

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane – Reno, NV 89509

APPLICATION BY EXAMINATION AS A PHARMACIST

If you are requesting examination eligibility for initial licensure and/or you don't meet the requirements for reciprocity.

Total Fee: \$330.00 (non-refundable, money order only, no cash)

Complete Name (no abbreviations):

First: Sung Middle: Kyung Last: Lee

Mailing Address: 10628 Mountain Stream Court

City: Las Vegas State: Nevada Zip Code: 89129

Telephone: _____ E-mail Address: _____

Date of Birth: _____ Place of Birth: Seoul, South Korea

Social Security Number: _____ (Required) Sex: ☐ M or ☒ F

College of Pharmacy Information

Graduation Date: 05/22/2015
(mm/dd/yy)

Degree Received: ☒ PharmD ☐ BS in Pharmacy ☐ Other (check one)

Name of Pharmacy School: Texas Tech School of Pharmacy

Location of School: Amarillo, Texas

If you are a **foreign graduate** you must attach a copy of your FPGEC certificate to THIS APPLICATION. You also need to complete the college of pharmacy information

Other states where you are (or were) licensed as a pharmacist or print "none"

State	Lic #	Is the license active?	State	Lic #	Is the license active?
<u>TX</u>	<u>28920</u>	Yes ☐ No ☒	_____	_____	Yes ☐ No ☐
<u>CA</u>	<u>35833</u>	Yes ☐ No ☒	_____	_____	Yes ☐ No ☐

**Attach separate sheet if necessary

A licensee is not personally required to have a Nevada State Business License, however, if you have one, please provide the number: _____

	Yes	No
Been diagnosed or treated for any mental illness, including alcohol or substance abuse, or physical condition that would impair your ability to perform the essential functions of your license?.....	☐	☒
1. Been charged, arrested or convicted of a felony or misdemeanor in <u>any</u> state?.....	☐	☒
2. Been the subject of a board citation or an administrative action whether completed or pending in <u>any</u> state?.....	☒	☐
3. Had your license subjected to any discipline for violation of pharmacy or drug laws in <u>any</u> state?....	☐	☒

If you marked **YES** to any of the numbered questions (1-3) above, include the following information & provide an explanation & documentation:

Board Administrative Action: <u>Citation</u>	State: <u>NV</u>	Date: <u>07/17/2015</u>	Case #: <u>Unknown</u>
<u>Disqualified</u>	<u>CA</u>	<u>12/28/2015</u>	<u>(See attached documents)</u>

Criminal Action:	State	Date:	Case #:	County	Court
		<u>/ /</u>			

FEDERALLY MANDATED REQUIREMENTS

In response to Federally mandated requirements, the Nevada Legislature and Attorney General require that we include this questions as part of all applications.

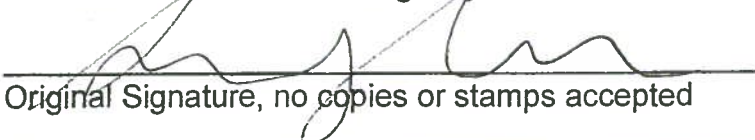
4. Are you the subject of a court order for the support of a child?..... Yes ☐ No ☒
- 4a. If you marked Yes, to the question 4, are you in compliance with the court order?..... Yes ☐ No ☐

I have read all questions, answers and statements and know the contents thereof. I hereby certify, under penalty of perjury, that the information furnished on this application are true, accurate and correct. I hereby authorize the Nevada State Board of Pharmacy, it's agents, servants and employees, to conduct any investigation(s) of my business, professional, social and moral background, qualification and reputation, as it may deem necessary, proper or desirable.

No liability of any sort or kind shall attach to the said Nevada State Board of Pharmacy, it's members, servants or employees because or by reason of the use of the authorization.

I attest to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

I understand that Nevada law requires a licensed pharmacist who, in their professional or occupational capacity, comes to know or has reasonable cause to believe, a child has been abused/neglected, to report the abuse/neglect to an agency which provides child welfare services or to a local law enforcement agency.


Original Signature, no copies or stamps accepted

01/25/2016
Date

Board Use Only			
Processed: <u>2/3/16</u>	Amount: <u>\$330.00</u>	Entity #: <u>91633</u>	
Laws _____	NAPLEX _____	MPJE _____	

Dear Nevada State Board of Pharmacy,

I am writing to explain my situation. I was a Pharmacy student at Texas Tech Pharmacy School and graduated in May 2015. I had a Texas intern license. My family lives in Nevada, so I wanted to do one of my school required rotations in Nevada. Texas Tech Pharmacy School and the pharmacy in Nevada did the paperwork and allowed me to do one of my rotations. I never thought it would cause a problem because Texas Tech Pharmacy School and the pharmacy in Nevada both allowed me to intern there. So I went home and interned at a pharmacy in Nevada. After graduating in May 2015, I then applied to California State Board of Pharmacy. Yet I was informed that I was not allowed to intern in Nevada without a Nevada Intern License. I paid a fine of \$1,000 to Nevada State Board of Pharmacy. California State Board of Pharmacy then approved me to take the NAPLEX and CPJE.

I then took the NAPLEX in California on November 30, 2015. During break, I used my cell phone for 5 seconds. I have attached the following explanation I wrote to NABP and California State Board of Pharmacy. NABP cancelled my score and granted me to take the NAPLEX in 91 days. But according to the California Law, California State Board of Pharmacy disqualified me for the next three years until November 2018 because I used my cell phone during break. NABP informed me that I can apply to another state and take the NAPLEX after 91 days.

I hope this does not cause any problems from applying to Nevada State Board of Pharmacy. I graduated Texas Tech School of Pharmacy in May 2015, and I have to work and pay off my \$200,000 loan. Because of this situation, I have yet to get my license and work as a pharmacist for over eight months. This has been an extremely difficult and heartbreaking moment in my life. The \$200,000 loan has been such a great burden and I really need to work as soon as possible. I pursued being a pharmacist to help others in need and to also go on mission trips to help people. I really hope this small incident does not prevent me to pursue my dream as a pharmacist. I really, really, really hope you will be understanding of this situation. Please let me know if there is anything else you need from me.

I have included the documents of the approval from California following the intern incident, images of the text message with my fiancé, the email I sent to NABP, and a copy of the letter from California State Board of Pharmacy and NABP regarding the cell phone use.

Thank you for your time and effort.

Sincerely,
Sung Kyung Lee



NEVADA STATE BOARD OF PHARMACY

OFFICE OF THE GENERAL COUNSEL

WRITER'S DIRECT DIAL: (775) 850-1440 • E-MAIL: PEDWARDS@PHARMACY.NV.GOV • FAX: (775) 850-1444

July 17, 2015

VIA CERTIFIED U.S. MAIL AND EMAIL

Sung Lee
c/o Daniel Rhee
20621 Ladeene Ave.
Torrance, CA 90503

**Re: CEASE AND DESIST ORDER WITH CITATION FOR UNLICENSED
PRACTICE OF PHARMACY**

Dear Ms. Lee:

As you know, it is unlawful for a person who is not registered with this Board to sell or dispense any prescription drug in this State. *See* NRS 639.100. The Nevada State Board of Pharmacy (Board) has evidence showing that from May 26, 2014 to July 3, 2014, you worked as an intern pharmacist in a Nevada-licensed pharmacy without a Nevada intern registration. Based on records provided by that pharmacy, AnazaoHealth Corporation, 7465 W. Sunset Rd., Las Vegas, NV, 89113, Board Staff can determine that you worked two hundred and forty (24) hours, or approximately thirty (30) days, without a valid registration. By working as an intern without a valid registration, you violated Nevada law.

I am writing to order you to CEASE and DESIST to work in any Nevada-licensed pharmacy in any capacity that requires a valid registration or license. You may not return to work until you have obtained a valid Nevada registration.

Secondly, this letter shall serve as a CITATION pursuant to NRS 639.2895(2), citing you for the unauthorized practice of pharmacy. For the violations stated above, the Board is assessing you an administrative fine of one thousand dollars (\$1,000.00), which is well within the fine of \$200.00 *per day* allowable under Nevada law. *See* NAC 639.955(f). You shall pay this administrative fine within 90 days of receipt of this citation, or alternatively, you may contact the Board to work out a payment plan, if needed. Payment must be by *cashier's check, certified check or money order* made payable to the Nevada State Board of Pharmacy. Send all payments to the Board's Reno office, located at 431 W. Plumb Lane, Reno, NV 89509.

You have the right to appeal this citation if you choose. *See* NRS 639.2895(2). To do so, you must submit a written request for a hearing to the Board's Executive Director, Dr. Pinson, at the Board Office no later than 30 days after receipt of this letter. If you do submit a request for hearing, I strongly advise that you submit with it any evidence you wish the Board to consider. At a hearing, you would bear the burden to show that this citation was issued in error.

In the event that you wish to obtain a Nevada license or registration in the future, you should also be aware that the Board could request that you attend a hearing to discuss this matter as part of its consideration of your application.

Feel free to contact me if you have questions.

Best regards,

A handwritten signature in cursive script, appearing to read "S. Paul Edwards".

S. Paul Edwards
General Counsel
Nevada State Board of Pharmacy

Cc: Larry Pinson, Executive Secretary of the Nevada Board of Pharmacy;
Doug Cammann, R.Ph., Director of Custom Pharmacy Operations, AnazaoHealth Corporation.



California State Board of Pharmacy

1625 N. Market Blvd, Suite N219, Sacramento, CA 95834
Phone (916) 574-7900
Fax (916) 574-8618
www.pharmacy.ca.gov

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
GOVERNOR EDMUND G. BROWN JR.

August 20, 2015

Sung Kyung Lee
501 Highland Dr. #1238
Lewisville, TX 75067

Dear Ms. Lee:

This letter responds to your Application for Pharmacist Examination and Licensure dated May 1, 2015. As part of the application process, you provided a Pharmacy Intern Hours Affidavit that indicated you completed 240 hours of experience in Nevada without obtaining a Nevada Intern license.

Based on your disclosure and our review and consideration of all the circumstances in this case, our investigation has been closed at this time and your application will be approved.

Although we are closing this matter, please be advised that it is your professional responsibility to ensure compliance with all pharmacy laws and regulations. Furthermore, if in the future the board learns of adverse action taken by Nevada or another state board of pharmacy regarding your unlicensed activity, the board reserves the right to revisit its decision and issue appropriate discipline, if necessary. The board also reserves the right to revisit your conduct in Nevada in the event it ever becomes necessary in the future to take action against your license on other grounds.

Thank you for your cooperation. Please feel free to contact the board if you have any questions or concerns.

Sincerely,

VIRGINIA K. HEROLD
Executive Officer

By

A handwritten signature in black ink that reads "Rob Buckner".

Rob Buckner, Manager
Criminal Conviction Unit



National Association of Boards of Pharmacy

1600 Feehanville Drive • Mount Prospect, IL 60056-6014

Tel: 847/391-4406 • Fax: 847/391-4502

Web Site: www.nabp.net

nabp

via certified mail and email

December 28, 2015

NABP e-Profile ID Number 1112145

Sung Kyung Lee
10628 Mountain Stream Ct.
Las Vegas, NV 89129

Dear Sung Kyung Lee,

The National Association of Boards of Pharmacy® (NABP®) records indicate that on November 30, 2015 you attended the North American Pharmacist Licensure Examination® (NAPLEX®) for the state of California. The testing center administrator, Pearson VUE, provided NABP with an incident report stating that you were observed accessing a cell phone during your examination appointment.

NABP has reviewed the statement you provided as well as the incident report from the testing center administrator. NABP has determined that you engaged in misconduct during your examination appointment. Before the examination started, you read and agreed to the terms of the Non-Disclosure and Examinee Conduct Agreement for NABP examination programs. Specifically, you confirmed that you read and understood the contents of the, *NAPLEX/MPJE Candidate Registration Bulletin* and you would comply with all expectations for examinee conduct. Please refer to pages 17-18 of the *NAPLEX/MPJE Candidate Registration Bulletin* for additional details.

Individuals, who engage in any of the following misconduct or exhibit any of the following behaviors during their examination appointment session, may be subject to one or more of the actions listed in the "Actions" subsection of this bulletin, below. The examination appointment session begins when the candidate is checked into the test center, and includes scheduled and non-scheduled breaks, and ends when the candidate is dismissed from the center.

Misconduct during examination

- Accessing a cell phone or any other electronic communications devices.

Actions

If NABP obtains information that an individual has engaged in any misconduct as defined in the bulletin, NABP in its sole discretion may take one or more actions but not limited to:

- **Withholding the reporting of an examination score or invalidation or cancellation of an examination score, as described in the “NAPLEX and MPJE Score Withholding, Cancellation, or Invalidation” section.**

Based upon the violation of the misconduct policy, NABP has invalidated/cancelled your November 30, 2015 NAPLEX score. If you wish to test again, NABP requires you to submit a new registration form and fees, and a state board of pharmacy must reconfirm your eligibility. Please note that candidates must wait 91 days from the date of their examination before they are allowed to retake the NAPLEX. The *NAPLEX/MPJE Candidate Registration Bulletin* contains complete details regarding the application process, and it may be viewed at www.nabp.net.

Cordially,

Competency Assessment Department

cc: Virginia Herold, California Board of Pharmacy



California State Board of Pharmacy

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BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
GOVERNOR EDMUND G. BROWN JR.

December 28, 2015

CERTIFIED MAIL

Sung Kyung Lee
10628 Mountain Stream Ct
Las Vegas, NV 89129

Dear Ms. Lee:

In accordance with title 16 California Code of Regulations section 1721 (Code), the State Board of Pharmacy has the authority to disqualify a candidate the opportunity to take a subsequent examination and to require the applicant to surrender his or her intern license. Enclosed is a copy of this regulation.

You are hereby notified that your intern license (INT 35833) has been canceled due to your dishonest conduct at the NAPLEX examination on November 30, 2015. Please return your intern permit immediately to the attention of Susan Cappello, Enforcement Manager, along with a copy of this letter.

As a result of you accessing your cell phone or other electronic device during your examination on November 30, 2015, you have been disqualified as an examination candidate for three years. Pursuant to the Code, you will not be eligible to reapply with the board until November 29, 2018.

If you have any questions regarding this matter, please contact Susan Cappello, Enforcement Manager at (916) 574-7926.

Sincerely,

A handwritten signature in cursive script, reading "Virginia K. Herold".

VIRGINIA K. HEROLD
Executive Officer

VKH:sc

Enclosure

1721. Dishonest Conduct during Examination.

An applicant for examination as a pharmacist who engages in dishonest conduct during the examination shall not have that examination graded, shall not be approved to take the examination for three years from the date of the incident, and shall surrender his or her intern license until eligible to take the examination. The applicant may not be issued a pharmacy technician license until the applicant is again eligible to take the examination.

Authority cited: Section 4005, Business and Professions Code. Reference: Sections 123, 496 and 4200, Business and Professions Code.

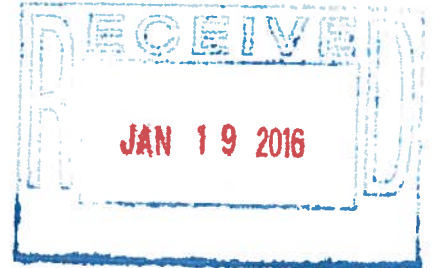
1723.1. Confidentiality of Examination Questions

Examination questions are confidential. Any applicant for any license issued by the board who removes all or part of any qualifying examination from the examination room or area, or who conveys or exposes all or part of any qualifying examination to any other person may be disqualified as a candidate for a license. The applicant shall not be approved to take the examination for three years from the date of the incident and shall surrender his or her intern license until again eligible to take the examination. The applicant may not be issued a pharmacy technician license until the applicant is again eligible to take the examination.

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 123 and 496, business and Professions Code.

Matthew Osayarer
8330 East Yale Ave #12
Denver Colorado 80231.

December 31, 2015.
State Board of Pharmacy
431 W. Plumbline
Reno, Nevada 89502.



Ladies & Gentlemen,

Re: License #9430.

This letter is a request for me to reappear before the State Board of Pharmacy in one of your meetings in Nevada.

I am hereby requesting to sit for the NAPLEX examination, at the later part of this year to start all over again. I swear solemnly to be a Good Citizen in fulfillment of this oath and for the Public Interest of Nevada.

Sincerely
Matthew Osayarer

result of the action, Dr. Kaster surrendered his dental license. His request to reinstate his dental license was granted with conditions in May, 2013. Dr. Kaster stated that in 1996, he developed a substance abuse problem with pain medications that were prescribed to him by his physician. He entered and successfully completed the Dental Wellness Program. Dr. Kaster has a stipulation with the Dental Board to undergo random drug testing and continue to be monitored by the Dental Wellness Program.

Dr. Kaster answered questions to the Board's satisfaction.

Board Action:

Motion: Leo Basch moved to approve Duff Kaster's Controlled Substance Application.

Second: Kirk Wentworth

Action: Passed Unanimously

9. Request for Reinstatement of Pharmacist License – Appearance

Matthew Osayaren

(09-080-RPH-S)

Matthew Osayaren appeared and was sworn by President Gandhi prior to answering questions or offering testimony.

Mr. Osayaren submitted a request to the Board for consideration of reinstatement of his pharmacist license. In October, 2009, Mr. Osayaren's pharmacist license was revoked due to his conviction of fraudulent billing to Medicare and Medicaid. The judgment against Mr. Osayaren restricted him from engaging in employment, consulting or any association with any medical supply business for a period of five years. It also placed him on the OIG blacklist which disallows him from being employed by any business that bills Medicaid or Medicare.

Mr. Osayaren appeared at the October, 2012 meeting requesting reinstatement of his pharmacist license. At that time, the Board did not approve reinstatement of Mr. Osayaren's pharmacist license until he has been removed from the OIG "Black List". Since Mr. Osayaren has not practiced since 2007, the Board suggested he complete the required CE's and take and pass the PARE examination at his own expense.

The Board posed questions to Mr. Osayaren. Following discussion, the Board determined that it is not in the public's best interest at this time to reinstate Mr. Osayaren's pharmacist license. Mr. Osayaren must resolve for the Board that he has fulfilled the requirements of his court order including full payment of restitution.

Board Action:

Motion: Kirk Wentworth moved to deny the reinstatement of Matthew Osayaren's pharmacist license.

Second: Cheryl Blomstrom

Ayes: Wentworth, Blomstrom, Dalton, Smith

Nays: Basch

Action: Motion Carried

10. Requests for Pharmacist License – Appearance

A. Gary P. Lapanne

Postponed to the next meeting.

B. Cashmir C. Luke

Mr. Luke disclosed on his application that he was convicted of a federal crime in March 2009. Mr. Pinson informed the Board that NABP will not permit Mr. Luke to apply for the pharmacist examination until approval is granted by this Board.

Mr. Luke explained that following graduation in 2006 from the University of Virginia pharmacy school, he practiced retail pharmacy in Maryland for three years. During that time, Mr. Luke provided a letter of support for a personal friend who was applying for a passport. Mr. Luke's friend informed him that he had changed his name when he became a citizen. In the letter, Mr. Luke referenced the new name and social security number provided by his friend. Mr. Luke was not aware that his friend was involved in an illegal scheme to obtain a United States passport, and the name and social security number that his friend provided to reference in the letter were fraudulent. In March 2009, Mr. Luke was convicted by a federal jury for aiding and abetting and conspiracy to commit document fraud. The presiding judge in Mr. Luke's trial informed him that in a criminal conspiracy charge, the government does not have to prove that a defendant was aware of the conspiracy only that he performed an act that would have furthered the criminal enterprise. Mr. Luke served sixteen months in a federal camp. In September 2009, the Maryland State Board of Pharmacy revoked his pharmacist license. Mr. Luke now resides in Nevada. He is applying to take his NAPLEX and Nevada Law examination and is requesting authorization from the Board.

Mr. Luke answered questions to the Board's satisfaction.

October 17-18, 2012
Board Meeting

Second: Jack Dalton

Action: Passed Unanimously

5. Request for Reinstatement of Pharmacist License – Appearance for Possible Action:

Matthew Osayaren

(09-080-RPH-S)

Matthew Osayaren appeared and was sworn in by President Foster prior to answering questions or offering testimony.

Mr. Osayaren submitted a request to the Board for consideration of reinstatement of his pharmacist license. In October, 2009, Mr. Osayaren's pharmacist license was revoked due to his conviction of fraudulent billing to Medicare and Medicaid. The judgment against Mr. Osayaren restricting him from engaging in employment, consulting or any association with any medical supply business for a period of five years has been removed.

After discussion, the Board determined that it is not in the public's best interest at this time to reinstate Mr. Osayaren's pharmacist license. Mr. Osayaren must resolve for the Board that he has been removed from the OIG "Black List". Since Mr. Osayaren has not practiced since 2007, the Board suggested he complete the required CE's and take and pass the PARE examination at his own expense.

Ms. Cramer recommended continuance of this matter until such time that Mr. Osayaren has resolved his standing with the OIG and is able to demonstrate that he is competent to practice pharmacy.

Board Action:

Motion: Cheryl Blomstrom moved to accept Ms. Cramer's recommendation.

Second: Kam Gandhi

Action: Passed Unanimously

6. Application for Nevada Pharmacy – Appearance for Possible Action:

Advanced Home Infusion – Las Vegas

Rescheduled to a future date.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

v.

MATTHEW OSAYAREN, RPH
Certificate of Registration No. PH09430
Respondent.

Case No. 09-080-RPH-S

THIS MATTER was heard by the Nevada State Board of Pharmacy (hereinafter Board) at its regular meeting on October 14, 2009 in Las Vegas, Nevada. The Board was represented by Carolyn J. Cramer, General Counsel to the Board. The Respondent was present and represented himself. The Respondent had filed a written answer and notice of defense that was filed and made a part of the record. Based upon the presentations of the parties, the Board finds the following to be the facts of the matter.

FINDINGS OF FACT

1. Board Staff presented two exhibits in this matter, consisting of the Arrest Warrants, Criminal Complaint, Criminal Indictment, Judgment in a Criminal Case, Plea Memorandum in United States District Court Case Number 2:07-CR-227-KJD-PAL. Respondent plead guilty to Obstruction of a Federal Audit and Aiding and Abetting. Respondent in the Plea Memorandum admitted to submitting false and fraudulent documents to CIGNA Healthcare when they asked for documentation of patient records to substantiate claims for Medicare reimbursement. Respondent and his business had received over \$100,000.00 in Medicare reimbursement. On October 16, 2009 Respondent begins his incarceration for five months in federal prison.

sum payment of \$100,000.00 in restitution to Medicare and Medicaid Services. Upon Mr. Osayaren's release from prison he will be on supervised release for a period of three years with conditions. One of the conditions is that Mr. Osayaren will be restricted from engaging in employment, consulting, or any association with any medical supply business for a period of five (5) years.

FIRST CAUSE OF ACTION

IV.

Having been convicted of a felony involving Medicare fraud, Mr. Osayaren violated NRS 639.210(1), (4), and/or (7)(a) and/or 639.2815

WHEREFORE, it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the certificate of registration of the Respondent.

Signed this 27th day of August, 2009.


Larry L. Pinson, Executive Secretary
Nevada State Board of Pharmacy

NOTICE TO RESPONDENT

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements regarding your certificate of registration. To do so, you must mail to the Board within fifteen (15) days of your receipt of this Notice of Intended Action and Accusation a written statement showing your compliance.