

April 2024 Board Meeting Handouts

5A. Lincare, Inc

5B. Lincare, Inc

5D. Raley's Drug Center #105

5F. Walgreens Pharmacy #12540

5I. Heliodoro Magana

19. Proposed FY25 Budget

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BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

LINCARE INC.,
License No. MP00012,

Respondent.

CASE NO. 22-552-MP-N

STIPULATION AND ORDER

J. David Wuest, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy (Board), by and through General Counsel Brett Kandt, and Respondent Lincare Inc., License No. MP00012, by and through its counsel, J. Malcolm DeVoy, Esq.,

HEREBY STIPULATE AND AGREE THAT:

1. The Board has jurisdiction over Respondent and this matter.
2. On or about February 26, 2024, Respondent was served with the First Amended Notice of Intended Action and Accusation (First Amended Accusation), which superseded and replaced its original Notice of Intended Action and Accusation on file in this matter, together with the Statement to Respondent and Notice of Hearing, which Respondent timely responded to by filing its Objection, Answer, and Notice of Defense to the First Amended Accusation on March 15, 2024.
3. Respondent is fully aware of the right to seek the advice of counsel in this matter and obtained the advice of counsel prior to entering into this Stipulation.
4. Respondent 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 has failed to comply with the provisions of this Stipulation, Respondent hereby freely and voluntarily waives its rights to a

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

5 6. Respondent acknowledges that Board staff prosecuting this case could present
6 such evidence at an administrative hearing to establish a factual basis for the violations alleged
7 within the First Amended Accusation, to wit:

8 A. The Board could present evidence that Respondent violated NAC
9 639.694(1)(e), (3) and (4) by operating from October 2022, until December 8, 2022, without an
10 administrator who had been approved by the Board, and would be subject to discipline pursuant
11 to NRS 639.210(12) if such accusations were proven; and

12 B. Based on the evidence that could show a violation of NAC 639.694(1)(e),
13 (3) and (4) as set forth herein, the Board could establish that Respondent violated NAC
14 639.694(1)(a), and NAC 639.945(1)(i), and therefore would be subject to discipline pursuant to
15 NRS 639.210(4).

16 7. Those violations are pled in the First Amended Accusation and, if proven, would
17 be grounds for action pursuant to NRS 639.210 and NRS 639.255.

18 8. To resolve this matter without incurring any further costs or the expense associated
19 with a hearing, the Board and Respondent Lincare Inc., License No. MP00012, stipulate to the
20 following penalties:

21 A. Pursuant to NRS 639.255(1)(f), Respondent shall pay a fine of One
22 Thousand Dollars (\$1,000.00) for the violations by personal, business, certified or cashier's check
23 or money order made payable to "State of Nevada, Office of the Treasurer," to be received by the
24 Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521,
25 within thirty (30) days of entry of this Order.

26 B. Pursuant to NRS 622.400, Respondent shall pay One Thousand Dollars
27 (\$1,000.00) to partially reimburse the Board for reasonable attorney's fees and recoverable costs
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1 incurred in investigating and prosecuting this matter, by personal, business, certified or cashier's
2 check or money order made payable to the "Nevada State Board of Pharmacy" to be received by
3 the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada
4 89521, within thirty (30) days of entry of this Order.

5 9. Any failure by Respondent to comply with the terms of this Order may result in
6 issuance by the Executive Secretary of an order to show cause pursuant to NAC 639.965 directing
7 Respondent to appear before the Board at the next regularly scheduled meeting for a show cause
8 hearing. If such a hearing results in a finding of a violation of this Order by Respondent, the Board
9 may impose additional discipline upon Respondent not inconsistent with the provisions of NRS
10 Chapter 639.

11 10. General Counsel will present this Stipulation to the Board for approval pursuant
12 to NRS 622.330 at the Board's regularly scheduled public meeting on April 17, 2024. Respondent
13 will appear at the meeting through counsel to answer questions from the Board Members and/or
14 Board Staff if so posed. The Board Members and Staff may discuss and deliberate regarding this
15 Stipulation, even if Respondent is not present at the meeting.

16 11. The Board has discretion to accept this Stipulation, but it is not obligated to do so.
17 If this Stipulation is approved by the Board, it shall be a public record pursuant to NRS 622.330
18 and shall be reported to the National Practitioner Data Bank pursuant to 42 U.S.C. § 1396r-2 and
19 45 CFR Part 60.

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

24 13. Subject to the approval of this Stipulation by the Board, the Board and Respondent
25 agree to release each other from any and all additional claims arising from the facts set forth in
26 the Accusation on file herein, including such other similar or related facts not already subject to
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1 the Accusation on file herein or any other Accusation currently on file before the Board whether
2 known or unknown that might otherwise have existed on or before the effective date of this Order.

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

6 **AGREED:**

7 **Signed this 11th day of April, 2024**

Signed this 11th day of April, 2024

8
9 _____
10 **LINCARE INC.**
11 **License No. MP00012**

8
9 _____
10 **BRETT KANDT, ESQ.**
11 **General Counsel**
12 **Nevada State Board of Pharmacy**

13 **APPROVED AS TO FORM AND CONTENT**
14 **this 11th day of April, 2024**

15
16 _____
17 **J. MALCOLM DEVOY, ESQ.**
18 **Counsel for Respondent**

19 **DECISION AND ORDER**

20 The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as its
21 decision as to Respondent Lincare, Inc., License No. MP00012, in Case No. 22-552-MP-N, and
22 hereby orders that the terms of the foregoing Stipulation be made effective upon execution below.

23 **IT IS SO ORDERED.**

24 Entered this ____ day of April, 2024.

25 _____
26 **Helen Park, Pharm.D.**
27 **President**
28 **Nevada State Board of Pharmacy**

31554753_v2

5B

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

5 7. Respondent acknowledges that Board staff prosecuting this case could present
6 such evidence at an administrative hearing to establish a factual basis for the violations alleged
7 within the Accusation, *to wit*:

8 A. The Board could present evidence that Respondent violated NAC
9 639.694(1)(e), (3) and (4) by operating from January 6, 2023, until December 20, 2023, without
10 an administrator who had been approved by the Board, and would be subject to discipline pursuant
11 to NRS 639.210(12) if such accusations were proven; and

12 B. Based on the evidence that could show a violation of NAC 639.694(1)(e),
13 (3) and (4) as set forth herein, the Board could establish that Respondent violated NAC
14 639.694(1)(a) and NAC 639.945(1)(i), and is subject to discipline pursuant to NRS 639.210(4).

15 8. Those violations are pled in the Accusation, and, if proven, would be grounds for
16 action pursuant to NRS 639.210 and NRS 639.255.

17 9. To resolve this matter without incurring any further costs or the expense associated
18 with a hearing, the Board and Respondent Lincare Inc., License No. MP00122, stipulate to the
19 following penalties:

20 A. Pursuant to NRS 639.255(1)(f), Respondent shall pay a fine of Five
21 Thousand Five Hundred Dollars (\$5,500.00) for the violations by personal, business, certified or
22 cashier's check or money order made payable to "State of Nevada, Office of the Treasurer," to be
23 received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno,
24 Nevada 89521, within thirty (30) days of entry of this Order.

25 B. Pursuant to NRS 622.400, Respondent shall pay One Thousand Dollars
26 (\$1,000.00) to partially reimburse the Board for reasonable attorney's fees and recoverable costs
27 check or money order made payable to the "Nevada State Board of Pharmacy" to be received by
28

1 the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada
2 89521, within thirty (30) days of entry of this Order.

3
4 10. Any failure by Respondent to comply with the terms of this Order may result in
5 issuance by the Executive Secretary of an order to show cause pursuant to NAC 639.965 directing
6 Respondent to appear before the Board at the next regularly scheduled meeting for a show cause
7 hearing. If such a hearing results in a finding of a violation of this Order by Respondent, the Board
8 may impose additional discipline upon Respondent not inconsistent with the provisions of NRS
9 Chapter 639.

10 11. General Counsel will present this Stipulation to the Board for approval pursuant
11 to NRS 622.330 at the Board's regularly scheduled public meeting on April 17, 2024. Respondent
12 will appear at the meeting through counsel to answer questions from the Board Members and/or
13 Board Staff if so posed. The Board Members and Staff may discuss and deliberate regarding this
14 Stipulation, even if Respondent is not present at the meeting.

15 12. The Board has discretion to accept this Stipulation, but it is not obligated to do so.
16 If this Stipulation is approved by the Board, it shall be a public record pursuant to NRS 622.330
17 and shall be reported to the National Practitioner Data Bank pursuant to 42 U.S.C. § 1396r-2 and
18 45 CFR Part 60.

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

23 14. Subject to the approval of this Stipulation by the Board, the Board and Respondent
24 agree to release each other from any and all additional claims arising from the facts set forth in
25 the Accusation on file herein, including such other similar or related facts not already subject to
26 the Accusation on file herein or any other Accusation currently on file before the Board, whether
27 known or unknown that might otherwise have existed on or before the effective date of this Order.
28

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

4 **AGREED:**

5 Signed this 11th day of April, 2024

Signed this 11th day of April, 2024

6
7 _____
8 **LINCARE INC.**
License No. MP00122

7 _____
8 **BRETT KANDT, ESQ.**
General Counsel
Nevada State Board of Pharmacy

9 **APPROVED AS TO FORM AND CONTENT**
10 **this 11th day of April, 2024**

11 _____
12 **J. MALCOLM DEVOY, ESQ.**
Counsel for Respondent

13 **DECISION AND ORDER**

14 The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as its
15 decision as to Respondent Lincare, Inc., License No. MP00122, in Case No. 23-467-MP-N, and
16 hereby orders that the terms of the foregoing Stipulation be made effective upon execution below.

17 **IT IS SO ORDERED.**

18 Entered this ____ day of April, 2024.

19
20 _____
21 Helen Park, Pharm.D.
President
Nevada State Board of Pharmacy

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5D

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**RALEY'S DRUG CENTER #105,
Pharmacy License No. PH01965,**

Respondent.

Case No. 23-365-PH-N

STIPULATION AND ORDER

J. David Wuest, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, by and through its Senior General Counsel, Gregory L. Zunino, and Respondent Raley's Drug Center #105 ("Respondent Raley's"), Pharmacy License No. PH01965, by and through counsel Kevin Lazar, Esq., hereby stipulate and agree as follows:

1. The Nevada State Board of Pharmacy ("Board") has jurisdiction over Respondent Raley's and this matter.

2. The Board's staff properly served Respondent Raley's with the Notice of Intended Action and Accusation ("Accusation") on file in this matter, together with the Statement to Respondent and Notice of Hearing.

3. The Board and Respondent Raley's agreed to delay the date for submitting a Notice of Answer and Defense as both parties pursued settlement negotiations.

4. Respondent Raley's acknowledges that after having consulted with counsel, its authorized representatives understand the terms of this Stipulation and Proposed Order ("Stipulation"), and they have executed it knowingly and voluntarily.

5. Respondent Raley's is aware of the right to a hearing on the matters alleged in the Accusation, the right to reconsideration of a Board determination in a contested case, the right to appeal a Board determination in a contested case, and all other rights afforded to Respondent Raley's under NRS Chapter 233B, the Nevada Administrative Procedure Act, NRS Chapter 622A, which governs administrative procedure before the Board, NRS Chapter 639, the Nevada Pharmacy Act, and NRS Chapter 453, the Nevada Uniform Controlled Substances Act.

6. Conditioned on the acceptance of this Stipulation by the Board, and excluding the right to challenge any determination that Respondent Raley's has failed to comply with the provisions of this Stipulation, Respondent Raley's hereby freely and voluntarily waives the rights to a hearing, reconsideration, appeal, and other rights related to this action as identified above.

7. Respondent Raley's admits that evidence exists, and that Board staff prosecuting this case could present such evidence at an administrative hearing, to establish a factual basis for the violations alleged in Count One of the Accusation. The parties agree that as it pertains to Respondent Raley's, Count Two of the Accusation is duplicative of Count One. Therefore, upon approval of this Stipulation by the Board, Count Two of the Accusation shall be dismissed with prejudice as to Respondent Raley's.

8. To resolve this matter without incurring any further costs or the expenses associated with a hearing, the Board and Respondent Raley's agree to the imposition of the following penalties:

A. Respondent Raley's shall pay an administrative fine of One Thousand and 00/100 Dollars (\$1000.00). This sum shall be payable by *cashier's check, certified check* or *money order* written to the "State of Nevada, Office of the Treasurer." Respondent Raley's shall remit payment in full to the Board's Reno office, located at 985 Damonte Ranch Parkway, Suite 206, Reno, Nevada 89521, on or before May 31, 2024.

B. Respondent Raley's shall pay the sum of Five Hundred and 00/100 Dollars (\$500.00) to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter. This sum shall be payable by *cashier's check, certified check* or *money order* written to the "Nevada State Board of Pharmacy." Respondent Raley's shall remit payment in full to the Board's Reno office, located at 985 Damonte Ranch Parkway, Suite 206, Reno, Nevada 89521, on or before May 31, 2024

9. This Stipulation constitutes a full and final resolution of the Accusation in Case No. 23-365-PH-N as to Respondent Raley's. However, any failure by Respondent Raley's to comply with the terms stated herein may result in issuance by the Executive Secretary of an order to show cause,

pursuant to NAC 639.965, directing Respondent Raley's 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 by Respondent Raley's, the Board may impose additional discipline upon Respondent Raley's not inconsistent with the provisions of NRS Chapter 639.

10. The Board's Senior 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 April 17, 2024, in Reno, Nevada. The Board Members and Staff may discuss and deliberate regarding this Stipulation, even if Respondent Raley's or its attorney fails to appear for the meeting.

11. The Board may 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 U.S.C. § 1396r-2 and 45 CFR Part 60.

12. If the Board rejects any part or all this Stipulation, and unless the parties reach an alternative agreement on the record during the hearing, the parties agree that the Board may hear a full contested hearing on the merits of all alleged violations as stated in the Accusation. The terms and admissions herein may not be used, relied upon, or referred to by any party during any such hearing.

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

AGREED:

Signed this 8 day of April 2024.

RALEY'S DRUG CENTER #105

By: Monique Allen
Name: Monique Allen
Title: SR Risk Manager

Signed this 12th day of April 2024.

NEVADA STATE BOARD OF PHARMACY

GREGORY L. ZUNINO
Senior General Counsel

Approved as to form and content:

Kevin Lazar, Esq.
Nevada Bar No. 9610

Attorney for Respondent Raley's Drug Center #105

DECISION AND ORDER

As to Respondent Raley's Drug Center #105, Pharmacy License No. PH01965, in Case No. 23-365-PH-N, the Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as its final decision in the matter and hereby orders that the terms of the foregoing Stipulation be made effective upon the date of entry set forth below.

IT IS SO ORDERED.

Entered this 17th day of April 2024.

Helen Park, President
Nevada State Board of Pharmacy

5F

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**WALGREENS PHARMACY #12540,
Pharmacy License No. PH02587,**

Respondent.

Case No. 23-408-PH-N

STIPULATION AND ORDER

J. David Wuest, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, by and through its Senior General Counsel, Gregory L. Zunino, and Respondent Walgreens Pharmacy (“Respondent”), Pharmacy License No. PH12540, by and through counsel William J. Stilling, Esq., hereby stipulate and agree as follows:

1. The Nevada State Board of Pharmacy (“Board”) has jurisdiction over Respondent and this matter.

2. The Board’s staff properly served Respondent with the Notice of Intended Action and Accusation (“Accusation”) on file in this matter, together with the Statement to Respondent and Notice of Hearing.

3. The Board and Respondent agreed to delay the date for submitting a Notice of Answer and Defense as both parties pursued settlement negotiations.

4. Respondent acknowledges that after having consulted with counsel, Respondent understands the terms of this Stipulation and Proposed Order (“Stipulation”), and Respondent has executed it knowingly and voluntarily.

5. Respondent is aware of the right to a hearing on the matters alleged in the Accusation, the right to reconsideration of a Board determination in a contested case, the right to appeal a Board determination in a contested case, and all other rights afforded to Respondent under NRS Chapter 233B, the Nevada Administrative Procedure Act, NRS Chapter 622A, which governs administrative procedure before the Board, NRS Chapter 639, the Nevada Pharmacy Act, and NRS Chapter 453, the Nevada Uniform Controlled Substances Act.

6. Conditioned on the acceptance of this Stipulation by the Board, and excluding the right to challenge any determination that Respondent has failed to comply with the provisions of this Stipulation, Respondent hereby freely and voluntarily waives the rights to a hearing, reconsideration, appeal, and other rights related to this action as identified above.

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

8. To resolve this matter without incurring any further costs or the expenses associated with a hearing, the Board and Respondent agree to the imposition of the following penalties:

A. Respondent shall pay an administrative fine of Two Thousand and 00/100 Dollars (\$2000.00). This sum shall be payable by *cashier's check, certified check* or *money order* written to the **"State of Nevada, Office of the Treasurer."** Respondent shall remit payment in full to the Board's Reno office, located at 985 Damonte Ranch Parkway, Suite 206, Reno, Nevada 89521, on or before May 31, 2024.

B. Respondent shall pay the sum of Five Hundred and 00/100 Dollars (\$500.00) to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter. This sum shall be payable by *cashier's check, certified check* or *money order* written to the **"Nevada State Board of Pharmacy."** Respondent shall remit payment in full to the Board's Reno office, located at 985 Damonte Ranch Parkway, Suite 206, Reno, Nevada 89521, on or before May 31, 2024

9. This Stipulation constitutes a full and final resolution of the Accusation in Case No. 23-408-PH-N. However, any failure by Respondent to comply with the terms stated herein 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 regularly scheduled meeting for a show cause hearing. If such a hearing results in a finding of a violation by Respondent, the Board may impose additional discipline upon Respondent not inconsistent with the provisions of NRS Chapter 639.

10. The Board's Senior 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 April 17, 2024, in Reno, Nevada. The Board Members and Staff may discuss and deliberate regarding this Stipulation, even if Respondent or its attorney fails to appear for the meeting.

11. The Board may 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 U.S.C. § 1396r-2 and 45 CFR Part 60.

12. If the Board rejects any part or all this Stipulation, and unless the parties reach an alternative agreement on the record during the hearing, the parties agree that the Board may hear a full contested hearing on the merits of all alleged violations as stated in the Accusation. The terms and admissions herein may not be used, relied upon, or referred to by any party during any such hearing.

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

AGREED:

Signed this 15th day of April 2024.

WALGREENS PHARMACY #12540

By: 
Name: John L. Colaizzi
Title: VP, Pharmacy Practice

Approved as to form and content:

Bill Stilling, Esq.
Nevada Bar No. 9915
Attorney for Respondent Walgreens Pharmacy #12540

Signed this 16th day of April 2024.

NEVADA STATE BOARD OF PHARMACY



GREGORY L. ZUNINO
Senior General Counsel

10. The Board's Senior 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 April 17, 2024, in Reno, Nevada. The Board Members and Staff may discuss and deliberate regarding this Stipulation, even if Respondent or its attorney fails to appear for the meeting.

11. The Board may 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 U.S.C. § 1396r-2 and 45 CFR Part 60.

12. If the Board rejects any part or all this Stipulation, and unless the parties reach an alternative agreement on the record during the hearing, the parties agree that the Board may hear a full contested hearing on the merits of all alleged violations as stated in the Accusation. The terms and admissions herein may not be used, relied upon, or referred to by any party during any such hearing.

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

AGREED:

Signed this ____ day of April 2024.

Signed this ____ day of April 2024.

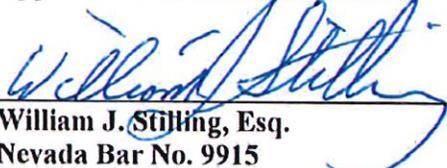
WALGREENS PHARMACY #12540

NEVADA STATE BOARD OF PHARMACY

By: _____
Name: _____
Title: _____

GREGORY L. ZUNINO
Senior General Counsel

Approved as to form and content:



William J. Stilling, Esq.
Nevada Bar No. 9915
Attorney for Respondent Walgreens Pharmacy #12540

As to Respondent Walgreens Pharmacy #12540, Pharmacy License No. PH02587, in Case No. 23-408-PH-N, the Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as its final decision in the matter and hereby orders that the terms of the foregoing Stipulation be made effective upon the date of entry set forth below.

IT IS SO ORDERED.

Entered this 17th day of April 2024.

Helen Park, President
Nevada State Board of Pharmacy

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Exhibit 1

20-070-PR-N

Certified - \$9.92
Regular - \$1.12



Heliodoro Magana, PA
3967 S McCarran Blvd.
Reno, NV 89502



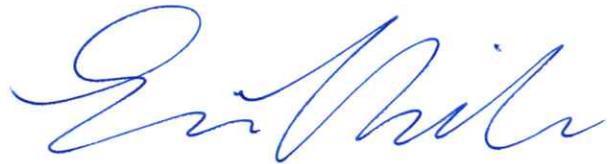
9171 9690 0935 0279 2939 26

20-070-PR-N.NIAA

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 28th day of February 2024, I served a true and correct copy of the foregoing document by Certified U.S. Mail and Standard U.S. mail to the following:

Heliodoro Magana, PA
3967 S McCarran Blvd.
Reno, NV 89502



ERIN MILLER
ADMINISTRATIVE ASSISTANT,
BOARD COORDINATOR II

Tracking Number:

[Remove X](#)

9171969009350279293926

[Copy](#)

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

Latest Update

Your item has been delivered to an agent for final delivery in RENO, NV 89502 on February 29, 2024 at 1:06 pm.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered to Agent
Delivered to Agent for Final Delivery

RENO, NV 89502
February 29, 2024, 1:06 pm

[See All Tracking History](#)

Feedback

[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

Magana003

Exhibit 2

20-070-PR-N



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

Email: pharmacy@pharmacy.nv.gov • Web Page: bop.nv.gov

April 2, 2024

Heliodoro Magana
3967 S McCarran Blvd
Reno, NV 89502

Re: Case No. 20-070-PR-N

Dear Heliodoro Magana,

The hearing for case number **20-070-PR-N** has been scheduled for April 17, 2024, at 9:00 AM PST or soon thereafter at the following location:

Hyatt Place
1790 E Plumb Lane
Reno, NV 89502

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

Pursuant to NRS 241.033, 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,

Board Coordination
Nevada State Board of Pharmacy

FILED
APR 02 2024
NEVADA STATE BOARD
OF PHARMACY

Heliodoro Magana, PA
3967 S McCarran Blvd.
Reno, NV 89502
20-070-PR-N. 15 Day Notice / 21-Day Notice

9171 9690 0935 0313 8197 09

 **MAILED**
4/2/24

Certified - \$8.69

Regular - \$0.64

ALERT: SEVERE WEATHER CONDITIONS ACROSS THE U.S. MAY DELAY FINAL DELIVERY OF Y...

USPS Tracking®

[FAQs >](#)

Tracking Number:

[Remove X](#)

9171969009350313819709

[Copy](#)

[Schedule a Redelivery \(https://tools.usps.com/redelivery.htm\)](https://tools.usps.com/redelivery.htm)

Latest Update

We attempted to deliver your item at 10:33 am on April 3, 2024 in RENO, NV 89502 and a notice was left because an authorized recipient was not available. You may arrange redelivery by using the Schedule a Redelivery feature on this page or may pick up the item at the Post Office indicated on the notice beginning April 4, 2024. If this item is unclaimed by April 18, 2024 then it will be returned to sender.

Get More Out of USPS Tracking:

[USPS Tracking Plus®](#)

Feedback

Delivery Attempt: Action Needed

Notice Left (No Authorized Recipient Available)

RENO, NV 89502
April 3, 2024, 10:33 am

Arrived at USPS Regional Facility

RENO NV DISTRIBUTION CENTER
April 2, 2024, 10:47 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](#) 

[Schedule Redelivery](#) 

Exhibit 3

20-070-PR-N

From: [Gus Vanderdonck](#)
To: jmolina@lagsspine.com
Subject: NVBOP Case No. 20-070-PR-N
Date: Thursday, April 4, 2024 1:44:00 PM
Attachments: [20-070-PR-N. NIAA. Magaro.pdf](#)

Mr. Magana,

The Nevada State Board of Pharmacy has attempted to serve case no. 20-070-PR-N on you over the course of the previous few months. Please contact me ASAP regarding this case. I am not sure if you live in Nevada anymore, but this could impact other licenses you hold in other states if you do not respond to it. Please reach me at this email or the phone number and extension below.

Best Regards,

Gustaf Vanderdonck
Assistant General Counsel
Nevada State Board of Pharmacy
(775)-850-1440 Ext. 132
gvanderdonck@pharmacy.nv.gov



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

CONFIDENTIALITY NOTICE: This message and any accompanying documents are intended only for the use of the individual or entity to which they are addressed. They may contain information that is proprietary, privileged, confidential or exempt from disclosure under applicable Federal or State law. If the reader of this message is not the intended recipient, you are hereby notified that you are strictly prohibited from reading, using, sharing or copying this communication or its contents. If you have received this email in error, please notify the sender immediately and destroy the original transmission.



BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,
Petitioner,
v.
HELIODORO MAGANA, PA,
Certificate of Registration Nos. PR14531,
Respondent.

Case Nos. 20-070-PR-N
MEMORANDUM OF
COSTS AND FEES

Pursuant to NRS 622.400, the undersigned hereby submits the following itemized bill of costs and reasonable attorney's fees incurred by the Nevada State Board of Pharmacy in connection with the investigation and prosecution of the above-entitled administrative action.

Investigation Time (Investigator Dave Jones)

Table with 5 columns: Date(s), Description, Hours, Rate, Amount. Row 1: 07/2020 - 01/2024, Investigation, 0.0, \$0.00, \$0.00. Subtotal (Investigation): \$0.00

Attorney Time (Gustaf Vanderdonck)

Table with 5 columns: Date(s), Description, Hours, Rate, Amount. Row 1: 02/2024-04/2024, Discussion, Review Report, Review Statutes and Regulations, Draft Accusation, Prepare Exhibits, Prepare Case, 10.0, \$49.52, \$495.20. Subtotal (Attorney Time): \$495.20

Administrative Time (Erin Miller)

Table with 5 columns: Date(s), Description, Hours, Rate, Amount. Row 1: 02/2024-04/2024, Processed and mailed out the Notice of Intended Action and Accusation and Notice of Hearing via regular and certified mail. 1.0, \$29.00, \$29.00

Subtotal (Administrative Time): \$29.00

Administrative Costs

<u>Date(s)</u>	<u>Description</u>	
02/2024-04/2024	Postage	\$20.35
Subtotal (Administrative Costs):		\$20.35

Total Costs and Fees: \$544.55

I, Gustaf Vanderdonck, affirm, to the best of my knowledge and belief, that the foregoing is a true and correct statement of costs and reasonable attorney’s fees incurred by the Board in the above-entitled action.

DATED this 16th day of April 2024.

/s/ Gustaf A. Vanderdonck
Assistant General Counsel
Nevada State Board of Pharmacy

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SFY24 MONTHLY BUDGET REPORT
 NEVADA STATE BOARD OF PHARMACY
 CURRENT MONTH: Mar 24

REVENUES	APPROVED BUDGET	BUDGET AMENDMENTS	REVISED BUDGET	CURRENT MONTH REVENUE/EXPENSE	PRIOR MONTH(S) REVENUE/EXPENSE	PROJECTIONS THROUGH 6/30/2024	TOTAL REVENUE/EXPENSE SFY24	DIFFERENCE
	Beginning Balance	\$ 6,232,358		\$ 6,232,358	\$ -	\$ -	\$ 6,232,358	\$ 6,232,358
Renewal Fees	\$ 1,795,552		\$ 1,795,552	\$ 1,000	\$ 1,867,160	\$ 14,000	\$ 1,882,160	\$ 86,608
Registration Fees	\$ 1,561,460		\$ 1,561,460	\$ 90,650	\$ 812,210	\$ 658,600	\$ 1,561,460	\$ -
Recovered Costs	\$ 30,000		\$ 30,000	\$ -	\$ 500	\$ 29,500	\$ 30,000	\$ -
CC Processing Fees	\$ 175,000		\$ 175,000	\$ 2,580	\$ 113,390	\$ 59,031	\$ 175,000	\$ -
Change MGR RPh	\$ 22,800		\$ 22,800	\$ 1,000	\$ 8,900	\$ 12,900	\$ 22,800	\$ -
Inspections	\$ 5,000		\$ 5,000	\$ 293	\$ 3,393	\$ 1,314	\$ 5,000	\$ -
Interest Income	\$ 30,000		\$ 30,000	\$ 8,674	\$ -	\$ 21,326	\$ 30,000	\$ -
Late Fees	\$ 15,000		\$ 15,000	\$ 800	\$ 14,091	\$ 109	\$ 15,000	\$ -
Total Revenues	\$ 9,867,170	\$ -	\$ 9,867,170	\$ 104,997	\$ 2,819,643	\$ 7,029,138	\$ 9,953,778	\$ 86,608
EXPENSES								
Payroll	\$ 4,142,479		\$ 4,142,479	\$ 310,074	\$ 2,453,940	\$ 1,378,465	\$ 4,142,479	\$ -
Operating	\$ 1,146,199		\$ 1,146,199	\$ 76,070	\$ 723,652	\$ 346,478	\$ 1,146,199	\$ -
Equipment	\$ 25,000		\$ 25,000	\$ -	\$ 3,214	\$ 21,786	\$ 25,000	\$ -
In-State Travel	\$ 110,000		\$ 110,000	\$ 9,722	\$ 51,322	\$ 48,956	\$ 110,000	\$ -
Out-of-State Travel	\$ 65,000		\$ 65,000	\$ 969	\$ 11,513	\$ 52,518	\$ 65,000	\$ -
DAG Cost	\$ 40,000		\$ 40,000	\$ 974	\$ 2,900	\$ 36,126	\$ 40,000	\$ -
Reserve	\$ 4,338,492	\$ -	\$ 4,338,492	\$ -	\$ -	\$ -	\$ 4,338,492	\$ 86,608
Total Expenses	\$ 9,867,170	\$ -	\$ 9,867,170	\$ 397,809	\$ 3,246,540	\$ 1,884,329	\$ 9,953,778	\$ 86,608
Balance	\$ -	\$ -	\$ -				\$ -	\$ -

SFY25 Annual BUDGET REPORT
 NEVADA STATE BOARD OF PHARMACY

<u>REVENUES</u>	<u>APPROVED BUDGET</u>	<u>BUDGET AMENDMENTS</u>	<u>REVISED BUDGET</u>	<u>CURRENT MONTH REVENUE/EXPENSE</u>	<u>PRIOR MONTH(S) REVENUE/EXPENSE</u>	<u>PROJECTIONS THROUGH 6/30/2025</u>	<u>TOTAL REVENUE/EXPENSE SFY25</u>	<u>DIFFERENCE</u>
Beginning Balance	\$ 5,636,519		\$ 5,636,519	\$ -	\$ -	\$ 5,636,519	\$ 5,636,519	\$ -
Renewal Fees	\$ 6,106,426		\$ 6,106,426	\$ -	\$ -	\$ 6,106,426	\$ 6,106,426	\$ -
Registration Fees	\$ 1,297,680		\$ 1,297,680	\$ -	\$ -	\$ 1,297,680	\$ 1,297,680	\$ -
Recovered Costs	\$ 30,000		\$ 30,000	\$ -	\$ -	\$ 30,000	\$ 30,000	\$ -
CC Processing Fees	\$ 300,000		\$ 300,000	\$ -	\$ -	\$ 300,000	\$ 300,000	\$ -
Change MGR RPh	\$ 22,800		\$ 22,800	\$ -	\$ -	\$ 22,800	\$ 22,800	\$ -
Inspections	\$ 5,000		\$ 5,000	\$ -	\$ -	\$ 5,000	\$ 5,000	\$ -
Interest Income	\$ 30,000		\$ 30,000	\$ -	\$ -	\$ 30,000	\$ 30,000	\$ -
Late Fees	\$ 15,000		\$ 15,000	\$ -	\$ -	\$ 15,000	\$ 15,000	\$ -
Total Revenues	\$ 13,443,424	\$ -	\$ 13,443,424	\$ -	\$ -	\$ 13,443,424	\$ 13,443,424	\$ -
EXPENSES								
Payroll	\$ 4,139,230		\$ 4,139,230	\$ -	\$ -	\$ 4,139,230	\$ 4,139,230	\$ -
Operating	\$ 1,382,732		\$ 1,382,732	\$ -	\$ -	\$ 1,382,732	\$ 1,382,732	\$ -
Equipment	\$ 25,000		\$ 25,000	\$ -	\$ -	\$ 25,000	\$ 25,000	\$ -
In-State Travel	\$ 110,000		\$ 110,000	\$ -	\$ -	\$ 110,000	\$ 110,000	\$ -
Out-of-State Travel	\$ 65,000		\$ 65,000	\$ -	\$ -	\$ 65,000	\$ 65,000	\$ -
DAG Cost	\$ 40,000		\$ 40,000	\$ -	\$ -	\$ 40,000	\$ 40,000	\$ -
Reserve	\$ 7,681,462	\$ -	\$ 7,681,462	\$ -	\$ -	\$ -	\$ 7,681,462	\$ -
Total Expenses	\$ 13,443,424	\$ -	\$ 13,443,424	\$ -	\$ -	\$ 5,781,962	\$ 13,443,424	\$ -
Balance	\$ -	\$ -	\$ -				\$ -	\$ -