



# Nevada State Board of Pharmacy

555 DOUBLE EAGLE COURT • SUITE 1100 • RENO, NEVADA 89521-8891  
(775) 850-1440 • 1-800-364-2081 • FAX (775) 850-1444

E-mail: [pharmacy@govmail.state.nv.us](mailto:pharmacy@govmail.state.nv.us) • Web Page: [www.state.nv.us/pharmacy/](http://www.state.nv.us/pharmacy/)

## QUARTERLY DISCIPLINARY REPORT TO LEGISLATIVE COUNSEL BUREAU

JULY 20, 2006

- 1 Charles Sass Board Meeting 6/8/06 Case No. 06-009-RPH-N

Charles Sass was audited after the October 31, 2005 renewal period. It was determined that Mr. Sass did not do one hour of Nevada law as required. The Board ordered Mr. Sass to complete a written Nevada law examination within 60 days of the Order, be audited for the 2007 renewal period, and complete two hours of Nevada law CE for the next renewal period.

- 2 James J. Vesci Board Meeting 7/19/06 Case No. 05-049-RPH-S  
Walgreens #05014 Case No. 05-049-PH-S

This was regarding an error of a prescription for Amoxicillin that was filled with Augmentin for a 14 month old child with an ear infection. The original prescription was typed incorrectly at data entry. After the patient's mother questioned why her baby would receive a medication that would upset the stomach when the baby's stomach was already upset Mr. Vesci checked with the physician and confirmed that the prescription should have been for Amoxicillin. Mr. Vesci had difficulty getting this prescription to go through because the insurance would not approve the fill because the baby had just received the incorrect Augmentin prescription. Mr. Vesci cancelled the first prescription.

Board staff's investigation showed that there was no hard copy of the prescription on file in the pharmacy and there was no record in the pharmacy's computer regarding the patient's Amoxicillin prescription. During hearing it was discovered that the pharmacy staff did not know how to find a prescription in the computer that had been deleted but in fact the transaction was always in the computer and could be retrieved by Walgreens IT staff. Just prior to hearing Mr. Vesci found the original prescription misfiled in the previous days prescriptions.

Mr. Vesci was fined \$100. Walgreens was fined \$100 plus fees and costs in this matter.

- 3 Praxair Healthcare Board Meeting 7/19/06 Case No. 05-052-MP-S

Patient C had lung cancer surgery and was scheduled for release from the hospital On October 20, 2005. At the time of his release he had a two hour

supply of oxygen. Patient C had contracted with Praxair to deliver oxygen to his home when he arrived there. Patient C ran out of oxygen and tried to contact Praxair several times on October 20<sup>th</sup> and 21<sup>st</sup> to obtain the oxygen his physician had prescribed. The oxygen supply was delivered by Praxair on October 22, 2005 at approximately noon and Patient C refused to accept the delivery because he had contracted with another supplier.

It was found at hearing that Patient C had called Praxair to have the oxygen delivered after hours and the answering service took his call. There was confusion as to who was on-call and messages were left for two drivers however the messages were apparently not received by either driver. Patient C called Praxair again on October 21, 2005 and advised he had not received his oxygen. Customer service reached the driver to have the equipment delivered, the driver called to ensure the patient was available for delivery and the patient was not at home. When the driver finally reached Patient C, he arrived at Patient C's home at 6:15 p.m. on October 21, 2005, and Patient C refused delivery.

Since that instance, new policies and procedures have been implemented within Praxair and the answering service. The Board moved to have Praxair pay administrative fees and costs in this matter.

4 UMC Outpatient Board Meeting 7/19/06 Case No. 05-058-PH-S

Board staff offered UMC a stipulated agreement in this matter which they accepted.

Patient E has various medical problems and takes eleven prescription drugs. Patient E ordered one of two nebulizer solutions to treat his emphysema, however UMC automatically fills and sends Patient E both Atrovent and Albuterol without his authorization.

It was found that when the prescription refill for one of Patient E's two nebulizers was requested it was noted that several of the eleven prescription refills had run out and UMC contacted Patient E's physician for refill authorization. At that time, Patient E's physician ordered new prescriptions for all eleven of Patient E's medications and that was where the confusion came into play. The director of pharmacy at UMC has advised Patient E that if he had any future communication problems he should contact her directly so she can resolve his issues.

The Board accepted the stipulated agreement fining UMC \$150 plus administrative fees of \$250.

**5 James Yered                      Board Meeting 7/19/06      Case No. 06-032-RPH-S**

Mr. Yered did not appear at hearing even though he had received his Notice of Intended Action and Accusation and Mr. Yered was noticed of the time of his appearance.

Mr. Yered checked his pharmacist license renewal application indicating he had completed 30 CEU's. During a random continuing education audit a letter was sent to Mr. Yered requesting copies of his CE's. Mr. Yered provided a packet that included 29.3 CE's. Mr. Yered had no proof of one hour of Nevada law CE. On February 16, 2006 a letter was sent to Mr. Yered along with a law examination that was to be returned to the Board office within 30 days of receipt of the packet. The packet was returned to the Board office marked "Unclaimed."

On March 9, 2006 a second letter was sent to Mr. Yered at his work address, along with another CE law examination requiring completion of the examination within 30 days of receipt. Mr. Yered received the packet on March 13, 2006 and did not return the CE law examination.

The Board moved to give Mr. Yered one more chance to appear at our September Board meeting to explain his actions. If Mr. Yered does not appear his license will be automatically revoked.

Though late, Mr. Yered appeared and requested reconsideration of the motion that took place in his absence. Mr. Yered apologized to the Board and noted that he had spoken to Board staff and discussed his situation.

The Board moved to have Mr. Yered pay the \$250 administrative fee, be audited again at the next renewal period, take and pass the law examination, and do two hours of Nevada law CE – one could be a program presented by Board staff or he could attend a Board meeting and today's appearance would not count.

**6 Kurt Hanks                      Board Meeting 7/19/06      Case No. 06-002-RPH-S**

Mr. Hanks checked his pharmacist license renewal application indicating he had completed 30 CEU's. During a random continuing education audit a letter was sent to Mr. Hanks requesting copies of his CE's. Mr. Hanks provided a packet that included 31.3 CE's on a document titled "Exam History." 29 hours of these CE's did not comply with Nevada law because they were not signed. A second letter was sent to Mr. Hanks requesting that he provide signed certificates of completion for 29.0 continuing education units. The Board received a packet of signed certificates on February 13, 2006. Mr. Hanks had no proof of one hour of Nevada law CE. On March 9, 2006 a letter, a CE law examination, and a law book was sent requiring

completion of the examination within 30 days of receipt. Mr. Hanks received the packet on March 16, 2006 and did not return the completed CE law examination.

Mr. Hanks was not present at hearing. Mr. Hanks has moved to Utah. The Notice of Intended Action and Accusation was sent to his last known address in Utah and was returned after three delivery attempts with another new address. These documents were not forwarded.

The Board moved to give Mr. Hanks one more chance to appear at our September Board meeting to explain his actions. If Mr. Hanks does not appear his license will be automatically revoked.

**7 William Eisler Board Meeting 7/19/06 Case No. 06-014-RPH-S**

Mr. Eisler appeared at the April 19, 2006 Board meeting to address the matter of his continuing education and why he did not do the law examination as was offered. Mr. Eisler explained at that time that doing the law examination "turned him off" and he did not want to waste time looking up the citations sought in the examination.

Mr. Eisler was given a one-time opportunity to stay for the afternoon session of that meeting and the Board would deem his attendance as satisfying the one unit of jurisprudence that he lacked. Mr. Eisler agreed to stay through the afternoon session and did appear in the audience at the Board's opening of the afternoon session. At some point in the deliberation of a matter heard in the afternoon session, the Board went into closed session, thus removing all people except the Board from the room. When the Board returned to open session, Mr. Eisler was gone and did not appear again for the remainder of the afternoon session.

Mr. Eisler did not appear at hearing regarding this matter. The Board chose not to do anything in this instance.

**8. Michelle Badten Board Meeting 7/19/06 Case No. 05-055-RPH-S  
Sav-On #9020 Case No. 05-055-PH-S**

Legal counsel for the Board and for Badten/Sav-On #9020 came to an agreement prior to hearing and neither Ms. Badten or representatives for Sav-On #9020 appeared at hearing.

Louis Ling, Board legal counsel, presented the facts in this matter and the stipulated agreement.

Ms. Badten did not renew her license for the 2005 renewal period and she worked without a license for seven days. Ms. Badten also did not do 29 of

the 30 required continuing education units required for renewal.

The stipulation presented and agreed to by the Board is as follows: Ms. Badten will pay a fine of \$100 per day she worked without a license plus an administrative fee of \$250 for a total of \$950. Sav-On #9020 will also pay a fine of \$100 per day they employed and worked Ms. Badten unlicensed plus an administrative fee of \$250 for a total of \$950. The Board also would like to see Ms. Badten bring her CE up to date within 45 days, be audited at the 2007 renewal period, and do 60 additional CE's for the next renewal period plus two hours of Nevada law. Mr. Ling stated that she had not agreed to those terms however he would present them to her and if she agreed to those additional terms he would include them in the Order.

9. Eugene Neves                      Board Meeting 7/19/06              Case No. 06-036-PT-S

Mr. Neves did not appear for hearing.

On June 15, 2006, Board staff received notice of termination of employment from Lori Ortale, pharmacy supervisor for Smith's Food and Drug #349. In the notice of termination of employment Ms. Ortale advised that Mr. Neves failed an initial employment drug screen by testing positive for cocaine.

The Board revoked Mr. Neves pharmaceutical technician registration.