included with documents WG 002 through 004. I believe the two post-dated Class-II prescriptions remained in the prescription sorter.

On 10/14/17, a second technician-in-training, Michelle Medina, rescanned and stored the two remaining post-dated Class-II prescriptions into Walgreen Intercom Plus: Rx#1874629 and Rx#1886042. WG 012 and 016 show Ms. Medina scanned these documents on this day.

Walgreens' policies require the prescription number assigned by Walgreen Intercom Plus to be written on the back of Class-II prescriptions. For these two post-dated prescriptions, the prescriptions did not have a designated prescription number on the back. The two prescriptions were then filed with the hard copies of Class-II prescriptions. The lack of a prescription number on the back appears to be a reason she rescanned and issued prescription numbers for the two-post-dated prescriptions. Another reason for the duplication was that the hard copy of the Class-II prescription being filled and the post-dated prescriptions are supposed to accompany the prescription as it is processed. After dispensing all three prescriptions are to be filed.

On 11/18/2017, the patient requested to have her prescription filled based on document WG 008 because that is when the prescription was filled. It seems the technician generated a copy of the prescription from the original version of the original prescription that was scanned on 10/9/2017. You can see this on document WG 006 (prescription #1863870) because the prescription was scanned by Perez on 10/9/2017. It also seems like neither the technician or the pharmacist pulled the hard copy of the prescription. This is because the hard copy of the prescription does not have a label on the back that is dated 11/19/2017 per document WG 006 and 007. I don't understand why there is a label dated

12/22/2017 for prescription #1874629 on the back of one copy of prescription #1863870 because there is a copy of the backs of the prescription with no label. The documents for this prescription are WG 005 through 008.

On 12/22/2017, the patient requested to have her prescription filled based on WG 012. The patient was permitted to have a prescription for amphetamine filled at this time because the third post-date prescription had a post-date of 12/7/2017. But, this is not the prescription that was filled. The technician pulled up the second scanned version of the prescription with the post-date 11/7/2017 (#1874629). I can tell this because the scanned date is 10/14/2017 on document WG 0012. This prescription was dispensed on 12/24/2017. The documents for prescription #1874629 are WG 009 through WG 012.

On 1/26/2018, there is an annotation that says: "ins only covers bid faxed md on 01/26/2018'-by AYR on 01.26.2018 15:40:06 at 4854." This seems to indicate the physician received word that the patient needed another refill. It also seems to indicate the patient called the pharmacy a few days prior to the next time she requested a refill.

On 1/29/2018, the patient appears to have requested a fill for another prescription of amphetamine. By this time, she would have needed to obtain another prescription from her physician because she had already received three fills for the prescription authorized by her physician. But whatever trigger the filling process, at that time the technician pulled up prescription #1886042 according to document WG 015 and was one of the duplicate prescriptions created by the scan on 10/14/2017. I was the pharmacist who reviewed the prescription based on WG 015. Based on my review, it appeared the prescription could be filled because the post-date was 12/7/2017. However, I should have pulled the original prescription and placed a label on the back of it. The prescription was dispensed on 1/30/2018. The documents for prescription #1874629 are WG 009 through WG 012.

On 2/23/2018, the patient must have called the pharmacy because there is an annotation that says: "ok to fill 2/28, patient aware dye" – by DYE on 02.23.2018 11:20 at 4854." See WG 0018. DYE is D. Efstathiou, a who floats to different stores. It appears DYE looked at the last refill date of 1/30/2018 and determined that sufficient time would have passed by 1/30/2018 to allow a refill.

On 2/28/2018, prescription #1896898 was filled. Apparently, the technician pulled the prescription with the post-date 12/7/2017, which was one of the original scans on 10/9/2017. I was the pharmacist who performed the product verification. Again, it appears the hard copy was not pulled because there is no label on the back of the prescription.

CONCLUSION

Walgreens' policies and procedures were not followed. If they had been followed, the duplicate prescriptions and two extra fills would have been avoided.

Walgreens policies and procedure require the following steps for post-dated Class-II prescription.

1. When a post-dated prescription is received from a patient, all prescriptions should be entered into. This assigns each prescription with a prescription number. The two post-dated prescriptions are put on hold.

2. The prescription number assigned to each post-dated prescription is to be placed on the back of the prescription.
3. The hard copy of all three prescriptions are supposed to accompany the prescription through data and product verification. The three prescriptions are then placed in a tote with the prescription itself.
4. After the prescription is dispensed, all three prescriptions are to be filed in the physical Class-II prescription file. When a patient requests a post-dated prescription to be filled, the technician is supposed to pull the hard copy of the prescription. That hard copy is supposed to follow the prescription through the filling process.
5. During the product verification process, the label for the prescription is supposed to be placed on the back of the hard copy of the prescription.
6. When the filling process is complete, the hard copy of the Class-II prescription is to be filed.

If these procedures had been followed, the duplication would not have occurred. We have retrained all personnel in the pharmacy about this process and are checking Class-II prescriptions for compliance with it.

MinhQuang Nguyen, Pharmacy Manager, Lic#1591



A handwritten signature in black ink, followed by the date "02/16/13".

Rx 1874629 prescription data was reviewed on 12/22/17. While verifying the prescription, I saw that the prescription was from a stored prescription status. I was not aware of any duplication prescription.

In the future, I will have technician write the prescription number on the back of all Class 2 prescriptions. Furthermore during the verification process, I will investigate any prescription for a Class-II that does not have a hardcopy prescription.

Maria Gina Cruz, staff rph

04/16/18

The prescription label for Rx # 1874629-04854 was printed on 12/22/17. I filled the prescription for the pharmacist to do product review and verification. I did not notice any discrepancies of duplicate filling.

In the future, I will notify the working pharmacist of any Class II prescription missing or filled without a hardcopy prescription.

Thank you,

Bren Perez, Pharm. Tech-in-training 04/16/18

The label for prescription #1886042 was printed and I filled the prescription for the pharmacist to check. I did not notice any discrepancies or duplicate prescription that was entered.

In the future, I will notify the working pharmacist if the prescription does not have a hard copy.

Further investigation of the hardcopy is needed by the pharmacist.

Thank you,

Maria Malanao, Pharm. Tech

04/16/18

I believe what had happened is I scanned the prescription initially, and then another technician scanned the prescription in again because they thought they had not been scanned in. In the future, I would take the following precaution to avoid duplicate scanning and storing prescription:

- 1) Review the patient's prescription history and verify that it is not already scanned
- 2) After scanned and processed the prescription, a prescription number will be written on the back and file it accordingly.

Thank you,

Michelle Medina, Pharm. Tech-in-training

04/16/18

Exhibit 6

Maria Cruz

18-021-RPH-D-S

INDEX OF EXHIBITS
Board of Pharmacy v. CVS Pharmacy #8804, et al.
Case No. 19-131

<u>Ex No.</u>	<u>Description</u>	<u>Bates Range</u>	<u># of Pages</u>
1	Complaint dated July 29, 2109, by TC	001–002	2
2	Prescription dated July 3, 2019, by Dr. Drew Moffitt for TC	003–004	2
3	CVS Record of Prescription No. 1000766 for TC	005-006	2
4	CVS Digital Time Stamp for Prescription 1000766	007–008	2
5	DUR Warnings for Prescription No. 1000766	009–011	3
6	Record of Counseling for Prescription No. 1000766	012–013	2
7	CVS Record of Prescription No. 1000769 for TC	014–015	2
8	CVS Digital Time Stamp for Prescription No. 1000769	016–017	2
9	Statement of Sandra Le, Pharmacy Manager, dated September 24, 2019	018–020	3
10	Statement of Chris Petersen, Pharmacist, dated September 24, 2019	021–022	2
11	Statement of Haydee Martinez, Pharmacy Technician, dated September 24, 2019	023–024	2
12	Statement of Jody Lewis, CVS Health District Leader, dated September 24, 2019	025–026	2

Ex. No.	Description	Bates Range	# of Pages
13	Request for Records dated September 4, 2019, from Dena McClish to CVS Pharmacy #8804	027-028	2

EXHIBIT 1

COMPLAINT RECEIVED JULY 26, 2019, FROM TC

Shirley Hunting

From: Pharmacy Board
Sent: Monday, July 29, 2019 11:34 AM
To: Shirley Hunting
Subject: Fw: Given the wrong medication

Candy Nally
Licensing Specialist
Nevada State Board of Pharmacy

From: T [REDACTED] <[REDACTED]>
Sent: Friday, July 26, 2019 12:59 AM
To: Pharmacy Board
Subject: Given the wrong medication

Hi my name is T [REDACTED] [REDACTED] I just underwent an IVF=In Vitro fertilization on July 23rd 2019. 2 Embryo's were transferred into my Uterus for me to have a baby. On July 17th My medication for my IVF Transfer procedure were filled by Sandra J Le which were Medrol, Zithromax, Valium and Cytotec. I took the Medrol, Zithromax, and Valium prior and on the day of my procedure. I took the Cytotec on 07/25/19 Thinking that it was my Progesterone suppositories. Ive always done the progesterone in oil injections this would be my 1st time using the suppositories. I inserted 1 in the morning then the next one was inserted at 6pm my stomach started cramping so i googled the name that was on the bottle to see if that was a side affect and come to find out Cytotec is used for ABORTIONS. I was given the WRONG medication. Now I might lose my 2 Embryos that I Transferred on July 23rd.

EXHIBIT 2

PRESCRIPTION DATED JULY 3, 2019, ISSUED BY DR. DREW

MOFFITT FOR TC

Rx Details

Request No : 4140264

Store No : 8804

Rx No : 1000766

Fill No : 0

Fill Date : 07/17/2019

Rx Image

Orig. Rx Recd. Dt : 07/17/2019 12:36:00

07/17/2019 09:30

(FAX:602)3432766

P:001/001

Arizona Reproductive Medicine Specialists
Drew V. Wolff, M.D., FACOG, Linda Nelson, MD., PhD. FACOG
1701 E. Thomas Rd. Bldg 1 Suite 101 - Phoenix, AZ 85016
Phone: (602) 343-2767 Fax (602) 343-2766

DEAR:

PATIENT:

T. C. [REDACTED]
Cheyenne Gardens Way
North Las Vegas, NV 89032
D.O.B. [REDACTED]

DATE: 7/17/2019

Rx

1

- 1. Endometrin 100mg vaginal insert Place one tab vaginally TID as directed Disp: 42 Refills: 5
Allow Generic: Yes
- 2. Estrace 7 mg tablet Take 1 tab PO BID and titrate to TID as directed Disp: 90 Refills: 3
Allow Generic: Yes
- 3. Medrol 16 mg tablet Take 3 tabs PO qhs as directed Disp: 12 Refills: 0 Allow Generic: Yes
- 4. Micronized Progesterone Troches 200 mg Troches Take one SL TID as directed Disp: 90 Refills: 3
Allow Generic: Yes Notes to pharmacy: Do not allow generic
- 5. Valium 5 Mg Take 1 tab PO 30 minutes prior to the procedure Disp: 1 Refills: 0 Allow
Generic: Yes
- 6. Zichrosax 250 mg Tablets Take 2 tabs PO with dinner the night before the procedure and 2 tabs
PO with breakfast the morning of the procedure Disp: 4 Refills: 0 Allow Generic: Yes

X Dispense as written

X *Drew V. Wolff MD*
Substitution permitted

FAXed to CVS 702-642-2873 for Dr. Wolff, by Sarah

EXHIBIT 3

CVS PHARMACY RECORD OF PRESCRIPTION NO. 1000766

Label

Patient		Quantity & Fill	
Patient	██████████	Decimal Quantity Dispensed	42
Gender	Female	Refills	5
DOB	██████████	Quantity Dispensed	42
Age	34	Days Supply	14
		Fill No	0

Drug		Store	
Drug	MISOPROSTOL 100 MCG TABLET	Store No	8804
Strength	100	NCPDP Id	2989690
Dispensed NDC	59762500701	NPI Number	1174567424
		Store Address	1408 W. CRAIG RD,NORTH LAS VEGA,NV,00008

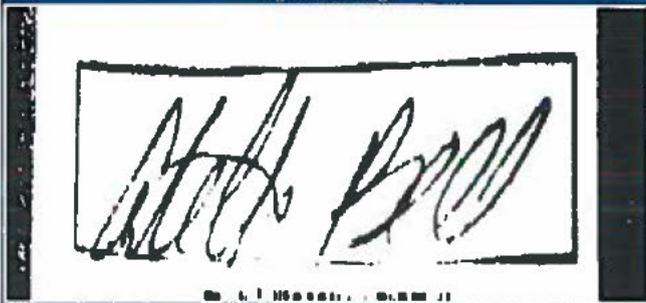
Script		Prescriber	
Rx No	1000766	Prescriber	MOFFITT V DREW 9305 W THOMAS RD STE 490 PHOENIX AZ 85037
Rx Status Code	Filled	Phone	
DAW	0	DEA	BM4034360
Compound Code	1	NPI	
Written Date	07/03/2019	LIC	G67115
Orig. Rx Recd. Dt	07/17/2019 12:36:00		
Fill Date	07/17/2019		

Electronic Transaction ID	
Prescriber Agent	
Sender Message ID	
Sent Date/Time	

Verification		Med B Documents	
Script Verify Initials	SJL	Diagnosis Code	
Script Verify Date	07/17/2019	Attestation Quantity on Hand	
Product - Script Verify Initials			
Product - Script Verify Date			

Supervising Physician	
Supervising Physician Name	
Address	
Phone Number	
DEA Number	
NPI Number	
State License Number	

Direction
PLACE 1 TABLET VAGINALLY 3 TIMES A DAY

Signature Image		POS/Signature	
		Refund Indicator	
		Post Void Indicator	
		Transaction Date	07/20/2019
		Transaction Time	12:20:00 PM
		Scan Indicator	Y
		Patient Counseling Indicator	Y
		Forced Counseling Indicator	N
		Other Counseling Indicator	N
		PCI Counseling Indicator	N
		Safety Cap Indicator	Y
		HIPAA Privacy Notice Indicator	N
		Cash Prescription Indicator	N
		Drive Thru Indicator	Y
		System Down Indicator	N
		Relationship To Patient	
Register Number	19		
Patient Refused to Sign	N		
Signature Data Indicator	Y		
Signature Date	07/20/2019		
Signature Time	12:21:08 PM		
90D Rx Pickup Indicator			

Retail Pharmacy Automated Outreach Consent	
RPAOC POS Indicator	No

Proactive Rx Request at POS		Fill Level Opportunity Trigger Reason	
Proactive Rx Request Program Outcome		Patient Confirmation Value	
Employee ID			
Transaction Date/Time			

EXHIBIT 4

DIGITAL TIME STAMP FOR PRESCRIPTION NO. 1000766

Store 8804

Rx1000766

LAST_NAME	FIRST_NAME	ACTIVITY	TIMESTAMP	USER_CREDENTIALS
Martinez	Haydee	DATAENTRY	7/17/2019 12:58	HMart
Le	Sandra	DATA_ENTRY_VERIFICATION	7/17/2019 13:02	SLe
Le	Sandra	DUR_OVERRIDE	7/17/2019 13:02	SLe
Le	Sandra	WARNING_VERIFICATION	7/17/2019 13:02	SLe
Martinez	Haydee	PRINTREADY	7/17/2019 13:10	HMart
Martinez	Haydee	MULTI_PACKAGE_SCAN	7/17/2019 13:52	HMart
Le	Sandra	VERIFICATION	7/17/2019 15:36	SLe
Le	Sandra	INACTIVATE	7/26/2019 11:18	SLe

TXN_TYPE	REGISTER_NUM	REGISTER_TXN	REGISTER_TXN	POS_USERID	AMOUNT	POS_DATETIME
S	19	3481	2	1039951	0	7/20/2019 15:20

Rx1000768

LAST_NAME	FIRST_NAME	ACTIVITY	TIMESTAMP	USER_CREDENTIALS
Cardozo	Vanessa	DATAENTRY	7/17/2019 13:01	VCard
Le	Sandra	DATA_ENTRY_VERIFICATION	7/17/2019 13:02	SLe
Le	Sandra	WARNING_VERIFICATION	7/17/2019 13:02	SLe
Le	Sandra	WARNING_VERIFICATION	7/17/2019 13:02	SLe
Le	Sandra	DATA_ENTRY_VERIFICATION	7/17/2019 13:02	SLe
Martinez	Haydee	PRINTREADY	7/17/2019 13:30	HMart
Martinez	Haydee	DATAENTRY	7/17/2019 13:40	HMart
Denton	Tarah	ACTIVITY_QI_BATCH_INSERT	7/18/2019 11:31	TDent
Le	Sandra	DATA_ENTRY_VERIFICATION	7/18/2019 11:34	SLe
Le	Sandra	WARNING_VERIFICATION	7/18/2019 11:34	SLe
Denton	Tarah	PRINTREADY	7/18/2019 11:55	TDent
Chavarria	Nancy	MULTI_PACKAGE_SCAN	7/18/2019 12:31	NChav
Le	Sandra	VERIFICATION	7/18/2019 16:44	SLe

EXHIBIT 5

RECORD OF DUR WARNINGS FOR PRESCRIPTION NO. 1000766

Rx1000766

CVS/Pharmacy

Warning History

WS CLAIM: Tue, 24 Sep 2019 12:19:55 PM

HARD STOP WARNINGS (1)

1 Low Dose

SOFT STOP WARNINGS (1)

2 Child-bearing Age
Preg Cat X- Absolute Contraind.

Low Dose

drug being filled MISOPROSTOL 100 MCG TABLET

DISPENSED total daily dose	300 mcg	25% under
RECOMMENDED min daily dose	400 mcg	

To review recommended dosing for this drug, select RD and press <enter>

recent history: MISOPROSTOL

Store #	drug name	last filled date	disp qty

Add/View DUR Comments (AC/DC) *Retail Rx's only

Rx: 1000766 Filled On: [redacted]

34 years, 2 months female

Misoprostol 100 mcg tablet

strength 100 MCG

dispensed 42 EA

days supply 14

total daily dose 300 mcg

Place 1 tablet vaginally 3 times a day

Moffitt, Drew

(602) 343-2767

Select a function and press <Enter>

Info: Review Data Entry (V) | Recommended Dosing (RD) | View Intervention Details (VD) | Verified By Details (VB) | Print: Print Warnings (P) | Actions: Continue (Enter) | Make Call (MC) | Exit (X)

More Options (M)

Patent F1
Prescriber F2
Drug F3
Third Party F4
Profile F5
Store Portal F6
Clinical F7
Refill F8
Help F9
Log In/Out Credentials F10
Store Info F11
Adj Status F12

DUR Comments (Active)

DOB [redacted] Age 34 Years Gender Female Address [redacted] CHEYENNE GARDENS WAY, NORTH LAS VEGAS, NV 89032 Phone Number [redacted] Rx Number 1000766

Drug being filled: MISOPROSTOL 100 MCG TABLET Prescriber Name: MOFFITT, DREW Fill#: 00

Archived DUR Comments are available for up to 5 Years
Show All Active

Ln. No.	Store#	Rx#	Fill#	Drug Name	Prescriber	RPh	Date Entered	Comments
1	08804	1014741	00	ENSKYCE 28 TABLET	MOFFITT, DREW	S.Le	09/06/2019	NOT TRUE HIGH DOSE, PATIENT IS SKIPPING...
2	08804	E1013552	00	PROGESTERONE 500 MG/10 ML	MOFFITT, DREW	C.Pate	09/02/2019	IS USING FOR MF
3	08804	1001220	00	DIAZEPAM 5 MG TABLET	MOFFITT, DREW	S.Le	07/18/2019	NO DUR EXISTS
4	08804	1006766	00	MISOPROSTOL 100 MCG TABLET	MOFFITT, DREW	S.Le	07/17/2019	NO DUR EXISTS
5	08804	DE0983904	00	ENSKYCE 28 TABLET	MOFFITT, DREW	S.Le	05/17/2019	NO DUR EXIST
6	08804	0980317	00	DIAZEPAM 5 MG TABLET	MOFFITT, DREW	S.Le	05/01/2019	NO DUR EXISTS
7	08804	E0979100	01	PROGESTERONE OIL 50 MG/ML	MOFFITT, DREW	K.Pharm	05/03/2019	REVIEWED
8	08804	0979097	00	ESTRADIOL 2 MG TABLET	MOFFITT, DREW	K.Pharm	04/26/2019	REVIEWED

Page 1 of 2
Next Page(Enter)

Select a function and press <Enter>

View Detail (F), Add DUR Comment (AC), Filter DUR Comments (F), View Archived Comments (VI), Exit (X)

DUR Comments (Active)

C [REDACTED] **T [REDACTED]** **DOB [REDACTED]** Age 34 Years Gender Female Address [REDACTED] CHEYENNE GARDENS WAY NORTH LAS VEGAS, NV 89032 Phone Number [REDACTED] Rx Number 1000766

Drug being filled: MISOPROSTOL 100 MCG TABLET Prescriber Name: MOFFITT, DREW Fill#: 00

Archived DUR Comments are available for up to 5 Years
Show All Active

Ln. No	Store#	Rx#	I#	Drug Name	Prescriber	RPh	Date Entered	Comments
1	08804	E0979100	02	PROGESTERONE OIL 50 MG/ML	MOFFITT, DREW	S.Le	05/17/2019	NO DUR EXISTS
2	08804	E0979100	03	PROGESTERONE 500 MG/10 ML	MOFFITT, DREW	S.Le	07/28/2019	NO DUR EXISTS
3	08804	0979100	02	PROGESTERONE 500 MG/10 ML	MOFFITT, DREW	K.Pham	08/28/2019	REVIEWED
4	08804	E0979100	00	PROGESTERONE OIL 50 MG/ML	MOFFITT, DREW	S.Le	04/30/2019	NO DUR EXIST
5	08804	0979097	01	ESTRADIOL 2 MG TABLET	MOFFITT, DREW	S.Le	05/23/2019	NO DUR EXISTS
6	08804	0968483	00	ENSKYCE 28 TABLET	MOFFITT, DREW	S.Le	03/14/2019	PATIENT IS SKIPPING PLACEBOS
7	08804	0908036	00	CEFDINIR 300 MG CAPSULE	HODAPP, HEATH	K.Pham	07/30/2018	REVIEWED

Page 2 of 2
Previous Page (Space)

Select a function and press <Enter>

View Detail (F1) Add DUR Comment (AC) Filter DUR Comments (F) View Archived Comments (AS) Exit (X)

Prescriber Consult Request Comments

Patient (F1) Prescriber (F2) Drug (F3) Third Party (F4) Profile (F5) Store Portal (F6) Clinical (F7) Refill (F8) Help (F9) Log In/Out Credentials (F10) Store Info (F11) Adj Status (F12)

CVS/Pharmacy

Warning History

WS CHAIN - Tue, 24 Sep 2019 12:03:09 PM

HARD STOP WARNINGS (1)

- Low Dose

CHECKPOINT

SOFT STOP WARNINGS (1)

- Child-bearing Age
Preg Cat. X - Absolute Contraind.

Hard Stop Warnings Reviewed by

Intervention Code: RPh Approved - Intervention Not Needed

recent history: MISOPROSTOL

Store #	drug name	last filled date	disp qty

*Retail Rx's only

Rx: 1000766 Fill: 00

C [REDACTED]
T [REDACTED]
34 years, 2 months female

misoprostol 100 mcg tablet

strength 100 MCG

dispensed 42 EA

days supply 14

total daily dose 300 mcg

Place 1 tablet vaginally 3 times a day

Moffitt, Drew
(602) 343-2767

Some Patient & Prescriber Information may have changed since this prescription was verified (eg. phone, allergies, conditions).

Select a function and press <Enter>

Info: Review Data Entry (R) | Recommended Dosing (RD) | View Intervention Details (VD) | Verified By Details (VB) | Print: Print Warnings (P) | Actions: Continue (Enter) | Make Call (MC) | Exit (X)

Patient (F1) Prescriber (F2) Drug (F3) Third Party (F4) Profile (F5) Store Portal (F6) Clinical (F7) Refill (F8) Help (F9) Log In/Out Credentials (F10) Store Info (F11) Adj Status (F12)

EXHIBIT 6

RECORD OF COUNSELING FOR PRESCRIPTION NO. 1000766

Fill Detail View

WS CLAIM: Thu, 19 Sep 2019 3:46:02 PM

 **C** [Redacted] **T** [Redacted]
DOB [Redacted] Age 34 Years Gender Female Address [Redacted] CHEYENNE GARDENS WAY NORTH LAS VEGAS, NV 89032 Phone Number [Redacted] Rx Number 1000766

Prescriber MOFFITT, DREW V Phone No. (802) 343-2767 Status **Sold - 07/20/2019**
DEA BM4034380 NPI # NPI 1215916580 Fax (802) 343-2768 Status Date **07/20/2019**
Status Time **12:20 PM**

Third Party ANTHEM BCBS MCO: NV Card Holder ID 713803515 Promised Date **07/17/2019**
Promised Time **11:58 AM**

View Counsel Patient Activity Details

Ln. No.	Date Time	Fill No.	Counsel Type	Counsel Disposition	Credentials
1	07/20/2019 12:22 PM	00	State Mandatory	Patient/Caregiver Counseled	K.Pharm



Select a function and press <Enter>
Accept Counsel Patient (A), Decline Counsel Patient (D), Print Counsel Details (P), Exit (X)

- Patient (F1)
- Prescriber (F2)
- Drug (F3)
- Third Party (F4)
- Profile (F5)
- PHARM Portal (F6)
- Clinical (F7)
- Refill (F8)
- Help (F9)
- LOW MEDICAL Credentials (F10)
- Store Info (F11)
- Adi Status (F12)

EXHIBIT 7

CVS PHARMACY RECORD OF PRESCRIPTION NO. 1000769

Label

Patient		Quantity & Fill	
Patient	C [REDACTED] T [REDACTED]	Decimal Quantity Dispensed	6
Gender	Female	Refills	0
DOB	[REDACTED]	Quantity Dispensed	6
Age	34	Days Supply	5
		Fill No	0

Drug		Store	
Drug	AZITHROMYCIN 250 MG TABLET	Store No	8804
Strength	250	NCPDP Id	2989690
Dispensed NDC	50111078766	NPI Number	1174567424
		Store Address	1408 W. CRAIG RD,NORTH LAS VEGA,NV,00008

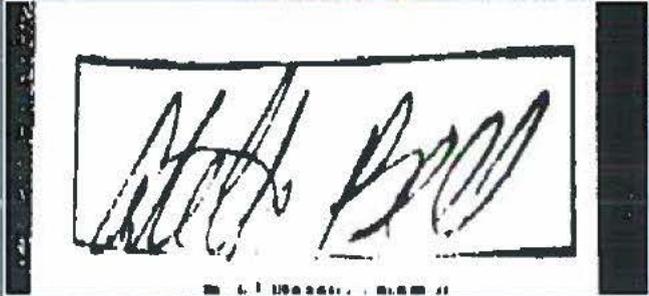
Script		Prescriber	
Rx No	1000769	Prescriber	MOFFITT V DREW 9305 W THOMAS RD STE 490 PHOENIX AZ 85037
Rx Status Code	Filled	Phone	
DAW	0	DEA	BM4034360
Compound Code	1	NPI	
Written Date	07/03/2019	LIC	G67115
Orig. Rx Recd. Dt	07/17/2019 12:01:23		
Fill Date	07/17/2019		

Script		Electronic Transaction ID	
Rx Transfer Code		Prescriber Agent	
Rx Origin Code	1	Sender Message ID	
Transfer From Store Number		Sent Date/Time	

Verification		Med B Documents	
Script Verify Initials	SJL	Diagnosis Code	
Script Verify Date	07/17/2019	Attestation Quantity on Hand	
Product - Script Verify Initials			
Product - Script Verify Date			

Supervising Physician	
Supervising Physician Name	
Address	
Phone Number	
DEA Number	
NPI Number	
State License Number	

Direction
TAKE 2 TABLETS BY MOUTH TODAY, THEN TAKE 1 TABLET DAILY FOR 4 DAYS

Signature Image		POS Signature	
		Refund Indicator	
		Post Void Indicator	
		Transaction Date	07/20/2019
		Transaction Time	12:20:00 PM
		Scan Indicator	Y
		Patient Counseling Indicator	N
		Forced Counseling Indicator	N
		Other Counseling Indicator	N
		PCI Counseling Indicator	N
		Safety Cap Indicator	Y
		HIPAA Privacy Notice Indicator	N
		Cash Prescription Indicator	N
		Drive Thru Indicator	Y
		System Down Indicator	N
		Relationship To Patient	
Register Number	19		
Patient Refused to Sign	N		
Signature Data Indicator	Y		
Signature Date	07/20/2019		
Signature Time	12:21:08 PM		
90D Rx Pickup Indicator			

Retail Pharmacy Automated Outreach Consent	
RPAOC POS Indicator	No

Proactive Rx Request at POS		Fill Level Opportunity Trigger Reason	
Proactive Rx Request Program Outcome		Patient Confirmation Value	
Employee ID			
Transaction Date/Time			

EXHIBIT 8

DIGITAL TIME STAMP FOR PRESCRIPTION NO. 1000769

TXN_TYPE	REGISTER_NUM	REGISTER_TXN	REGISTER_TXN_S	POS_USERID	AMOUNT	POS_DATETIME
S	19	3481	4	1039951	0	7/20/2019 15:20

Rx1000769

LAST_NAME	FIRST_NAME	ACTIVITY	TIMESTAMP	USER_CREDENTIALS
Cardozo	Vanessa	DATAENTRY	7/17/2019 13:02	VCard
		ACTIVITY_WAVE_BYPASS	7/17/2019 13:02	N/A
Le	Sandra	DATA_ENTRY_VERIFICATION	7/17/2019 13:02	Stle
Martinez	Haydee	PRINTREADY	7/17/2019 13:10	HMart
Martinez	Haydee	MULTI_PACKAGE_CONFIRMATION_S	7/17/2019 13:42	HMart
Le	Sandra	VERIFICATION	7/17/2019 15:01	Stle

TXN_TYPE	REGISTER_NUM	REGISTER_TXN	REGISTER_TXN_S	POS_USERID	AMOUNT	POS_DATETIME
S	19	3481	1	1039951	0	7/20/2019 15:20

Rx1001220

LAST_NAME	FIRST_NAME	ACTIVITY	TIMESTAMP	USER_CREDENTIALS
Le	Sandra	PREDATAENTRY_SCAN	7/18/2019 16:45	Stle
Le	Sandra	DATAENTRY	7/18/2019 17:04	Stle
Le	Sandra	DUR_OVERRIDE	7/18/2019 17:05	Stle
Le	Sandra	DATA_ENTRY_VERIFICATION	7/18/2019 17:05	Stle
Le	Sandra	WARNING_VERIFICATION	7/18/2019 17:05	Stle
Gabriel	Audia	PRINTREADY	7/18/2019 17:08	AGabr
Martinez	Haydee	MULTI_PACKAGE_SCAN	7/18/2019 17:42	HMart
Le	Sandra	VERIFICATION	7/18/2019 17:44	Stle
Petersen	Christopher	LABEL_REPRINT	8/7/2019 23:48	CPete

TXN_TYPE	REGISTER_NUM	REGISTER_TXN	REGISTER_TXN_S	POS_USERID	AMOUNT	POS_DATETIME
S	19	3481	3	1039951	0	7/20/2019 15:20

EXHIBIT 9
STATEMENT OF SANDRA LE, PHARMACY MANAGER,
DATED SEPTEMBER 24, 2019



One CVS Drive
Woonsocket, RI 02895

September 24, 2019

Dena McClish
Investigator
Nevada State Board of Pharmacy
1050 E Flamingo Rd, Ste E217
Las Vegas, NV 89119

RE: Pharmacy License: PH01093
CVS Pharmacy #8804
1408 West Craig Road Las Vegas, NV 89032
Case No: 19-131

Dear Ms. McClish,

Please accept this response in regards to the aforementioned case dated September 4, 2019.

I was the verification pharmacist for Rx1000766 for T.C. on July 17, 2019, for the prescription filled as misoprostol for endometrin. Upon data verification of the incorrectly entered misoprostol, I remember knowing about the patient and being aware of her treatment at a facility in Arizona. Upon seeing the misoprostol, the recollection in my mind was that perhaps a fertility treatment had failed and it was being used in conjunction with a D and C procedure. When she picked up these prescriptions on July 20, 2019, the pharmacist on duty was Khanh Pham who is no longer with the company. Upon reviewing the cameras, it showed that Pharmacist Pham did not have contact with the patient/caregiver who was picking up the prescriptions through drive thru.

I was alerted to the prescription incident by Chris Petersen on Thursday, July 25th at 9:40pm via text message and texted back to Chris for clarification on the incident and to ensure that he had contacted our supervisor as well. I spoke with Jody the following morning, Friday, July 26th regarding the incident and next steps to follow. Upon arriving at CVS# 8804, I checked the patient's profile to see if there were any additional refills on her injectable progesterone and if we had the medication in stock. I also called the physician's office to see if I would be able to speak to a physician in order to follow through on next steps to take care of the patient. I was unable to speak to a physician or nurse as they were all in surgery and were due to come out of surgery later. I left a message for them to call me back.

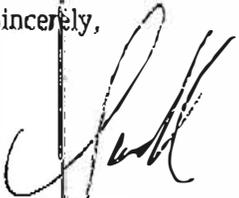
Around 8:05 am I left a message on T.C.'s cellphone stating that I had the injectable progesterone prescribed in stock and that I had filled the injectable progesterone prescription but I was waiting to hear back from the physician's office to see what they wanted to do to proceed. I later called the physician's office at 9:10a to follow up and see if I would be able to speak with the physician or nurse, but again was not able to speak to anyone as they were still in surgery. I then spoke to my supervisor who advised that we needed to get the injectable progesterone to the patient as soon as we were able to contact her. Around 10am I called T.C. again and was able to speak to her. She stated that she had spoken with the physician the prior night and wanted her to start the progesterone injection as soon as possible. I confirmed T.C.'s address and stated that I was sending a technician to deliver the injections to her at no charge. I asked if she needed any additional supplies such as alcohol swabs or syringes to inject the medication with. She stated she did not need anything except for the progesterone injection.

I had my technician Tarah Denton leave the store and deliver the medication to the patient around 10:05am. Tarah returned after delivering the medication and I later spoke with Sarah from the physician's office who stated that she was going to contact the patient to see when the misoprostol had been used. Sarah stated that she would follow up with our pharmacy if there was anything further that we needed to do for the patient.

I am truly sorry for what happened to T.C. I will remain dedicated to maintaining high safety standards with each prescription I verify and be diligent in providing quality healthcare while focusing on patient safety.

If you need anything else concerning this matter, please do not hesitate to contact me.

Sincerely,



Sandra Le
Pharmacy Manager
CVS 8804
Phone: [REDACTED]

EXHIBIT 10
STATEMENT OF CHRIS PETERSEN, PHARMACIST,
DATED SEPTEMBER 24, 2019



One CVS Drive
Woonsocket, RI 02895

September 24, 2019

Dena McClish
Investigator
Nevada State Board of Pharmacy
1050 E Flamingo Rd, Ste E217
Las Vegas, NV 89119

RE: Pharmacy License: PH01093
CVS Pharmacy #8804
1408 West Craig Road Las Vegas, NV 89032
Case No. 19-131

Dear Ms. McClish,

Please accept this response in regards to the aforementioned case dated September 4, 2019.

On Thursday, July 25, 2019 a technician informed me that a patient T.C. was on the phone and handed me a printout of the hard copy prescription in question. When speaking with T.C., she was concerned that we filled misoprostol instead of her progesterone vaginal suppositories. She said that she has inserted 2 misoprostol tablets vaginally in the past day and was now experiencing cramping and had read online that misoprostol can be used for an abortion. I apologized profusely about the situation and listened to her concerns. She told me that she just had an IVF treatment 2 days ago and was deeply concerned that misoprostol is used for abortions. At this time she was audibly upset and sounded as if she was crying. I continued to apologize, stated how sorry I was, and did my best to console her. After speaking with her for a while I asked her if she would like my district manager to reach out to her. She replied yes. I told her that if nobody reached out to her that evening, I would immediately follow up first thing Friday morning with my pharmacy manager to make sure her care was a priority for our pharmacy. She also asked how this issue could have occurred and wanted to make sure the verifying filling pharmacist was aware so that it wouldn't happen again. I told her that I was not sure how it happened but that the verifying pharmacist would be notified and any errors in the pharmacy that may occur are reviewed by store leadership and pharmacy staff to reeducate pharmacy staff and ensure the error does not occur again.

After the call I immediately reached out to my district leader to inform her of the serious situation and to reach out as soon as possible. I then completed the incident report. After approximately 1 hour passed, I called T.C. back to let her know that I hadn't heard back from my supervisor but reassured her that we would handle this the first thing in the morning. Before leaving work that night, I left a note for my pharmacy manager to make her aware of the situation and to make sure the patient was taken care of immediately. When I texted the pharmacy manager the following morning, she said that both our district leader and herself had been in contact with the patient and are giving her their full attention.

The following evening I called T.C. to see how she was doing. She said the cramping had lessened and was feeling a little better. I asked her if my supervisors had adequately responded to her to which she said that she was pleased with their fast response and they both showed genuine compassion about her. I asked if there was anything at all we could do for her and she said no but to keep her in our thoughts and prayers. I said I would and told her I work 5:30 pm to midnight on Monday through Friday and to call me if there is anything I could do.

If you need anything else concerning this matter, please do not hesitate to contact me.

Sincerely,

Chris Petersen
Pharmacist
CVS 8804
Phone: [REDACTED]

EXHIBIT 11

STATEMENT OF HAYDEE MARTINEZ, PHARMACY TECHNICIAN,

DATED SEPTEMBER 24, 2019



One CVS Drive
Woonsocket, RI 02895

September 24, 2019

Dena McClish
Investigator
Nevada State Board of Pharmacy
1050 E Flamingo Rd, Ste E217
Las Vegas, NV 89119

RE: Pharmacy License: PH01093
CVS Pharmacy #8804
1408 West Craig Road Las Vegas, NV 89032
Case No. 19-131

Dear Ms. McClish,

Please accept this response in regards to the aforementioned case dated September 4, 2019.

In regards to the fill of Rx1000766, I was the technician who data entered the incorrect medication. I believed it to be the generic for the endometrin 100mg vaginal inserts.

If you need anything else concerning this matter, please do not hesitate to contact me.

Sincerely,

Haydee Martinez
Technician
CVS 8804
Phone: [REDACTED]

EXHIBIT 12

STATEMENT OF JODY LEWIS, CVS HEALTH DISTRICT LEADER,

DATED SEPTEMBER 24, 2019



One CVS Drive
Woonsocket, RI 02895

September 24, 2019

Dena McClish
Investigator
Nevada State Board of Pharmacy
1050 E Flamingo Rd, Ste E217
Las Vegas, NV 89119

RE: Pharmacy License: PH01093
CVS Pharmacy #8804
1408 West Craig Road Las Vegas, NV 89032
Case No. 19-131

Dear Ms. McClish,

Please accept this response in regards to the aforementioned case dated September 4, 2019.

I was very involved in this particular incident. I spoke with Ms. C [REDACTED] initially on 07/26/19 after being notified by my staff pharmacist at CVS 8804 of the incident. My first action was to ensure that my pharmacy manager contacted the patient's prescriber and that we were able to get her the medication she needed, which was done and delivered to her home that same morning.

I did a full review of the incident including discussions with all colleagues involved, as well as an assessment of workflow and policies and procedures to identify the cause of the issue. The following were areas of follow up/actions left with the pharmacy manager:

- Review of proper drug scroll at data entry with all colleagues, including assignment of 2 internal training modules for all colleagues designed to focus on minimizing risk of errors at data entry to ensure patient safety
- Review of pharmacist steps at verification process to ensure patient history review is completed
- Review with pharmacists on clear DUR documentation indicating why the pharmacist was comfortable filling the medication
- Review of CVS policy and Nevada law requirements for counseling and documentation of such counseling with all team members. Pharmacists were assigned to complete CE program on either patient counseling or medication errors.
- Completion of full patient safety assessment at all workstations to ensure safety moving forward

If you need anything else concerning this matter, please do not hesitate to contact me.

Sincerely,

Jody Lewis, Pharm.D
CVS Health District Leader
Phone: [REDACTED]

EXHIBIT 13

BOARD OF PHARMACY REQUEST FOR RECORDS

DATED SEPTEMBER 4, 2019



Nevada State Board of Pharmacy

1050 E FLAMINGO RD • SUITE E217 • LAS VEGAS, NEVADA 89119
1-800-364-2081 • FAX (702) 486-7903 • www.bop.nv.gov.

September 4, 2019
CVS Pharmacy #8804
Managing Pharmacist
Phone Number: 702-642-2680
Fax Number: 702-642-2673

Case # 19-131

The NV Board of Pharmacy has received a complaint alleging a possible misfill and lack of counseling on a new prescription by CVS Pharmacy #8804. Specifically, patient T [REDACTED] C [REDACTED] was given the wrong medication in July 2019. To address this complaint, please provide the following:

1. Prescription profile for T [REDACTED] C [REDACTED] DOB [REDACTED]
2. Copy of all original prescriptions filled from 07/10/2019 to 07/25/2019 (front and back)
3. Copy of the duplicate prescription label for each of the above prescriptions
4. Workflow documents – The **complete** transaction history of filling the prescriptions from drop-off and data entry to counseling and point of sale to include the initials/record of the pharmacists, techs, and clerks involved in each transaction. Please include data entry, allergy, medical conditions, and DUR screen prints (or records).
5. Memos, reports, or notes concerning this incident including any record of contact with the patient, care-giver, and/or practitioner.
6. Brief written summary of what occurred or may have occurred during this incident.
7. Signed statements of pharmacist and technicians involved in input, labeling, fill, verification and counseling of the prescription in question. Please include an explanation of how this error may have occurred and what changes, if applicable, may be implemented to prevent recurrence.
8. Counseling logs for all prescriptions above.
9. Pharmacy sign-in logs, work schedules, and/or timeclock records (if applicable) for technicians and pharmacists for the dates of entry, fill, and sale of the prescription(s) in question.
10. A report of the number of prescriptions that required counseling, the number of prescriptions that received counseling, the number of prescriptions that refused counseling, and the number of prescriptions in which counseling was not documented for the dates 07/16/2019 – 07/19/2019.

Please contact me at 702-486-6420 x 154 with any questions and when these documents are ready for pickup, no later than 09/25/2019.

Thank you for your cooperation in this matter,

Dena M McClish, Investigator Nevada State Board of Pharmacy
1050 E Flamingo Rd Ste E217, Las Vegas, NV 89119
Office Number: 702 486-6420 x154 Cell Number: 702-494-8672
Fax Number: 702-486-7903 E-Mail Address: dmcclish@pharmacy.nv.gov



T
C
[Redacted]

[Redacted] Cheyenne Gardens Way, North Las., NV

MISOPROSTOL
100 MCG
TABLET

Common brand(s), Cytotec

Place 1 tablet vaginally
3 times a day

Exhibit 1
Roosevelt Watson
22-112-CS-S

Roosevelt Watson, MD
6900 Pecos Rd.
NORTH LAS VEGAS, NV 89086
NIAA 22-112-S

9171 9690 0935 0307 2044 74

FILED
JUN 29 2023
NEVADA STATE BOARD
OF PHARMACY

*Answer Due
7/23/22*

MAILED
6/30/23

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">Complete items 1, 2, and 3.Print your name and address on the reverse so that we can return the card to you.Attach this card to the back of the mailpiece, or on the front if space permits.	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (<i>Printed Name</i>) C. Date of Delivery</p>
1. Article Addressed to:	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
Roosevelt Watson, MD 6900 Pecos Rd. NORTH LAS VEGAS, NV 89086	3. Service Type <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 Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input checked="" type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery

2. 9171 9690 0935 0307 2044 74

Tracking Number:

[Remove X](#)

9171969009350307204474

[Copy](#)

[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

Latest Update

Your item was delivered to an individual at the address at 1:18 pm on July 3, 2023 in NORTH LAS VEGAS, NV 89086.

Get More Out of USPS Tracking:

[USPS Tracking Plus®](#)

Feedback

Delivered

Delivered, Left with Individual
NORTH LAS VEGAS, NV 89086
July 3, 2023, 1:18 pm

[See All Tracking History](#)

[Text & Email Updates](#) 

[USPS Tracking Plus®](#) 

[Product Information](#) 

[See Less ^](#)

Track Another Package

Enter tracking or barcode numbers

Exhibit 2
Roosevelt Watson
22-112-CS-S



NEVADA STATE BOARD OF PHARMACY

985 Damonte Ranch Pkwy Suite 206, Reno, Nevada 89521
(775) 850-1440 • 1-800-364-2081 • FAX (775) 850-1444
• Web Page: bop.nv.gov

August 4, 2023

Roosevelt Watson
6900 Pecos Rd
North Las Vegas, NV 89086

Re: Roosevelt Watson and Case No. 22-112-CS-S

Dear Roosevelt Watson

The hearing for case number **22-112-CS-S** has been scheduled for Wednesday, 9/6/2023 at 9:00:00 AM PST or soon thereafter at the following location:

Hilton Garden Inn
7830 S Las Vegas Boulevard
Las Vegas, NV

This is an in-person hearing; all respondents, witnesses and counsel must appear in person before the Board.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

If you have any questions, please feel free to contact the board staff.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Mangosing".

Kristopher Mangosing
Assistant Board Coordinator

9171 9690 0935 0307 2046 27

Tracking Number:

Remove X

9171969009350307204627

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 12:23 pm on August 9, 2023 in NORTH LAS VEGAS, NV 89086.

Get More Out of USPS Tracking:

USPS Tracking Plus[®]

Delivered

Delivered, Left with Individual

NORTH LAS VEGAS, NV 89086

August 9, 2023, 12:23 pm

[See All Tracking History](#)

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates



USPS Tracking Plus[®]



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

[FAQs](#)

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

COBALT MEDICAL SUPPLY, INC.,

Respondent.

Case No. 23-122-O

**DECLARATION OF
MUI LEE**

I, Mui Lee, hereby state the following:

1. Pursuant to NRS 53.045, I have made this declaration at the request of Gregory L. Zunino, Senior General Counsel, for use in the above-entitled administrative action.
2. Since September of 2020, I have held the position of Inspector for the Nevada State Board of Pharmacy ("Board"). I currently hold a certificate of registration to engage in the practice of pharmacy in the state of Nevada.
3. Between 1985 and 2017, I worked as a pharmacist for several different employers in Nevada, including CVS Pharmacy and Longs Drugs. I obtained my B.S. in Pharmacy in 1985 from Oregon State University.
4. As a Board Inspector, I evaluate the business operations of pharmacies, dispensing medical offices, and other medical establishments to ensure that they are compliant with state laws governing the sale, purchase, receipt, possession, storage, administration, and dispensing of drugs and medical devices. During my inspections, I routinely review invoices and shipping documents to determine whether all drugs and prescription-only medical devices have been lawfully purchased from a Nevada-licensed wholesaler.
5. On March 29, 2023, I inspected Pacific Crest Dermatology, a medical office located at 5050 Vista Boulevard #102 in Sparks, Nevada. During my inspection of Pacific Crest Dermatology, I reviewed invoices and shipping documents including an invoice issued by Cobalt Medical Supply, Inc. ("Cobalt"), based in New Jersey. A true and correct copy of that invoice is attached hereto.

6. The invoice lists various items that were purchased by Pacific Crest Dermatology from Cobalt. These include Cephalexin, Clindamycin, and Valacyclovir. Based upon my experience as a pharmacist, I know that these are prescription anti-infective medications.

7. To the best of my knowledge, Cobalt has never held a license issued by the Board authorizing it to sell prescription medications at wholesale within the state of Nevada.

I, Mui Lee, declare under penalty of perjury that the foregoing is true and correct.

Executed this 20th day of August 2023.

A handwritten signature in black ink, appearing to read 'Mui Lee, Rph', is written over a solid horizontal line.

Mui Lee, Rph
Inspector
Nevada State Board of Pharmacy

EXHIBIT 1
Case No. 23-122-O
Cobalt Medical Supply, Inc.

INVOICE

Cobalt Medical Supply, Inc.

Branch: 100 Main
 P.O. Box 367
 Pequannock, NJ 07440
 USA

973-305-0730

Bill To:
 PACIFIC CREST DERM
 5050 VISTA BLVD
 #102
 SPARKS, NV 89436
 US

Ship To:
 PACIFIC CREST DERM
 5050 VISTA BLVD
 # 102
 SPARKS, NV 89436
 US

INVOICE	
3102115	
Invoice Date	Page
3/7/2023 16:37:40	1 of 13
ORDER NUMBER	
1064256	

Customer ID: 24805

PO Number	Term Description	Net Due Date	Disc Due Date	Discount Amount
	Prepay	3/7/2023	3/7/2023	0.00

Order Date	Pick Ticket No	Primary Salesrep Name	Taker
1/31/2023 12:55:38	2095273	Dan Mazon	JSANCHEZ

Quantities					Item ID	Pricing UOM	Unit Price	Extended Price
Ordered	Shipped	Remaining	UOM Unit Size	Disp.				

Carrier: THIRD PARTY TRUCK

Tracking #: DHL SO000139334 SIGNED MILAN MITIC 3/3

12 00	12 00	0 00	EA		P907016	EA		
				1 0	ALCOHOL ISOPROPYL 70% 16OZ 12/CS		1 0000	
Lot Number: 61835					Qty:		12 00 EA	
10 00	10 00	0 00	BX		853	BX		
				200 0	PAD ALCOHOL PREP 2-PLY STRL MED		200 0000	
					BX/200			
					BX/200			
Lot Number: JT33620					Qty:		10 00 BX	
1 00	1 00	0 00	BT		1590	BT		
				100 0	APPLICATOR 6" SILVER NITRATE BT/100		100 0000	
Lot Number: 6418					Qty:		1 00 BT	
3 00	3 00	0 00	BX		76200	BX		
				1,000 0	APPLICATOR COTTON TIP 6" WOOD NS		1000 0000	
					BX/1000			
					BX/1000			
Lot Number: 9999					Qty:		3 00 BX	
1 00	1 00	0 00	EA		116	EA		
				1 0	ATTEST BIOLOGICAL INDICATOR		1 0000	
					INCUBATOR			
Lot Number: 189851					Qty:		1 00 EA	

*** REPRINT ***

INVOICE

Cobalt Medical Supply, Inc.

Branch: 100 Main
 P.O. Box 367
 Pequannock, NJ 07440
 USA

973-305-0730

INVOICE	
3102115	
Invoice Date	Page
3/7/2023 16:37:40	3 of 13
ORDER NUMBER	
1064256	

Quantities					Item ID Item Description	Pricing UOM Unit Size	Unit Price	Extended Price
Ordered	Shipped	Remaining	UOM Unit Size	Days				
10.00	10.00	0.00	EA		H300-11 BASIN EMESIS 500CC GRAY 250/CS	EA 1.0000		
<i>Lot Number: 417936</i>					<i>Qty: 10.00 EA</i>			
6.00	6.00	0.00	EA		150-17 SOLUTION PREP BETADINE IODINE 16OZ 12/CS	EA 1.0000		
<i>Lot Number: 2270334</i>					<i>Qty: 6.00 EA</i>			
2.00	2.00	0.00	BX		116BX BAG BIOHAZARD RED 23" X 23" 1.5 ML	BX 100.0000		
<i>Lot Number: 306519</i>					<i>Qty: 2.00 BX</i>			
1.00	1.00	0.00	BX		4-310 BLADE SURGICAL #10 STAINLES STEEL BX/100	BX 100.0000		
<i>Lot Number: S22F18</i>					<i>Qty: 1.00 BX</i>			
1.00	1.00	0.00	BX		4-311 BLADE SURGICAL #11 STAINLES STEEL BX/100	BX 100.0000		
<i>Lot Number: S22G17</i>					<i>Qty: 1.00 BX</i>			
1.00	1.00	0.00	BX		4-315 BLADE SURGICAL #15 STAINLES STEEL BX/100	BX 100.0000		
<i>Lot Number: S22F34</i>					<i>Qty: 1.00 BX</i>			
12.00	12.00	0.00	BX		Q55172 WIPES GERMICIDAL SUPER SANI-CLOTH 6x7 BX/160	BX 160.0000		
<i>Lot Number: A12201190</i>					<i>Qty: 12.00 BX</i>			
2.00	2.00	0.00	BT		ASC0219-01 CEPHALEXIN 500MG CAPSULES BT/100	BT 100.0000		
<i>Lot Number: 21144748</i>					<i>Qty: 2.00 BT</i>			
1.00	1.00	0.00	EA		002-0396-05 CLEANER SPEED-CLEAN AUTOCLAVE 16OZ	EA 1.0000		
<i>Lot Number: 0841709</i>					<i>Qty: 1.00 EA</i>			
1.00	1.00	0.00	BT		RAN0693-01 CLINDAMYCIN 300MG CAPSULES BT/100	BT 100.0000		
<i>Lot Number: AC73779</i>					<i>Qty: 1.00 BT</i>			

*** REPRINT ***

NVBOP003

INVOICE

Cobalt Medical Supply, Inc.

Branch: 100 Main
 P.O. Box 367
 Pequannock, NJ 07440
 USA

973-305-0730

Cobalt Medical Supply
 4 ~~Box~~ ^{Unit} ~~Box~~
 Hart Rd
 Wayne, NJ 07470

INVOICE	
3102115	
Invoice Date	Page
3/7/2023 16:37:40	13 of 13
ORDER NUMBER	
1064256	

Quantities					Item ID	Pricing	Unit	Extended
Ordered	Shipped	Remaining	UOM	Disp	Item Description	UOM	Price	Price
					Unit Size			
Lot Number: 9999					Qty: 1.00 CS			
2.00	2.00	0.00	CS		MSC281224C	CS		
					300.0	UNDERPAD MEDLINE DISP 17" x 24" CS/300	300.0000	
Lot Number: 9999					Qty: 2.00 CS			
2.00	2.00	0.00	PK		957710	PK		
					10.0	LIDOCAINE 1% PLAIN 50ML MDV PK/10	10.0000	
Lot Number: 2202162.1					Qty: 2.00 PK			
2.00	2.00	0.00	BX		00409318201	BX		
					25.0	LIDOCAINE 2% W EPI MDV 20ML BX/25	25.0000	
Lot Number: GK4613					Qty: 2.00 BX			
10.00	10.00	0.00	EA		AUR0163-30	EA		
					1.0	LIDOCAINE 1% SDV P/E 30ML BX/25	1.0000	
Lot Number: 3LC22259					Qty: 10.00 EA			
1.00	1.00	0.00	BT		CIT0043-30	BT		
					30.0	VALACYCLOVIR 1GRAM TABLET BOTTLE/30	30.0000	
Lot Number: 44921011A3					Qty: 1.00 BT			
1.00	1.00	0.00	CS		BDC108456	CS		
					1.0	ACETAMINOPHEN EXTRA STRENGTH 500MG	1.0000	
Lot Number: 201V19					Qty: 1.00 CS			
1.00	1.00	0.00	BX		J496G	BX		
					12.0	SUTURE 4/0 18" VICRYL UNDYED PS-2 3/8	12.0000	
Lot Number: SHMPCH					Qty: 1.00 BX			
1.00	1.00	0.00	BX		C1637N	BX		
					12.0	SUTURE 4/0 18" CHROMIC GUT 19MM	12.0000	
Lot Number: C624MBS					Qty: 1.00 BX			

Total Lines: 121

SUB-TOTAL: ~~121.00~~
TAX: 0.00
CASH RECEIPTS: ~~121.00~~
AMOUNT DUE: 0.00
 U.S. Dollars

*** REPRINT ***

NVBOP004

Ex. 2



NEVADA STATE BOARD OF PHARMACY

985 Damonte Ranch Pkwy Suite 206, Reno, Nevada 89521
(775) 850-1440 • 1-800-364-2081 • FAX (775) 850-1444
• Web Page: bop.nv.gov

August 4, 2023

Cobalt Medical Supply Inc
4 Haul Road
Wayne, NJ 07470

Re: Cobalt Medical Supply Inc and Case No. 23-122-O

Dear Cobalt Medical Supply Inc

The hearing for case number 23-122-O has been scheduled for Wednesday, 9/6/2023 at 9:00:00 AM PST or soon thereafter at the following location:

Hilton Garden Inn
7830 S Las Vegas Boulevard
Las Vegas, NV

This is an in-person hearing; all respondents, witnesses and counsel must appear in person before the Board.

Pursuant to NRS 241.033 and 241.034, please be advised that the hearing is a public meeting, and the Board may, without further notice, take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health. The Board at its discretion may go into closed session to consider your character, alleged misconduct, professional competence, or physical or mental health. You may attend any closed session, have an attorney or other representative of your choosing present during any closed session, and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health during any closed session.

If you have any questions, please feel free to contact the board staff.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Mangosing".

Kristopher Mangosing
Assistant Board Coordinator

9171 9690 0935 0279 1492 16



North Carolina Medical Board

Michaux R. Kilpatrick, MD, PhD: President | Christine M. Khandelwal, DO: President-Elect | Devdutta G. Sangvai, MD, MBA: Secretary/Treasurer

July 13, 2023

Via Electronic Mail: buckeyemd121@yahoo.com

Ronald David Smith, M.D.
██████ Willis Street
Bristol, CT 06010

Dear Dr. Smith:

On March 24, 2023, the North Carolina Medical Board (“Board”) entered a Partial Relief of Consent Order Obligations, in which you were relieved of the condition of your 2020 Consent Order which prohibited you from prescribing controlled substances. The remaining substantive provisions of your 2020 Consent Order require you to maintain and abide by your contract with the North Carolina Professionals Health Program. The Board does not consider that requirement to be a limitation or restriction on your North Carolina medical license. Therefore, your North Carolina medical license is no longer limited or restricted.

Please feel free to provide this letter of explanation to any other licensing board, agency, or employer as necessary to provide clarification regarding the status of your North Carolina medical license.

You may reach me at 1.800.253.9653, ext. 217 if you have any questions.

Sincerely,

D. Todd Brosius
Senior Board Attorney

DTB/jhg



Paola M. Armeni
T (702) 697-7509
F (702) 778-9709
Email: parmeni@ClarkHill.com

Clark Hill PLLC
3800 Howard Hughes Parkway,
Suite 500
Las Vegas, NV 89169
T (702) 862-8300
F (702) 778-9709

January 13, 2023

VIA U.S. MAIL and E-MAIL: Buckeyemd121@yahoo.com

Ronald Smith
██████████ Willis Street
Bristol, CT 06010

Re: *Ronald Smith adv. United States of America*
Case No.: 2:19-cr-00154-RFB-VCF-3
Our File No.: K2353.418439

Dear Dr. ~~Smith~~: *Dave*

Enclosed is the Judgment In a Criminal Case [DKT 350] that was filed on January 13, 2023, in the above-referenced matter. You do have the option of appealing this Decision to the United States Court of Appeal for the Ninth Circuit. Your decision to appeal must be made within fourteen (14) days of January 13, 2023. The actual final date to submit the Appeal is Monday, January 30, 2023. Therefore, if it is your desire to appeal, please contact this office immediately so that we can start the process.

Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

CLARK HILL

PAOLA M. ARMENI
Attorney at Law

PMA/:sc

Enclosure: as stated above

clarkhill.com

UNITED STATES DISTRICT COURT

District of Nevada

UNITED STATES OF AMERICA
v.
RONALD SMITH, M.D.

JUDGMENT IN A CRIMINAL CASE

Case Number: 2:19-cr-00154-RFB-VCF

USM Number: 55630-048

PAOLA AREMNI, CJA

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) One and Two of the Superseding Criminal Informatoin filed 12/09/2021.
- pleaded nolo contendere to count(s) _____
which was accepted by the court.
- was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
21 U.S.C. §§ 844(a)	Possession of Controlled Substances - Schedule III	3/12/2019	1s
21 U.S.C. §§ 844(a)	Possession of Controlled Substances - Schedule III	3/26/2019	2s

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____
- Count(s) Any remaining is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

1/5/2023

Date of Imposition of Judgment



Signature of Judge

RICHARD F. BOULWARE, II

U.S. District Judge

Name and Title of Judge

1/5/2023

Date

DEFENDANT: RONALD SMITH, M.D.
CASE NUMBER: 2:19-cr-00154-RFB-VCF

PROBATION

You are hereby sentenced to probation for a term of: Three (3) years per counts one and two, to run concurrently to one another.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.
 The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
5. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
6. You must participate in an approved program for domestic violence. *(check if applicable)*
7. You must make restitution in accordance with 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, 3663A, and 3664. *(check if applicable)*
8. You must pay the assessment imposed in accordance with 18 U.S.C. § 3013.
9. If this judgment imposes a fine, you must pay in accordance with the Schedule of Payments sheet of this judgment.
10. You must notify the court of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: RONALD SMITH, M.D.
CASE NUMBER: 2:19-cr-00154-RFB-VCF

STANDARD CONDITIONS OF SUPERVISION

As part of your probation, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of the time you were sentenced, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. ~~If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.~~
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the specific risks posed by your criminal record and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the specific risks posed by your criminal record.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: RONALD SMITH, M.D.
CASE NUMBER: 2:19-cr-00154-RFB-VCF

SPECIAL CONDITIONS OF SUPERVISION

1. **Employment Restriction** – Prior to engaging in employment in a medical field, the Court and the Probation Officer must be noticed as to the nature of that practice. This condition may be requested to be removed after one year.

2. **Search and Seizure** – You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.

The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

3. **Community Service** - You must complete 100 hours of community service within your term of probation, 1095 days. The probation officer will supervise the participation in the program by approving the program (agency, location, frequency of participation, etc.). You must provide written verification of completed hours to the probation officer.

DEFENDANT: RONALD SMITH, M.D.
 CASE NUMBER: 2:19-cr-00154-RFB-VCF

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 50.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

- The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	----------------------	----------------------------	-------------------------------

TOTALS	\$ _____	0.00	\$ _____	0.00
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- Restitution amount ordered pursuant to plea agreement \$ 0.00
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
 - the interest requirement is waived for the fine restitution.
 - the interest requirement for the fine restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.
 ** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.
 *** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: RONALD SMITH, M.D.
CASE NUMBER: 2:19-cr-00154-RFB-VCF

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Lump sum payment of \$ 50.00 due immediately, balance due.
 - not later than _____, or
 - in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
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- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

~~2:19-cr-00154-RFB-VCF~~

1 that. I think that this has been happening for some time, and
2 it will be some time before you're able to regain the ability to
3 practice. So what I am going to do in this case is this. I am
4 going to order a term of three years of probation. I'm going to
5 order the standard conditions of probation as well as the
6 mandatory conditions of probation. I'm not going to order drug
7 testing in this case.

8 I am going to order one additional special condition,
9 which is that prior to engaging in any employment in the medical
10 field you'll at least have to have that choice approved by the
11 Court. In other words, you'll have to describe the nature of
12 the practice. I just want to be aware of that in terms of the
13 responsibility this Court feels to ensure that mistakes aren't
14 made again, but I'm not going to restrict you.

15 In other words, as a condition of the probation, you
16 simply will have to inform the Court and probation of the nature
17 of the practice. If you're going to go into pain management,
18 then you would have to get approval of the Court. But that's
19 not meant to be a restriction on your ability to prescribe
20 controlled substances. I want to be clear. It really would be
21 a situation in which if you wanted to return, Dr. Smith, to
22 treating addiction, and I'm not saying that I would prevent you
23 from doing that, you need to come back and explain to me why you

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Ronald David Smith, M.D.,) PARTIAL RELIEF OF CONSENT
) ORDER OBLIGATIONS
)
Respondent.)

This matter is before the North Carolina Medical Board ("Board") regarding Ronald David Smith, M.D. ("Dr. Smith"), license number 200100466.

FACTUAL FINDINGS

On November 23, 2020, the Board entered into a Consent Order with Dr. Smith in which his license was INDEFINITELY SUSPENDED. The indefinite suspension was immediately STAYED upon Dr. Smith's compliance with certain terms and conditions, including: (1) maintaining and abiding by his contract with the North Carolina Professionals Health Program ("NCPHP"); and (2) being prohibited from prescribing any controlled substances as defined by both the federal and North Carolina Controlled Substances Act.

On January 16, 2023, Dr. Smith requested that the Board relieve him of the conditions of his Consent Order.

The Board recognizes that Dr. Smith has complied with the condition that prohibited him from prescribing any controlled substances and that he is currently in compliance with his NCPHP

contract, which has an anticipated release date of April 15, 2025.

ORDER

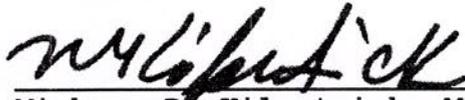
The Board hereby orders that Dr. Smith be relieved of the condition of his Consent Order that prohibits Dr. Smith from prescribing any controlled substances as defined by both the federal and North Carolina Controlled Substances Act. All other terms and conditions of the Consent Order remain in effect.

Nothing herein shall affect the public nature of Dr. Smith's Consent Order, and it shall remain a public document on the Board's website.

This the 24th day of March, 2023.

NORTH CAROLINA MEDICAL BOARD

By:



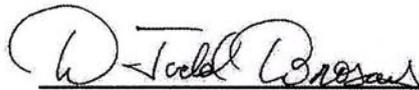
Michaux R. Kilpatrick, M.D., Ph.D.
President

CERTIFICATE OF SERVICE

I, the undersigned attorney for the North Carolina Medical Board, hereby certify that I have served a copy of the foregoing PARTIAL RELIEF OF CONSENT ORDER OBLIGATIONS on Respondent by electronic mail to the following:

Ronald David Smith, M.D.
buckeyemd121@yahoo.com

This the 24th day of March, 2023.



D. Todd Brosius
Senior Board Attorney
North Carolina Medical Board
P.O. Box 20007
Raleigh, NC 27619-0007
1.800.253.9653, ext. 217