



Nevada State Board of Pharmacy

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QUARTERLY DISCIPLINARY REPORT TO LEGISLATIVE COUNSEL BUREAU

APRIL 20, 2003

1 Joseph Peter Auralle, Julie Jean Levitt, Prescriptiononline.com Board Meeting 1/22/03 Case No. 01-105-ABC-S

In coordination with the DEA, the Nevada State Board of Pharmacy closed internet pharmacy Prescriptiononline.com. The pharmacy had dispensed 54,864 prescriptions containing nearly five (5) million doses of controlled substances. The pharmacy exhibited a ratio of controlled substance prescriptions to legend pharmaceuticals in a reverse proportion to usual pharmacy practices. 90% of their prescriptions were controlled substances; the most common product dispensed being hydrocodone, a schedule III opioid narcotic. Principally, this internet pharmacy became a place to provide narcotics to drug abusers. Internet organizers utilized specific physicians to order the drugs. Thirteen physicians ordered all by 279 of the 54,865 prescriptions. Two of the practitioners had ordered 36,723 of the prescriptions in less than one year. Four of the practitioners' licenses have been revoked, suspended, retired or deceased.

Board staff worked diligently with legal representatives for Ms. Levitt and Prescriptiononline.com to come to an agreement prior to hearing. Mr. Auralle represented himself and he and Board staff worked together and came to an agreement prior to hearing.

Ms. Levitt agreed to suspension of her pharmacist license for 180 days and to pay a fine of \$1500 within 90 days of signing of the Order. Ms. Levitt is already on probation with the Board and she would continue her probation after her suspension was lifted, until July 9, 2006.

Mr. Auralle agreed to suspension of his pharmacist license for one year and to pay a fine of \$3000 within 90 days of signing of the Order. Mr. Auralle will be on probation for three years immediately following his suspension. Mr. Auralle would not practice as a managing pharmacist or preceptor nor would he work in a closed-door or internet pharmacy during his probationary period.

Prescriptiononline.com, owner Michael Cosenza, agreed to a \$200,000 fine to be paid as follows: \$50,000 now and Board staff would take fees and costs from that amount and the remainder of the money would go to the State; \$150,000 would be paid by Mr. Cosenza personally - \$50,000 due and

payable one year from signing of the agreement and the remaining \$100,000 would be paid in quarterly increments of \$25,000 until paid in full. Mr. Cosenza signed a personal guarantee to the Board.

2. Roger M. Meyers, Wal-Mart Pharmacy #10-1584
Board Meeting 1/22/02 Case No. 02-103-AB-S

This case involved a 74-year-old male that was prescribed Cytoxan to aid in the treatment of prostate cancer. Two days after the patient began taking his medication, his wife was reading the information provided in the bag with his prescription. It was noted at that time that her husband had been taking Cytomel for high blood pressure. The patient had taken five doses of the misfilled prescription before the discovery was made. He experienced dehydration and was suffering from severe diarrhea. He was admitted to the hospital and remained there until his blood pressure stabilized. The patient was examined prior to his release from the hospital at approximately 6:30 a.m. At 10:30 a.m. the patient was found in the bathroom of his hospital room unresponsive and without vital signs. The physician's reports indicated that all the symptoms that were caused by the misfilled prescription were resolved and had no direct causative effect on the patient's death. Mr. Meyers was fined \$1,000 plus ½ of the costs and fees. Wal-Mart was fined \$1,000, ½ the costs and fees, plus provide counseling CE to all Wal-Mart pharmacy employees.

3. Tiffon R. Weakly Board Meeting 1/22/03 Case No. 02-094-PT-S

Tiffon Weakly did not appear for hearing. Her Notice of Intended Action and Accusation was returned noting that there was no such address. The address Board staff used was the address she wrote, in her own handwriting, on the Rite Aid Letter of Explanation where she admitted to stealing drugs from Rite Aid and agreed to pay restitution for the unauthorized removal of those drugs. The Board revoked her pharmaceutical technician registration, ordered her to pay a fine of \$1,000 and provide proof of restitution to Rite Aid prior to request reinstatement of her license.

4. Ida Marie Moseley Board Meeting 1/22/03 Case No. 00-026-RPH-S

Larry Espadero, PRN-PRN monitor, appeared with Ms. Moseley and testified to the Board that Ms. Moseley attended a peer group meeting with alcohol on her breath. Mr. Espadero breathalized Ms. Moseley and she blew a .08 and advised Mr. Espadero that it was none of his business if she consumed alcohol. Ms. Moseley breached her PRN-PRN contract and Mr. Espadero reported the breach to Board staff. Ms. Moseley admitted she had a few drinks because she was upset. She also advised the Board that she had issues with the Accusation. (This is the same Accusation issued in 2000 with additions as she accrued violations.) She stated that in her Arizona criminal

case where she was charged with four felonies, she was accused of possession of cocaine and was arrested for intoxication or being under the influence of drugs. Ms. Moseley claimed to have been cleared of all those charges since she was not in possession of cocaine, she was in possession of 27 grams of baking soda. Mr. Espadero recommended that Ms. Moseley go into a treatment program and did not recommend Ms. Moseley to return to pharmacy. The Board found Ms. Moseley guilty of violation of probation and revoked her pharmacist license. Prior to request for reinstatement Ms. Moseley needs to provide documentation of professional treatment and a PRN-PRN progress report from Mr. Espadero.

5. Hitendra T. Chokshi, Rite Aid Pharmacy #6118
Board Meeting 1/22/03 Case No. 02-093-AB-S

A patient was given a prescription for 0.2% nitroglycerine ointment to rectify an anal disorder. The prescription was filled by Mr. Chokshi at Rite Aid #6118. The patient used the ointment twice a day as directed. He had some discomfort and returned to his physician. It was discovered that the nitroglycerin ointment had been filled with Nitro-Bid 2% which was 10 times the strength prescribed by his physician. There was no harm to the patient.

This was a stipulated agreement agreed to by both parties and accepted by the Board. Mr. Chokshi and Rite Aid #6118 were each fined \$100.

6. Sothy Him, Walgreens Pharmacy #4755
Board Meeting 1/22/03 Case No. 02-101-AB-S

A patient went to her physician prior to having eye surgery and received two prescriptions for eye drops and a sheet of pre-surgery instructions. The patient was prescribed Ocular 5 ml. solution with directions to put one drop in the right eye four times a day starting four days prior to surgery. The directions on the label prepared by Mr. Him and dispensed by Walgreens #4755 were, "Instill 1 drop right eye six times daily (start 6 days before surgery)." The second prescription was for Ocuflax 5 ml. solution with directions to put one drop in right eye four times a day starting four days prior to surgery. The directions on the label prepared by Mr. Him and dispensed by Walgreens #4755 were, "Instill 4 drops into right eye daily (start four days before surgery)."

This was a stipulated agreement agreed to by both parties and accepted by the Board. Mr. Him and Walgreens #4755 were each fined \$100.

7. George W. Harvey Board Meeting 3/12/03 Case No. 03-003-RPH-O

Mr. Harvey pled guilty to one count of conspiracy to commit mail fraud and aiding and abetting which are both federal felonies. He was sentenced to five

years probation and a fine of \$390,000 for his participation in a conspiracy to divert drugs purchased by closed-door pharmacies pursuant to own-use clauses to pharmaceutical wholesalers who subsequently sold the unlawfully obtained drugs to other pharmaceutical wholesalers. The Board members all know Mr. Harvey as he was a pharmacist and colleague in Las Vegas and sat as a Board of Pharmacy member for many years. The motion to revoke Mr. Harvey's license was difficult, but Board members voted unanimously to revoke his pharmacist license.