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NEVADA STATE BOARD OF PHARMACY

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MINUTES

April 10 & 11, 2019

BOARD MEETING

Hilton Garden Inn
7830 S Las Vegas Boulevard
Las Vegas, Nevada

Board Members Present:

Jason Penrod	Kevin Desmond	Jade Jacobo	Wayne Mitchell
Melissa Shake	Robert Sullivan	Gener Tejero	

Board Staff Present:

Dave Wuest	Yenh Long	Paul Edwards	Brett Kandt
Shirley Hunting	Joe Dodge	Kenneth Scheuber	Luis Curras
Dena McClish	Leo Basch	Kristopher Mangosing	
Sophia Long			

President Penrod 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.

Mr. Wuest explained that Wayne Mitchell would be absent the morning of April 10, 2019, due to a previous engagement.

1. Public Comment April 10, 2019 9:00 AM

Dr. Farzad Kumyar, appeared and expressed concern regarding pharmacies not carrying certain medications. He stressed the importance of a patient's ability to reliably get their medications.

2. Approval of March 6-7, 2019, Minutes

Board Action:

Motion: Kevin Desmond moved to approve the March 6-7, 2019, Meeting Minutes as presented.

Second: Melissa Shake

Action: Passed unanimously

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

- A. Aon Pharmacy – Fort Myers, FL
- B. BioMatrix Specialty Pharmacy of Maryland, LLC – Columbia, MD
- C. Canary Pharmacy – Montclair, CA
- D. Dania Discount Drug – Dania Beach, FL
- E. DermRx Pharmacy – Dallas, TX
- F. Factor One Source Pharmacy LLC – Cumberland, MD
- G. Ruskin Pharmacy – Ruskin, FL
- H. Sortpak Pharmacy – Glendale, CA
- I. Springs Drug Store – Miami Shore, FL
- J. Sterling Pharmacy, Inc. – Jermyn, PA
- K. Superior Drugmart – Flushing, NY
- L. U-Med Inc. – Granby, CO
- M. WhiteGloveRx – Aventura, FL

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

- N. Powerhouse Pharmacy – Dallas, TX
- O. Physicians Preference Pharmacy International LLC – Katy, TX
- P. Premier Pharmacy Group LLC – Colorado Springs, CO
- Q. Saddlebrook Pharmacy – Tomball, TX

Applications for Out-of-State Wholesaler – Non Appearance

- R. ACADIA Pharmaceuticals Inc. – San Diego, CA
- S. Adamas Pharma, LLC – Emeryville, CA
- T. Alembic Pharmaceuticals, Inc. – Bridgewater, NJ
- U. Avita Medical Americas, LLC – Valencia, CA
- V. Bausch Health US, Inc. – Bridgewater, NJ
- W. Chiesi USA, Inc. – Cary, NC
- X. DHL Supply Chain (USA) – Whitestown, IN
- Y. Dompe U.S. Inc. – Boston, MA
- Z. Dukal Corporation – Ronkonkoma, NY
- AA. Edenbridge Pharmaceuticals, LLC – Parsippany, NJ
- BB. Eversana Life Science Services, LLC – Fontana, CA
- CC. Evoke Pharma, Inc. – Solana Beach, CA
- DD. Fluvaccine.org Inc – Salt Lake City, UT
- EE. Fougera Pharmaceuticals Inc. – Melville, NY
- FF. Geodis Logistics LLC – McDonough, GA

- GG. Gelesis, Inc. – Boston, MA
- HH. Insmmed Incorporated – Bridgewater, NJ
- II. Ipsen Biopharmaceuticals, Inc. – Basking Ridge, NJ
- JJ. Isopure, Corp. – Louisville, KY
- KK. Otsuka America Pharmaceutical, Inc. – Rockville, MO
- LL. Premier Rx Wholesale – Cincinnati, OH
- MM. RAS Enterprises LLC – Gulfport, MS
- NN. Sandoz Inc. – Princeton, NJ
- OO. Saptalis Pharmaceuticals, LLC – Hauppauge, NY
- PP. SCILEX Pharmaceuticals Inc. – Mission Viejo, CA
- QQ. SOLA Pharmaceuticals – Baton Rouge, LA
- RR. St. Renatus, LLC – Fort Collins, CO
- SS. Viona Pharmaceuticals Inc. – Cranford, NJ
- TT. Wright Medical Technology, Inc. – Arlington, TN

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

- UU. Aeroflow Urology, LLC – Arden, NC
- VV. Buffalo Respiratory Therapy, LLC – Williamsville, NY
- WW. Current Medical Technologies, Inc. – Lakeville, MA
- XX. Dee Veterinary Products, LLC – Miami Gardens, FL
- YY. DHL Supply Chain (USA) – Southaven, MS
- ZZ. Empatica, Inc. – Boston, MA
- AAA. Liebel-Flarsheim Company LLC – Cincinnati, OH

Application for Nevada Warehouse – Non Appearance

- BBB. GEODIS Logistics LLC – Sparks, NV

Applications for Nevada Pharmacy – Non Appearance

- CCC. The ER at Blue Diamond – Las Vegas, NV
- DDD. Walgreens #21159 – Las Vegas, NV

Melissa Shake recused from participation regarding Item 3 DDD. due to her employment with Walgreens.

Melissa Shake disclosed that the managing pharmacist of 3 CCC. was formerly an intern at her store, but stated that she could participate fairly and without bias.

Board Action:

Motion: Kevin Desmond moved to approve the Consent Agenda with the exception of Item 3 DDD.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Kevin Desmond moved to approve Item 3 DDD.

Second: Robert Sullivan

Action: Passed unanimously

4. Discipline

A. Jaime Cordoba-Hernandez, R.Ph (17-070-RPH-S)

Jade Jacobo disclosed that in the past Mr. Cordoba-Hernandez had interviewed for a job with her, but stated that she could participate in this matter fairly and without bias.

Jaime Cordoba-Hernandez appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Bill Stilling was present as counsel representing Mr. Cordoba-Hernandez.

Gener Tejero disclosed that Mr. Stilling is his attorney, but stated that he could participate in this matter fairly and without bias.

Mr. Edwards explained that Mr. Cordoba-Hernandez has agreed to Stipulated Facts and requested the Board's permission to have Ms. Long read the facts into the record.

President Penrod allowed Ms. Long to read the Stipulated Facts into the record.

Ms. Long read the Stipulated Facts into the record. The facts outlined Mr. Cordoba-Hernandez's past discipline with the Board and described the facts of the case where in July 2017 Dr. Dhaval Shah sent a prescription to Alta Care Home Health (Alta Care) for IV Vancomycin 1 G every 12 Hr for 2 weeks for patient P.L. The physician stated on that prescription that "Pharm to dose Abx" and "Vanco trough weekly."

Justin Reyes from Alta Care Home Health contacted All City Pharmacy regarding the prescription. Mr. Cordoba-Hernandez told Mr. Reyes that All City Pharmacy could provide the intravenous medication, but would be sending the Vancomycin without supplies. Alta Care faxed the prescription to the pharmacy.

Mr. Cordoba-Hernandez accepted a verbal prescription from Mr. Reyes to change the Vancomycin quantity to 30 vials, instead of 28 vials as Dr. Shah prescribed. Mr. Reyes is not a practitioner and is not an agent of Dr. Shah.

Mr. Cordoba-Hernandez prepared and dispensed 30 Vancomycin 1 gm vials that were delivered to the patient's home without the diluent for intravenous administration.

R.N. Gerlie Comahig of Alta Care contacted Mr. Cordoba-Hernandez regarding the missing infusion supplies and medications. Mr. Cordoba-Hernandez accepted a verbal prescription from Ms. Comahig for Sodium Chloride 0.9% flushing solution and Heparin 100u/ml flushing solution. Ms. Comahig is not a practitioner and is not an agent of Dr. Shah.

The labels for each medication list Dr. Shah as the ordering practitioner.

Mr. Edwards stated that All City Pharmacy did not dispute the Stipulated Facts in their Answer and Notice of Defense.

Mr. Stilling did not contest the Stipulated Facts.

Mr. Edwards requested the Board withdraw the Second Cause of Action due to lack of evidence.

Board Action:

Motion: Kevin Desmond moved to accept the Stipulated Facts as presented.

Second: Gener Tejero

Action: Passed unanimously

Mr. Stilling called Mr. Cordoba-Hernandez as a witness.

Mr. Cordoba-Hernandez described his work and education history.

The Board questioned Mr. Cordoba-Hernandez regarding his hospital and infusion pharmacy experience.

After discussion the Board expressed concern regarding Mr. Cordoba-Hernandez's lack of knowledge necessary for infusion pharmacy.

Board Action:

Motion: Melissa Shake moved to find Jaime Cordoba-Hernandez guilty of the First Cause of Action.

Second: Jade Jacobo

Action: Passed unanimously

Board discussion ensued regarding potential penalties for Mr. Cordoba-Hernandez.

Mr. Edwards moved to have Exhibit 1 admitted into the record.

Mr. Stilling had no objections.

President Penrod admitted Exhibit 1 into the record.

Mr. Edwards presented Exhibit 1, a list of reasonably and actually incurred costs.

Board Action:

Motion: Melissa Shake moved to revoke Jaime Cordoba-Hernandez's Nevada Pharmacist Registration. The revocation is stayed and his registration place on probation for 4 years. Mr. Cordoba-Hernandez must take and pass the NAPLEX and MPJE within 6 months. Mr. Cordoba-Hernandez shall attend two Board Meetings a year on discipline day for the time he is on probation. Mr. Cordoba-Hernandez shall pay a \$5,000 fine and \$1,250 administrative fee.

Second: Kevin Desmond

Action: Passed unanimously

B. All City Pharmacy, LLC

(17-070-PH-S)

There was no representative present for All City Pharmacy, LLC.

Mr. Edwards explained that the facts in this case are the same as with Mr. Cordoba-Hernandez.

Mr. Edwards moved to have Exhibits 1 and 4 admitted into the record.

President Penrod admitted Exhibits 1 and 4 into record.

Mr. Edwards presented Exhibits 1 and 4, documentation that All City Pharmacy was properly served.

Board Action:

Motion: Jade Jacobo moved that Board Staff properly served All City Pharmacy based on the exhibits presented.

Second: Melissa Shake

Action: Passed unanimously

Board Action:

Motion: Kevin Desmond moved to find All City Pharmacy guilty of the Third Cause of Action.

Second: Robert Sullivan

Action: Passed unanimously

Board discussion ensued regarding potential penalties for All City Pharmacy.

Board Action:

Motion: Melissa Shake moved that All City Pharmacy shall pay a \$5,000 fine and \$1,250 administrative fee. All City Pharmacy shall have up to quarterly inspections for one year at the company's expense.

Second: Jade Jacobo

Action: Passed unanimously

C. Candy C. Davis, R.Ph	(17-086-RPH-S)
D. Walgreens Pharmacy #4579	(17-086-PH-A-S)
E. Walgreens Pharmacy #2445	(17-086-PH-A-S)

Melissa Shake recused from participation in this matter due to her employment with Walgreen's Pharmacy.

Candy Davis and Kalin Pascacio-Bayles, pharmaceutical technician, appeared and were sworn by President Penrod prior to answering questions or offering testimony.

Bill Stilling was present as counsel representing the Respondents.

Mr. Kandt summarized the facts of the case where patient J.M. received the wrong medication. During data entry, Ms. Pascacio-Bayles mistakenly selected Risperidone 2mg. rather than Ropinrole 2 mg. tablets as prescribed. Ms. Davis failed to detect the error at data entry verification. J.M. subsequently obtained three refills of this prescription. Each automatic refill was filled by pharmacists in Florida at Walgreens Mail Service's facility. The three pharmacists in Florida failed to detect the error. J.M. ingested 103 tablets of the wrong medication before Walgreens discovered the error.

Mr. Kandt presented a Stipulation and Order regarding the Respondents.

Ms. Davis shall receive a Letter of Reprimand, shall pay a \$1,000 fine and a \$1,000 administrative fee. Ms. Davis shall complete an additional 2 CEU on error prevention.

Walgreens Pharmacy #4579 shall pay a \$1,000 fine and a \$1,000 administrative fee.

Walgreens Pharmacy #2445 shall pay a \$2,000 fine and a \$1,000 administrative fee.

Mr. Stilling had no objections.

Ms. Davis and Ms. Pascacio-Bayles apologized to the Board for their errors.

Board Action:

Motion: Kevin Desmond moved to accept the Stipulation and Order as presented by Board Staff.

Second: Jade Jacobo

Action: Passed unanimously

F. Wayne Mitchell, R.Ph (18-041-RPH-N)
G. Carson Tahoe Regional Medical Center (18-041-PH-N)

Wayne Mitchell appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Ann Dahl and John Cotton were present as counsel representing the Respondents.

Each Board member individually stated that they would be able to participate in this matter fairly and without bias.

Mr. Edwards summarized the facts of this case where in February 2018 an anesthesiologist administered to patient L.S. an epidural containing bupivacaine with methylparaben, instead of the preservative-free bupivacaine required for an epidural. The discovery and investigation of this error revealed that Carson Tahoe Regional Medical Center either did not have written policies and procedures in place to adequately record its epidural compounding processes and prevent errors, or the pharmacy had written policies that it did not follow.

Mr. Edwards presented a Stipulation and Order regarding Mr. Mitchell and Carson Tahoe Regional Medical Center.

Mr. Mitchell shall receive a Letter of Reprimand and shall pay a \$500 fine and \$500 administrative fee.

Carson Tahoe Regional Medical Center shall pay a \$1,000 fine and \$2,500 administrative fee. Carson Tahoe Regional Medical Center shall purchase new software to properly track the components used in its compounding services and the products it compounds. Carson Tahoe shall train its staff on how to use the new software and shall create new policies and procedures regarding medication management, compounding, and the use of new software.

Mr. Mitchell stated that the new software has been purchased, and described for the Board how it better tracks the components used in compounding and the staff participating in compounding.

Board Action:

Motion: Jade Jacobo moved to accept the Stipulation and Order as presented.

Second: Melissa Shake

Action: Passed unanimously

H. Kara Balduzzi, R.Ph

(18-071-RPH-S)

I. Walgreens Pharmacy #15035

(18-071-PH-S)

Melissa Shake recused from participation in this matter due to her employment with Walgreens.

Kara Balduzzi appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Bill Stilling was present as counsel representing Ms. Balduzzi and Walgreens Pharmacy.

Mr. Edwards summarized the facts of the case where Ms. Balduzzi incorrectly selected prednisone 50 mg. tablets instead of the prednisone 5 mg. tablets as prescribed. Ms. Balduzzi failed to detect the error during data entry review, she overrode 3 drug utilization review warnings, and failed again to detect the error during final product verification.

Mr. Edwards presented a Stipulation and Order regarding the Respondents.

Ms. Balduzzi shall pay a total fine of \$1,000 and a \$500 administrative fee. She shall complete an additional 2 CEUs on prescription verification and error prevention and 2 CEUs on drug utilization review warnings.

Walgreens Pharmacy shall pay a \$1,000 administrative fee within 60 days.

Mr. Stilling had no objection.

Ms. Balduzzi apologized to the patient, the prescriber and the Board for her error.

Board Action:

Motion: Kevin Desmond moved to accept the Stipulation and Order with an amendment to have Ms. Balduzzi's CEUs due within 60 days.

Second: Jade Jacobo

Action: Passed unanimously

J. Josielyn Sy, R.Ph

(18-092-RPH-N)

K. Walmart Pharmacy #10-2106

(18-092-PH-N)

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

Jade Jacobo recused from participation in this matter due to her employment with Walmart.

Kevin Desmond acted as Board President during this matter.

Josielyn Sy and Debbie Mack appeared and were sworn by Acting President Desmond prior to answering questions or offering testimony.

Susan Trujillo and Lynn Beggs were present as counsel representing Ms. Sy and Walmart Pharmacy.

Mr. Kandt summarized the facts of the case where Ms. Sy failed to detect a prescription error during data entry verification. On August 6, 2018, patient C.G. saw her dentist who prescribed 30 Amoxicillin 500 mg capsules. Pharmaceutical technician Robert White performed data entry. Mr. White mistakenly entered the instructions as “take 2 capsules by mouth now then every 6 hours until gone”, rather than take 2 capsules now, then 1 capsule every six hours until gone, as prescribed

Mr. Kandt presented a Stipulation and Order regarding the Respondents.

Ms. Sy shall receive a Letter of Reprimand, shall pay a \$1,000 fine and a \$1,000 administrative fee. Ms. Sy shall complete 2 additional CEU on error prevention within 60 days.

Walmart Pharmacy shall pay a \$1,000 fine and a \$1,000 administrative fee.

Ms. Sy apologized to the Board and to her patient for her error. Ms. Sy described the changes she has made in her practice to prevent this error in the future.

Board Action:

Motion: Gener Tejero moved to accept the Stipulation and Order as presented.

Second: Melissa Shake

Action: Passed unanimously

L. Sean Barclay, R.Ph
M. Meta Pharmacy

(19-002-RPH-S)
(19-002-PH-S)

Sean Barclay appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Edwards stated that Mr. Barclay has appeared before the Board before requesting Board approval to renew his pharmacist registration.

Mr. Edwards summarized the facts of the case that Mr. Barclay had failed to renew his pharmacist registration and had worked approximately 224 days without a registration.

Mr. Barclay apologized to the Board for his error. He stated that he does not dispute the facts as summarized by Mr. Edwards. Mr. Barclay stated he feels this appearance is duplicative of his previous appearance.

Mr. Edwards moved to have Exhibit 1 admitted into the record.

Mr. Barclay had no objection.

Mr. Edwards presented Exhibit 1, an email from Mr. Barclay to Board Staff.

President Penrod admitted Exhibit 1 into the record.

Board Action:

Motion: Melissa Shake moved that the factual allegations in the Notice of Intended Action and Accusation are true.

Second: Kevin Desmond

Action: Passed unanimously

Board Action:

Motion: Jade Jacobo moved to find Sean Barclay guilty of the First through Third Causes of Action.

Second: Melissa Shake

Action: Passed unanimously

Mr. Edwards moved to have Exhibit 2 admitted into the record.

President Penrod admitted Exhibit 2 into the record.

Mr. Edwards presented Exhibit 2, documentation of expenses accrued during the investigation and preparation of this case.

Board Action:

Motion: Jade Jacobo moved that the fees presented by Board Staff are fair, reasonable, actual and necessarily incurred.

Second: Kevin Desmond

Action: Passed unanimously

Board discussion ensued regarding potential penalties for Mr. Barclay.

Board Action:

Motion: Melissa Shake moved to find that Sean Barclay shall pay a \$2,500 fine and a \$1,000 administrative fee. Meta Pharmacy shall pay a \$5,000 fine and a \$2693.99 administrative fee. Board Staff is authorized to approve a payment plan if necessary.

Second: Kevin Desmond

Action: Passed unanimously

N. Melina Cruz, PT

(19-019-PT-S)

Jade Jacobo disclosed that she has supervised Melina Cruz, but stated that she could participate in this matter fairly and without bias.

Melina Cruz appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Kandt stated that Ms. Cruz did not submit an Answer or Notice of Defense.

Mr. Kandt summarized the facts of the case where Ms. Cruz was terminated from her employment as a pharmaceutical technician at CVS Pharmacy #08803 for diversion of controlled substances. Ms. Cruz admitted to diverting approximately 2 Alprazolam 1 mg. tablets from CVS for self-use.

Ms. Cruz apologized to the Board for her error. She explained that she is currently in therapy and hopes to someday be able to be a pharmacist in the future.

Mr. Kandt moved to have Exhibit 1 admitted into the record.

Ms. Cruz had no objections.

President Penrod admitted Exhibit 1 into the record.

Mr. Kandt presented Exhibit 1. Exhibit 1 was a report of theft, a DEA Form 106, and statements from Ms. Cruz and a CVS investigator.

Board Action:

Motion: Melissa Shake moved to that the factual allegations in the Notice of Intended Action and Accusation are true.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved to find Melina Cruz guilty of the First through Fourth Causes of Action based on the evidence and testimony provided.

Second: Jade Jacobo

Action: Passed unanimously

Mr. Kandt stated that Board Staff recommends revocation of Ms. Cruz's Pharmaceutical Technician Registration.

Board Action:

Motion: Kevin Desmond moved to revoke Melina Cruz's Pharmaceutical Technician Registration for a minimum of 1 year.

Second: Robert Sullivan

Action: Passed unanimously

5. Applications for Out-of-State Pharmacy – Appearance

A. Avasa Rx Pharmacy – Phoenix, AZ

Ed Sotherden, Vice President of Market Access and Hematology, and Ronak Modi, managing pharmacist, appeared and were sworn by President Penrod prior to answering questions or offering testimony.

Joe Dodge, Inspector Nevada State Board of Pharmacy, appeared and was sworn by President Penrod prior to answering questions or offering testimony.

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

Mr. Modi testified that Avasa Rx Pharmacy does not perform sterile compounding at this facility.

Mr. Modi and Mr. Sotherden answered questions to the Board's satisfaction regarding Avasa Rx Pharmacy's products and services provided, policies and procedures, staff training, software and marketing.

Board Action:

Motion: Jade Jacobo moved to approve Avasa Rx Pharmacy's Application for Out-of-State Pharmacy License.

Second: Wayne Mitchell

Action: Passed unanimously

- B. One Choice Pharmacy – Stafford, TX

This matter was postponed to a future meeting at the applicant's request.

- C. Soleo Health Inc. – Woodridge, IL

Jason Howard, Director of Specialty Pharmacy, appeared and was sworn by President Penrod prior to answering questions or offering testimony.

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

Mr. Howard answered questions to the Board's satisfaction regarding Soleo Health Inc.'s products and services provided, staff, marketing, shipping procedures and Soleo Health Inc.'s past discipline in other states.

Board Action:

Motion: Melissa Shake moved to approve Soleo Health Inc.'s Application for Out-of-State Pharmacy License.

Second: Jade Jacobo

Action: Passed unanimously

- 6. Applications for Nevada Pharmacy – Appearance

- A. BAM Healthcare LVIC LLC – Las Vegas, NV

Robin Widroff, operations manager, and Ben Welwart, consultant, appeared and were sworn by President Penrod prior to answering questions or offering testimony.

Gener Tejero disclosed that he has a business relationship with Mr. Welwart, but stated that he could participate in this matter fairly and without bias.

Joe Dodge, Inspector Nevada State Board of Pharmacy, appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Dodge questioned Ms. Widroff and Mr. Welwart regarding BAM Healthcare LVIC LLC's, business model, products and services provided, pharmacy layout and patient counseling.

Mr. Welwart stated that BAM Healthcare does not compound any medications at this location. Mr. Welwart answered questions to the Board's satisfaction.

After discussion, the Board expressed concern regarding Ms. Widroff's and Mr. Welwart's lack of familiarity with Nevada law, and if the layout of the pharmacy is compliant with Nevada law.

Board Action:

Motion: Kevin Desmond moved to approve BAM Healthcare LVIC, LLC.'s Application for Nevada Pharmacy pending a positive inspection, BAM Healthcare LVIC, LLC. may have up to quarterly inspections at Board Staff's discretion. The inspections will be at the company's expense.

Second: Melissa Shake

Action: Passed unanimously

B. Eastside Pharmacy – Las Vegas, NV

This matter was postponed to a future meeting at the applicant's request.

C. Modern Rx - Las Vegas, NV

Melissa Shake disclosed that the managing pharmacist's wife is a Walgreens employee, but stated that she could participate in this matter fairly and without bias.

Aimee Brown, owner, Joseph Steidle, managing pharmacist, Christopher Rath, attorney, appeared and were sworn by President Penrod prior to answering questions or offering testimony.

Mr. Steidle explained that Modern Rx is an independent retail pharmacy that will also specialize in CPAP equipment.

The Board questioned Ms. Brown and Mr. Steidle regarding the pharmacy's products provided, Mr. Steidle's pharmacy experience and past discipline, Ms. Brown's work history and the pharmacy's business hours.

Mr. Rath explained that Mr. Nguyen was listed as the managing pharmacist on the application. He explained that an updated application was submitted to Board Staff by email.

Ms. Brown and Mr. Steidle answered questions to the Board's satisfaction.

Board Action:

Motion: Kevin Desmond moved to approve Modern Rx's Application for Nevada Pharmacy License pending a positive inspection and review of Modern Rx's updated application.

Second: Jade Jacobo

Action: Passed unanimously

7. Application for Nevada Medical, Devices, Equipment and Gases – Appearance

USOC Equipment, LLC – Las Vegas, NV

Duane Gilmore, Vice President of Operations, appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Gilmore explained that USOC Equipment, LLC provides primarily patient monitoring equipment and infusion pumps.

Mr. Gilmore answered questions to the Board's satisfaction regarding the products and services provided, business ownership structure, and his work experience.

Board Action:

Motion: Jade Jacobo moved to approve USOC Equipment, LLC.'s Application for Nevada MDEG License pending a positive inspection.

Second: Kevin Desmond

Action: Passed unanimously

Public Comment April 10, 2019 3:30 PM

There was no public comment.

8. Request for Pharmacist Registration by Score Transfer – Appearance

Kurt A. Howe

Kurt Howe appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Kandt stated that Mr. Howe disclosed on his application a history of diverting hydrocodone and filling his prescription for Vyvanse before it was due.

Mr. Howe apologized to the Board for his error.

Mr. Howe explained that after the revocation of his license he enrolled into a Recovering Professionals Program.

Mr. Howe answered questions regarding his recovery, current employment, past discipline and education.

Board discussion ensued regarding Mr. Howe being evaluated by PRN-PRN.

President Penrod offered Mr. Howe the option to table his application while he is evaluated by PRN-PRN and to provide Board Staff with documentation on his discipline in other states.

The Board tabled Mr. Howe's Application for Nevada Pharmacist Registration at his request.

9. Requests for Controlled Substance Registration – Appearance

A. Jorge Y. Burgos, MD

This matter was continued to a future meeting.

B. Mehran Salek, MD

Mehran Salek appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Maria Nutile was present as counsel representing Dr. Salek.

Ms. Nutile provided a summary of Dr. Salek's past discipline and his work history since 2004.

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

After discussion, the Board expressed concern regarding Dr. Salek's knowledge of recent law changes regarding controlled substances in Nevada.

Board Action:

Motion: Wayne Mitchell moved to approve Mehran Salek's Application for Controlled Substance Registration with the condition that Dr. Salek meets with Board Staff to discuss Nevada Law regarding prescribing controlled substances

Second: Melissa Shake

Action: Passed unanimously

C. David J. Smith, MD

This matter was continued to a future meeting at Dr. Smith's request.

10. Request for Controlled Substance Renewal – Appearance

A. Markey Wilson, PA

Markey Wilson appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Wuest provided background information. He explained that Ms. Wilson did not renew her controlled substance registration and prescribed medication while her registration was

expired. Mr. Wuest explained that Ms. Wilson agreed to a verbal cease and desist. Due to the timing that this issue was discovered, she did not receive the 21 day notice to appear.

Ms. Wilson verbally waived her right to 21 day notice.

Ms. Wilson explained to the Board the circumstances that led to not renewing her controlled substance registration. Ms. Wilson apologized to the Board and claimed responsibility for her actions.

Mr. Wuest explained that Ms. Wilson will reappear before the Board for a disciplinary hearing on this matter.

Board Action:

Motion: Jade Jacobo moved to approve Markey Wilson's Request for Controlled Substance Registration Renewal.

Second: Melissa Shake

Action: Passed unanimously

B. Roger Estevez, MD

Roger Estevez appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Wuest explained that Dr. Estevez appeared before the Board regarding his practitioner dispensing registration. He stated that Dr. Estevez failed to renew his controlled substance registration and had prescribed controlled substances while his license was expired.

Mr. Kandt explained that due to the timing this issue was discovered Dr. Estevez did not receive the written 21 day notice to appear.

Dr. Estevez verbally waived his right to 21 day notice.

Dr. Estevez agreed with Mr. Wuest's summary of events.

The Board questioned Dr. Estevez regarding how this error occurred and how to prevent this error in the future.

Mr. Kandt stated that Dr. Estevez will reappear before the Board for a disciplinary hearing on this matter.

Board Action:

Motion: Kevin Desmond moved to approve Roger Estevez's Request for Controlled Substance Registration Renewal.

Second: Melissa Shake

Action: Passed unanimously

11. Request to Amend Conditions of Reinstatement of Pharmacist Registration to Remove Prohibition from Working as a Managing Pharmacist

Ashley Isom

(15-074-RPH-N)

Ashley Isom and Larry Espadero, Director PRN-PRN, appeared and were sworn by President Penrod prior to answering questions or offering testimony.

Ms. Isom explained that she is requesting the Board amend the conditions of her reinstatement to allow her to act as managing pharmacist.

Mr. Espadero summarized Ms. Isom's recovery and spoke positively of her progress.

Ms. Isom answered questions to the Board's satisfaction regarding her past discipline, addiction and recovery.

Mr. Espadero recommended Ms. Isom be allowed to act as a managing pharmacist with conditions to increase her PRN-PRN contract for an additional year and to maintain her 90 hour per 2 week work limitation.

Board Action:

Motion: Wayne Mitchell moved to allow Ashley Isom to work as a managing pharmacist with conditions that she renew her contract with PRN-PRN for an additional year and that she comply with all conditions of her PRN-PRN contract.

Second: Kevin Desmond

Action: Passed unanimously

12. Request for Reinstatement of Revoked Pharmacist License: - Appearance

Jose Ferran

(17-039-RPH-S)

Jade Jacobo recused from participation in this matter due to her professional relationship with Mr. Ferran.

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

Kevin Murphy was present as counsel for Mr. Ferran.

Mr. Kandt summarized the facts of the case where Mr. Ferran's pharmacist registration was revoked because while working as a managing pharmacist Mr. Ferran fraudulently created a total of 44 unauthorized prescriptions for himself, his family and family members of his staff.

Mr. Ferran claimed responsibility for his actions and apologized to the Board for his error.

Mr. Murphy provided a summary of Mr. Ferran's current work employment and CEU he has completed during his revocation.

Board discussion ensued regarding reinstating Mr. Ferran's pharmacist registration with conditions.

Board Action:

Motion: Melissa Shake moved to approve Jose Ferran's request for reinstatement of revoked pharmacist license with conditions. Mr. Ferran's registration shall be placed on probation for two years. Mr. Ferran must notify any employer of his past discipline. Mr. Ferran shall not be a managing pharmacist, shall not compound for one year and shall not work more than 90 hours in two weeks. Mr. Ferran shall pay restitution to Walmart within 90 days, and upon getting a job the managing pharmacist shall submit quarterly reports to Board Staff regarding Mr. Ferran's performance.

Second: Kevin Desmond

Action: Passed unanimously

13. Applications for Nevada Wholesaler – Appearance

A. FENWAL, INC. – North Las Vegas, NV

Steve Shaw, operations manager, Christina Dempsey, Senior Manager of Supply Chain Solutions, Randy Topolinski, supervisor, Brian Kunz, Senior Director of Supply Chain Solutions, Craig Elkins, Senior Corporate Counsel, appeared and were sworn by President Penrod prior to answering questions or offering testimony.

Mr. Elkin's explained that FENWAL, INC. and FRESENIUS KABI, LLC. share the same corporate ownership.

Mr. Shaw, Ms. Dempsey, Mr. Topolinski, Mr. Kunz and Mr. Elkins answered questions to the Board's satisfaction regarding the products and services provided, ownership structure and staff.

Mr. Dodge described his visit to FENWAL, INC.'s facility and summarized DEA's report of their visit to the facility.

Board Action:

Motion: Kevin Desmond moved to approve FENWAL, INC.'s Application for Nevada Wholesaler License pending a positive inspection and receipt of a Letter of Authorization allowing Mr. Shaw, Ms. Dempsey, Mr. Topolinski, Mr. Kunz and Mr. Elkins to speak on behalf of the company.

Second: Robert Sullivan

Action: Passed unanimously

B. FRESENIUS KABI, LLC – North Las Vegas, NV

Steve Shaw, Christina Dempsey, Randy Topolinski, Brian Kunz, and Craig Elkins appeared on behalf of FRESENIUS KABI, LLC.

Mr. Elkins answered questions regarding FRESENIUS KABI, LLC.'S past discipline to the Board's satisfaction.

Board Action:

Motion: Jade Jacobo moved to approve FRESENIUS KABI, LLC.'S Application for Nevada Wholesaler License.

Second: Kevin Desmond

Action: Passed unanimously

14. Applications for Out-of-State Compounding Pharmacy – Appearance

A. Cure Stat Rx Home Infusion and Specialty Pharmacy, Inc. – San Diego, CA

Ramesh Chigurupati, managing pharmacist and owner, appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Dodge questioned Mr. Chigurupati regarding the pharmacy's clean room specifications, staff training, pharmacy policies and procedures, product testing and past inspections.

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

The Board removed Cure Stat Rx Home Infusion and Specialty Pharmacy, Inc.'s affidavit to ship sterile products at Mr. Chigurupati's request.

Board Action:

Motion: Melissa Shake moved to approve Cure Stat Rx Home Infusion and Specialty Pharmacy, Inc.'s Application for Out-of-State Compounding Pharmacy pending receipt and review of the company's most recent inspections by the California Board of Pharmacy and ACHC. Board Staff is authorized to review the inspection reports. Cure Stat Rx Home Infusion and Specialty Pharmacy, Inc.

shall request Board approval before shipping any high risk sterile compounded products into Nevada.

Second: Gener Tejero

Action: Passed unanimously

B. MedRx Infusion Clinical Pharmacy – Inglewood, CA

Eun-Kyong Kim, pharmacist, and Simon Javaheri, CEO and CFO, appeared and were sworn by President Penrod prior to answering questions or offering testimony.

Mr. Dodge questioned Mr. Kim and Mr. Javaheri regarding MedRx Infusion Clinical Pharmacy's products and services provided, clean room specifications, beyond use dating policies, shipping policies, product testing, past inspections and the company's past discipline.

Mr. Dodge requested a copy of MedRx Infusion Clinical Pharmacy's last inspection report from the California Board of Pharmacy as well a copy of their citation from California.

Mr. Kim and Mr. Javaheri answered questions to the Board's satisfaction.

The Board removed MedRx Infusion Clinical Pharmacy's affidavit to ship sterile products at Mr. Kim's request.

Board Action:

Motion: Kevin Desmond moved to approve MedRx Infusion Clinical Pharmacy's Application for Out-of-State Compounding Pharmacy License pending receipt and review of the pharmacy's most recent inspection by the California Board of Pharmacy and a copy of the pharmacy's citation from the California Board of Pharmacy. Board Staff is authorized to evaluate the inspection report and citation.

Second: Melissa Shake

Action: Passed unanimously

C. Vasco Rx – Phoenix, AZ

Paul Vasiliauskas, COO, appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Dodge questioned Mr. Vasiliauskas regarding Vasco Rx's products and services provided, policies and procedures and past FDA inspections.

Mr. Vasiliauskas reviewed each observation listed by the FDA and explained how Vasco Rx resolved each issue.

After discussion, the Board requested Mr. Vasiliauskas provide a copy of the training plan created based on FDA's observations.

The Board questioned Mr. Vasiliauskas regarding his Vasco Rx's past discipline.

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

Board Action:

Motion: Kevin Desmond moved to approve Vasco Rx's Application for Out-of-State Compounding Pharmacy pending receipt and review of the training plan based on FDA's observations. Board Staff is authorized to review and evaluate the training plan.

Second: Melissa Shake

Action: Passed unanimously

15. Discussion of increasing fees imposed pursuant to NRS 639.170 and/or NRS 453.221 to maintain conformance with the Board's operating reserve policy.

Mr. Wuest provided background information.

Board discussion ensued regarding the current fee structure, responsibilities of the Board, and the costs incurred by Board activities.

Board Action:

Motion: Kevin Desmond moved to allow the Executive Secretary to pursue increasing fees to address the financial shortfalls in the Board's budget.

Second: Jade Jacobo

Action: Pass unanimously

16. General Counsel Report

17. Executive Secretary Report:

- A. Financial Report

Mr. Wuest presented the financial report to the Board's satisfaction.

- B. Temporary Licenses

- C. Staff Activities:

1. Meetings with Other Health Care Boards
2. Legislature in Session
3. NASCSA Board of Directors

- 4. Roseman Student Rotation – Grace Field has finished her rotation
- 5. MPJE Test Writing Seminar
- D. Report to Board:
 - 1. Licensing software update
- E. Board Related News:
 - 1. Upcoming NABP National Meeting
- F. Licensing Activities Report:
 - 1. PMP Integration
 - 2. Legislative update

Public Comment April 11, 2019 9:00 AM

There was no public comment.

18. 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 topic that may be addressed in the proposed regulation:

A. Amendment of Nevada Administrative Code (NAC) 639.NEW LANGUAGE Costs for inspection.

- 1. In addition to any application fees paid, the Board may require an applicant to pay inspection costs incurred by the Board.
- 2. The Board may require an out-of-state licensee to pay inspection costs incurred by the Board.

Mr. Wuest provided background information.

President Penrod opened the Public Comment.

There was no public comment.

Board Action:

Motion: Kevin Desmond moved to adopt the proposed amendments and move forward to Public Hearing.

Second: Melissa Shake

Action: Passed unanimously

B. Amendment of Nevada Administrative Code (NAC) 639.250: Restrictions on supervision. The proposed amendment to NAC 639.250 will allow for an increase in pharmaceutical technician to pharmacist ratio in certain pharmacy settings

Mr. Edwards and Mr. Wuest provided background information.

President Penrod opened the Public Comment.

Liz MacMenamin, RAN, appeared and expressed concern on behalf of her members regarding having all personnel in a pharmacy licensed.

Lauren Paul, CVS Health, appeared and expressed concern regarding language that no person working in a pharmacy may have access to or come into contact with any controlled substance, dangerous drug or private health information unless that person is registered with the Board.

David Vasenden, pharmacist, appeared and requested the Board to increase the pharmaceutical technician to pharmacist ratio to above 5:1.

Lorrie Walmsley, Walgreens, appeared and discussed how the proposed language affects pharmacy practices where billing technicians are on staff.

Board discussion ensued regarding clarifying the language regarding pharmacy clerks, different pharmacy business models and the managing pharmacist's role in determining the correct ratio.

Board Action:

Motion: Melissa Shake moved to bring this matter back to Workshop with amendments as discussed and to increase the ratio to 8:1.

Second: Jade Jacobo

Aye: Jacobo, Mitchell, Shake, Sullivan

Nay: Desmond, Tejero

Action: Motion carries

19. Request to Engage in the Practice of Pharmacy at a Site Other Than a Licensed Pharmacy – Appearance:

Leslie Baker, R.Ph

Leslie Baker appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Wuest provided background information.

Ms. Baker explained that she previously worked at Campus Pharmacy. Campus Pharmacy is closing and Ms. Baker was offered the opportunity to work at the geriatric clinic at the University of Nevada and provide MTM services.

Ms. Baker answered questions to the Board's satisfaction.

Board Action:

Motion: Kevin Desmond moved to approve Leslie Baker's request to engage in the practice of pharmacy at a site other than a licensed pharmacy.

Second: Robert Sullivan

Action: Passed unanimously

20. Date and Location of Next Scheduled Board Meeting:

June 5-6, 2019 – Reno, Nevada

21. Public Comment April 11, 2019 :3:00 PM

There was no public comment.