

FILED

AUG - 2 2016

NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

DONATAS PRANSKEVICIUS, PT
Certificate of Registration No. PT13265,

Respondent.

CASE NO. 16-037-PT-N

**NOTICE OF INTENDED ACTION
AND ACCUSATION**

Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, makes the following that will serve as both a notice of intended action under Nevada Revised Statutes (NRS) 233B.127(3), and as an accusation under NRS 639.241.

I.

The Nevada State Board of Pharmacy (Board) has jurisdiction over this matter because Respondent Donatas Pranskevicius, PT (Pranskevicius), Certificate of Registration No. PT13265, was a registered pharmaceutical technician with the Board at the time of the events alleged herein.

II.

On or about May 12, 2016, Board Staff received notification from the managing pharmacist of Walgreens Pharmacy #2662 (Walgreens) indicating that Walgreens terminated Pranskevicius from his employment as a pharmaceutical technician. Walgreens terminated Pranskevicius' employment for diversion of controlled substances.

III.

During his employment with Walgreens Company, Pranskevicius worked at Walgreens Stores 5295, 2658 and 2662. He admitted to diverting various controlled substances from all three locations.

IV.

During an interview conducted by a Walgreens Asset Protection Manager, and in a written statement, Pranskevicius admitted to diverting the following drugs, including controlled substances, during the period October 15, 2012 through May 1, 2016:

- Adderall – 80 tablets
- Cephalexin – 8 tablets
- Cialis – 2 tablets
- Norco 10/235 – 2,515 tablets
- Testosterone 200ml – 2 vials
- Valium 50 – tablets
- Xanax – 117 tablets

V.

Pranskevicius indicated that he diverted the drugs for personal use and to sell. He used the money to help pay for his college, purchase personal items, and to support his parents.

FIRST CAUSE OF ACTION

VI.

Nevada Revised Statutes (NRS) 453.331(d) states, in relevant part, that “[i]t is unlawful for a person knowingly or intentionally to . . . [a]cquire or obtain . . . possession of a controlled substance . . . by misrepresentation, fraud, forgery, deception, subterfuge or alteration.” NRS 639.210(12) says that a violation or attempt to violate “any law or regulation relating to drugs, the . . . distribution of drugs or the practice of pharmacy . . . committed by the holder of a certificate, license [or] registration” is grounds for suspension or revocation of any certificate, license or permit licensed by the Board.

In diverting various drugs and controlled substances in various strengths for his personal use and to sell, Respondent Pranskevicius, PT, Certificate of Registration No. PT13265, violated NRS 453.331(1)(d), and is subject to discipline pursuant to NRS 639.210(12), as well as NRS 639.255.

SECOND CAUSE OF ACTION

VII.

NRS 453.336(1) states, in relevant part, that “a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a [lawful] prescription or order of a [practitioner]”. NRS 639.210(12) says that a violation or attempt to violate “any law or regulation relating to drugs, the . . . distribution of drugs or the practice of pharmacy . . . committed by the holder of a certificate, license [or] registration . . .” is grounds for suspension or revocation of any certificate, license or permit licensed by the Board.

In diverting various drugs and controlled substances in various strengths for his personal use and to sell, Respondent Pranskevicius, PT, Certificate of Registration No. PT13265, violated NRS 453.336(1), and is subject to discipline pursuant to NRS 639.210(12), as well as NRS 639.255.

THIRD CAUSE OF ACTION

VIII.

NRS 453.337(1) states, in relevant part, that unless otherwise authorized, “it is unlawful for a person to possess for the purpose of sale . . . any controlled substance classified in schedule I or II.” NRS 639.210(12) says that a violation or attempt to violate “any law or regulation relating to drugs, [or] the . . . distribution of drugs . . . committed by the holder of a certificate, license [or] registration . . .” is grounds for suspension or revocation of any certificate, license or permit licensed by the Board.

In diverting Adderall and Norco to sell, Respondent Pranskevicius, PT, Certificate of Registration No. PT13265, violated NRS 453.337(1), and is subject to discipline pursuant to NRS 639.210(12), as well as NRS 639.255.

FOURTH CAUSE OF ACTION

IX.

NRS 453.338(1) states, in relevant part, that unless otherwise authorized, “it is unlawful for a person to possess for the purpose of sale any controlled substance classified in schedule III, IV or V.” NRS 639.210(12) says that a violation or attempt to violate “any law or regulation relating to drugs, the . . . distribution of drugs or the practice of pharmacy . . . committed by the holder of a certificate, license [or] registration . . .” is grounds for suspension or revocation of any certificate, license or permit licensed by the Board.

In diverting Testosterone, Valium and/or Xanax to sell, Respondent Pranskevicius, PT, Certificate of Registration No. PT13265, violated NRS 453.338(1), and is subject to discipline pursuant to NRS 639.210(12), as well as NRS 639.255.

FIFTH CAUSE OF ACTION

X.

Nevada Administrative Code (NAC) 639.945(1)(g) states that “[s]upplying or diverting drugs . . . which are legally sold in pharmacies . . . so that unqualified persons can circumvent any law pertaining to the legal sale of such articles” constitutes “unprofessional conduct and conduct contrary to the public interest.” NRS 639.210(4) says that conduct that is unprofessional or contrary to the public interest is grounds for suspension or revocation of any certificate, license or permit licensed by the Board.

In diverting various drugs and controlled substances in various strengths for himself and to sell, as alleged herein, Respondent Pranskevicius, PT, Certificate of Registration No. PT13265, violated NAC 639.945(1)(g), is guilty of unprofessional conduct and is subject to discipline pursuant to NRS 639.210(4), as well as NRS 639.255.

SIXTH CAUSE OF ACTION

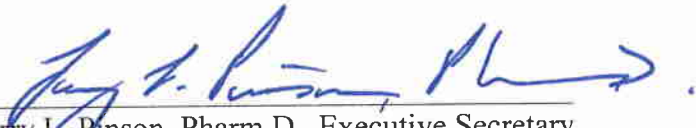
XI.

NAC 639.945(1)(h) states that “[p]erforming or in any way being a party to any fraudulent or deceitful practice or transaction” constitutes “unprofessional conduct and conduct contrary to the public interest.” NRS 639.210(4) says that conduct that is unprofessional or contrary to the public interest is grounds for suspension or revocation of any certificate, license or permit licensed by the Board.

In diverting various drugs and controlled substances in various strengths for himself and to sell, as alleged herein, Respondent Pranskevicius, PT, Certificate of Registration No. PT13265, violated NAC 639.945(1)(h), is guilty of unprofessional conduct and is subject to discipline pursuant to NRS 639.210(4), as well as NRS 639.255.

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

Signed this ____ day of August, 2016.


Larry L. Pinson, Pharm.D., 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 15 days of your receipt of this Notice of Intended Action and Accusation a written statement showing your compliance.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

DONATAS PRANSKEVICIUS, PT
Certificate of Registration No. PT13265,

Respondent.

) **CASE NO. 16-037-PT-N**
)
)
)
) **STATEMENT TO THE RESPONDENT**
) **NOTICE OF INTENDED ACTION**
) **AND ACCUSATION**
) **RIGHT TO HEARING**
)
)
)

TO THE RESPONDENT ABOVE-NAMED: PLEASE TAKE NOTICE THAT:

I.

Pursuant to the authority and jurisdiction conferred upon the Nevada State Board of Pharmacy (Board) by NRS 639.241 to NRS 639.2576, inclusive, and NRS chapter 233B, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, Larry L. Pinson, Executive Secretary for the Board, alleging grounds for imposition of disciplinary action by the Board against you, as is more fully explained and set forth in the Notice of Intended Action and Accusation served herewith and hereby incorporated reference herein.

II.

You have the right to a hearing before the Board to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. Should you desire a hearing, it is required that you complete two copies of the Answer and Notice of Defense documents served herewith and file said copies with the Board within fifteen (15) days of receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within.

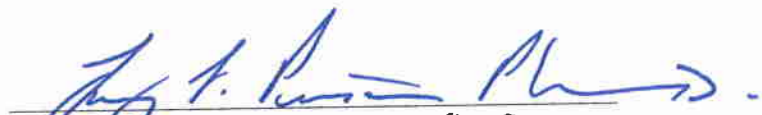
III.

The Board has reserved Wednesday, September 7, 2016, as the date for a hearing on this matter at the Hyatt Place, 1790 East Plumb Lane, Reno, Nevada. The hour of the hearing will be set by letter to follow.

IV.

Failure to complete and file your Notice of Defense with the Board and thereby request a hearing within the time allowed shall constitute a waiver of your right to a hearing in this matter and give cause for the entering of your default to the Notice of Intended Action and Accusation filed herein, unless the Board, in its sole discretion, elects to grant or hold a hearing nonetheless.

DATED this 2nd day of August, 2016.


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

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 16-037-PT-N
	)	
Petitioner,	)	
v.	)	
	)	
DONATAS PRANSKEVICIUS, PT	)	ANSWER AND NOTICE
Certificate of Registration No. PT13265,	)	OF DEFENSE
	)	
Respondent.	)	
	/	

Respondent above named, in answer to the Notice of Intended Action and Accusation filed in the above-entitled matter before the Nevada State Board of Pharmacy, declares:

1. That his objection to the Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against him, is hereby interposed on the following grounds: (State specific objections or insert "none").

2. That, in answer to the Notice of Intended Action and Accusation, he admits, denies and alleges as follows:

I hereby declare, under penalty of perjury, that the foregoing Answer and Notice of Defense, and all facts therein stated, are true and correct to the best of my knowledge.

DATED this ____ day of _____, 2016.

DONATAS PRANSKEVICIUS, PT

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NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

DOMINIQUE MELENDEZ, PT
Certificate of Registration No. PT10532,

Respondent.

CASE NO. 16-067-PT-N

NOTICE OF INTENDED ACTION
AND ACCUSATION

Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, makes the following that will serve as both a notice of intended action under Nevada Revised Statutes (NRS) 233B.127(3), and as an accusation under NRS 639.241.

I.

The Nevada State Board of Pharmacy (Board) has jurisdiction over this matter because Respondent Dominique Melendez, PT (Melendez), Certificate of Registration No. PT10532, was a registered pharmaceutical technician with the Board at the time of the events alleged herein.

II.

On or about July 15, 2016, Board Staff received notification from a Walmart pharmacy indicating that Walmart terminated Melendez from her employment as a pharmaceutical technician. Walmart terminated Melendez's employment for falsifying and filling fraudulent prescriptions for a controlled substance, as described herein.

III.

During an interview conducted by a Walmart Market Asset Protection Manager, and in a written statement, Melendez admitted to creating five (5) fraudulent prescriptions for oxycodone 20 mg. tablets #80. The fraudulent activity occurred during the period of December 2015 through June 2016.

IV.

Melendez presented the prescriptions to her employing pharmacy, Walmart Pharmacy #2189, who filled them. Melendez purchased the prescriptions with cash. Walmart was not

aware at the time that the prescriptions were fraudulent.

V.

Melendez admitted to fabricating the prescriptions to obtain the drugs for personal use and to sell.

VI.

To obtain the subject medication, Melendez fraudulently duplicated a valid prescription for oxycodone which was prescribed to her in December 2015. Melendez also used the name and profile of another Walmart patient, without their knowledge, to fabricate some of the prescriptions.

VII.

Based on Walmart's records, and on Melendez's written admission, Walmart terminated Melendez's employment and referred the case to law enforcement.

FIRST CAUSE OF ACTION

VIII.

Nevada Revised Statutes (NRS) 453.331(d) states, in relevant part, that "[i]t is unlawful for a person knowingly or intentionally to . . . [a]cquire or obtain . . . possession of a controlled substance . . . by misrepresentation, fraud, forgery, deception, subterfuge or alteration." NRS 639.210(12) says that a violation or attempt to violate "any law or regulation relating to drugs, the . . . distribution of drugs or the practice of pharmacy . . . committed by the holder of a certificate, license [or] registration" is grounds for suspension or revocation of any certificate, license or permit licensed by the Board.

In diverting controlled substances, using forged and fraudulent prescriptions, for her personal use and to sell, Respondent Melendez, PT, Certificate of Registration No. PT10532, violated NRS 453.331(1)(d), and is subject to discipline pursuant to NRS 639.210(12), as well as NRS 639.255.

SECOND CAUSE OF ACTION

IX.

NRS 453.336(1) states, in relevant part, that "a person shall not knowingly or

intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a [lawful] prescription or order of a [practitioner]”. NRS 639.210(12) says that a violation or attempt to violate “any law or regulation relating to drugs, the . . . distribution of drugs or the practice of pharmacy . . . committed by the holder of a certificate, license [or] registration . . .” is grounds for suspension or revocation of any certificate, license or permit licensed by the Board.

In diverting controlled substances, using forged and fraudulent prescriptions, for her personal use and to sell, Respondent Melendez, PT, Certificate of Registration No. PT10532, violated NRS 453.336(1), and is subject to discipline pursuant to NRS 639.210(12), as well as NRS 639.255.

THIRD CAUSE OF ACTION

X.

NRS 453.337(1) states, in relevant part, that unless otherwise authorized, “it is unlawful for a person to possess for the purpose of sale . . . any controlled substance classified in schedule I or II.” NRS 639.210(12) says that a violation or attempt to violate “any law or regulation relating to drugs, [or] the . . . distribution of drugs . . . committed by the holder of a certificate, license [or] registration . . .” is grounds for suspension or revocation of any certificate, license or permit licensed by the Board.

In diverting oxycodone to sell, Respondent Melendez, PT, Certificate of Registration No. PT10532, violated NRS 453.337(1), and is subject to discipline pursuant to NRS 639.210(12), as well as NRS 639.255.

FOURTH CAUSE OF ACTION

XI.

Nevada Administrative Code (NAC) 639.945(1)(g) states that “[s]upplying or diverting drugs . . . which are legally sold in pharmacies . . . so that unqualified persons can circumvent any law pertaining to the legal sale of such articles” constitutes “unprofessional conduct and conduct contrary to the public interest.” NRS 639.210(4) says that conduct that is unprofessional or contrary to the public interest is grounds for suspension or revocation of any certificate,

license or permit licensed by the Board.

In diverting controlled substances, using forged and fraudulent prescriptions, for herself and to sell, as alleged herein, Respondent Melendez, PT, Certificate of Registration No. PT10532, violated NAC 639.945(1)(g), is guilty of unprofessional conduct and is subject to discipline pursuant to NRS 639.210(4), as well as NRS 639.255.

FIFTH CAUSE OF ACTION

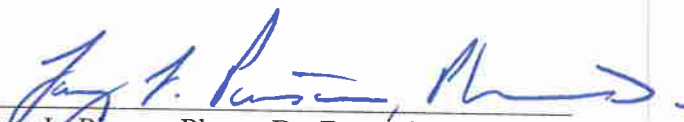
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In diverting controlled substances, using forged and fraudulent prescriptions, for herself and to sell, as alleged herein, Respondent Melendez, PT, Certificate of Registration No. PT10532, violated NAC 639.945(1)(h), is guilty of unprofessional conduct and is subject to discipline pursuant to NRS 639.210(4), as well as NRS 639.255.

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

Signed this 27 day of October, 2016.


Larry L. Pinson, Pharm.D., 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 15 days of your receipt of this Notice of Intended Action and Accusation a written statement showing your compliance.

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

V.

DOMINIQUE MELENDEZ, PT
Certificate of Registration No. PT10532,

Respondent.

CASE NO. 16-067-PT-N

**STATEMENT TO THE RESPONDENT
NOTICE OF INTENDED ACTION
AND ACCUSATION
RIGHT TO HEARING**

TO THE RESPONDENT ABOVE-NAMED: PLEASE TAKE NOTICE THAT:

I.

Pursuant to the authority and jurisdiction conferred upon the Nevada State Board of Pharmacy (Board) by NRS 639.241 to NRS 639.2576, inclusive, and NRS chapter 233B, a Notice of Intended Action and Accusation has been filed with the Board by the Petitioner, Larry L. Pinson, Executive Secretary for the Board, alleging grounds for imposition of disciplinary action by the Board against you, as is more fully explained and set forth in the Notice of Intended Action and Accusation served herewith and hereby incorporated reference herein.

II.

You have the right to a hearing before the Board to answer the Notice of Intended Action and Accusation and present evidence and argument on all issues involved, either personally or through counsel. Should you desire a hearing, it is required that you complete two copies of the Answer and Notice of Defense documents served herewith and file said copies with the Board within fifteen (15) days of receipt of this Statement and Notice, and of the Notice of Intended Action and Accusation served within.

III.

The Board has scheduled your hearing on this matter for Wednesday, December 7, 2016, at 9:00 a.m. or soon thereafter. The hearing will occur at the Hyatt Place, 1790 East Plumb Lane, Reno, Nevada.

IV.

Failure to complete and file your Notice of Defense with the Board and thereby request a hearing within the time allowed shall constitute a waiver of your right to a hearing in this matter and give cause for the entering of your default to the Notice of Intended Action and Accusation filed herein, unless the Board, in its sole discretion, elects to grant or hold a hearing nonetheless.

DATED this 27th day of October, 2016.


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

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,	)	CASE NO. 16-067-PT-N
	)	
Petitioner,	)	
v.	)	
	)	
DOMINIQUE MELENDEZ, PT	)	ANSWER AND NOTICE
Certificate of Registration No. PT10532,	)	OF DEFENSE
	)	
Respondent.	)	
	/	

Respondent above named, in answer to the Notice of Intended Action and Accusation filed in the above-entitled matter before the Nevada State Board of Pharmacy, declares:

1. That his objection to the Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against him, is hereby interposed on the following grounds: (State specific objections or insert "none").

2. That, in answer to the Notice of Intended Action and Accusation, he admits, denies and alleges as follows:

I hereby declare, under penalty of perjury, that the foregoing Answer and Notice of Defense, and all facts therein stated, are true and correct to the best of my knowledge.

DATED this ____ day of _____, 2016.

DOMINIQUE MELENDEZ, PT