



NEVADA STATE BOARD OF PHARMACY

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• Web Page: bop.nv.gov

MINUTES

March 7 & 8, 2018

BOARD MEETING

Hyatt Place
1790 E Plumb Ln
Reno, Nevada

Board Members Present:

Leo Basch	Kevin Desmond	Jason Penrod	Robert Sullivan
Kirk Wentworth	Darla Zarley		

Board Members Absent:

Melissa Shake

Board Staff Present:

Larry Pinson	Dave Wuest	Paul Edwards	Shirley Hunting
Brett Kandt	Yenh Long	Joe Depczynski	Sarah Bradley
Kristopher Mangosing			

President Basch read the mission statement of the Nevada State Board of Pharmacy to reiterate the Board's duty to carry out and enforce the provisions of Nevada Law to protect the health, safety, and welfare of the public.

1. Public Comment March 7, 2018, 9:00 AM

There was no public comment.

2. Approval of January 10-11, 2018, Minutes

President Basch stated that Board Staff has identified and corrected grammatical errors, and the corrected meeting minutes have been posted to the Board website.

Board Action:

Motion: Jason Penrod moved to approve the January 10-11, 2018. Meeting Minutes with the corrections noted by Board Staff.

Second: Darla Zarley

Action: Passed unanimously

3. Applications for Out-of-State Pharmacy – Non Appearance:

- A. Billet Pharmacy – Peoria, AZ
- B. Confidential Drug – Indianapolis, IN
- C. Dohmen Life Science Services, LLC – Chesterfield, MO
- D. Excel Care Pharmacy – Chino, CA
- E. GEM Edwards Pharmacy – Hudson, OH
- F. Good Health Pharmacy – Irvine, CA
- G. Honeybee Health – Culver City, CA
- H. Integrated HMO Pharmacy – Omaha, NE
- I. Lifeline Rx LLC – West New York, NJ
- J. Medminder Systems Inc. – Needham, MA
- K. Pet Value Mart – Concord, CA
- L. PillPack Miami – Terr Doral, FL
- M. Right Choice Pharmacy – Sherman Oaks, CA
- N. RxCrossroads – Louisville, KY
- O. Skyline Pharmacy, Inc. – New York, NY
- P. Transcript Pharmacy – Flowood, MS
- Q. US Pharmanet, LLC – Tomball, TX

Applications for Out-of-State Compounding Pharmacy – Non Appearance:

- R. Katy Pharmacy – Katy, TX
- S. Medical Home Pharmacy – Trenton, NJ
- T. Pharmacy Care Center, LLC – Miami Lakes, FL
- U. Rx One Pharmacy – Cypress, TX

Applications for Out-of-State Wholesaler – Non Appearance:

- V. Baxter Healthcare Corporation – Round Lake, IL
- W. Fresenius Kabi, LLC – Bensenville, IL
- X. Fresenius Kabi, LLC – Lake Zurich, IL
- Y. Galil Medical Inc. – Arden Hills, MN
- Z. Kaleo, Inc. – Richmond, VA
- AA. Kuehne + Nagel Inc. – Plainfield, IN
- BB. Masters Drug Company, Inc. – Fairfield, OH
- CC. Masters Drug Company, Inc. – Mason, OH
- DD. Masters Drug Company, Inc. – Mason, OH
- EE. OptiNose US, Inc. – Yardley, PA
- FF. Osprey Therapeutics, Inc. – Carlsbad, CA
- GG. Pharmox LLC – Kingsland, GA

- HH. Redmond and Greer Pharmacy Supply 2 – Garland, TX
- II. RxCrossroads Third Party Logistics Division – Louisville, KY
- JJ. RxCrossroads Third Party Logistics Division – Louisville, KY
- KK. Virbac AH Inc. – Kansas City, MO
- LL. WellGistics LLC – Lakeland, FL
- MM. Woodfield Distribution, LLC – Pompano Beach, FL

Applications for Out-of-State Medical, Devices, Equipment and Gases – Non Appearance:

- NN. 405-86th St Pharmacy Inc. – Brooklyn, NY
- OO. ActiCare Health, Inc. – Livermore, CA
- PP. American Bracing Solutions, Inc. – Largo, FL
- QQ. Bracing Partners, Inc. – Largo, FL
- RR. Carestream Medical Ltd. – Altamonte Springs, FL
- SS. Caring for Your Pain Bracing, Inc. – Penellas Park, FL
- TT. Continuum Services LLC – Gainesville, FL
- UU. First Stop Medical Supply, Inc. – Pinellas Park, FL
- VV. Gordian Medical V, Inc. – Houston, TX
- WW. Harrisonville Home Health Equipment, Inc. – Harrisonville, MO
- XX. Heart HomeCare LLC – San Diego, CA
- YY. Matheson Tri-Gas, Inc. – Tualatin, OR
- ZZ. Medequip, Inc. – Aliso Viejo, CA
- AAA. Podimetrics Incorporated – Somerville, MA
- BBB. SD Orthotics – National City, CA
- CCC. Universal Medical Solutions – San Diego, CA

Application for Nevada Medical, Devices, Equipment and Gases – Non Appearance:

- DDD. Brace Yourself – Las Vegas, NV

Applications for Nevada Pharmacy – Non Appearance:

- EEE. Aeva Specialty Pharmacy – Las Vegas, NV
- FFF. ASPCares – Henderson, NV
- GGG. FKF group HC, LLC – Henderson, NV
- HHH. Green Valley Surgery Center LLC – Las Vegas, NV
- III. Henderson Hospital Emergency Room – Henderson, NV
- JJJ. Las Vegas Scripts Rx LLC – Henderson, NV
- KKK. Stonecreek Surgery Center, LLC – Las Vegas, NV

The Board requested clarification on 405-86th St. Pharmacy Inc.'s (Item 3 NN) business hours.

Board discussion ensued regarding Las Vegas Scripts Rx LLC (Item 3 JJJ). The Board requested Board Staff to verify the products provided by Las Vegas Scripts Rx LLC during the opening inspection.

Board Action:

Motion: Jason Penrod moved to approve the Consent Agenda. Board Staff shall verify Item 3 NN's business hours and Item 3 JJJ's products provided.

Second: Kevin Desmond

Action: Passed unanimously

4. Discipline

A. Steven D. Devin, R.Ph (17-008-RPH-N)

This matter was continued to a future meeting.

B. Roy E. Elsner, R.Ph (17-092-RPH-N)

C. Pill Box (17-092-PH-N)

Kirk Wentworth disclosed that he knows Mr. Elsner but stated that he could participate in this matter fairly and without bias.

Roy Elsner appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Kandt summarized the facts of the case where Mr. Elsner improperly compounded two medications for patient K.V.

Mr. Kandt stated that Mr. Elsner engaged in unprofessional conduct by changing the strength of Topiramate from the 100 mg. tablets prescribed to the 25 mg. sprinkles, and compounding the Topiramate into a 9mg/ml suspension rather than the 6 mg/ml.

Mr. Kandt explained that Mr. Elsner failed to follow the prescriber's instructions regarding a second prescription by changing the strength of Baclofen 20 mg. tablets as prescribed to 10 mg. tablets and Mr. Elsner failed to consult the prescriber on these changes.

Mr. Kandt stated that Mr. Elsner failed to prepare and keep the required records concerning the compounding of both prescriptions

Mr. Kandt presented a Stipulation and Order regarding the Respondents for the Board's consideration. The Respondents admit that evidence exists to establish a basis for violations alleged in the Accusation.

Mr. Elsner's Nevada Pharmacist Registration shall be suspended; the suspension is stayed and his registration placed on probation for 30 days. Mr. Elsner shall pay a \$2,000.00 fine and a \$1,500.00 administrative fee. No Pill Box employee shall perform any sterile compounding. No Pill Box employee shall perform non-sterile compounding until all employees complete a compounding training course that is approved by Board Staff.

Mr. Elsner acknowledged his mistake.

The Board expressed concern that Mr. Elsner was compounding without adequate training.

Board Action:

Motion: Jason Penrod moved to approve the Stipulation and Order as presented.

Second: Darla Zarley

Action: Passed unanimously

D. Michael L. Gerber, HMD (17-015-PD-N)

Mr. Edwards explained that this matter was continued and that Dr. Gerber has agreed not to prescribe or dispense controlled substances or allopathic prescriptions until this case has been heard.

E. Jose Ferran, R.Ph (17-039-RPH-S)
F. Ian Knickerbocker, PT (17-039-PT-A-S)
G. Tiffany Buie, PT (17-039-PT-B-S)

Darla Zarley disclosed that Jose Ferran was a former student but stated that she could participate in this matter fairly and without bias.

Jason Penrod recused from participation in this matter due to his employment with Walmart.

Jose Ferran appeared and was sworn by President Basch prior to answering questions or offering testimony.

Kevin Murphy was present as counsel representing Mr. Ferran.

Ciera Nielsen, pharmacy intern ISU, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Edwards moved to have Exhibits 1-6 admitted into the record.

Mr. Murphy had no objections to Exhibits 1-6.

Mr. Murphy moved to have Exhibits A-E admitted into the record.

Mr. Edwards had no objections to Exhibits A-E.

President Basch admitted the Exhibits 1-6 and A-E into the record.

Mr. Edwards explained that Mr. Knickerbocker and Ms. Buie were not present.

Mr. Edwards stated that Mr. Ferran has agreed to Stipulated Facts and requested the Board's permission to have Ms. Nielsen read the facts into the record.

President Bach allowed Ms. Nielsen to read the Stipulated Facts into the record.

Ms. Nielsen read that while working as the managing pharmacist at Walmart, Mr. Ferran fraudulently created forty-four unauthorized telephone prescriptions for himself, his family members, Ms. Buie and Mr. Knickerbocker's spouse. The fraudulent prescriptions were created between September 12, 2012 and January 18, 2017. Mr. Ferran created the fraudulent prescriptions by falsely indicating that Dr. Greg Dryanski was the prescribing physician on one prescription, and that Dr. Koussay Zarka was the prescriber on the other forty-three prescriptions. Ms. Nielsen read that neither Ms. Buie nor Mr. Knickerbocker had a bona fide practitioner/patient relationship with Dr. Zarka. Dr. Zarka also signed a statement indicating that he did not authorize the forty-three prescriptions that Mr. Ferran attributed to him. Mr. Ferran paid the co-pay and/or the entire price of at least some of the prescriptions he created for himself and his family using Walmart discount cards and/or billing the prescriptions to his Walmart insurance plan. Ms. Buie and Mr. Knickerbocker knowingly and willfully purchased and received various dangerous drugs for their own use or their family members' use by way of the prescriptions that Mr. Ferran fabricated. Ms. Buie and Mr. Knickerbocker submitted the fraudulent prescriptions Mr. Ferran created to their respective Walmart insurance plans for payment.

Mr. Murphy stated that Mr. Ferran had no objections to the Stipulated Facts as presented.

Board Action:

Motion: Darla Zarley moved to accept the Stipulated Facts as presented.

Second: Robert Sullivan

Action: Passed unanimously

Mr. Murphy reviewed Exhibits A-E for the Board. Mr. Murphy summarized Mr. Ferran's resume, letters of recommendation, performance evaluations and the course objectives from a pharmacist ethics and professionalism course that Mr. Ferran has completed.

Mr. Ferran answered questions to the Board's satisfaction regarding his current employment, changes to his practice and the topics covered in the pharmacist ethics and professionalism course.

Board Action:

Motion: Kirk Wentworth moved to find Jose Ferran guilty of the First Cause of Action with citation corrections as noted by Board Counsel.

Second: Darla Zarley

Action: Passed unanimously

Board Action:

Motion: Kirk Wentworth moved to find Jose Ferran guilty of the Second Cause of Action with citation corrections as noted by Board Counsel.

Second: Kevin Desmond

Action: Passed unanimously

Board Action:

Motion: Kirk Wentworth moved to find Jose Ferran guilty of the Third Cause of Action with citation corrections as noted by Board Counsel.

Second: Darla Zarley

Action: Passed unanimously

Mr. Edwards stated that Board Staff recommends revocation of Mr. Ferran's Nevada Pharmacist Registration and Mr. Ferran shall pay an administrative fee of \$1,500.00.

Mr. Murphy stated that Mr. Ferran accepts responsibility for his errors and requested the Board avoid revocation of Mr. Ferran's Nevada Pharmacist Registration.

Board Action:

Motion: Kevin Desmond moved to revoke Jose Ferran's Nevada Pharmacist Registration for one year effective immediately. Mr. Ferran shall pay an administrative fee of \$1,500.00 due in 90 days.

Second: Darla Zarley

Action: Passed unanimously

Mr. Edwards reviewed Exhibits 1-3 for the Board. He presented copies of the certified mail receipt indicating that the Notice of Intended Action and Accusation was properly served to Mr. Knickerbocker.

Board Action:

Motion: Darla Zarley moved Board Staff properly attempted service by mailing the Notice of Intended Action and Accusation to Mr. Knickerbocker.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Kirk Wentworth moved that the evidence supports the factual allegations in the Notice of Intended Action and Accusation.

Second: Darla Zarley

Action: Passed unanimously

Board Action:

Motion: Kirk Wentworth moved to find Ian Knickerbocker guilty of the Fourth and Fifth Causes of Action.

Second: Darla Zarley

Action: Passed unanimously

Mr. Edwards stated that Board Staff recommends revocation of Mr. Knickerbocker's pharmaceutical technician registration for 12 months effective immediately.

Board Action:

Motion: Kevin Desmond moved to revoke Ian Knickerbocker's Nevada Pharmaceutical Technician License for a minimum of 12 months effective immediately.

Second: Kirk Wentworth

Action: Passed unanimously

Mr. Edwards reviewed Exhibits 4-6 for the Board. He presented copies of the certified mail receipt indicating that the Notice of Intended Action and Accusation was properly served to Ms. Buie.

Board Action:

Motion: Darla Zarley moved Board Staff properly attempted service by mailing the Notice of Intended Action and Accusation to Ms. Buie.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Kirk Wentworth moved that the evidence supports the factual allegations in the Notice of Intended Action and Accusation.

Second: Darla Zarley

Action: Passed unanimously

Board Action:

Motion: Kirk Wentworth moved to find Tiffany Buie guilty of the Fourth and Fifth Causes of Action.

Second: Kevin Desmond

Action: Passed unanimously

Mr. Edwards stated that Board Staff recommends revocation of Ms. Buie's pharmaceutical technician registration for 12 months effective immediately.

Board Action:

Motion: Kirk Wentworth moved to revoke Tiffany Buie's Nevada Pharmaceutical Technician License for a minimum of 12 months effective immediately.

Second: Darla Zarley

Action: Passed unanimously

5. Requests for Renewal of Pharmacist License:

A. Mimi Clayton

Mimi Clayton appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Pinson stated that Ms. Clayton disclosed past discipline on her Nevada Pharmacist Renewal form. Mr. Pinson explained that Ms. Clayton's California Pharmacy License was revoked, the revocation stayed and her license placed on probation with conditions for five years.

Ms. Clayton described the case for the Board. She explained that she was the managing pharmacist at a hospital pharmacy that incorrectly prepared fifty-one IV bag preparations.

Ms. Clayton apologized for the error and acknowledged her responsibilities as the managing pharmacist.

Ms. Clayton answered questions to the Board's satisfaction regarding her past discipline and current employment.

Board Action:

Motion: Jason Penrod moved to approve Mimi Clayton's Request for Renewal of Nevada Pharmacist License with conditions. Ms. Clayton must comply with all terms of her California Board of Pharmacy Order. If there are any changes to her status in California Ms. Clayton shall notify Board Staff within one business day. If Ms. Clayton plans to work in any Nevada licensed facility she shall contact Board Staff for approval before working.

Second: Darla Zarley

Action: Passed unanimously

B. Kristen Gorski

Kristen Gorski appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Pinson explained that Ms. Gorski disclosed past discipline in California on her Nevada Pharmacist Renewal form.

Ms. Gorski described her past discipline for the Board. She stated that she was the managing pharmacist at a pharmacy that was compounding an FDA unapproved drug, Domperidone.

Ms. Gorski answered questions to the Board's satisfaction regarding her discipline in California and her current employment.

Board Action:

Motion: Jason Penrod moved to approve Kristen Gorski's Request for Renewal of Nevada Pharmacist License with conditions. Ms. Gorski shall comply with all terms of her California Board of Pharmacy Order. If there are any changes to her status in California, Ms. Gorski shall notify Board Staff within one business day. If Ms. Gorski plans to work in any Nevada licensed facility she shall contact Board Staff for approval before working.

Second: Kevin Desmond

Action: Passed unanimously

C. Ireogbu Esomonu

Mr. Esomonu was not present.

D. Daryl S. Wolfe

Mr. Wolfe contacted Board Staff to withdraw his request to appear before the Board.

6. Request for Reinstatement of Revoked Pharmacist License:

Zachary Hansen

Darla Zarley recused from participation in this matter due to her employment at Roseman University. Mr. Hansen was a student at Roseman University.

Zachary Hansen and Larry Espadero, Director PRN-PRN, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Bill Stilling was present as counsel representing Mr. Hansen.

Mr. Edwards provided background information for the Board. He explained that in 2016, Mr. Hansen's Nevada Pharmacist License was revoked for creating multiple fraudulent prescriptions for dextroamphetamine-amphetamine in various strengths for himself and others.

Mr. Stilling explained that Mr. Hansen is seeking reinstatement of his Nevada Pharmacist License with conditions that Mr. Hansen will execute a contract with PRN-PRN.

Mr. Hansen answered questions to the Board's satisfaction regarding his current employment in Utah and his recovery.

Mr. Espadero spoke positively of his contact with Mr. Hansen. Mr. Espadero stated that he would be willing to enter a 5 year PRN-PRN with Mr. Hansen with the condition that he would be able to comply with all terms of his contract and that Mr. Hansen would be willing to fly to Las Vegas twice a month to meet in person for evaluation.

Board Action:

Motion: Jason Penrod moved to reinstate Zachary Hansen's Nevada Pharmacist License pending Mr. Hansen sign a five year contract with PRN-PRN. Mr. Hansen shall complete a new application and pay the application fee. Mr. Hansen's Nevada Pharmacist License shall be on probation starting the date of his PRN-PRN contract. Mr. Hansen shall not be the managing pharmacist, shall work under the supervision of another pharmacist and shall not work in a rural area. Mr. Hansen shall comply with all terms of his PRN-PRN contract and must notify Board Staff prior to working in any Nevada licensed facility.

Second: Kevin Desmond

Action: Passed unanimously

7. Applications for Out-of-State Compounding Pharmacy – Appearance:
 - A. Coram CVS/specialty Infusion Services – Phoenix, AZ

This matter was continued to a future meeting.

B. Coram CVS/specialty infusion service #48078 – Phoenix, AZ

Amish Kapadia, managing pharmacist, and Lauren Paul, Director of Pharmacy Affairs CVS Coram, appeared and were sworn by President Basch prior to answering questions or offering testimony.

The Board removed Coram CVS/Specialty Infusion Service #48078 (Coram CVS') affidavit not to ship sterile products into Nevada from the record at Ms. Paul's request.

Mr. Kapadia explained that Coram CVS is a home infusion pharmacy that provides sterile compounding products including TPN and IVIG products.

Mr. Wuest questioned Mr. Kapadia and Ms. Paul regarding Coram CVS' policies and procedures, clean room specifications, environment and product sterility testing and the pharmacy's last inspection.

Mr. Kapadia and Ms. Paul answered questions to the Board's satisfaction.

Board Action:

Motion: Jason Penrod moved to approve Coram CVS/ Specialty Infusion Service's #48078 Application for Out-of-State Pharmacy License.

Second: Darla Zarley

Action: Passed unanimously

C. Coram CVS/specialty infusion service #48090 – Centennial, CO

This matter was continued to a future meeting.

D. Promise Pharmacy – Palm Harbor, FL

Hale Dimitri, RPh, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Dimitri presented a Letter of Authorization allowing him to speak on behalf of the company to the Board.

Mr. Dimitri explained that Promise Pharmacy is a retail pharmacy that provides sterile and non-sterile compounding services. Mr. Dimitri stated that Promise Pharmacy performs low, medium and high risk compounding.

Mr. Wuest questioned Mr. Dimitri regarding Promise Pharmacy's policies and procedures, sterile compounding procedures, clean room specifications and product testing.

Mr. Dimitri stated that Promise Pharmacy is due to be inspected by NABP and offered to provide a copy to the Board when it becomes available.

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

Board Action:

Motion: Kirk Wentworth moved to approve Promise Pharmacy's Application for Out-of-State Pharmacy license. Promise Pharmacy shall send a copy of NABP's inspection report to Board Staff when it is available.

Second: Kevin Desmond

Action: Passed unanimously

Public Comment March 7, 2018, 5:00 PM

There was no public comment.

8. Application for Nevada Wholesaler – Appearance:

Reichman Distribution Inc. – Las Vegas, NV

Paruyr Gishyan, owner and facility manager, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Gishyan explained that he was applying for a Nevada Wholesaler license, but was unable to tell the Board what products Reichman Distribution Inc. would be selling and from where the company would be purchasing products.

The Board expressed concern regarding Mr. Gishyan's lack of knowledge and experience in the wholesaling business.

The Board offered Mr. Gishyan the option to table his application to become more familiar with the wholesaling business. The Board recommended Mr. Gishyan become familiar with the Nevada laws and regulations regarding wholesaling and encouraged him reach out to Board Staff for further direction.

The Board tabled Reichman Distribution Inc.'s Application for Nevada Wholesaler License at Mr. Gishyan's request.

9. Applications for Nevada Pharmacy – Appearance:

A. Direct Compounding, LLC – Henderson, NV

Ellie Gerber, part owner, and Timothy Brown, managing pharmacist, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Pinson explained that this matter was tabled at the last meeting due to questions regarding physician ownership.

Ms. Gerber explained that since the last meeting Direct Compounding, LLC has restructured their ownership so that Dr. David Smith is a 10% owner.

Board discussion ensued regarding Direct Compounding, LLC's ownership structure, physician ownership and physician's spouse ownership.

Mr. Brown explained that Direct Compounding, LLC will be doing sterile and non-sterile compounding and will specialize in pain management medications.

The Board updated Direct Compounding, LLC's services provided to include parenteral, parenteral (outpatient), sterile compounding and non-sterile compounding as requested by Mr. Brown and Ms. Gerber.

Ms. Gerber and Mr. Brown answered questions to the Board's satisfaction regarding the pharmacy's services provided and Mr. Brown's past discipline.

Board Action:

Motion: Kirk Wentworth moved to approve Direct Compounding, LLC's Application for Nevada Pharmacy License pending positive inspection and Board Staff's review that Direct Compounding LLC's ownership structure is in compliance with Nevada Law.

Second: Robert Sullivan

Aye: Desmond, Sullivan, Wentworth, Zarley

Nay: Penrod

Action: Motion carries

B. Goodwill Pharmacy, Inc. – Las Vegas, NV

Arun Pasricha, owner, and Anthony Peraino appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Peraino and Mr. Pasricha explained that Mr. Pasricha owns a retail pharmacy in California and is looking to open another pharmacy in Las Vegas.

Mr. Peraino stated that Mr. Vuong, managing pharmacist, was unable to attend the meeting due to a previous engagement.

The Board questioned Mr. Pasricha and Mr. Peraino regarding the pharmacy's location, layout, security, policies and procedures and Mr. Vuong's work experience.

The Board expressed concern regarding Mr. Vuong's lack of experience in pharmacy management. The Board stressed the importance of ownership's responsibility to provide adequate training to their staff to ensure the pharmacy's success and patient safety.

After discussion, it was determined that Mr. Pascricha had not personally met the managing pharmacist, and that Mr. Vuong was referred by an outside company.

The Board offered Mr. Pascricha the option to table Goodwill Pharmacy, Inc.'s Application for Nevada Pharmacy in order to personally meet and interview Mr. Vuong, and recommended Mr. Pascricha contact Board Staff to make sure the pharmacy layout is compliant with Nevada Law.

The Board tabled Goodwill Pharmacy, Inc.'s application at Mr. Pascricha's request.

C. Santa Maria Pharmacy – Las Vegas, NV

Marco Soliman, pharmacist and brother of Michael Soliman, managing pharmacist, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Soliman presented documentation authorizing him to speak on behalf of the company.

Mr. Soliman explained that Santa Maria Pharmacy's application was approved by the Board in the past, but due to delays in construction, their application had expired.

Mr. Soliman stated that Santa Maria Pharmacy is a retail community pharmacy that will provide non-sterile compounding services.

Board Action:

Motion: Jason Penrod moved to approve Santa Maria Pharmacy's Application for Nevada Pharmacy License pending a positive inspection.

Second: Kirk Wentworth

Action: Passed unanimously

10. Applications for Nevada Medical, Devices, Equipment and Gases – Appearance:

A. Brace it – Las Vegas, NV

Yanve Gonzalez, MDEG administrator and part-owner, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Gonzalez explained that Brace it makes and fits orthotic and prosthetic products.

Mr. Gonzalez answered questions to the Board's satisfaction regarding his work experience, Brace it's ownership structure and record keeping.

Board Action:

Motion: Jason Penrod moved to approve Brace it's Application for Nevada MDEG License pending a positive inspection.

Second: Darla Zarley

Action: Passed unanimously

B. Onpharma Company – Carson City, NV

Matthew Stepovich, MDEG administrator, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Stepovich explained that Onpharma Company sells dental kits.

The Board questioned Mr. Stepovich regarding Onpharma Company's business hours, policies and procedures and ownership structure.

After discussion, the Board expressed concern regarding Onpharma Company's ownership structure due to the percentage of the company owned by practitioners.

Board Staff stated that according to Nevada Law any practitioner(s) ownership must be 10% or less.

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

Board Action:

Motion: Kevin Desmond moved to approve Onpharma Company's Application for Nevada MDEG License pending a positive inspection and Board Staff's review that Onpharma Company's ownership structure is in compliance with Nevada Law.

Second: Jason Penrod

Action: Passed unanimously

Public Comment March 8, 2018, 9:00 AM

There was no public comment.

11. Regulation of Oxygen as a Medical Gas under 21 USC 360ddd-1 for Possible Discussion

Robin Nyberg, CPAP and More, appeared and stated that the Nevada Department of Taxation is not considering Oxygen a drug and requiring prescription Oxygen to be taxed.

After discussion, the Board suggested Ms. Nyberg contact the Attorney General's Office for an opinion.

12. General Counsel Report

13. Executive Secretary Report:

A. Financial Report:

Mr. Pinson presented the financials to the Board's satisfaction.

1. Treasurer's Report

This matter will be presented at a future Board meeting.

B. Temporary Licenses

Two temporary licenses were issued since the last meeting.

C. Staff Activities

1. Meetings with other Health Care Boards
2. AB 474 Meetings and Continuing Education

Mr. Pinson stated that Board Staff has had numerous meetings and presented to various groups regarding the implementation of AB 474.

3. ISU Student

Ciera Nielsen is finishing up her rotation with the Board.

4. Dental Society South

Ms. Long's presentation to this this group was well received.

5. Governor's Opioid State Action Accountability Taskforce

Postponed until April 2018.

6. Legislative Committee on Health Care

Testimony provided by Board Staff.

D. Reports to Board

E. Board Related News:

1. NABP Annual Meeting

Mr. Pinson explained that Robert Sullivan would be the Delegate for the Annual NABP Meeting in Denver.

F. Activities Report

Mr. Pinson encouraged people to volunteer for the Prescription Drug Round Up scheduled for April 28, 2018.

14. Notice of Proposed Regulation Workshop Pursuant to NRS 233B.061 (2)

The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in proposed regulations:

A. Amendment of Nevada Administrative Code Chapter 639 to add a new section thereto providing for the prescribing or dispensing of controlled substances for the treatment of pain in conformance with Assembly Bill 474 from the 2017 Nevada Legislative Session.

Mr. Wuest explained that the proposed amendments further define “acute pain” and “course of treatment.” and clarify “initial prescription” as defined in section 51 of AB 474, clarify “written informed consent” in sections 53 and 54 of AB 474 for practice groups, clarify “making a good faith effort to obtain and review the medical records of the patient” in paragraph (c) of subsection 1 of section 54 of AB 474 and clarify the application of section 57 of AB 474 requiring a practitioner, other than a veterinarian, to consider certain factors before prescribing a controlled substance listed in schedule II, III or IV.

Mr. Wuest stated that the proposed amendments were crafted based on federal language and feedback from the Nevada State Board of Medical Examiners Subcommittee and other interested parties.

Ms. Long read the proposed amendments into the record.

President Basch opened the Public Comment.

Catherine O’Mara, NSMA, appeared and expressed support of the proposed amendment, and thanked Board Staff for their work on the language. She encouraged the Board to adopt the proposed language.

Joanna Jacob, Ferrari Public Affairs, appeared and expressed support of the proposed amendment and thanked the Board and Board Staff for their work on the proposed language.

Mary Anne Ellison, Oncologist, appeared and expressed support of the proposed amendment and discussed the importance of practitioners and pharmacists working together.

Conner Cain appeared and expressed support of the proposed amendment and Dr. Ellison’s comments.

Board discussion ensued regarding shared informed written consent between practitioners with access to a common database.

The Board directed Board Staff to correct grammatical errors in the proposed language.

Board Action:

Motion: Jason Penrod moved to adopt the proposed amendments with the corrections discussed and move forward to Public Hearing.

Second: Kevin Desmond

Action: Passed unanimously

B. Amendment of Nevada Administrative Code (NAC) 453.510: Schedule I

Mr. Wuest explained that the proposed amendment to NAC 453.510 will add newly identified synthetic drugs to the list of controlled substances listed in Schedule I.

President Basch opened the Public Comment.

There was no public comment.

Board Action:

Motion: Jason Penrod moved to adopt the proposed amendments and move forward to Public Hearing.

Second: Darla Zarley

Action: Passed unanimously

15. Notice of Proposed Regulation Public Hearing Pursuant to NRS 233B.061 (2):

A. Amendment of Nevada Administrative Code Chapter 639 to add a new section thereto providing for the dispensing of drugs with prescription readers. Enacts provisions of Senate Bill 131 (79th Session 2017) requiring certain pharmacies to, upon request, provide a prescription reader or advice on obtaining a prescription reader. (LCB File No. R131-17) To comply with Senate Bill No. 131 of the 79th Legislative Session, a retail community pharmacy that dispenses drugs will be required to notify each person to whom a drug is dispensed that a prescription reader is available to the person.

This matter was continued to a future meeting.

B. Amendment of Nevada Administrative Code 639.879: Scope of authority to dispense. Amends provisions relating to the dispensing of controlled substances, dangerous drugs, poisons, and devices by an advanced practice registered nurse. (LCB File No. R132-17)

Mr. Kandt explained that the proposed amendment revises the amounts of controlled substances, dangerous drugs, poisons, and devices that an advanced practice registered nurse is authorized to prescribe to match the language for Physician's Assistants.

President Basch opened the Public Comment.

Elisa Cafferata appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. Cafferata expressed support of the proposed amendment.

Board Action:

Motion: Jason Penrod moved to adopt the proposed amendment.

Second: Kevin Desmond

Action: Passed unanimously

C. Amendment of Nevada Administrative Code Chapter 639 to add a new section providing for the dispensing of certain drugs by veterinarians through consignment. (LCB File No. R146-17)

Mr. Kandt presented proposed amendments for the Board's consideration. The proposed amendments clarified counseling requirements by the veterinarian and deleted Sections 11 and 12.

Mr. Kandt explained that the proposed amendments will allow a licensed veterinarian to take legal ownership but not physical possession of a dangerous drug or Schedule IV or V controlled substance from a licensed wholesaler, prescribe the drug to a patient, and then consign to a licensed pharmacy for dispensing to the patient.

President Basch opened the Public Comment.

Michelle Wagner, President Nevada Veterinary Medical Association, and Jennifer Pedigo, Executive Director Nevada State Board of Veterinary Medical Examiners appeared and were sworn by President Basch prior to answering questions or offering testimony.

Ms. Wagner and Ms. Pedigo expressed support of the proposed amendment.

James Boyle, Strategic Pharmacy Solutions, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Boyle expressed support of the proposed amendment.

Board discussion ensued regarding veterinarian notification to patients if the veterinarian is utilizing the consignment model and record keeping between a veterinarian and a consignment pharmacy.

Board Action:

Motion: Jason Penrod moved to adopt the proposed regulations with revisions as presented by Board Staff.

Second: Kevin Desmond

Action: Passed unanimously

16. Date and Location of Next Scheduled Board Meeting:

April 11-12, 2018 – Las Vegas, Nevada

17. Public Comment March 8, 2018, 12:00 PM

There was no public comment.

DRAFT