



Nevada State Board of Pharmacy

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QUARTERLY DISCIPLINARY REPORT TO LEGISLATIVE COUNSEL BUREAU

JULY 20, 2004

1 FMC Puerto Rico Board Meeting 6/2/04 Case No. 03-016-WH-S

Two days before a holiday weekend, Steven Gibson of Santoro, Driggs, et al, provided Board staff copies of three Motions. As there was no time to copy and distribute the Motions to Board members prior to the Board meeting, time was allotted for reading of the Motions. The Board was also presented with a Motion to Strike prepared by Board staff. The Board moved to approve the Motion to Strike the Motion to Dismiss and the Motion for Abuse of Process. The Board moved to strike the Motion for Protective Order. The FMC case proceeded as scheduled.

This began as a simple request for records as allowed in NRS 639.234. FMC had their attorney, Mr. Gibson, intervene in the process. After several months, Board staff received a box of documents that were thoroughly redacted to prevent Board staff from reviewing the records. Please note, the records requested were for an entirely different matter under investigation and had nothing to do with FMC Puerto Rico. Eventually FMC Puerto Rico provided what they implied were unredacted copies of the documents already provided to Board staff. Comparison of the redacted documents to the unredacted documents found that they were, indeed, not the same records and also found that no shipping records or pedigrees were included with any of the invoices provided by FMC Puerto Rico.

The Board found FMC Puerto Rico guilty of the violations and fined them \$8,000 for the First Cause of Action – failing to provide a true copy of its records, namely redacted copies, \$8,000 for the Second Cause of Action – failing to provide copies of records requested in request for records on January 5, 2004, and \$4,000 for the Third Cause of Action – employing personnel who have redacted or modified records produced to Board staff in place of true copies of records and who have failed to provide other records that were requested, plus costs and administrative fees to be paid within 30 days of signing of the Order. FMC Puerto Rico's license was suspended until the records that were requested have been produced. The suspension will be reviewed at the July Board meeting.

2. Joseph L. Norris Board Meeting 6/2/04 Case No. 04-019-RPH-N

Mr. Norris is a participant in the PRN-PRN program for impaired pharmacists. He tested positive for carisoprodol in a random urine screen, however at hearing he was unsure how he could have tested positive for carisoprodol, but he explained that he generally has a drink next to his work area and possibly a random pill flipped into his drink while he was filling a prescription. Also, Mr. Norris failed to provide a urine analysis when he was asked by PRN-PRN and he explained that he did not get the message because his bird pecked his phone apart, but the second pill found in his coffee, possibly phentermine, had no bearing on why he did not go for a UA as requested.

Mr. Norris was found guilty of the alleged violations, his license was suspended for 30 days, his PRN-PRN contract was extended for an additional five years and he is not allowed to practice as a managing pharmacist during his probation. Mr. Norris was remanded to pay the costs and administrative fees in this matter.

3. Ali Jarar Board Meeting 6/2/04 Case No. 04-027-PT-N

Mr. Jarar worked at Albertsons/Sav-On for several years as a pharmaceutical technician. Board staff was notified of Mr. Jarar's termination of employment as required by law. The investigation revealed that the graveyard pharmacist had reported irregularities in the pharmacy to loss prevention personnel. It was found that Mr. Jarar was creating false receipts to present to manufacturers to receive discounts. 236 prescriptions were created/voided in an 18 month period. Mr. Jarar would scan the medication, create a label sheet, get a receipt for the medication, void the prescription and turn the receipt in to receive a manufacturer's rebate. Mr. Jarar was terminated from employment for coupon fraud.

Mr. Jarar's pharmaceutical technician registration was revoked.

4. Donalyn K. Thompson Board Meeting 6/2/04 Case No. 04-015-PT-N

Ms. Thompson was terminated from employment from Sav-On #9027 for filling false prescriptions and adding unauthorized refills to legitimate prescriptions for hydrocodone for herself and two other people who were unaware of her actions.

Ms. Thompson's pharmaceutical technician registration was revoked