



Nevada State Board of Pharmacy

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Quarter
Ending
06/30/02

QUARTERLY DISCIPLINARY REPORT TO LEGISLATIVE COUNSEL BUREAU

JULY 20, 2002

1. Jakee D. Agundez, PT Board Meeting 4/24/02 Case No. 02-015-PT-S

At hearing Ms. Agundez testified that she had been hospitalized three years ago for a surgical procedure and the surgeon damaged one of her nerves. She was given hydrocodone for the pain caused by the nerve damage and became addicted. She was terminated from employment at Walgreen's #0486 for theft of 8,000 dosage units of hydrocodone that were valued at \$1,950.00. Ms. Agundez informed the Board that she had participated for a short time in substance abuse treatment, but that she had discontinued the treatment because she felt she had her problem under control. The Board revoked her pharmaceutical technician registration.

2. David C. Solberg, PT Board Meeting 4/24/02 Case No. 02-005-PT-S

Mr. Solberg explained that he had sustained a knee injury and that the drugs provided to him by his physician were inadequate to treat his pain. He stated he feared that if he took time off work for medical reasons that he would be terminated from employment so he began self-medicating his pain by taking drugs from his pharmacy. Mr. Solberg admitted in a written statement that over a course of 17 weeks he had removed, without a prescription, for his own personal use, Fioricet with Codeine, hydrocodone products, Tylenol #4, Soma, Fioninal, Amitriptyline, and Xanax for a value of \$248.37. The Board revoked Mr. Solberg's pharmaceutical technician registration.

3. Michael Solis, PT Board Meeting 4/24/02 Case No. 02-023-PT-S

Mr. Solis did not appear at hearing. Legal counsel for the Board presented the case. Mr. Solis admitted to his managing pharmacist that he had removed, without a prescription, for sale to a friend, one bottle of hydrocodone/APAP 7.5/750 mg. #500, five bottles of Lortab #500, and one bottle of Valtrex 500 mg. #42. He admitted in a written statement to taking the controlled substances with a value of \$1,127.60. The Board revoked Mr. Solis' pharmaceutical technician registration.

4. Christopher J. Peters Board Meeting 04/24/02 Case No. 02-013-PT-S

Mr. Peters testified at hearing that he had removed controlled substance

5. Rite Aid #6122 Board Meeting 3/6/02 Case No. 01-109-PH-S

6. Jacqueline A. Toth Biotech Pharmacy	Board Meeting 4/24/02	Case No. 02-022-RPH-S Case No. 02-022-PH-S
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7. Cynthia L. Blake, PT K Mart #3592	Board Meeting 4/24/02	Case No. 02-020-PT-S Case No. 02-020-PH-S
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renewal and penalty. On good faith staff mailed Ms. Blake her registration card. In March, 2001 staff received notice from their bank that Ms. Blake had written her check for her pharmacy technician registration on a closed account. She was sent a certified letter, which she signed for, requesting a certified or cashiers check in the amount of \$65, including the bank charge. The letter also advised that if the check was not received within 30 days her registration would be closed. Ms. Blake did not acknowledge the letter. Ms. Blake worked at K Mart #3592 from April 2, 2001 to January 15, 2002 without a valid registration, even though she posted the invalid registration at the store in which she was working. Ms. Blake testified that because of financial difficulty and illness she ignored the letter. The Board ordered Ms. Blake to pay a fine of \$250.00 and was placed on probation until she renews her registration in October, 2002. K Mart was fined \$100 per month for six months for a total of \$600 and was remanded to send a memo to all K Mart pharmacy managers requiring them to ensure current licensure for pharmacy staff.

8. ATS Enterprises Board Meeting 4/24/02 Case No. 02-045-WH-S

Legal counsel advised the Board that no one from ATS Enterprises would appear as they had surrendered their wholesaler license. ATS was paying rent on a location, however never opened. They do not do business as regular wholesalers do, as they only had one transaction and no records. Legal counsel explained that ATS did not need a wholesaler license to do nothing and they surrendered their license so they would not have the stigma of having a license revoked.

9. Mary R. Gear Board Meeting 4/24/02 Case No. 02-036-RPH-S

Mary Gear did not appear at hearing. Ms. Gear was the chair of the PRN-PRN committee, however was voted out of her position by the committee as she was not performing her duties. Gretta Woodington took over as chair of the PRN-PRN committee and requested the financial records from Ms. Gear on many occasions, however had never received them. The Board Ordered an audit of the financial records as there appeared to be missing funds. Board staff contacted a CPA firm to perform that task, however Ms. Gear did not go to any of the appointments set to begin the audit process. Board staff had made verbal requests to Ms. Gear for the financial records of PRN-PRN, however no records were ever produced. The Board Ordered Ms. Gear to pay a fine of \$1,000, \$250 administrative fees, suspend her pharmacist license until she provides the PRN-PRN financial records and remand Ms. Gear to appear at the next Las Vegas Board Meeting.

10. Robert D. Ferguson Board Meeting 6/19/02 Case No. 02-009-RPH-N
Wal-Mart #10-3277 Case No. 02-09-PH-N

In August, 2001 a pre-opening inspection was performed at Wal-Mart #10-3277. Several items were noted that needed to be addressed. In January, 2002 a regularly scheduled inspection was performed and it was found that none of the issues had been corrected from the pre-opening inspection. One of the major issues brought to their attention was that there were no dead-bolts on the north facing doors to the pharmacy. The Accusation charged the managing pharmacist and K Mart with twelve Causes of Action as the pharmacy was found to be in violation of many Nevada laws from record keeping violations (including no controlled substance inventories or biennial inventory) to improper labeling of prescription containers. The Board Ordered Wal-Mart #10-3277 to pay a fine of \$2,200, the cost of the hearing and administrative fees of \$980.00 and be placed on probation and inspected quarterly for one year. Mr. Ferguson was Ordered to pay a fine of \$1,850.

11. Ann C. Ferguson
K Mart #4943

Board Meeting 6/19/02

Case No. 02-037-RPH-N
Case No. 02-037-PH-N

During the March, 2002 inspection of K Mart #4943 various violations were found, some dating back as far as 1999 and had yet to be corrected. On three previous inspections it was noted that the Federal Warning was not being put on prescription transfers. There was no change in managing pharmacist controlled substance inventory found in the pharmacy even though Ms. Ferguson had been the managing pharmacist since October, 2001. There was also no biennial inventory in the store at the time of inspection. Extenuating circumstances were cited and representatives from K Mart assured the Board that all issues brought forth in the Accusation had been addressed. The Board Ordered to fine Ms. Ferguson \$750. The Board Ordered to fine K Mart #4943 \$1,750, administrative fees and the cost of investigation for a total of \$550 and be placed on probation and inspected quarterly for one year.