



Nevada State Board of Pharmacy

555 DOUBLE EAGLE COURT • SUITE 1100 • RENO, NEVADA 89521-8991
(775) 850-1440 • 1-800-384-2081 • FAX (775) 850-1444
E-mail: pharmacy@govmail.state.nv.us • Web Page: www.state.nv.us/pharmacy/

QUARTERLY DISCIPLINARY REPORT TO LEGISLATIVE COUNSEL BUREAU

JULY 20, 2007

- 1 John B. Rasche Board Meeting 06/06/07 Case No. 06-068A-RPH-N
Ying Yuan Case No. 06-068B-RPH-N
CVS #8792 Case No. 06-068-PH-N

Patient D being treated for infertility was prescribed clomiphene 50 mg. tablets #5 with directions to take one tablet by mouth daily. Patient D was not counseled when she picked up her prescription. She began taking the medication as prescribed until all five tablets were gone. She experienced symptoms of anxiety and agitation which she attributed to being hormonal. She had the prescription refilled, but because of the side effects she experienced she decided to research the medication on-line. She read from the label on the prescription vial "clomipramine". When she researched "clomipramine" she learned that that drug was used for treatment of mental disorders, not infertility. Mr. Rasche was fined \$250 plus one half of the fees and costs and required to complete six hours of CE in addition to the 30 due at renewal. The charges were dismissed for Ms. Yuan. CVS #8792 was placed on probation for one year and fined \$1,500.

2. Elizabeth A. Perez Board Meeting 06/06/07 Case No. 07-044-PT-S
CVS #5068 Case No. 07-044-PH-S
John A. Dixon Case No. 07-042-PT-S
CVS #5144 Case No. 07-042-PH-S
Christina A. Belarmino Case No. 07-039-PTT-S
CVS #4495 Case No. 07-039-PH-S
Dorothy Wantz Case No. 07-036-PT-S
CVS #8782 Case No. 07-036-PH-S
Ruth V. Encina Case No. 07-037-PT-S
CVS #8782 Case No. 07-037-PH-S
Norma A. Gonzales Case No. 07-038-PTT-S
CVS #4495 Case No. 07-038-PH-S
Melissa L. Sexton-Buford Case No. 07-040-PT-S
CVS #8795 Case No. 07-040-PH-S
Lisa Livingston Case No. 07-052-PT-S
CVS #8821 Case No. 07-052-PH-S
Kasey M. Greathouse Case No. 07-053-PT-S
CVS #2990 Case No. 07-053-PH-S
Daniel D. Small Case No. 07-035-PT-S

Mike Dyer represented all of the CVS pharmacies and all of the pharmaceutical technicians with the exception of Daniel D. Small. Mr. Small was terminated from employment and was present at hearing to represent himself.

All of the pharmaceutical technicians working at their respective CVS pharmacies did not renew their pharmaceutical technician registrations when they were due. CVS investigated this issue and could not determine why they did not detect that the pharmaceutical technicians had not renewed their registrations. CVS has a new policy that all pharmacy licensees will need to have their licenses renewed by October 15th – rather than the October 30th date the Board requires. If they find that someone has not renewed by that date, there will be fifteen days to rectify the problem so this situation will not occur again. CVS is also implementing a new personnel tracking system for pharmacy personnel to use to ensure pharmacy personnel are registered appropriately.

Each pharmacy technician was fined \$250 and required to do three hours of continuing education and a special CE presented by Board staff followed by a test. CVS was fined \$250 for each pharmacy plus fees and costs in this matter.

Daniel Small failed to renew his pharmaceutical technician registration and worked unlicensed for 150 days. When he did renew his license he indicated that he had been charged, arrested or convicted of a felony or misdemeanor. He provided an explanation that he had been arrested for possession of a controlled substance without a valid prescription. There was a motion to revoke Mr. Small's pharmaceutical technician registration. Mr. Small pled to the Board not to revoke his license because he did not want to live the rest of his life having to answer "yes" to that question on every application for employment he completed. The Board moved to leave Mr. Small's status as expired and if he reapplied to the Board for reinstatement he would need to be evaluated by PRN-PRN prior to his request.

3. Evelyn A. Lomax Board Meeting 06/06/07 Case No. 0-017-PT-O

Ms. Lomax resides in North Carolina and appeared at hearing via conference call. The Board was notified by the North Carolina Board of Pharmacy that Ms. Lomax had problems in North Carolina that she did not disclose on her application for pharmaceutical technician in Nevada. Ms. Lomax testified that she answered the question on the application as to whether she had been charged, arrested, or convicted of a misdemeanor or felony in the negative because she was not handcuffed and taken to jail in a squad car. She stated that she drove herself to the police department so she did not think that was

an arrest. Ms. Lomax was charged and arrested for theft of drugs. Ms. Lomax also answered in the negative as to whether she had been the subject of an administrative action whether completed or pending which was also untrue since the North Carolina Board of Pharmacy was investigating her and she was aware of the investigation. Ms. Lomax testified that she had been to court two days previous to this hearing and the charges against her were dismissed and the North Carolina Board of Pharmacy has approved her request for reinstatement.

The Board moved to continue the suspension of Ms. Lomax's registration until she submits documents to the Nevada Board of Pharmacy that prove that the charges against her in her legal matter were dismissed and that the North Carolina Board has reinstated her license.

4. Ihsaan Abdul-Hamid Board Meeting 06/06/07 Case No. 07-029-PT-S

Ms. Abdul-Hamid was observed by a security camera, in the Costco pharmacy where she was employed, removing controlled substances and concealing them on her person. She admitted to removing six bottles of hydrocodone. Ms. Abdul-Hamid testified that she had endometriosis and was in constant pain. She had a prescription to control her pain at one time but she was still in pain and began self-medicating. She admitted to the Board that she used poor judgment when she took the drugs from her employing pharmacy but she could not function or work while in such excruciating pain. Since her termination of employment she has had surgery and her condition has improved and she is not taking any pain medication at this time. She apologized to the Board for her actions and noted that she is the sole breadwinner in her family – her boyfriend is on disability and she has two children to support.

The Board moved to have Ms. Abdul-Hamid get an evaluation from PRN-PRN. If the evaluation indicates she has a substance abuse problem she will sign a contract with PRN-PRN and adhere to their conditions. If the evaluation finds that Ms. Abdul-Hamid does not have a substance abuse problem, she will be on probation for three years with the Board. Ms. Abdul-Hamid will pay restitution to Costco and notify the Board where she is working.

5. Cambra L. Nye Board Meeting 06/06/07 Case No. 07-028-PT-S

Ms. Nye did not appear at hearing. Legal counsel reviewed the circumstances for the Board. Ms. Nye was terminated from employment from CVS #2989 as she was observed by a security camera removing controlled substances and concealing them on her person. Ms Nye admitted in a written statement that she had been stealing drugs from CVS #2989 for approximately ten or eleven months. Ms. Nye indicated in her statement that

she had stolen approximately \$90,000 - \$100,000 worth of drugs. The Board revoked Ms. Nye's pharmaceutical technician registration.

6. Jessica Motta Board Meeting 06/06/07 Case No. 07-024-PT-S

Ms. Motta admitted that she added refills to her Lortab and Xanax prescriptions. Ms. Motta stated that she had lost her job and could not afford visits to her physician to obtain new prescriptions so she added refills to the initial prescriptions she received from her physician.

The Board moved to suspend Ms. Motta's pharmaceutical technician registration, stay the suspension and require a PRN-PRN evaluation. If the evaluation indicates she has a substance abuse problem she will sign a contract with PRN-PRN and adhere to their conditions. If the evaluation finds that Ms. Motta does not have a substance abuse problem, she will be on probation for two years with the Board. Ms. Motta must notify her employer of this Order.

7. Amanda L. Weaver Board Meeting 06/06/07 Case No. 07-021-PT-S
Walgreens #06310 Case No. 07-021-PH-S

Ms. Weaver testified on her own behalf and apologized to the Board for letting her license lapse for 16 days. She had taken a leave of absence from Walgreens and was doing an internship at Disneyland. She returned and was asked to return to work but she did not receive her renewal while she was out of state and forgot that her license was due to renew. Ms. Weaver took complete responsibility for not renewing her license. She indicated that she is currently working for Catalyst Rx where there are no drugs involved, but she does need her pharmaceutical technician license to work there.

Ms. Weaver was fined \$125 rather than \$250 because the circumstances were completely different than the other cases. Ms. Weaver is required to take three hours of continuing education and the special CE presented by Board staff and the test.

8. Karen Kinan Board Meeting 06/06/07 Case No. 07-012-RPH-S

In Case No. 01-125A-RPH-S Ms. Kinan was fined \$20,000. The discipline resulted from Ms. Kinan's ownership of a pharmacy through which she directly participated in the diversion of discounted drugs into the secondary source pharmaceutical market. Ms. Kinan still owes \$18,150 and had not made payments since May 11, 2006, even though she had made arrangements with Board staff to send a payment in September, 2006. Subsequent to the Accusation in Case No. 07-012-RPH-S, Board staff learned that Ms. Kinan had been terminated from employment for adding an unauthorized refill to her own Ambien prescription and an Amended

Accusation was sent to Ms. Kinan to include this charge. Ms. Kinan testified that she is not good at paying her bills but since it has gotten her into trouble she has hired someone to handle her finances. As to the refill she added to her Ambien prescription, she stated that she had an appointment to see her physician on Monday to get a refill but she needed to sleep over the weekend so she added the refill on Friday and intended to bring the new prescription in on Monday after she saw her doctor. Larry Espadero, the PRN-PRN monitor, appeared with Ms. Kinan and indicated that he has issues with Ms. Kinan and recommended a psychiatric evaluation as she has trouble with responsibility issues and has poor impulse control. Ms. Kinan agreed that a psychiatric evaluation would be a good idea. In the First Cause of Action the Board Ordered Ms. Kinan to pay \$250 on the 15th of every month when she is employed again. If payment is not received on the 15th of each month Ms. Kinan's license will be suspended on the 16th. In the Second Cause of Action the Board suspended Ms. Kinan's license and Ordered her to have a psychiatric evaluation, sign a new five year contract with PRN-PRN and Ms. Kinan may not request reinstatement of her license for at least three months from the date of the Order.

9. Craig W. Moon Board Meeting 06/06/07 Case No. 07-026-RPH-O

Legal counsel presented a stipulated agreement to the Board to parallel a sister state action. Mr. Moon's license is placed on probation with conditions. He may not work in Nevada unless he appears before the Board and must provide the Board with written evidence that his license is no longer suspended in Wisconsin. The Board accepted the stipulated agreement as presented.

10. Valley View Medical Board Meeting 06/06/07 Case No. 06-075-MP-S
Supply

No one appeared to represent Valley View. Danny Garcia, Board inspector/investigator, appeared and testified that he went to Valley View to do an annual inspection. He noted that the facility was extremely dirty with a heavy layer of dust on everything and the bathroom was filthy, they displayed no business license and could not produce one when asked and they had no inventory to sell. Mr. Garcia indicated he thought perhaps they were using the business as a front for some other type of endeavor. Mr. Garcia testified that he asked for patient records and was told they had about 25 patients and made approximately \$12,000 a month. The patient records Mr. Garcia saw contained very limited documentation. Mr. Garcia asked Mr. Atoyan, the owner of Valley View to total the charges for the 25 patients and it totaled only \$1,200 for a six month period. The Board revoked Valley View's MDEG license.