



NEVADA STATE BOARD OF PHARMACY

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• Web Page: bop.nv.gov

MINUTES

June 7 & 8, 2018

BOARD MEETING

Hyatt Place
1790 E Plumb Ln
Reno, Nevada

Board Members Present:

Leo Basch	Wayne Mitchell	Jason Penrod	Melissa Shake
Robert Sullivan	Kirk Wentworth		

Board Members Absent:

Kevin Desmond

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.

Mr. Pinson introduced and congratulated Wayne Mitchell as Governor Sandoval's newest appointment to the Nevada State Board of Pharmacy for the completion of a three-year term.

1. Public Comment June 6, 2018, 9:00 AM

There was no public comment.

2. Approval of April 11-12, 2018, Minutes

Kirk Wentworth recused from participation in this matter due to his absence at the April 2018 Board Meeting.

Jason Penrod recused from participation from the April 12, 2018, Meeting Minutes due to his absence.

Board Action:

Motion: Jason Penrod moved to approve the April 11, 2018, Meeting Minutes as presented.

Second: Melissa Shake

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved to approve the April 12, 2018, Meeting Minutes as presented.

Second: Robert Sullivan

Action: Passed unanimously.

3. Applications for Out-of-State Pharmacy – Non Appearance
 - A. 904 Prospect Pharmacy Inc. (Boca Pharmacy) – Bronx, NY
 - B. Affinity Rx – Houston, TX
 - C. Alta Rx LLC – Sandy, UT
 - D. Binh Dan Pharmacy – Westminster, CA
 - E. B & Y Pharmacy – Philadelphia, PA
 - F. CHD Pharmacy – St Louis, MO
 - G. CRx Specialty Solution Pharmacy – Natchitoches, LA
 - H. Edpharmalle – Marshalls Creek, PA
 - I. Encompass Rx – Atlanta, GA
 - J. Georgetown Rx, LLC – Bethesda, MD
 - K. Hillcrest Pharmacy – Midvale, UT
 - L. HPC Specialty Pharmacy – Mobile, AL
 - M. Imperial RX LLC – Londonberry, NH
 - N. Medcrafters RX Pharmacy LLC – Berkley, MI
 - O. MXP Pharmacy – Amarillo, TX
 - P. North Halstead LLC – Ocean Springs, MS
 - Q. Pharmacy Express & Medical Supplies – Clearwater, FL
 - R. RaRx II LLC – Nashville, TN
 - S. Rx-Direct Home Delivery – Arlington, TX
 - T. Tee Pharmacy – Flushing, NY
 - U. ValiSureRx – New Haven, CT
 - V. Westlake Health Mart Pharmacy – Fort Worth, TX
 - W. WIRX Pharmacy – Fort Washington, PA
 - X. WIRX Pharmacy II – Philadelphia, PA

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

- Y. Chinook Healthcare Pharmacy – Lafayette, CO
- Z. Clinical Specialty Infusions of Dallas, LLC – Wake Village, TX
- AA. John’s Pharmacy in Albany, LLC – Albany, NY
- BB. MEDPHARMA LLC – Philadelphia, PA
- CC. Pharmaneek Inc. – Indianapolis, IN
- DD. Pharmacy of Tampa – Tampa, FL
- EE. Sterling Specialty Pharmacy – Mendota Heights, MN
- FF. United Rx LLC – Hillside, IL

Applications for Out-of-State Wholesaler – Non Appearance

- GG. Ablynx, Inc. – Conshohocken, PA
- HH. Ascent Pharmaceuticals, Inc. – Central Islip, NY
- II. Bausch and Lomb, Inc. – Woodruff, SC
- JJ. Bioverativ U.S. LLC – Waltham, MA
- KK. Boston Medical Products, Inc. – Shrewsbury, MA
- LL. Boston Scientific Corporation – San Jose, CA
- MM. Catalent San Diego, Inc. – San Diego, CA
- NN. Colossal Health Inc. – Plainfield, IL
- OO. C.R. Bard, Inc. – Covington, GA
- PP. Golden State Medical Supply, Inc. – Camarillo, CA
- QQ. HLS Therapeutics (USA), Inc. – Rosemont, PA
- RR. Kedrion Biopharma Inc. – Fort Lee, NJ
- SS. Noden Pharma USA, Inc. – Orlando, FL
- TT. NUMED – Brooklyn, NY
- UU. Tolmar, Inc. – Windsor, CO
- VV. Premier Rx Wholesale – Cincinnati, OH
- WW. Purdue Pharma Manufacturing L.P. – Durham, NC
- XX. Purdue Pharmaceuticals L.P. – Wilson, NC
- YY. Retrophin, Inc. – San Diego, CA
- ZZ. RxPak – Memphis, TN
- AAA. UpWell Health Products, LLC – Murray, UT
- BBB. Verastem Oncology – Needham, MA
- CCC. WES Pharma Inc. – Westminster, MD

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

- DDD. Abova Health, LLC – Minneapolis, MN
- EEE. Abova Health, LLC – Minneapolis, MN
- FFF. Advanced Medical Supply LLC – Largo, FL
- GGG. Allegro Enterprise Inc. – Bolingbrook, NY
- HHH. Apex Medical USA Corp. – Brea, CA
- III. Bard Medical Division of C.R. Bard, Inc. – Covington, GA
- JJJ. Brasseler U.S.A. Dental LLC – Savannah, GA
- KKK. Brasseler U.S.A. Medical LLC – Ventura, CA

- LLL. Canoga Medical Supply, Inc. – Canoga Park, CA
- MMM. Certified Medical Supply, Inc. – Port Washington, WA
- NNN. Community Medical Rental and Supply – Fredericksburg, TX
- OOO. CP Medical, Inc. – Norcross, GA
- PPP. DJO, LLC – Fort Worth, TX
- QQQ. DHL Supply Chain (USA) – Lockbourne, OH
- RRR. Greenleaf Medical Supply LLC – Winston-Salem, NC
- SSS. Hygeia II Medical Group, Inc. – Carlsbad, CA
- TTT. Limb Lab – Rochester, MN
- UUU. RMS Healthcare Consulting Inc. – Kansas City, MO
- VVV. Silony Medical Corp. – Doral, FL
- WWW. Universal Medsupports – La Mesa, CA
- XXX. United Medical Benefits LLC – Newark, DE

Applications for Nevada Pharmacy – Non Appearance

- YYY. Ambulatory Surgical Center of Southern Nevada – Las Vegas, NV
- ZZZ. Community Health Alliance Sparks Pharmacy – Sparks, NV
- AAAA. Flying Diamond Pharmacy, LLC – Reno, NV
- BBBB. Lovelock Pharmacy – Lovelock, NV
- CCCC. Silver Stage Pharmacy – Silver Springs, NV

After discussion, the Board directed Board Staff to verify if Clinical Specialty Infusions of Dallas, LLC (Item 3 Z) plans to provide sterile compounding services.

Board Action:

Motion: Jason Penrod moved to approve the Consent Agenda with the exception of Item 3 Z.

Second: Robert Sullivan

Action: Passed unanimously

Mr. Pinson stated that Clinical Specialty Infusions of Dallas, LLC has completed the affidavit stating that they will not be shipping sterile compounded products into Nevada.

Board Action:

Motion: Jason Penrod moved to approve Item 3 Z.

Second: Melissa Shake

Action: Passed unanimously

4. Discipline

- A. Raymond Duro, R.Ph (17-117-RPH-N)

Wayne Mitchell recused from participation in this matter due to his employment with Carson Tahoe Regional Medical Center.

Raymond Duro appeared and was sworn by President Basch prior to answering questions or offering testimony.

Hal Taylor was present as counsel representing Mr. Duro.

Mr. Kandt summarized the facts of the case where Mr. Duro disclosed on his Nevada pharmacist registration renewal application that since his last renewal, he had been the subject of an administrative action in California. Mr. Kandt stated that Mr. Duro appeared at the October 2017 Board Meeting requesting consideration for renewal of his pharmacist registration. The Board granted the renewal conditioned on further review by Board Staff to determine if a parallel action by the Nevada State Board of Pharmacy was warranted.

Mr. Kandt stated that Mr. Duro's California pharmacist license was revoked, the revocation was stayed and Mr. Duro's license was placed on probation for three years with terms and conditions.

Mr. Taylor stated that Mr. Duro is currently completing the ethics course and paid his fines required by his California Settlement Agreement.

Mr. Kandt moved to have Exhibits 1-2 admitted into the record.

President Basch admitted Exhibits 1-2 into the record.

Mr. Kandt presented Exhibits 1 and 2, Mr. Duro's Nevada pharmacist registration renewal application and Stipulated Settlement and Disciplinary Order from the California State Board of Pharmacy in Case No.5709.

Mr. Kandt stated that Mr. Duro's admission and the evidence presented show findings of guilt on all three Causes of Action.

Mr. Kandt requested modifications to paragraphs 6-8 of the Accusation to strike any references to NRS 639.210 (1) (not of good moral character) and NRS 639.2107.

Mr. Taylor had no objections.

Mr. Duro apologized for his error and described the steps he has taken to comply with his California Order.

Mr. Taylor moved to have Exhibits B and C admitted into the record.

President Basch admitted Exhibits B and C into the record.

Mr. Taylor presented Exhibits B and C, a letter from the California State Board of Pharmacy showing that Mr. Duro's fines had been paid and documentation showing Mr. Duro completed the required ethics course.

Board Action:

Motion: Jason Penrod moved that the Board make findings of fact that the evidence supports the factual allegations in the Notice of Intended Action and Accusations, with the modifications to the Accusation striking references to NRS 639.210(1) and NRS 639.2107, as requested by Board Staff.

Second: Melissa Shake

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved that as a matter of law the Board has jurisdiction over this matter to find Raymond Duro guilty of the First, Second and Third Causes of Action.

Second: Melissa Shake

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to place Raymond Duro's Nevada Pharmacist Registration on probation for a period of 3 years. Mr. Duro shall pay an administrative fee of \$1,500.00. Mr. Duro shall not be a managing pharmacist, shall not own a pharmacy, and shall remain in compliance with all terms of his California Order. Mr. Duro shall notify Board Staff within one business day if he falls out of compliance with his California Order, and is responsible to provide documentation to Board Staff when his probation status is lifted in California. Should Mr. Duro fall out of compliance with his California Order the Executive Secretary or the Deputy Executive Secretary may immediately suspend Mr. Duro's Nevada pharmacist registration.

Second: Robert Sullivan

Action: Passed unanimously

B. Cheryl Mussell, PT (18-013-PT-N)

Wayne Mitchell disclosed that Ms. Mussell was a former employee, but stated that he could participate in this matter fairly and without bias.

Cheryl Mussell appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Kandt moved to have Exhibits 1 and 2 admitted into the record.

President Basch admitted Exhibits 1 and 2 into the record.

Mr. Kandt presented Exhibits 1 and 2, Default Decision and Order of Revocation from the California State Board of Pharmacy in Case No. 5709 and her 2014 Nevada Pharmaceutical Technician Renewal Application.

Mr. Kandt described the facts of the case where the California State Board of Pharmacy revoked Ms. Mussell's California pharmaceutical technician registration for unprofessional conduct (practicing pharmacy and representing herself to be a pharmacist without a pharmacist license). The California State Board of Pharmacy found Ms. Mussell guilty by default after she failed to respond to the California Accusation.

Ms. Mussell apologized for the errors and described the events that led to facts listed in the California Accusation. She explained that her employer at the time had let go of the pharmacist on staff. She stated that she was informed by her employer that the classification of her work area had changed to a drug room which would allow her to practice at that location without direct pharmacist supervision. Ms. Mussell stated that she did not purposefully represent herself as a pharmacist.

The Board questioned Ms. Mussell regarding why she did not respond to her California Accusation.

She explained that she had moved and did not notify the California State Board of Pharmacy of her current address.

Board Action:

Motion: Jason Penrod moved that the Board make findings of fact that the evidence supports the factual allegations in the Notice of Intended Action and Accusation.

Second: Kirk Wentworth

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved that as a matter of law the Nevada State Board of Pharmacy has jurisdiction over this matter.

Second: Kirk Wentworth

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to find as a matter of law that Cheryl Mussell is guilty of the First Cause of Action.

Second: Kirk Wentworth

Melissa Shake offered a friendly amendment to strike “(2) fraudulently held herself out as a pharmacist when she is not,” from the Accusation.

After discussion, Jason Penrod did not accept the friendly amendment.

Aye: Penrod, Wentworth, Mitchell, Sullivan

Nay: Shake

Action: Motion carried

Mr. Kandt stated that Board Staff recommends revocation of Ms. Mussell’s pharmaceutical technician registration.

Board Action:

Motion: Melissa Shake moved to revoke Cheryl Mussell’s pharmaceutical technician registration for a minimum of one year. Ms. Mussell shall pay an administrative fee of \$500.00 within 30 days.

Second: Jason Penrod

Action: Passed unanimously

C. David J. Adams, DO (17-095-CS-S)

This matter was continued to the July 2018 Board Meeting.

5. Rehearing pursuant to NRS 639.252 – Case No. 17-038-RPH-S – BOARD OF PHARMACY v. NAZALENE ZEBARI, RPH – Appearance

Melissa Shake recused from participation in this matter due to her personal relationship with Ms. Zebari.

Kirk Wentworth disclosed that he was not present during Ms. Zebari’s hearing during the April 2018 Board Meeting but stated that he would be able to participate in this matter fairly and without bias.

Nazalene Zebari appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Kandt explained that Ms. Zebari is requesting the Board reconsider the discipline imposed at the last Board meeting where Ms. Zebari's Nevada pharmacist registration was revoked.

Ms. Zebari moved to have Exhibit A admitted into the record.

President Basch admitted Exhibit A into the record.

Ms. Zebari thanked the Board for reconsidering her case. She presented past Board meeting minutes where the Board had opted not to revoke a Nevada pharmacist for various violations of Nevada Pharmacy Law.

Mr. Kandt stated that Ms. Zebari is not disputing the facts of the case and stated that Board Staff recommends that the Board stand by their original decision.

Board Action:

Motion: Jason Penrod moved to deny Ms. Zebari's request for reconsideration.

Second: Wayne Mitchell

Action: Passed unanimously

6. Request for Renewal of Pharmacist License:

Dina El-Sayed

Dina El-Sayed appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Pinson explained that while renewing her Nevada Pharmacist License Ms. El-Sayed disclosed that her California pharmacy registration was revoked, the revocation stayed and placed on probation for four years for diverting hydrocodone for personal use.

Ms. El-Sayed answered questions to the Board's satisfaction regarding her discipline in California, conditions of her California order and recovery. Ms. El-Sayed stated that she enrolled into a drug treatment program.

Ms. El-Sayed moved to have Exhibit A admitted into the record.

President Basch admitted Exhibit A into the record.

Ms. El-Sayed presented Exhibit A, letters of recommendation and rehabilitation evaluations.

Ms. El-Sayed answered questions to the Board's satisfaction.

Board Action:

Motion: Jason Penrod moved to approve Dina El-Sayed's Request for Renewal of Pharmacist License with conditions. Ms. El-Sayed's Nevada Pharmacist License shall be placed on probation for four years until her probation is lifted in California. Ms. El-Sayed shall notify Board Staff of any changes to her license status in California within one business day. Ms. El-Sayed must contact Board Staff to request removal of probation in Nevada. Ms. El-Sayed shall not work in Nevada without permission and PRN-PRN evaluation.

Second: Melissa Shake

Action: Passed unanimously

7. Request for Pharmaceutical Technician in Training License:

Danisha M. Miller

Danisha Miller and Janine Hearn, Instructor Sierra Nevada Job Corps, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Edwards stated that Ms. Miller had disclosed past discipline on her Pharmaceutical Technician in Training application.

The Board questioned Ms. Miller regarding her past discipline.

Ms. Miller summarized the facts of a case where she had embezzled money from her place of employment in 2013. She apologized for her mistakes and explained that she has learned from this experience.

Ms. Hearn testified that Ms. Miller has been forthright with Sierra Nevada Job Corp about her past discipline.

Board Action:

Motion: Jason Penrod moved to approve Danish Miller's Application for Pharmaceutical Technician in Training License.

Second: Melissa Shake

Action: Passed unanimously

8. Request for Intern License:

Derek L. Durrett

Derek Durrett appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Edwards stated that Mr. Durrett disclosed on his Intern Pharmacist application that he was arrested for suspicion of driving under the influence.

Mr. Durrett stated that he is applying to pharmacy school at Roseman University. He explained that his hearing is scheduled in July 2018, but he wanted to be proactive in seeing if the Board would grant his Intern Pharmacist registration.

Mr. Durrett answered the Board's questions regarding his arrest and pending hearing.

After discussion, the Board offered Mr. Durrett the option to table his application until after his hearing.

The Board tabled Mr. Durrett's application for Intern Pharmacist License at his request.

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

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

Sherry Heinrichs, managing pharmacist, appeared and was sworn by President Basch prior to answering questions or offering testimony.

The Board removed the affidavit not to ship sterile products into Nevada from the record at Ms. Heinrichs' request.

Ms. Heinrichs explained that Coram CVS is a retail pharmacy that provides sterile compounding and mail services. She stated that Coram CVS compounds sterile IV antibiotics and parenteral nutrition products.

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

Mr. Dodge questioned Ms. Heinrichs regarding Coram CVS' shipping procedures, accreditation and products provided.

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

Board Action:

Motion: Kirk Wentworth moved to approve Coram CVS/Specialty Infusion Service #48090's Application for Out-of-State Pharmacy License.

Second: Wayne Mitchell

Action: Passed unanimously

B. Farmakeio – Richardson, TX

Justin Graves, managing pharmacist and part-owner, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Graves stated that Farmakeio is a retail pharmacy that provides both sterile and non-sterile compounding services. He explained that Farmakeio will be shipping sterile compounded products to Nevada.

Mr. Dodge questioned Mr. Graves regarding Farmakeio's high-risk compounding procedures, product testing, sterilization method and training for compounding staff.

Mr. Graves answered Mr. Dodge's questions to the Board's satisfaction.

Board Action:

Motion: Jason Penrod moved to approve Farmakeio's Application for Out-of-State Pharmacy License pending receipt of Farmakeio's last inspection by the Texas State Board of Pharmacy and Farmakeio's response. The Executive Secretary is authorized to review and approve the application.

Second: Kirk Wentworth

Action: Passed unanimously

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

A. Lynchburg Drug Store – Lynchburg, TN

No representative from Lynchburg Drug Store was present.

B. Pharmacy Care Concepts – Stockton, CA

Van Duong, managing pharmacist, Davis Tran, Director of Operations, and Scott Hancock, COO, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Tran stated that Pharmacy Care Concepts is a long term care pharmacy that services assisted living and hospice care facilities.

Ms. Duong, Mr. Tran and Mr. Hancock answered questions to the Board's satisfaction regarding Pharmacy Care Concepts, past ownership, policies and procedures, delivery procedures and past discipline and probation status in California.

Board Action:

Motion: Kirk Wentworth moved to approve Pharmacy Care Concept's Application for Out-of-State Pharmacy License. Pharmacy Care Concepts shall notify Board Staff regarding the results of their request for early termination of probation in California.

Second: Jason Penrod

Action: Passed unanimously

11. Applications for Out-of-State Outsourcing Facility – Appearance

A. Pentec Health, Inc. – Boothwyn, PA

Jean Bickel, managing pharmacist, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. Bickel stated that she would provide Board Staff with a Letter of Authorization allowing her to speak on behalf of the company.

Ms. Bickel explained that Pentec Health, Inc. is an Out-of-State Outsourcing Facility that will provide high-risk sterile compounding services to hospitals.

The Board questioned Ms. Bickel regarding Pentec Health, Inc.'s past discipline in Colorado.

Ms. Bickel explained that Pentec Health, Inc. was fined for failure to report to the Colorado PDMP for a period of time. She testified that this error has been rectified.

Mr. Dodge appeared and questioned Ms. Bickel regarding Pentec Health, Inc.'s past FDA inspections, policies and procedures, product testing and high-risk sterile compounding procedures.

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

Board Action:

Motion: Kirk Wentworth moved to approve Pentec Health, Inc.'s Application for Out-of-State Outsourcing Facility License pending receipt of a Letter of Authorization allowing Ms. Bickel to speak on behalf of the company.

Second: Wayne Mitchell

Action: Passed unanimously

B. PharMEDium Services, LLC – Cleveland, MS

This matter was continued to a future meeting.

C. PharMEDium Services, LLC – Dayton, NJ

This matter was continued to a future meeting.

D. PharMEDium Services, LLC – Memphis, TN

This matter was continued to a future meeting.

- E. PharMEDium Services, LLC – Sugar Land, TX

This matter was continued to a future meeting.

- F. SCA Pharmaceuticals LLC – Little Rock, AR

Matthew White, managing pharmacist, appeared and was sworn by President Basch prior to answering questions or offering testimony.

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

Mr. White explained that SCA Pharmaceuticals LLC is a 503B Outsourcing facility that provides parenteral and sterile compounding services to hospitals.

Mr. Dodge appeared and questioned Mr. White regarding SCA Pharmaceuticals LLC's past FDA inspections, products provided and policies and procedures.

Mr. White answered questions to the Board's satisfaction. He described the changes SCA Pharmaceuticals LLC made to address the FDA's observations.

Board Action:

Motion: Jason Penrod moved to approve SCA Pharmaceuticals LLC's Application for Out-of-State Outsourcing Facility License.

Second: Melissa Shake

Action: Passed unanimously

- G. Stokes Healthcare Inc. – Mt Laurel, NJ

Michael Tursi, part-owner, and Emmett McVey, managing pharmacist and part-owner, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Tursi explained that Stokes Healthcare Inc. is an outsourcing facility that provides sterile and non-sterile compounded products for veterinary use.

Mr. Dodge questioned Mr. Tursi and Mr. McVey regarding Stokes Healthcare Inc.'s past inspections, products provided and work experience.

After discussion, Mr. Dodge suggested Mr. Tursi and Mr. McVey provide Board Staff with a copy of FDA form 483.

Mr. Tursi and Mr. McVey answered questions to the Board's satisfaction.

Board Action:

Motion: Jason Penrod moved to approve Stokes Healthcare Inc.'s Application for Out-of-State Outsourcing Facility License pending receipt of Stokes Healthcare Inc.'s FDA form 483 from their last inspection. Board Staff is authorized to review and evaluate the documentation.

Second: Melissa Shake

Action: Passed unanimously

H. Wells Pharmacy Network, LLC – Dyersburg, TN

Chris Fishman appeared and was sworn by President Basch prior to answering questions or offering testimony.

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

The Board questioned Mr. Fishman regarding Wells Pharmacy Network, LLC's facility layout and products provided.

Mr. Wuest and Mr. Dodge questioned Mr. Fishman regarding Wells Pharmacy Network, LLC's past FDA inspections.

After discussion, the Board expressed concern regarding the findings from the last FDA inspection.

The Board offered Mr. Fishman the opportunity to table Wells Pharmacy Network, LLC's application while Board Staff evaluated the most recent FDA inspection.

The Board tabled Wells Pharmacy Network, LLC's application at Mr. Fishman's request.

12. Application for Nevada Wholesaler – Appearance

Reichman Distribution Inc. – Las Vegas, NV

No representative from Reichman Distribution Inc. was present.

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

Ideal Health Care, LLC – Las Vegas, NV

Rakesh Jain, owner, appeared and was sworn by President Basch prior to answering questions or offering testimony.

The Board updated Ideal Health Care, LLC's application to indicate Raju Roy as the MDEG Administrator and remove Mr. Jain from the list of practitioner owners at Mr. Jain's request.

The Board stated that Mr. Roy would need to provide the MDEG Administrator application to Board Staff.

Mr. Jain stated that Ideal Health Care, LLC will provide prosthetic products.

Mr. Jain answered questions to the Board's satisfaction regarding Ideal Health Care, LLC's out-of-state facilities and Mr. Roy's work history.

The Board expressed concern that Ms. Jain had indicated on her personal history record that she had a criminal indictment, information or complaint returned against her. Mr. Jain testified that Ms. Jain had incorrectly answered the question.

Board Action:

Motion: Jason Penrod moved to approve Ideal Health Care, LLC's Application for Nevada MDEG License pending receipt of a completed MDEG Administrator Application and a positive inspection. Board Staff is authorized to review Ms. Jain's Personal History Record and verify the answer regarding the possible indictment.

Second: Melissa Shake

Action: Passed unanimously

14. Applications for Nevada Pharmacy – Appearance

A. AbacusRx Pharmacy – Henderson, NV

Chuck Benain, COO AbacusRx Pharmacy, and Steve Carlton, managing pharmacist, appeared and were sworn by President Basch prior to answering questions or offering testimony.

The Board modified AbacusRx Pharmacy's application to include sterile compounding into their services provided at Mr. Benain's request.

Mr. Benain stated that AbacusRx Pharmacy is requesting Board approval for their ownership change. He explained that AbacusRx Pharmacy will continue to provide services for long term care facilities.

Mr. Benain answered questions to the Board's satisfaction regarding AbacusRx Pharmacy's clean room specifications, products provided and policies and procedures.

Mr. Carlton answered questions to the Board's satisfaction regarding his work history and past discipline.

Board Action:

Motion: Jason Penrod moved to approve AbacusRx Pharmacy's Application for Nevada Pharmacy pending a positive inspection. AbacusRx Pharmacy will notify Board Staff prior to compounding any high-risk sterile compounded products and will be re-inspected by Board Staff.

Second: Melissa Shake

Action: Passed unanimously

B. Desert Hope Treatment Center – Las Vegas, NV

Nathen Connolly, managing pharmacist, and Brian Bulfer appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Bulfer stated that he would provide a Letter of Authorization allowing him to speak on behalf of the company to Board Staff.

Mr. Bulfer and Mr. Connolly explained that Desert Hope Treatment Center is a hospital pharmacy with 148 beds that service addiction recovery patients.

Mr. Bulfer and Mr. Connolly answered questions to the Board's satisfaction regarding Desert Hope Treatment Center's policies and procedures, software and ownership structure.

Board Action:

Motion: Jason Penrod moved to approve Desert Hope Treatment Center's Ownership Change Application for Nevada Pharmacy License pending a positive inspection.

Second: Wayne Mitchell

Action: Passed unanimously

Public Comment June 7, 2018 4:00 PM

There was no public comment.

C. Las Vegas AMG Specialty Hospital, LLC – Las Vegas, NV

Ken D'Amico and Lane Cheramie, managing pharmacist, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. D'Amico explained that he would provide Board Staff with a Letter of Authorization allowing him to speak on behalf of the company.

Mr. D'Amico stated that Las Vegas AMG Specialty Hospital, LLC is a hospital pharmacy with 24 beds.

Mr. D'Amico and Mr. Cheramie answered questions to the Board's satisfaction regarding the pharmacy's policies and procedures, proposed layout, accreditation and staff.

Board Action:

Motion: Jason Penrod moved to approve Las Vegas AMG Specialty Hospital, LLC pending a positive inspection and receipt of a Letter of Authorization allowing Mr. D'Amico and Mr. Cheramie to speak on behalf of the company.

Second: Melissa Shake

Action: Passed unanimously

D. Nimble Pharmacy – Las Vegas, NV

Kartikeya Jha, Director of Operations, and Richard Rowles, managing pharmacist, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Jha explained that Nimble Pharmacy is a retail pharmacy that will provide delivery services.

Mr. Jha stated that he would provide Board Staff with a Letter of Authorization allowing him and Mr. Rowles to speak on behalf of the business.

Mr. Rowles answered questions to the Board's satisfaction regarding his past work history and pharmacy experience.

Mr. Jha answered the Board's questions regarding Nimble Pharmacy's out-of-state locations.

Board Action:

Motion: Kirk Wentworth moved to approve Nimble Pharmacy's Application for Nevada Pharmacy pending receipt of a Letter of Authorization allowing Mr. Jha and Mr. Rowles to speak on behalf of the company and a positive inspection.

Melissa Shake offered a friendly amendment to have Board Staff review Nimble Pharmacy's out-of-state location in California.

Kirk Wentworth accepted the friendly amendment.

Second: Melissa Shake

Action: Passed unanimously

E. Silver State Pharmacy LLC – Las Vegas, NV

Lizet Torres-Leon, owner and Kyeong Kang, managing pharmacist, appeared and were sworn by President Basch prior to answering questions or offering testimony.

The Board updated Silver State Pharmacy LLC's application to reflect the business address as 1591 N. Buffalo Dr. #140 at Ms. Torres-Leon's request.

Ms. Torres-Leon explained that Silver State Pharmacy LLC, is a retail pharmacy that will provide delivery services in the North Las Vegas area.

Ms. Torres-Leon and Mr. Kang answered questions to the Board's satisfaction regarding the pharmacy's policies and procedures and services provided

Board Action:

Motion: Melissa Shake moved to approve Silver State Pharmacy LLC's Application for Nevada Pharmacy License pending a positive inspection.

Second: Kirk Wentworth

Action: Passed unanimously.

15. Personnel Review

A. Personnel Evaluation

Mr. Wuest commended Board Staff commenting on their hard work and efficiency.

B. Executive Secretary Evaluation

Mr. Wuest complimented Mr. Pinson's hard work and leadership.

The Board spoke positively of Board Staff's hard work as well as Mr. Pinson's and Mr. Wuest's leadership.

16. Election of Officers

This matter was rescheduled for the July 2018 Board Meeting.

17. Training Session on Board's Use of Meeting Materials in Electronic Format

Mr. Kandt presented the "IT Acceptable Use Agreement" for execution by each Board member.

Ms. Long explained to the Board the procedure for downloading and navigating the meeting materials in electronic format. She stated that Board Staff would be available for any questions and to assist them in using the new electronic Board Books.

18. Discussion and determination regarding a pharmacist administering an immunization on an order of the practitioner transcribed on a prescription NAC 639.297 to 639.2978.

President Basch provided background information regarding the prohibition of a prescription written by a prescriber ordering the pharmacist to give an immunization. He stated that the situation arises when an immunization is being ordered outside of a protocol or manufacturer recommendation.

Board discussion ensued regarding the current immunization statutes, regulations and vaccine storage requirements.

The Board determined that any changes to these policies would require a statutory change.

19. General Counsel Report

20. Executive Secretary Report:

- A. Financial Report:
 1. 2018-2019 Budget

Mr. Wuest provided a copy of the budget for the fiscal year 2018-2019 to the Board and reviewed it to the Board's satisfaction.

- B. Temporary Licenses

Four temporary licenses were issued since the last meeting.

- C. Staff Activities:
 1. Sunset Subcommittee Board Review by the Legislative Commission
 2. Meetings for Other Health Care Licensing Boards

Mr. Pinson stated that Board Staff has met with the other Health Care Boards to discuss education on AB 474.

3. Governor's Task Force on Opiates
4. NABP Annual Meeting
5. AB 474 Meeting and Continuing Education
6. CORA Meeting
- D. Report to Board:
 1. BD Production Information & Recall
- E. Board Related News

Mr. Pinson and Ms. Long introduced Darla Zarley as the most recent grant employee. Ms. Zarley will be working with the Prescription Monitoring Program's (PMP) audit project to ensure the accuracy of the PMP data.

- F. Licensing Activities Report

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

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

Mr. Wuest presented the proposed workshop language and a letter from the Nevada State Board of Medical Examiners.

Mr. Wuest stated that the proposed language further defines “controlled substance” as it relates to a “written informed consent” and “medication agreement” and clarifies the application of Section 55; where it says “require the patient to complete an assessment of the patient’s risk for abuse, dependency and addiction.”

President Basch opened the Public Comment.

Catherine O’Mara, NSMA, expressed support of the proposed language and Mr. Wuest’s testimony. She stated that the proposed language will help clarify AB 474 requirements for practitioners.

Board Action:

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

Second: Robert Sullivan

Action: Passed unanimously

22. 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.

Dave Wuest, Deputy Executive Secretary Nevada State Board of Pharmacy, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Wuest explained that the proposed amendments enact provisions of Senate Bill 131 requiring certain pharmacies to, upon request, provide a prescription reader or advice on obtaining a prescription reader.

Mr. Kandt and Mr. Edwards provided background information.

Mr. Edwards read a letter from Rick Kuhlmeier into the record. Mr. Kuhlmeier had expressed concern regarding the clarity of previous versions of the proposed language.

President Basch opened the Public Comment.

Liz MacMenamin, RAN, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. MacMenamin expressed support of the proposed amendments as presented by Board Staff. She thanked the Board and Board Staff for their work on this matter.

Board Action:

Motion: Jason Penrod moved to adopt R131-17 as presented.

Second: Melissa Shake

Action: Passed unanimously

B. Amendment of Nevada Administrative Code Chapter 453 to add a new section thereto relating to practitioner access to the Prescription Monitoring Program (PMP) database established pursuant to NRS 453.162.

Mr. Kandt presented proposed revisions to LCB File No. R013-18.

He explained that proposed regulation as revised requires practitioners to enroll with the Board for internet access to the Prescription Monitoring Program (PMP) database, allows a practitioner to designate members of his or her staff to act as delegates for the purposes of accessing the PMP database, provides for the suspension or termination of access to the PMP database if the PMP database has been intentionally accessed by a person for a purpose not authorized by law, and sets forth certain requirements for disclosure of information from the database.

President Basch opened the Public Comment.

Catherine O'Mara, NSMA, appeared and expressed support of the proposed amendments presented by Board Staff.

Liz MacMenamin, RAN, appeared and expressed support of the proposed amendments presented by Board Staff.

Board Action:

Motion: Jason Penrod moved to adopt R013-18 with revisions as presented by Board Staff.

Second: Melissa Shake

Action: Passed unanimously

C. 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;” 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; 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.

President Basch opened the Public Comment.

Catherine O’Mara, NSMA, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. O’Mara expressed support for the proposed amendments and thanked the Board and Board Staff for their work in this matter.

John Goldstein, Comprehensive Cancer Centers of Nevada, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Goldstein expressed support of the proposed amendments.

Board Action:

Motion: Jason Penrod moved to adopt R047-18 as presented.

Second: Melissa Shake

Action: Passed unanimously

23. Date and Location of Next Scheduled Board Meeting:

July 18-19, 2018 – Las Vegas, Nevada

24. Public Comment June 7, 2018 1:00 PM

There was no public comment.