



Nevada State Board of Pharmacy

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QUARTERLY DISCIPLINARY REPORT TO LEGISLATIVE COUNSEL BUREAU

JANUARY 20, 2004

1. David Squires/Scolari's Pharmacy #24
Board Meeting 12/2/2003, Case No. 03-053-RPH-N

Mr. Squires misfilled a prescription for a patient by filling and dispensing 50 mg. Prednisone rather than the 20 mg. Prednisone the patients' physician prescribed. During the investigation it was also found that Scolari's #24 was not documenting counseling appropriately. Mr. Squires and Scolari's #24 were both fined \$1,000 and ½ of the costs and administrative fees totaling \$964.41 to be paid by each.

2. Michael Adams Board Meeting 1/13/04 Case No. 03-060-RPH-S

Mr. Adams did not appear at hearing. Mr. Adams exhibited unusual behavior at work. His pharmacy manager took him to South West Medical Associates to have him drug tested. Mr. Adams refused to submit to a UA until his wife was present. Mr. Adams and his wife met for a few minutes alone and Mr. Adams agreed to a UA. Mr. Adams was asked to remove the contents of his pockets. When he began to remove the items from his pockets, a urinator fell out of one of the legs of his pants. The items Mr. Adams removed from his pockets included two tubes of morphine, two tubes of hydromorphone, two tubex holders, one 25-gauge needle, and one Percocet pill. Mr. Adams left South West Medical Associates with his wife. Mrs. Adams returned to South West Medical Associates and demanded the urinator be returned to her because it was an expensive piece of equipment. When Mrs. Adams request was denied, she became verbally abusive to the staff and threw a glass of water on the person to whom she was speaking. The Board revoked Mr. Adams pharmacist license.

3. Karen Kinan Board Meeting 1/13/04 Case No. 03-068-RPH-S

Board of Pharmacy staff received notice from Larry Espadero, PRN-PRN monitor, that Ms. Kinan had been excused from the PRN-PRN program until she was able to take care of her health problems, stop using controlled substance drugs, and became active in a gambling program. Since Ms. Kinan was on probation and she violated her Board Order, her pharmacist license was suspended. Ms. Kinan had also stopped the monthly payments she was making for a \$20,000 fine imposed upon her in her original Order. Ms. Kinan gave testimony that she had surgery for severe female problems

and her physician had put her on controlled substances for her pain. Ms. Kinan and her doctor have worked on her medication therapy and now she is no longer taking opiates and is on a duragesic patch that seems to be working for her. The Board moved to keep Ms. Kinan on suspension until all provisions of her initial Order are brought into compliance, renew her license, have a psychiatric evaluation, find alternative medication to control her pain, join Harmony Health Care (Ms. Kinan's choice of gambling programs) and have them send monthly reports regarding Ms. Kinan's progress to Board staff. After all of those things are attained, Ms. Kinan may request reinstatement of her pharmacist license.

4. John Bank Board Meeting 1/13/04 Case No. 03-071-PT-S

Mr. Bank was not present at hearing. Mr. Bank was Ordered to join the PRN-PRN program for substance abuse. Mr. Espadero, PRN-PRN monitor, reported to Board staff that Mr. Bank was no longer in the PRN-PRN program due to financial matters. Since Mr. Bank had violated his previous Order, he was suspended pending this hearing. Mr. Bank's pharmaceutical technician's registration was revoked.

5. Melanie Ross Board Meeting 1/13/04 Case No. 03-069-PT-S

Ms. Ross was terminated from employment from Walgreens. Ms. Ross testified that she had removed five Lortab and one Viagra from the Walgreens pharmacy in which she was employed. Ms. Ross could not provide an explanation to the Board for her actions. She stated that she was just young and did it. The Board Ordered Ms. Ross to a 90 day suspension, be evaluated by PRN-PRN, probation would be determined by the result of the PRN-PRN evaluation, however probation will be no less than three years.

6. Dutchess Business Services, Inc., Legend Pharmaceuticals, Inc.
Board Meeting 1/14 & 15/2004, Case No. 03-004-WH-S

The beginning of this case was heard on October 14th, 15th, and 16th, 2003 and was continued to the December 2003 Board meeting. The December Board meeting was continued to the January 2004 Board meeting. The remainder of this case was heard on January 14th and 15th, 2004.

This was a very intricate, long, legally impacted, detailed case. It involved the secondary source wholesale industry, Dutchess and Legend in particular, that had purchased drugs at extremely discounted prices and resold them to other wholesalers for profit without appropriate pedigrees.

Dutchess and Legend are the same entity. Lance Packer is the owner of Legend, run by his father-in-law Paul DeBree. Prior to that, Dutchess was owned by George Lottman, and run by Paul DeBree. There was no down-

time to accommodate the transition. For simplification purposes I will call this case "Dutchess."

It was found that counterfeit drugs had passed through Dutchess. There was testimony regarding Serostim, an AIDS wasting injectable, and Lupron and Zoladex, both prostate cancer products. Connections were made that Dutchess had done business with four other secondary source wholesalers that were not authorized dealers for specific products and whose owners had been jailed and were being indicted on federal charges.

After five days of testimony, legal opinions, and pounds of evidence, the Board determined the following:

Of the fifteen Causes of Action the Board found Dutchess guilty of eleven and four were dismissed. Dutchess was, revoked, fined \$1 million dollars plus half the costs and fees in this case, hold Mr. DeBree and Mr. Packer personally responsible if fines, costs and fees are not paid, and Mr. DeBree and Mr. Packer may not apply for licensure in Nevada for ten years. Legend was revoked, fined \$371,000 plus half the costs and fees in this case.

Summary minutes may be requested in this matter if more detail is required.