

Nevada State Board of Pharmacy

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JULY 20, 2005

1 Dale E. Hawkins Vy L. Tran Walgreens #03845 Walgreen Co.

Board Meeting 7/20/05

Case No. 05-020A-RPH-S Case No. 05-020B-RPH-S Case No. 05-020-PH-S Case No. 05-020-PH-S

Patient M suffers from high blood pressure, heart disease and high cholesterol. Patient M also had a stroke. Patient M's physician faxed three prescriptions to Walgreens #03845. When Patient M went to the pharmacy a few days later to pick up her medication she was given a bag with four medications in it. She spoke with her physician and asked if she should be taking all of these prescriptions and was told yes. Patient M began taking the medications as prescribed and soon began falling down for no reason. Patient M stated she had no pre-symptoms before she would fall. She took the medication for approximately eight weeks before she was to see her physician again. Before her appointment she gathered all of her medications and took them with her to her appointment. It was determined after the doctor reviewed the medications that she had been taking two blood pressure medications. One he had prescribed for Patient M and another he had not. It was found that the three prescriptions for Patient M were faxed to Walgreens #03845 along with a prescription for blood pressure medication for another patient. All were filled in Patient M's name. Mr. Hawkins was fined \$250 for approving the filling of Patient M's medication even though it was filled by a pharmacy technician, and has to do 3 CEs on medication errors. Mr. Tran was fined \$750 for not counseling Patient M and has to do 3 CEs on counseling. Walgreens #03845 penalty was to extend their probation for one year, do the ISMP prior to the October Board meeting and appear and report at that meeting, \$5,000 fine plus costs and fees and provide one hour of CE on errors and two hours of CE on counseling to all employees in this pharmacy that are licensed or registered with the Board of Pharmacy. In being repeatedly negligent as the common owner of Walgreens #04197, 04755, 03845, and 04788 in which repeated failures to counsel and document counseling occurred Walgreens Company will pay an outside auditor of the Board's choice to review their counseling procedures for one year.

2. Connie S. Erwin

Board Meeting 7/20/05

Case No. 04-074-PT-S

This matter had been continued at Ms. Erwin's request from the April 2005 Board meeting to allow Ms. Erwin to research the validity of a saliva test for drug'use.

Dr. Jaworsky, a medical review officer from the laboratory that tested Ms. Erwin's saliva swab, testified that there was no way in which a person who had eaten French fries and drunk a strawberry milk shake could possibly test positive for amphetamines – methamphetamine in particular – as Ms. Erwin had. Dr. Jaworsky also testified that there are no combination of foods that could cause a false positive, nor are there any over the counter products that could produce a positive for methamphetamine. Ms. Erwin's pharmaceutical technician registration was suspended for two years, the suspension stayed providing she has no criminal convictions and that she be evaluated by PRN-PRN. If she is found to have a drug problem PRN-PRN will determine the length of time for her to participate in the program.

3. Leona Sopko Board Meeting 7/20/05 Case No. 04-046-RPH-S CVS Pharmacy #5286 Case No. 04-046-PH-S

This matter is over a year old. The case had been continued by request of Ms. Sopko. She agreed not to practice pharmacy alone and that she would get error prevention training.

Patient T presented two new prescriptions to CVS #5286. One prescription was for Foltx, a prescription-only vitamin B, and the other for Zetia 10 mg., a cholesterol lowering medication. Ms. Sopko misfilled the prescription for Zetia for Patient T with a medication he was already taking for acid reflux. Patient T ingested the medication for three days. Patient T was not counseled for the two new prescriptions. The Board found Ms. Sopko guilty of the three Causes of Action against her. Ms. Sopko was fined \$400 for the first Cause of Action, \$400 for the second Cause of Action, and placed on three years probation with conditions as follows: may not practice as a managing pharmacist for a minimum of one year, may not work alone for a minimum of three months, when her employer is comfortable with her ability to work alone both she and her employer will appear at a Board meeting to testify that Ms. Sopko is trusted to work on her own. A stipulated agreement was agreed upon between CVS and the Board. CVS did not contest the charges and they immediately corrected their counseling logs to comply with Nevada law. CVS was found guilty of three Causes of Action and will pay a fine of \$750.

4. PetMed Express, Inc Board Meeting 7/20/05 Case No. 04-070-PH-O

PetMed Express was offered a stipulated agreement on March 10, 2005 to place PetMed Express on one year probation. PetMed Express declined the offered agreement and preferred to come to hearing to plead their case. The request was made in conjunction with a request for continuance, which was granted. PetMed Express filled a prescription for a dog without the veterinarian's approval. The medication was for heartworm and the veterinarian did not want to prescribe until he had seen the dog to ensure he

really needed it. PetMed Express filled the prescription without the veterinarian's approval. Ultimately they agreed to sign the stipulated agreement providing we did not use the word "probation."