

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

Re: Pharmacist License of	}	COMPLAINT
KENNETH D. DANIELS	}	AND
License No. 15477	}	STATEMENT
Respondent	}	OF CHARGES
	}	AND
	}	NOTICE OF HEARING

COMES NOW, Lloyd K. Jessen, Executive Secretary of the Iowa Board of Pharmacy Examiners, on the 23rd day of September, 1991, and files this Complaint and Statement of Charges against Kenneth D. Daniels, a pharmacist licensed pursuant to Iowa Code chapter 155A, and alleges that:

1. Melba L. Scaglione, Chairperson; Alan M. Shepley, Vice Chairperson; Rollin C. Bridge; Donna J. Flower; Phyllis A. Olson; Marian L. Roberts; and Arlan D. Van Norman are duly appointed, qualified members of the Iowa Board of Pharmacy Examiners.

2. Respondent was issued a license to practice pharmacy in Iowa on July 9, 1979, by examination.

3. Respondent's license to practice pharmacy in Iowa is current until June 30, 1992.

4. Respondent was issued a registration to practice pharmacy in Nevada (certificate of registration number 7555).

5. Respondent currently resides at 252 Convention Drive in Las Vegas, Nevada 89109.

6. Respondent's license to practice pharmacy in Nevada (registration number 7555) was subjected to the following disciplinary action by the Nevada State Board of Pharmacy:

a. On December 18, 1989, the Nevada State Board of Pharmacy filed an Accusation (Case No. 8803013APH) against Respondent setting forth 26 counts alleging incidents of violation of Nevada pharmacy law.

b. On April 27, 1990, the Nevada State Board of Pharmacy approved a Stipulation and Order which disciplined Respondent's license to practice pharmacy in Nevada.

7. On May 17, 1991, the Board received a certified copy of the Accusation in Case No. 8803013APH titled Nevada State Board of Pharmacy v. Kenneth D. Daniels from the Nevada State Board of Pharmacy. The Accusation set forth 26 counts alleging incidents

of violation of Nevada pharmacy law. A copy of the Nevada Accusation is attached hereto as Exhibit 1 and is incorporated by reference into this Complaint and Statement of Charges as if fully set forth herein.

8. On May 17, 1991, the Board also received a certified copy of the Stipulation and Order in Case No. 88-03013A-RPH-S titled Nevada State Board of Pharmacy v. Kenneth Daniels from the Nevada State Board of Pharmacy. A copy of the Nevada Stipulation and Order is attached hereto as Exhibit 2 and is incorporated by reference into this Complaint and Statement of Charges as if fully set forth herein.

9. Respondent failed to report to the Board the disciplinary action taken against his Nevada pharmacist registration number 7555 on April 27, 1990, by the Nevada State Board of Pharmacy.

10. Respondent is guilty of violations of 1991 Iowa Code sections 155A.12(1), 155A.12(4), 155A.12(5), 155A.12(8), 155A.12(10), 155A.23(1)(b), 155A.23(2), 155A.27, 155A.29(1), 204.308(1), 204.308(2), 204.308(3), and 204.402(1)(a) by virtue of the allegations in paragraphs 6, 7, 8, and 9.

1991 Iowa Code section 155A.12 provides, in part, the following:

...The board may refuse to issue or renew a license or may impose a fine, issue a reprimand, or revoke, restrict, cancel, or suspend a license, and may place a licensee on probation, if the board finds that the applicant or licensee has done any of the following:

1. Violated any provision of this chapter or any rules of the board adopted under this chapter.

....

4. Failed to keep and maintain records required by this chapter or failed to keep and maintain complete and accurate records of purchases and disposal of drugs listed in the controlled substances Act.

5. Violated any provision of the controlled substances Act or rules relating to that Act.

....

8. Violated the pharmacy or drug laws or rules of any other state of the United States while under the other state's jurisdiction.

....

10. Had a license to practice pharmacy issued by another state canceled, revoked, or suspended for conduct substantially equivalent to conduct described in subsections 1 through 9. A certified copy of the record of the state taking action as set out above shall be conclusive evidence of the action taken by such state.

1991 Iowa Code section 155A.23 provides, in part, the following:

A person shall not:

1. Obtain or attempt to obtain a prescription drug or procure or attempt to procure the administration of a prescription drug by:...

b. Forgery or alteration of a prescription or of any written order.

....

2. Willfully make a false statement in any prescription, report, or record required by this chapter.

1991 Iowa Code section 155A.27 provides the following:

Each prescription drug order issued or filled in this state:

1. If written, shall contain:

a. The date of issue.

b. The name and address of the patient for whom, or the owner of the animal for which, the drug is dispensed.

c. The name, strength, and quantity of the drug, medicine, or device prescribed.

d. The directions for use of the drug, medicine, or device prescribed.

e. The name, address, and signature of the practitioner issuing the prescription.

f. The federal drug enforcement administration number, if required under chapter 204.

2. If oral, the practitioner issuing the prescription shall furnish the same information required for a written prescription, except for the written signature and address of the practitioner. Upon receipt of an oral prescription, the pharmacist shall promptly reduce the oral prescription to a written format by recording the information required in a written prescription.

1991 Iowa Code section 155A.29 provides, in part, the following:

1. Except as specified in subsection 2, a prescription for any prescription drug or device which is not a controlled substance shall not be filled or refilled more than eighteen months after the date on which the prescription was issued and a prescription which is authorized to be refilled shall not be refilled more than eleven times.

1991 Iowa Code section 204.308 provides, in part, the following:

1. ...[N]o controlled substance in schedule II may be dispensed without the written prescription of a practitioner.

2. ...No prescription for a schedule II substance may be refilled.

3. ...[A] controlled substance included in schedule III or IV, which is a prescription drug... shall not be dispensed without a written or oral prescription of a practitioner.

1991 Iowa Code section 204.402(1) provides, in part, the following:

It is unlawful for any person:

a. Who is subject to division III to distribute or dispense a controlled substance in violation of section 204.308;...

11. Respondent is guilty of violations of 657 Iowa Administrative Code sections 9.1(4)(c), 9.1(4)(j), 9.1(4)(k), and 9.1(4)(u) by virtue of the allegations in paragraphs 6, 7, 8, and 9.

657 Iowa Administrative Code section 9.1(4) provides, in part, the following:

The board may impose any of the disciplinary sanctions set out in subrule 9.1(2), including civil penalties in an amount not to exceed \$25,000, when the board determines that the licensee or registrant is guilty of the following acts or offenses:...

c. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of pharmacy or engaging in unethical conduct or practice harmful to the public. Proof of actual injury need not be established.

....

j. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which statute or law relates to the practice of pharmacy.

k. Failure to report a license revocation, suspension or other disciplinary action taken by another state, territory or country.

....

u. Violating any of the grounds for revocation or suspension of a license listed in Iowa Code sections 147.55, 155A.12 and 155A.15.

The Iowa Board of Pharmacy Examiners finds that paragraphs 10 and 11 constitute grounds for which Respondent's license to practice pharmacy in Iowa can be suspended or revoked.

WHEREFORE, the undersigned charges that Respondent has violated 1991 Iowa Code sections 155A.12(1), 155A.12(4), 155A.12(5), 155A.12(8), 155A.12(10), 155A.23(1)(b), 155A.23(2), 155A.27, 155A.29(1), 204.308(1), 204.308(2), 204.308(3), and 204.402(1)(a) and 657 Iowa Administrative Code sections 9.1(4)(c), 9.1(4)(j), 9.1(4)(k), and 9.1(4)(u).

IT IS HEREBY ORDERED, pursuant to Iowa Code section 17A.12 and 657 Iowa Administrative Code section 1.2, that Kenneth D. Daniels appear before the Iowa Board of Pharmacy Examiners on Monday, November 18, 1991, at 2:00 p.m., in the second floor conference room, 1209 East Court Avenue, Executive Hills West, Capitol Complex, Des Moines, Iowa.

The undersigned further asks that upon final hearing the Board enter its findings of fact and decision to suspend or revoke the license to practice pharmacy issued to Kenneth D. Daniels on July 9, 1979, and take whatever additional action that they deem necessary and appropriate.

Respondent may bring counsel to the hearing, may cross-examine any witnesses, and may call witnesses of his own. If Respondent fails to appear and defend, Iowa Code section 17A.12(3) provides that the hearing may proceed and that a decision may be rendered. The failure of Respondent to appear could result in the permanent suspension or revocation of his license.

The hearing will be presided over by the Board which will be assisted by an administrative law judge from the Iowa Department of Inspections and Appeals. The office of the Attorney General is responsible for the public interest in these proceedings. Information regarding the hearing may be obtained from Lynette A. F. Donner, Assistant Attorney General, Hoover Building, Capitol Complex, Des Moines, Iowa 50319 (telephone 515/281-8760). Copies of all filings with the Board should also be served on counsel.

IOWA BOARD OF PHARMACY EXAMINERS



Lloyd K. Jessen
Executive Secretary

EXHIBIT 1

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Case No. 8803013APH

Petitioner,

ACCUSATION

v.

KENNETH D. DANIELS, R.PH,
Certificate of Registration # 7555
KENNETH D. DANIELS,
dba LANDMARK PHARMACY,
Pharmacy License # 601

Respondents.

COMES NOW Keith W. Macdonald, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, and alleges as follows on information and belief:

At all times mentioned herein, respondent Daniels was a registered pharmacist (Certificate of Registration No. 7555) in the State of Nevada, and respondent Landmark Pharmacy (License No. 601) was a licensed pharmacy in the State of Nevada, wholly owned by respondent Daniels.

FIRST CAUSE OF ACTION

I

On or about June 1, 1987, respondent Daniels filled prescriptions for one dangerous drug and one controlled substance. These prescriptions were contained on one blank (No. 352820).

II

In dispensing these two medications, respondent Daniels violated NRS 453.377, (1), which authorizes a pharmacist to

dispense controlled substances upon a legal prescription. The prescription for the controlled substance was not legal because it was not written on a separate prescription blank as required by NRS 453.385(1).

SECOND CAUSE OF ACTION

I

On three (3) occasions dating from May 11, 1987 to September 21, 1987, respondent Daniels filled prescriptions for Schedule II controlled substances (Nos. 354365, 356579, 352181).

II

These three (3) prescriptions contained either incomplete dates or no dates at all; consequently, in filling them respondent Daniels violated NRS 453.377(1), NRS 453.385(2)(g) and 21 CFR (Code of Federal Regulations) 1306.05(a).

THIRD CAUSE OF ACTION

I

During the period of June 1, 1987 to March 1, 1988, respondent Daniels filled four (4) prescriptions for Schedule III-V controlled substances (Nos. 354365, 356579, 352181).

II

These prescriptions contained incomplete dates of issuance; consequently, in filling them respondent Daniels violated NRS 453.377(1), NRS 453.385(2)(g) and 21 CFR 1306.05(a).

FOURTH CAUSE OF ACTION

I

On or about February 22 and 29, 1988, respondent Daniels

filled prescriptions (Nos. 361584, 361792) for "OBA" capsules, which he filled with Phentermine Hydrochloride 37 1/2mg, a Schedule III controlled substance.

II

Although prescription no. 361792 called for thirty (30) capsules, respondent Daniels dispensed ninety (90) capsules. Although prescription no. 361584 called for seventy-five (75) capsules, respondent Daniels dispensed ninety (90) capsules. In dispensing the capsules in numbers exceeding the amounts prescribed, Daniels violated NAC 639.400(1)(d) and NRS 453.377(1).

FIFTH CAUSE OF ACTION

I

On eight (8) occasions from May 11, 1987 to April 15, 1988, respondent Daniels filled prescriptions for Schedule II controlled substances. The prescription numbers are as follows:

352152	353107	363224	354491
356579	357085	358137	361114

II

These prescriptions did not contain the prescriber's registration number from the Drug Enforcement Administration. Consequently, in filling the prescriptions, respondent Daniels violated NRS 453.377(1) and NRS 453.385(2)(c).

SIXTH CAUSE OF ACTION

I

On approximately 45 occasions from May, 1987 to April, 1988, respondent filled certain prescriptions for Schedule III-V controlled substances. (See Exhibit #1, which by the reference is made a part of this accusation.)

II

These prescriptions did not contain the prescriber's registration number from the Drug Enforcement Administration. Consequently, respondent Daniels violated NRS 453.377(1) and NRS 453.385(2)(c) in filling these prescriptions.

SEVENTH CAUSE OF ACTION

I

On or about June 30, 1987, and August 24, 1987, respondent Daniels filled two (2) prescriptions for Phentermine Hydrochloride, designated as "OBA caps" (Nos. 353864, 355689). The prescriptions bear December 22 and December 5, 1986, respectively, as the dates of issuance.

II

In filling these prescriptions, respondent Daniels violated NRS 453.256(3), which prohibits filling a prescription for a controlled substance more than six months after it is issued unless it has been renewed by the practitioner.

EIGHTH CAUSE OF ACTION

I

During the period of July through September, 1987,

respondent Daniels filled three (3) prescriptions for Schedule II controlled substances that were transmitted to him by telephone. Said prescriptions are identified by the following numbers:

354282

355414

356144

II

In filling these prescriptions, respondent Daniels violated NRS 453.377(1), which permits a pharmacist to dispense controlled substances upon a legal prescription. Said prescriptions were not legal under NRS 453.377(1), NRS 453.385(1) and (2)(a), or 21 CFR 1306.11(1), which provide that prescriptions for Schedule II controlled substances must be both written entirely and signed by the issuing practitioner.

NINTH CAUSE OF ACTION

I

On or about July 18, 1987, respondent Daniels filled two (2) prescriptions (Nos. 354443, 354437) with Phentermine Hydrochloride, a controlled substance. The date of issuance of these prescriptions was July 20, 1987.

II

In filling these prescriptions and dispensing a controlled substance prior to the date of issuance of the prescriptions, respondent Daniels violated NRS 453.177 and 21 CFR 1306.21(a) which permit the dispensing of controlled substances only upon a legal prescription.

TENTH CAUSE OF ACTION

I

On or about August 24, 1987, respondent Daniels filled a prescription (No. 355710) with Phentermine Hydrochloride 37 1/2mg. (designated as "OBA caps").

II

This prescription bore evidence of alteration with respect to the date of issuance. In filling this prescription, respondent Daniels therefore violated NRS 453.431(3).

ELEVENTH CAUSE OF ACTION

I

On or about November 11, 1987, respondent Daniels dispensed "OBA" capsules, or Phentermine Hydrochloride, a controlled substance, to "Cherry Patch," a brothel in Armagosa Valley, Nevada.

II

The label on the container did not contain the name of the person for whom the medication was intended, or the expiration date of the effectiveness of the medication. In dispensing the medication with said label, respondent Daniels violated NRS 639.2801(3), (6), NRS 453.256(4), NRS 453.381(3) and NAC 639.400(1)(e).

TWELFTH CAUSE OF ACTION

I

During the period of April, 1987 through April, 1988,

respondent Daniels filled numerous prescriptions for "OBA caps". These prescriptions are contained in a sequential list, a copy of which is attached to and by this reference made a part of this Accusation (Exhibit #2) (see column VI of list to identify "OBA" prescriptions and column II to identify filling pharmacist). Many of these prescriptions were stamped in the pharmacy with the words "phentermine hydrochloride," a Schedule II controlled substance.

II

Because the name "OBA" does not designate any recognized prescription drug, respondent Daniels violated NRS 453.377(1) by dispensing phentermine hydrochloride without a legal prescription for same, and NAC 639.400(1)(c) by using "OBA" to designate phentermine hydrochloride.

At all times mentioned below, registered pharmacist David R. Thompson (Certificate of Registration No. 9310) was employed by respondent Landmark Pharmacy as a staff pharmacist. Under NAC 639.400(2), Landmark Pharmacy is responsible for all acts of Thompson alleged in the instant Accusation.

THIRTEENTH CAUSE OF ACTION

I

On or about August 26, 1987 and April 1, 1988, Thompson filled prescriptions (Nos. 355771 and 363801) for Schedule II controlled substances.

II

Said prescriptions either contained an incomplete date or no date whatsoever. In filling these prescriptions and dispensing the medication, Thompson violated NRS 463.385(2)(g), NRS 453.377(1) and 21 CFR 1306.05(a).

FOURTEENTH CAUSE OF ACTION

I

During the period of August 26, 1987 to April 1, 1988 Thompson filled seven (7) prescriptions (Nos. 35570, 356676, 357321, 357897, 360111, 360258 and 362802) for Schedule II-V controlled substances.

II

These prescriptions contained no dates of issuance; consequently, in filling them, Thompson violated NRS 453.377(1), NRS 453.385(g) and 21 CFR 1306.05(a).

FIFTEENTH CAUSE OF ACTION

I

On or about June 24, 1987, Thompson filled one (1) prescription for phentermine hydrochloride 37 1/2 mg, a Schedule II controlled substance (No. 353661).

II

In this instance, the quantity Thompson dispensed exceeded the quantity called for in the prescription. In filling this prescription, Thompson therefore violated NAC 639.400(1)(d), NRS 453.381(7), NRS 453.256(3) and NRS 453.377(1).

SIXTEENTH CAUSE OF ACTION

I

On three (3) occasions from September 26, 1987 to January 20, 1988, Thompson filled prescriptions for Schedule III-V controlled substances (Nos. 356788, 357641 and 358577).

II

These prescriptions were not stamped with the letter "C" in red ink and are therefore in violation of NAC 453.480 and NRS 453.381(7).

SEVENTEENTH CAUSE OF ACTION

I

On approximately eighteen (18) occasions from May 7, 1987 to April 9, 1988, Thompson filled prescriptions for Schedule II controlled substances. The prescription numbers were as follows:

352048	352622	352677	353457	353459	354109
355103	355343	363064	355873	355983	356708
356746	358477	358676	360119	367342	361835

II

These prescriptions did not contain the prescriber's registration number from the Drug Enforcement Administration. Consequently, in filling these prescriptions, Thompson violated NRS 453.377(1) and NRS 453.385(2)(c).

EIGHTEENTH CAUSE OF ACTION

I

On approximately 63 occasions from May, 1987 to April, 1988 Thompson filled certain prescriptions for Schedule III-V

controlled substances. The prescription numbers are set forth in the attached list (Exhibit #1).

II

These prescriptions did not contain the prescriber's registration number from the Drug Enforcement Administration. Consequently, Thompson violated NRS 453.377(1) and NRS 453.385(2)(c) in filling these prescriptions.

NINETEENTH CAUSE OF ACTION

I

During the period of May, 1987 through March, 1988, Thompson filled seven (7) prescriptions for Schedule II controlled substances that were transmitted to him by telephone. Said prescriptions are identified by the following prescription numbers:

352083	353463	357556	362318
352243	354178	359541	

II

In filling these prescriptions, Thompson violated NRS 453.377(1), which permits a pharmacist to dispense controlled substances upon a legal prescription. Said prescriptions were not legal under NRS 453.256(1), NRS 453.385(1) and (2)(a), and 21 CFR 1306.11(a), which provide that prescriptions for Schedule II controlled substances must be reduced to writing and signed by the issuing practitioners.

TWENTIETH CAUSE OF ACTION

I

During the period of September, 1987 through April, 1988, Thompson filled six (6) prescriptions with phentermine hydrochloride, a controlled substance. These prescriptions, identified by their prescription numbers, were issued and filled, and the medication was dispensed, as follows:

<u>Prescription Number</u>	<u>Date Issued</u>	<u>Date Filled & Dispensed</u>
358098	11/07/87	11/06/87
359109	12/15/87	12/08/87
356156	09/15/87	09/08/87
362921	04/06/88	04/05/88
362913	04/06/88	04/05/88
359173	01/09/88	12/10/87

II

In filling these prescriptions and dispensing the medications prior to the date of issuance of the prescriptions, Thompson violated NRS 453.256(3), NRS 453.177 and 21 CFR 1306.21(a) which permit the dispensing of controlled substances only upon a legal prescription.

TWENTY-FIRST CAUSE OF ACTION

I

On or about September 2, 1987, Thompson filled one (1) prescription (no. 355994) for a Schedule II controlled substance.

II

This prescription bore evidence of alteration or erasure with respect to the date of issuance. In filling this prescription, Thompson therefore violated NRS 453.431(3), which

prohibits filling a prescription for a controlled substance that shows evidence of alteration, erasure or addition without the prescribing practitioner's approval.

TWENTY-SECOND CAUSE OF ACTION

I

During the period of June, 1987 to April, 1988, Thompson filled nine (9) prescriptions for Schedule III-V controlled substances, identified by the following prescription numbers:

353155	362741	363320	362715	357004
363325	361520	360859	360026	

II

All of these prescriptions bore evidence of alteration or erasure with respect to the date of issuance. In filling these prescriptions, Thompson therefore violated NRS 453.431(3), which prohibits filling a prescription for a controlled substance that shows evidence of alteration, erasure or addition without the prescribing practitioner's approval.

TWENTY-THIRD CAUSE OF ACTION

I

On or about September 12, 1987, Thompson filled a prescription (no. 356316) for terpin hydrate/codeine elixir, a controlled substance.

II

The prescription did not contain the address of the prescribing practitioner, the classification of his license or

his registration number from the Drug Enforcement Administration. In filling this prescription and dispensing the medication, Thompson therefore violated NRS 453.385(2)(a), (b) and (c) and NRS 453.377(1).

TWENTY-FOURTH CAUSE OF ACTION

I

On or about January 12, 1988, Thompson partially filled a prescription (no. 360244) for a Schedule II controlled substance. Thompson filled the remainder of the prescription on or about January 19, 1988. The date of issuance on the prescription was December 15, 1987.

II

In filling the prescription on January 12 and 19, 1988, Thompson violated NRS 453.431, which prohibits filling any prescription for a Schedule II controlled substance more than fourteen (14) days after issuance. Further, in filling the remainder of the prescription more than 72 hours after the partial filling on January 12, 1988, Thompson violated NAC 453.460(1) and NRS 453.381(7).

TWENTY-FIFTH CAUSE OF ACTION

I

On or about January 5, 1988, Thompson filled a prescription (no. 360005) for a Schedule II controlled substance. The date of issuance of this prescription was December 4, 1987.

II

In filling this prescription more than fourteen (14) days after the date of issuance, Thompson violated NRS 453.431.

TWENTY-SIXTH CAUSE OF ACTION

I

During the period of April 1987, through April, 1988, Thompson filled numerous prescriptions for "OBA caps". (see Exhibit #2). Many of these prescriptions were stamped in the pharmacy with the words "phentermine hydrochloride", a Schedule III controlled substance.

II

Because the name "OBA" does not designate any recognized prescription drugs, Thompson violated NRS 453.377(1) by dispensing phentermine hydrochloride without a legal prescription for same, and NRS 453.381(7) and NAC 639.400(1)(c) by using "OBA" to designate phentermine hydrochloride.

WHEREFORE, it is requested that the Board of Pharmacy take disciplinary action against Respondents Daniels and Landmark Pharmacy in accordance with NRS Chapter 639.

DATED this 18 day of December, 1989.

Keith W. Macdonald

Keith W. Macdonald, Executive Secretary
Nevada State Board of Pharmacy

STATE OF NEVADA

i. LISA CORNU, OFFICIAL CUSTODIAN OF THE RECORDS DO HEREBY CERTIFY THAT THIS / THESE DOCUMENT(S) IS / ARE TRUE AND CORRECT COPY / COPIES OF THE ORIGINAL(S) ON FILE IN THIS OFFICE

DATE 5/10/91

Lisa Cornu

LISA CORNU
BOARD COORDINATOR
NEVADA STATE BOARD OF PHARMACY

EXHIBIT 2

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

Case No. 88-03013A-RPH-S

KENNETH DANIELS,
Certificate of Registration
No. 7555.

STIPULATION AND ORDER

The Nevada State Board of Pharmacy and respondents Kenneth Daniels and Landmark Pharmacy (hereinafter referred to as Daniels and Landmark) hereby stipulate as follows:

1. That a Notice of Intended Action and Accusation have been sent to and received by Daniels and Landmark.

2. That Daniels and Landmark are represented by counsel in this matter.

3. That Daniels and Landmark are fully aware of their right to have a hearing on the matters alleged in the Accusation, their right to reconsideration, appeal, and any and all other rights which may be accorded to them pursuant to the Nevada Administrative Procedure Act and the Nevada Pharmacy Act.

4. That Daniels and Landmark hereby freely and voluntarily waive their right to a hearing, reconsideration, appeal, and any and all other rights which may be accorded to them by the Nevada Administrative Procedure Act and the Nevada Pharmacy Act.

5. That Daniels and Landmark admit the truth of the matters alleged in the Accusation.

1 6. That cause for disciplinary action against Daniels and
2 Landmark exists pursuant to the provisions of NRS 639.210.

3 7. That the admissions made herein are for the purpose of
4 this proceeding only and shall have no force or effect in any
5 other case or proceeding.

6 8. That based on the Accusation and the foregoing
7 admissions, it is stipulated that the following penalties may
8 be imposed:

9 Daniels and Landmark shall be placed on probation for a
10 period of two years, subject to compliance with the following
11 conditions:

12 a. Daniels must take and pass the Nevada State Board of
13 Pharmacy law examination within ninety (90) days of the date of
14 approval of this Stipulation and Order.

15 b. Daniels and Landmark together shall pay a fine in the
16 amount of \$3,000, which must be received by the Board of
17 Pharmacy no later than sixty (60) days of the date of approval
18 of the instant stipulation.

19 c. Within each of the calendar years of 1990 and 1991,
20 and prior to renewal of his Nevada pharmacist certificate of
21 registration in 1991, Daniels shall complete fifteen (15)
22 credits of continuing education over and above the fifteen (15)
23 credits already required by NRS 639.330. Daniels must take at
24 least one accredited course within each calendar year.

25 d. The Board shall issue one private letter of reprimand
26 to Daniels and Landmark jointly.

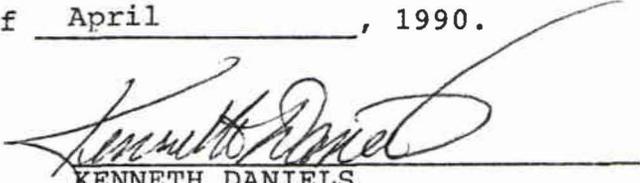
27 Violation of any of the above terms of probation will
28 result in the Board declining to renew Daniels' certificate of

1 registration and/or further disciplinary proceedings against
2 Daniels and/or Landmark.

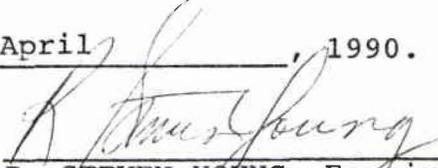
3 9. If this stipulation is not accepted in its entirety by
4 the Nevada State Board of Pharmacy, it shall have no effect
5 whatsoever. Daniels and Landmark Pharmacy waive any objection
6 they may have had otherwise to the Nevada Board hearing this
7 matter if the instant Stipulation and Order is not approved by
8 the Board.

9 I have fully considered and understand the charges and
10 allegations contained in the Accusation. I understand my right
11 to a hearing, as well as my right to reconsideration, appeal
12 and any and all other rights accorded to me pursuant to the
13 Nevada Administrative Procedure Act and the Nevada Pharmacy
14 Practice Act. Further, I have discussed all of these matters
15 with my attorney. I hereby freely and voluntarily waive all
16 these rights and agree to the terms of this stipulation and
17 order.

18 DATED this 9th day of April, 1990.

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20 
21 KENNETH DANIELS
22 Owner of Landmark Pharmacy

23 DATED this 9th day of April, 1990.

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25 R. STEVEN YOUNG, Esquire
26 Attorney for Daniels and
27 Landmark Pharmacy
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ORDER

The Stipulation and Order in Case No. 88-03013B-RPH-S is approved.

DATED this 27 day of April, 1990.

NEVADA STATE BOARD OF PHARMACY

By: *Jeffrey L. Monaghan*
JEFFREY L. MONAGHAN
President

STATE OF NEVADA

I, LISA CORNU, OFFICIAL CUSTODIAN OF THE RECORDS, DO HEREBY CERTIFY THAT THIS / THESE DOCUMENT(S) IS / ARE TRUE AND CORRECT COPY / COPIES OF THE ORIGINAL(S) ON FILE IN THIS OFFICE.

DATE 5/10/91
Lisa Cornu
LISA CORNU
BOARD COORDINATOR
NEVADA STATE BOARD OF PHARMACY

FI
April

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. (Extra charge) 2. Restricted Delivery (Extra charge)

3. Article Addressed to: Kenneth Daniels 252 Convention Center Dr Las Vegas, NV 89109	4. Article Number P 108 024 077
Type of Service: <input checked="" type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return/Receipt for Merchandise	
Always obtain signature of addressee or agent and DATE DELIVERED	
5. Signature - Address X <u><i>[Signature]</i></u>	8. Addressee's Address (ONLY if requested and fee paid) MAY - 2 1990
6. Signature - Agent X	
7. Date of Delivery <u>4/30/90</u>	

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

RECEIVED

DEC 31 1991

IOWA PHARMACY EXAMINERS

Re: Pharmacist License of : **STIPULATION**
KENNETH D. DANIELS : **AND**
License No. 15477 : **INFORMAL SETTLEMENT**
Respondent :

COMES NOW the Iowa Board of Pharmacy Examiners (the Board) and Kenneth D. Daniels, R.Ph., (Respondent) and, pursuant to Iowa Code sections 17A.10 and 258A.3(4), enter into the following Stipulation of the contested case currently on file:

1. Respondent was issued a license to practice pharmacy in Iowa on July 9, 1979, by examination.

2. Respondent's license is current until June 30, 1992.

3. Respondent's current address is 252 Convention Drive, Las Vegas, Nevada 89109.

4. A Complaint and Statement of Charges and Notice of Hearing was filed against Respondent on September 23, 1991.

5. The Board has jurisdiction of the parties and the subject matter.

6. Respondent does not contest the allegations set forth in the complaint and agrees that the Board may treat the allegations as true.

7. Respondent's license to practice pharmacy is placed on probation for six months. The probationary period to

begin upon acceptance of the Stipulation and Informal Settlement by the Board.

8. Respondent shall not supervise any registered intern nor perform any of the duties of a preceptor during the probationary period.

9. Respondent shall obey all federal and state laws and regulations substantially related to the practice of pharmacy.

10. Respondent shall report in writing no later than 10 days after any change of his residency or employment status during the probationary period.

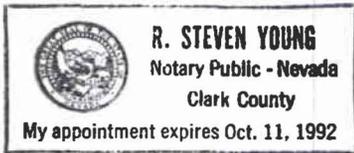
11. Stipulation and Informal Settlement is subject to approval of the Board. If the Board approves this Stipulation and Informal Settlement, it becomes the final disposition of this matter. If the Board fails to approve this Stipulation and Informal Settlement, it shall be of no force or effect to either party.

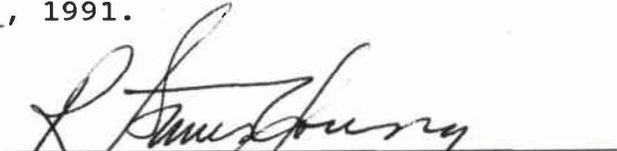
* * *

12. This Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration on the 17th day of December, 1991.

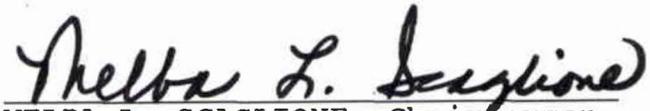

KENNETH D. DANIELS
Respondent

Signed and sworn to before me this 17th day of December, 1991.




NOTARY PUBLIC IN AND FOR THE
STATE OF NEVADA

13. This Informal Settlement is accepted by the Iowa Board of Pharmacy Examiners on the 14th day of January, 1992.


MELBA L. SCAGLIONE, Chairperson
Iowa Board of Pharmacy Examiners