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**Board of Pharmacy v. CVS Pharmacy #8804, et al.**  
**Case No. 19-131**

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EXHIBIT 1

COMPLAINT RECEIVED JULY 26, 2019, FROM TC

## Shirley Hunting

---

**From:** Pharmacy Board  
**Sent:** Monday, July 29, 2019 11:34 AM  
**To:** Shirley Hunting  
**Subject:** Fw: Given the wrong medication

Candy Nally  
Licensing Specialist  
Nevada State Board of Pharmacy

**From:** T [REDACTED] <[REDACTED]>  
**Sent:** Friday, July 26, 2019 12:59 AM  
**To:** Pharmacy Board  
**Subject:** Given the wrong medication

Hi my name is T [REDACTED] [REDACTED] I just underwent an IVF=In Vitro fertilization on July 23rd 2019. 2 Embryo's were transferred into my Uterus for me to have a baby. On July 17th My medication for my IVF Transfer procedure were filled by Sandra J Le which were Medrol, Zithromax, Valium and Cytotec. I took the Medrol, Zithromax, and Valium prior and on the day of my procedure. I took the Cytotec on 07/25/19 Thinking that it was my Progesterone suppositories. Ive always done the progesterone in oil injections this would be my 1st time using the suppositories. I inserted 1 in the morning then the next one was inserted at 6pm my stomach started cramping so i googled the name that was on the bottle to see if that was a side affect and come to find out Cytotec is used for ABORTIONS. I was given the WRONG medication. Now I might lose my 2 Embryos that I Transferred on July 23rd.

EXHIBIT 2

PRESCRIPTION DATED JULY 3, 2019, ISSUED BY DR. DREW

MOFFITT FOR TC

Rx Details

Request No : 4140264

Store No : 8804

Rx No : 1000766

Fill No : 0

Fill Date : 07/17/2019

Rx Image

Orig. Rx Recd. Dt : 07/17/2019 12:36:00

07/17/2019 09:30

(FAX:602)3432766

P:001/001

**Arizona Reproductive Medicine Specialists**  
Drew V. Wolff, M.D., FACOG, Linda Nelson, MD., PhD. FACOG  
1701 E. Thomas Rd. Bldg 1 Suite 101 - Phoenix, AZ 85016  
Phone: (602) 343-2767 Fax (602) 343-2766

DEAR:

PATIENT:

T. C. [REDACTED]  
Cheyenne Gardens Way  
North Las Vegas, NV 89032  
D.O.B. [REDACTED]

DATE: 7/17/2019

**Rx**

1

- 1. Endometrin 100mg vaginal insert Place one tab vaginally TID as directed Disp: 42 Refills: 5  
Allow Generic: Yes
- 2. Estrace 7 mg tablet Take 1 tab PO BID and titrate to TID as directed Disp: 90 Refills: 3  
Allow Generic: Yes
- 3. Medrol 16 mg tablet Take 3 tabs PO qhs as directed Disp: 12 Refills: 0 Allow Generic: Yes
- 4. Micronized Progesterone Troches 200 mg Troches Take one SL TID as directed Disp: 90 Refills: 3  
Allow Generic: Yes Notes to pharmacy: Do not allow generic
- 5. Valium 5 Mg Take 1 tab PO 30 minutes prior to the procedure Disp: 1 Refills: 0 Allow  
Generic: Yes
- 6. Zichronax 250 mg Tablets Take 2 tabs PO with dinner the night before the procedure and 2 tabs  
PO with breakfast the morning of the procedure Disp: 4 Refills: 0 Allow Generic: Yes

X Dispense as written

X *Drew V. Wolff MD*  
Substitution permitted

FAXed to CVS 702-642-2873 for Dr. Wolff, by Sarah

EXHIBIT 3

CVS PHARMACY RECORD OF PRESCRIPTION NO. 1000766

**Label**

<b>Patient</b>		<b>Quantity &amp; Fill</b>	
Patient	██████████	Decimal Quantity Dispensed	42
Gender	Female	Refills	5
DOB	██████████	Quantity Dispensed	42
Age	34	Days Supply	14
		Fill No	0

<b>Drug</b>		<b>Store</b>	
Drug	MISOPROSTOL 100 MCG TABLET	Store No	8804
Strength	100	NCPDP Id	2989690
Dispensed NDC	59762500701	NPI Number	1174567424
		Store Address	1408 W. CRAIG RD,NORTH LAS VEGA,NV,00008

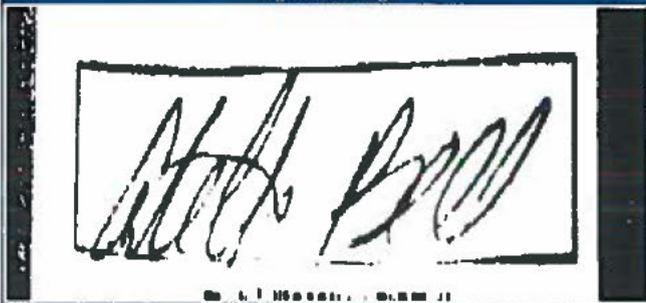
<b>Script</b>		<b>Prescriber</b>	
Rx No	1000766	Prescriber	MOFFITT V DREW 9305 W THOMAS RD STE 490 PHOENIX AZ 85037
Rx Status Code	Filled	Phone	
DAW	0	DEA	BM4034360
Compound Code	1	NPI	
Written Date	07/03/2019	LIC	G67115
Orig. Rx Recd. Dt	07/17/2019 12:36:00		
Fill Date	07/17/2019		

<b>Electronic Transaction ID</b>	
Prescriber Agent	
Sender Message ID	
Sent Date/Time	

<b>Verification</b>		<b>Med B Documents</b>	
Script Verify Initials	SJL	Diagnosis Code	
Script Verify Date	07/17/2019	Attestation Quantity on Hand	
Product - Script Verify Initials			
Product - Script Verify Date			

<b>Supervising Physician</b>	
Supervising Physician Name	
Address	
Phone Number	
DEA Number	
NPI Number	
State License Number	

**Direction**  
PLACE 1 TABLET VAGINALLY 3 TIMES A DAY

<b>Signature Image</b>		<b>POS/Signature</b>	
		Refund Indicator	
		Post Void Indicator	
		Transaction Date	07/20/2019
		Transaction Time	12:20:00 PM
		Scan Indicator	Y
		Patient Counseling Indicator	Y
		Forced Counseling Indicator	N
		Other Counseling Indicator	N
		PCI Counseling Indicator	N
		Safety Cap Indicator	Y
		HIPAA Privacy Notice Indicator	N
		Cash Prescription Indicator	N
		Drive Thru Indicator	Y
		System Down Indicator	N
		Relationship To Patient	
Register Number	19		
Patient Refused to Sign	N		
Signature Data Indicator	Y		
Signature Date	07/20/2019		
Signature Time	12:21:08 PM		
90D Rx Pickup Indicator			

<b>Retail Pharmacy Automated Outreach Consent</b>	
RPAOC POS Indicator	No

<b>Proactive Rx Request at POS</b>		<b>Fill Level Opportunity Trigger Reason</b>	
Proactive Rx Request Program Outcome		Patient Confirmation Value	
Employee ID			
Transaction Date/Time			

EXHIBIT 4

DIGITAL TIME STAMP FOR PRESCRIPTION NO. 1000766

Store 8804

Rx1000766

LAST_NAME	FIRST_NAME	ACTIVITY	TIMESTAMP	USER_CREDENTIALS
Martinez	Haydee	DATAENTRY	7/17/2019 12:58	HMart
Le	Sandra	DATA_ENTRY_VERIFICATION	7/17/2019 13:02	SLe
Le	Sandra	DUR_OVERRIDE	7/17/2019 13:02	SLe
Le	Sandra	WARNING_VERIFICATION	7/17/2019 13:02	SLe
Martinez	Haydee	PRINTREADY	7/17/2019 13:10	HMart
Martinez	Haydee	MULTI_PACKAGE_SCAN	7/17/2019 13:52	HMart
Le	Sandra	VERIFICATION	7/17/2019 15:36	SLe
Le	Sandra	INACTIVATE	7/26/2019 11:18	SLe

TXN_TYPE	REGISTER_NUM	REGISTER_TXN	REGISTER_TXN	POS_USERID	AMOUNT	POS_DATETIME
S	19	3481	2	1039951	0	7/20/2019 15:20

Rx1000768

LAST_NAME	FIRST_NAME	ACTIVITY	TIMESTAMP	USER_CREDENTIALS
Cardozo	Vanessa	DATAENTRY	7/17/2019 13:01	VCard
Le	Sandra	DATA_ENTRY_VERIFICATION	7/17/2019 13:02	SLe
Le	Sandra	WARNING_VERIFICATION	7/17/2019 13:02	SLe
Le	Sandra	WARNING_VERIFICATION	7/17/2019 13:02	SLe
Le	Sandra	DATA_ENTRY_VERIFICATION	7/17/2019 13:02	SLe
Martinez	Haydee	PRINTREADY	7/17/2019 13:30	HMart
Martinez	Haydee	DATAENTRY	7/17/2019 13:40	HMart
Denton	Tarah	ACTIVITY_QI_BATCH_INSERT	7/18/2019 11:31	TDent
Le	Sandra	DATA_ENTRY_VERIFICATION	7/18/2019 11:34	SLe
Le	Sandra	WARNING_VERIFICATION	7/18/2019 11:34	SLe
Denton	Tarah	PRINTREADY	7/18/2019 11:55	TDent
Chavarria	Nancy	MULTI_PACKAGE_SCAN	7/18/2019 12:31	NChav
Le	Sandra	VERIFICATION	7/18/2019 16:44	SLe

EXHIBIT 5

RECORD OF DUR WARNINGS FOR PRESCRIPTION NO. 1000766

Rx1000766

CVS/Pharmacy

### Warning History

WS CLAIM: Tue, 24 Sep 2019 12:19:55 PM

**HARD STOP WARNINGS (1)**

1 Low Dose

**SOFT STOP WARNINGS (1)**

2 Child-bearing Age  
Preg Cat X- Absolute Contraind.

Low Dose

drug being filled MISOPROSTOL 100 MCG TABLET

DISPENSED total daily dose	300 mcg	25% under
RECOMMENDED min daily dose	400 mcg	

*To review recommended dosing for this drug, select RD and press <enter>*

recent history: MISOPROSTOL

Store #	drug name	last filled date	disp qty

Add/View DUR Comments (AC/DC) \*Retail Rx's only

Rx: 1000766    Filled On: [redacted]

34 years, 2 months female

Misoprostol 100 mcg tablet

strength 100 MCG

dispensed 42 EA

days supply 14

total daily dose 300 mcg

Place 1 tablet vaginally 3 times a day

Moffitt, Drew

(602) 343-2767

Some Patient & Prescriber information may have changed since this prescription was verified (e.g. phone, allergies, conditions)

Select a function and press <Enter>

Info: Review Data Entry (V) | Recommended Dosing (RD) | View Intervention Details (VD) | Verified By Details (VB) | Print: Print Warnings (P) | Actions: Continue (Enter) | Make Call (MC) | Exit (X)

More Options (M)

Patient    Prescriber    Drug    Third Party

F1            F2            F3            F4

Profile    Store Portal    Clinical    Refill

F5            F6            F7            F8

Help    Log In/Out Credentials    Store Info    Adj Status

F9            F10            F11            F12

### DUR Comments (Active)

DOB [redacted] Age 34 Years

Gender Female    Address [redacted] CHEYENNE GARDENS WAY, NORTH LAS VEGAS, NV 89032

Phone Number [redacted]

Rx Number 1000766

Drug being filled: MISOPROSTOL 100 MCG TABLET    Prescriber Name: MOFFITT, DREW    Fill#: 00

Archived DUR Comments are available for up to 5 Years

Show All Active

Ln. No.	Store#	Rx#	Fill#	Drug Name	Prescriber	RPh	Date Entered	Comments
1	08804	1014741	00	ENSKYCE 28 TABLET	MOFFITT, DREW	S.Le	09/06/2019	NOT TRUE HIGH DOSE, PATIENT IS SKIPPING...
2	08804	E1013552	00	PROGESTERONE 500 MG/10 ML	MOFFITT, DREW	C.Pate	09/02/2019	IS USING FOR MF
3	08804	1001220	00	DIAZEPAM 5 MG TABLET	MOFFITT, DREW	S.Le	07/18/2019	NO DUR EXISTS
4	08804	1006766	00	MISOPROSTOL 100 MCG TABLET	MOFFITT, DREW	S.Le	07/17/2019	NO DUR EXISTS
5	08804	DE0983904	00	ENSKYCE 28 TABLET	MOFFITT, DREW	S.Le	05/17/2019	NO DUR EXIST
6	08804	0980317	00	DIAZEPAM 5 MG TABLET	MOFFITT, DREW	S.Le	05/01/2019	NO DUR EXISTS
7	08804	E0979100	01	PROGESTERONE OIL 50 MG/ML	MOFFITT, DREW	K.Pharm	05/03/2019	REVIEWED
8	08804	0979097	00	ESTRADIOL 2 MG TABLET	MOFFITT, DREW	K.Pharm	04/26/2019	REVIEWED

Page 1 of 2    Next Page(Enter)    Prescriber Consult Request Comments

Select a function and press <Enter>

View Detail (F), Add DUR Comment (AC), Filter DUR Comments (F), View Archived Comments (VI), Exit (X)

### DUR Comments (Active)

**C [REDACTED]** **T [REDACTED]**  
 DOB [REDACTED] Age 34 Years Gender Female Address [REDACTED] CHEYENNE GARDENS WAY NORTH LAS VEGAS, NV 89032 Phone Number [REDACTED] Rx Number 1090766

Drug being filled: MISOPROSTOL 100 MCG TABLET Prescriber Name: MOFFITT, DREW Fill#: 00

Archived DUR Comments are available for up to 5 Years  
 Show All Active

Ln. No	Store#	Rx#	I/UF#	Drug Name	Prescriber	RPh	Date Entered	Comments
1	08804	E0979100	02	PROGESTERONE OIL 50 MCG/ML	MOFFITT, DREW	S.Le	05/17/2019	NO DUR EXISTS
2	08804	E0979100	03	PROGESTERONE 500 MG/10 ML	MOFFITT, DREW	S.Le	07/28/2019	NO DUR EXISTS
3	08804	0979100	02	PROGESTERONE 500 MG/10 ML	MOFFITT, DREW	K.Pham	08/28/2019	REVIEWED
4	08804	E0979100	00	PROGESTERONE OIL 50 MCG/ML	MOFFITT, DREW	S.Le	04/30/2019	NO DUR EXISTS
5	08804	0979097	01	ESTRADIOL 2 MG TABLET	MOFFITT, DREW	S.Le	05/23/2019	NO DUR EXISTS
6	08804	0968483	00	ENSKYCE 28 TABLET	MOFFITT, DREW	S.Le	03/14/2019	PATIENT IS SKIPPING PLACEBOS
7	08804	0908036	00	CEFDINIR 300 MG CAPSULE	HODAPP, HEATH	K.Pham	07/30/2018	REVIEWED

Page 2 of 2  
 Previous Page (Space)

Prescriber Consult Request Comments

Select a function and press <Enter>  
 View Detail (F1) Add DUR Comment (AC) Filter DUR Comments (F) View Archived Comments (AS) Exit (X)

Patient (F1) Prescriber (F2) Drug (F3) Third Party (F4) Profile (F5) Store Portal (F6) Clinical (F7) Refill (F8) Help (F9) Log In/Out Credentials (F10) Store Info (F11) Adj Status (F12)

CVS/Pharmacy

### Warning History

WS CHAIN - Tue, 24 Sep 2019 12:03:09 PM

**HARD STOP WARNINGS (1)**

- Low Dose

**CHECKPOINT**

**SOFT STOP WARNINGS (1)**

- Child-bearing Age  
Preg Cat. X - Absolute Contraind.

Hard Stop Warnings Reviewed by

Intervention Code: RPh Approved - Intervention Not Needed

recent history: MISOPROSTOL

Store #	drug name	last filled date	disp qty

Add/View DUR Comments (AC/DC) \*Retail Rx's only

Rx: 1090766 Fill: 00

**C [REDACTED]**  
**T [REDACTED]**

34 years, 2 months female

---

**misoprostol 100 mcg tablet**

strength 100 MCG

dispensed 42 EA

days supply 14

total daily dose 300 mcg

Place 1 tablet vaginally 3 times a day

---

**Moffitt, Drew**  
(602) 343-2767

Some Patient & Prescriber Information may have changed since this prescription was verified (eg. phone, allergies, conditions).

Select a function and press <Enter>

Info: Review Data Entry (R) | Recommended Dosing (RD) | View Intervention Details (VD) | Verified By Details (VB) | Print: Print Warnings (P) | Actions: Continue (Enter) | Make Call (MC) | Exit (X)

More Options (M)

Patient (F1) Prescriber (F2) Drug (F3) Third Party (F4) Profile (F5) Store Portal (F6) Clinical (F7) Refill (F8) Help (F9) Log In/Out Credentials (F10) Store Info (F11) Adj Status (F12)

EXHIBIT 6

RECORD OF COUNSELING FOR PRESCRIPTION NO. 1000766

### Fill Detail View

WS CLAIM: Thu, 19 Sep 2019 3:46:02 PM

 **C** [Redacted] **T** [Redacted]  
DOB [Redacted] Age 34 Years Gender Female Address [Redacted] CHEYENNE GARDENS WAY NORTH LAS VEGAS, NV 89032 Phone Number [Redacted] Rx Number 1000766

Prescriber MOFFITT, DREW V Phone No. (802) 343-2767 Status **Sold - 07/20/2019**  
DEA BM4034380 NPI # NPI 1215916580 Fax (802) 343-2768 Status Date **07/20/2019**  
Status Time **12:20 PM**

Third Party ANTHEM BCBS MCO, NV Card Holder ID 713803515 Promised Date **07/17/2019**  
Promised Time **11:58 AM**

#### View Counsel Patient Activity Details

Ln. No.	Date Time	Fill No.	Counsel Type	Counsel Disposition	Credentials
1	07/20/2019 12:22 PM	00	State Mandatory	Patient/Caregiver Counseled	K.Pharm



Select a function and press <Enter>  
Accept Counsel Patient (A), Decline Counsel Patient (D), Print Counsel Details (P), Exit (X)

- Patient (F1)
- Prescriber (F2)
- Drug (F3)
- Third Party (F4)
- Profile (F5)
- PHARM Portal (F6)
- Clinical (F7)
- Refill (F8)
- Help (F9)
- LOW MEDICATION Credentials (F10)
- Store Info (F11)
- Adj Status (F12)

EXHIBIT 7

CVS PHARMACY RECORD OF PRESCRIPTION NO. 1000769

**Label**

<b>Patient</b>		<b>Quantity &amp; Fill</b>	
Patient	C [REDACTED] T [REDACTED]	Decimal Quantity Dispensed	6
Gender	Female	Refills	0
DOB	[REDACTED]	Quantity Dispensed	6
Age	34	Days Supply	5
		Fill No	0

<b>Drug</b>		<b>Store</b>	
Drug	AZITHROMYCIN 250 MG TABLET	Store No	8804
Strength	250	NCPDP Id	2989690
Dispensed NDC	50111078766	NPI Number	1174567424
		Store Address	1408 W. CRAIG RD,NORTH LAS VEGA,NV,00008

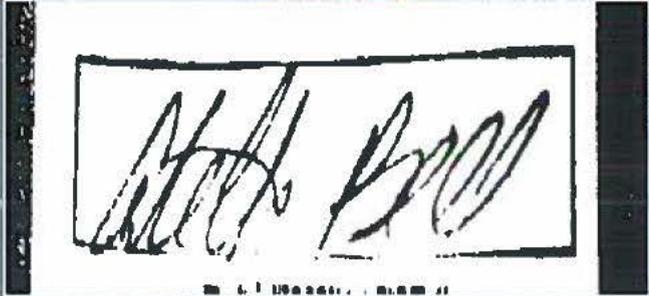
<b>Script</b>		<b>Prescriber</b>	
Rx No	1000769	Prescriber	MOFFITT V DREW 9305 W THOMAS RD STE 490 PHOENIX AZ 85037
Rx Status Code	Filled	Phone	
DAW	0	DEA	BM4034360
Compound Code	1	NPI	
Written Date	07/03/2019	LIC	G67115
Orig. Rx Recd. Dt	07/17/2019 12:01:23		
Fill Date	07/17/2019		

<b>Script</b>		<b>Electronic Transaction ID</b>	
Rx Transfer Code		Prescriber Agent	
Rx Origin Code	1	Sender Message ID	
Transfer From Store Number		Sent Date/Time	

<b>Verification</b>		<b>Med B Documents</b>	
Script Verify Initials	SJL	Diagnosis Code	
Script Verify Date	07/17/2019	Attestation Quantity on Hand	
Product - Script Verify Initials			
Product - Script Verify Date			

<b>Supervising Physician</b>	
Supervising Physician Name	
Address	
Phone Number	
DEA Number	
NPI Number	
State License Number	

**Direction**  
TAKE 2 TABLETS BY MOUTH TODAY, THEN TAKE 1 TABLET DAILY FOR 4 DAYS

<b>Signature Image</b>		<b>POS Signature</b>	
		Refund Indicator	
		Post Void Indicator	
		Transaction Date	07/20/2019
		Transaction Time	12:20:00 PM
		Scan Indicator	Y
		Patient Counseling Indicator	N
		Forced Counseling Indicator	N
		Other Counseling Indicator	N
		PCI Counseling Indicator	N
		Safety Cap Indicator	Y
		HIPAA Privacy Notice Indicator	N
		Cash Prescription Indicator	N
		Drive Thru Indicator	Y
		System Down Indicator	N
		Relationship To Patient	
Register Number	19		
Patient Refused to Sign	N		
Signature Data Indicator	Y		
Signature Date	07/20/2019		
Signature Time	12:21:08 PM		
90D Rx Pickup Indicator			

<b>Retail Pharmacy Automated Outreach Consent</b>	
RPAOC POS Indicator	No

<b>Proactive Rx Request at POS</b>		<b>Fill Level Opportunity Trigger Reason</b>	
Proactive Rx Request Program Outcome		Patient Confirmation Value	
Employee ID			
Transaction Date/Time			

EXHIBIT 8

DIGITAL TIME STAMP FOR PRESCRIPTION NO. 1000769

TXN_TYPE	REGISTER_NUM	REGISTER_TXN	REGISTER_TXN_S	POS_USERID	AMOUNT	POS_DATETIME
S	19	3481	4	1039951	0	7/20/2019 15:20

Rx1000769

LAST_NAME	FIRST_NAME	ACTIVITY	TIMESTAMP	USER_CREDENTIALS
Cardozo	Vanessa	DATAENTRY	7/17/2019 13:02	VCard
		ACTIVITY_WAVE_BYPASS	7/17/2019 13:02	N/A
Le	Sandra	DATA_ENTRY_VERIFICATION	7/17/2019 13:02	Stle
Martinez	Haydee	PRINTREADY	7/17/2019 13:10	HMart
Martinez	Haydee	MULTI_PACKAGE_CONFIRMATION_S	7/17/2019 13:42	HMart
Le	Sandra	VERIFICATION	7/17/2019 15:01	Stle

TXN_TYPE	REGISTER_NUM	REGISTER_TXN	REGISTER_TXN_S	POS_USERID	AMOUNT	POS_DATETIME
S	19	3481	1	1039951	0	7/20/2019 15:20

Rx1001220

LAST_NAME	FIRST_NAME	ACTIVITY	TIMESTAMP	USER_CREDENTIALS
Le	Sandra	PREDATAENTRY_SCAN	7/18/2019 16:45	Stle
Le	Sandra	DATAENTRY	7/18/2019 17:04	Stle
Le	Sandra	DUR_OVERRIDE	7/18/2019 17:05	Stle
Le	Sandra	DATA_ENTRY_VERIFICATION	7/18/2019 17:05	Stle
Le	Sandra	WARNING_VERIFICATION	7/18/2019 17:05	Stle
Gabriel	Audia	PRINTREADY	7/18/2019 17:08	AGabr
Martinez	Haydee	MULTI_PACKAGE_SCAN	7/18/2019 17:42	HMart
Le	Sandra	VERIFICATION	7/18/2019 17:44	Stle
Petersen	Christopher	LABEL_REPRINT	8/7/2019 23:48	CPete

TXN_TYPE	REGISTER_NUM	REGISTER_TXN	REGISTER_TXN_S	POS_USERID	AMOUNT	POS_DATETIME
S	19	3481	3	1039951	0	7/20/2019 15:20

EXHIBIT 9  
STATEMENT OF SANDRA LE, PHARMACY MANAGER,  
DATED SEPTEMBER 24, 2019



One CVS Drive  
Woonsocket, RI 02895

September 24, 2019

Dena McClish  
Investigator  
Nevada State Board of Pharmacy  
1050 E Flamingo Rd, Ste E217  
Las Vegas, NV 89119

RE: Pharmacy License: PH01093  
CVS Pharmacy #8804  
1408 West Craig Road Las Vegas, NV 89032  
Case No: 19-131

Dear Ms. McClish,

Please accept this response in regards to the aforementioned case dated September 4, 2019.

I was the verification pharmacist for Rx1000766 for T.C. on July 17, 2019, for the prescription filled as misoprostol for endometrin. Upon data verification of the incorrectly entered misoprostol, I remember knowing about the patient and being aware of her treatment at a facility in Arizona. Upon seeing the misoprostol, the recollection in my mind was that perhaps a fertility treatment had failed and it was being used in conjunction with a D and C procedure. When she picked up these prescriptions on July 20, 2019, the pharmacist on duty was Khanh Pham who is no longer with the company. Upon reviewing the cameras, it showed that Pharmacist Pham did not have contact with the patient/caregiver who was picking up the prescriptions through drive thru.

I was alerted to the prescription incident by Chris Petersen on Thursday, July 25th at 9:40pm via text message and texted back to Chris for clarification on the incident and to ensure that he had contacted our supervisor as well. I spoke with Jody the following morning, Friday, July 26th regarding the incident and next steps to follow. Upon arriving at CVS# 8804, I checked the patient's profile to see if there were any additional refills on her injectable progesterone and if we had the medication in stock. I also called the physician's office to see if I would be able to speak to a physician in order to follow through on next steps to take care of the patient. I was unable to speak to a physician or nurse as they were all in surgery and were due to come out of surgery later. I left a message for them to call me back.

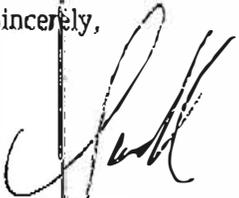
Around 8:05 am I left a message on T.C.'s cellphone stating that I had the injectable progesterone prescribed in stock and that I had filled the injectable progesterone prescription but I was waiting to hear back from the physician's office to see what they wanted to do to proceed. I later called the physician's office at 9:10a to follow up and see if I would be able to speak with the physician or nurse, but again was not able to speak to anyone as they were still in surgery. I then spoke to my supervisor who advised that we needed to get the injectable progesterone to the patient as soon as we were able to contact her. Around 10am I called T.C. again and was able to speak to her. She stated that she had spoken with the physician the prior night and wanted her to start the progesterone injection as soon as possible. I confirmed T.C.'s address and stated that I was sending a technician to deliver the injections to her at no charge. I asked if she needed any additional supplies such as alcohol swabs or syringes to inject the medication with. She stated she did not need anything except for the progesterone injection.

I had my technician Tarah Denton leave the store and deliver the medication to the patient around 10:05am. Tarah returned after delivering the medication and I later spoke with Sarah from the physician's office who stated that she was going to contact the patient to see when the misoprostol had been used. Sarah stated that she would follow up with our pharmacy if there was anything further that we needed to do for the patient.

I am truly sorry for what happened to T.C. I will remain dedicated to maintaining high safety standards with each prescription I verify and be diligent in providing quality healthcare while focusing on patient safety.

If you need anything else concerning this matter, please do not hesitate to contact me.

Sincerely,



Sandra Le  
Pharmacy Manager  
CVS 8804  
Phone: [REDACTED]

EXHIBIT 10  
STATEMENT OF CHRIS PETERSEN, PHARMACIST,  
DATED SEPTEMBER 24, 2019



One CVS Drive  
Woonsocket, RI 02895

September 24, 2019

Dena McClish  
Investigator  
Nevada State Board of Pharmacy  
1050 E Flamingo Rd, Ste E217  
Las Vegas, NV 89119

RE: Pharmacy License: PH01093  
CVS Pharmacy #8804  
1408 West Craig Road Las Vegas, NV 89032  
Case No. 19-131

Dear Ms. McClish,

Please accept this response in regards to the aforementioned case dated September 4, 2019.

On Thursday, July 25, 2019 a technician informed me that a patient T.C. was on the phone and handed me a printout of the hard copy prescription in question. When speaking with T.C., she was concerned that we filled misoprostol instead of her progesterone vaginal suppositories. She said that she has inserted 2 misoprostol tablets vaginally in the past day and was now experiencing cramping and had read online that misoprostol can be used for an abortion. I apologized profusely about the situation and listened to her concerns. She told me that she just had an IVF treatment 2 days ago and was deeply concerned that misoprostol is used for abortions. At this time she was audibly upset and sounded as if she was crying. I continued to apologize, stated how sorry I was, and did my best to console her. After speaking with her for a while I asked her if she would like my district manager to reach out to her. She replied yes. I told her that if nobody reached out to her that evening, I would immediately follow up first thing Friday morning with my pharmacy manager to make sure her care was a priority for our pharmacy. She also asked how this issue could have occurred and wanted to make sure the verifying filling pharmacist was aware so that it wouldn't happen again. I told her that I was not sure how it happened but that the verifying pharmacist would be notified and any errors in the pharmacy that may occur are reviewed by store leadership and pharmacy staff to reeducate pharmacy staff and ensure the error does not occur again.

After the call I immediately reached out to my district leader to inform her of the serious situation and to reach out as soon as possible. I then completed the incident report. After approximately 1 hour passed, I called T.C. back to let her know that I hadn't heard back from my supervisor but reassured her that we would handle this the first thing in the morning. Before leaving work that night, I left a note for my pharmacy manager to make her aware of the situation and to make sure the patient was taken care of immediately. When I texted the pharmacy manager the following morning, she said that both our district leader and herself had been in contact with the patient and are giving her their full attention.

The following evening I called T.C. to see how she was doing. She said the cramping had lessened and was feeling a little better. I asked her if my supervisors had adequately responded to her to which she said that she was pleased with their fast response and they both showed genuine compassion about her. I asked if there was anything at all we could do for her and she said no but to keep her in our thoughts and prayers. I said I would and told her I work 5:30 pm to midnight on Monday through Friday and to call me if there is anything I could do.

If you need anything else concerning this matter, please do not hesitate to contact me.

Sincerely,

Chris Petersen  
Pharmacist  
CVS 8804  
Phone: [REDACTED]

EXHIBIT 11

STATEMENT OF HAYDEE MARTINEZ, PHARMACY TECHNICIAN,

DATED SEPTEMBER 24, 2019



One CVS Drive  
Woonsocket, RI 02895

September 24, 2019

Dena McClish  
Investigator  
Nevada State Board of Pharmacy  
1050 E Flamingo Rd, Ste E217  
Las Vegas, NV 89119

RE: Pharmacy License: PH01093  
CVS Pharmacy #8804  
1408 West Craig Road Las Vegas, NV 89032  
Case No. 19-131

Dear Ms. McClish,

Please accept this response in regards to the aforementioned case dated September 4, 2019.

In regards to the fill of Rx1000766, I was the technician who data entered the incorrect medication. I believed it to be the generic for the endometrin 100mg vaginal inserts.

If you need anything else concerning this matter, please do not hesitate to contact me.

Sincerely,

Haydee Martinez  
Technician  
CVS 8804  
Phone: [REDACTED]

EXHIBIT 12

STATEMENT OF JODY LEWIS, CVS HEALTH DISTRICT LEADER,

DATED SEPTEMBER 24, 2019



One CVS Drive  
Woonsocket, RI 02895

September 24, 2019

Dena McClish  
Investigator  
Nevada State Board of Pharmacy  
1050 E Flamingo Rd, Ste E217  
Las Vegas, NV 89119

RE: Pharmacy License: PH01093  
CVS Pharmacy #8804  
1408 West Craig Road Las Vegas, NV 89032  
Case No. 19-131

Dear Ms. McClish,

Please accept this response in regards to the aforementioned case dated September 4, 2019.

I was very involved in this particular incident. I spoke with Ms. C [REDACTED] initially on 07/26/19 after being notified by my staff pharmacist at CVS 8804 of the incident. My first action was to ensure that my pharmacy manager contacted the patient's prescriber and that we were able to get her the medication she needed, which was done and delivered to her home that same morning.

I did a full review of the incident including discussions with all colleagues involved, as well as an assessment of workflow and policies and procedures to identify the cause of the issue. The following were areas of follow up/actions left with the pharmacy manager:

- Review of proper drug scroll at data entry with all colleagues, including assignment of 2 internal training modules for all colleagues designed to focus on minimizing risk of errors at data entry to ensure patient safety
- Review of pharmacist steps at verification process to ensure patient history review is completed
- Review with pharmacists on clear DUR documentation indicating why the pharmacist was comfortable filling the medication
- Review of CVS policy and Nevada law requirements for counseling and documentation of such counseling with all team members. Pharmacists were assigned to complete CE program on either patient counseling or medication errors.
- Completion of full patient safety assessment at all workstations to ensure safety moving forward

If you need anything else concerning this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Jody Lewis".

Jody Lewis, Pharm.D  
CVS Health District Leader  
Phone: [REDACTED]

EXHIBIT 13

BOARD OF PHARMACY REQUEST FOR RECORDS

DATED SEPTEMBER 4, 2019



# Nevada State Board of Pharmacy

1050 E FLAMINGO RD • SUITE E217 • LAS VEGAS, NEVADA 89119  
1-800-364-2081 • FAX (702) 486-7903 • www.bop.nv.gov.

September 4, 2019  
CVS Pharmacy #8804  
Managing Pharmacist  
Phone Number: 702-642-2680  
Fax Number: 702-642-2673

Case # 19-131

The NV Board of Pharmacy has received a complaint alleging a possible misfill and lack of counseling on a new prescription by CVS Pharmacy #8804. Specifically, patient T [REDACTED] C [REDACTED] was given the wrong medication in July 2019. To address this complaint, please provide the following:

1. Prescription profile for T [REDACTED] C [REDACTED] DOB [REDACTED]
2. Copy of all original prescriptions filled from 07/10/2019 to 07/25/2019 (front and back)
3. Copy of the duplicate prescription label for each of the above prescriptions
4. Workflow documents – The **complete** transaction history of filling the prescriptions from drop-off and data entry to counseling and point of sale to include the initials/record of the pharmacists, techs, and clerks involved in each transaction. Please include data entry, allergy, medical conditions, and DUR screen prints (or records).
5. Memos, reports, or notes concerning this incident including any record of contact with the patient, care-giver, and/or practitioner.
6. Brief written summary of what occurred or may have occurred during this incident.
7. Signed statements of pharmacist and technicians involved in input, labeling, fill, verification and counseling of the prescription in question. Please include an explanation of how this error may have occurred and what changes, if applicable, may be implemented to prevent recurrence.
8. Counseling logs for all prescriptions above.
9. Pharmacy sign-in logs, work schedules, and/or timeclock records (if applicable) for technicians and pharmacists for the dates of entry, fill, and sale of the prescription(s) in question.
10. A report of the number of prescriptions that required counseling, the number of prescriptions that received counseling, the number of prescriptions that refused counseling, and the number of prescriptions in which counseling was not documented for the dates 07/16/2019 – 07/19/2019.

Please contact me at 702-486-6420 x 154 with any questions and when these documents are ready for pickup, no later than 09/25/2019.

Thank you for your cooperation in this matter,

Dena M McClish, Investigator Nevada State Board of Pharmacy  
1050 E Flamingo Rd Ste E217, Las Vegas, NV 89119  
Office Number: 702 486-6420 x154 Cell Number: 702-494-8672  
Fax Number: 702-486-7903 E-Mail Address: [dmcclish@pharmacy.nv.gov](mailto:dmcclish@pharmacy.nv.gov)



T  
C  
[Redacted]

[Redacted] Cheyenne Gardens Way, North Las., NV

**MISOPROSTOL**  
**100 MCG**  
**TABLET**

Common brand(s), Cytotec

Place 1 tablet vaginally  
3 times a day