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# NEVADA STATE BOARD OF PHARMACY

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## MINUTES

June 03, 2020

### BOARD MEETING

via teleconference

Teleconference Line

1-669-900-6833

Meeting ID: 960 6095 2586

#### Board Members Present:

Krystal Freitas  
Gener Tejero

Jade Jacobo  
Richard Tomasso

Wayne Mitchell  
Rolf Zakariassen

Helen Park

#### Board Staff Present:

Dave Wuest  
Joe Dodge  
Darla Zarley

Yenh Long  
Leo Basch  
Courtney Lee

Brett Kandt  
Kristopher Mangosing  
Sophia Long

Shirley Hunting  
Shannon Reichman

President Park 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 introduced and congratulated Rolf Zakariassen as Governor Sisolak's newest appointment to the Nevada State Board of Pharmacy for three-year terms.

#### 1. Call to Order and Roll Call – Establishment of Quorum

President Park performed the roll call. All Board Members were present and a quorum was established.

#### 2. Public Comment June 03, 2020, 9:00 AM

Mr. Kandt stated that Board Staff received written public comment from Nariman Rahimzadeh, President, Nevada State Society of Anesthesiologists (NSSA). Mr. Kandt read Dr. Rahimzadeh's public comment into the record regarding Agenda Item 9. Dr. Rahimzadeh described the current roles of members of the anesthesia care team and

stated that under Nevada Law Certified Registered Nurse Anesthetists must administer anesthetic agents under physician supervision.

Mary Greer, managing pharmacist Desert Orthopaedic Center, stated that the application for Item 5QQQ (Desert Orthopaedic Center) should be for a recovery center not a Nevada pharmacy application.

Susan Fisher, NSSA, appeared and stated she is available for Agenda Item 9.

### 3. Approval of March 19, 2020, Minutes

#### Board Action:

Motion: Wayne Mitchell moved to approve March 19, 2020 Minutes.

Second: Krystal Freitas

Action: Passed unanimously

### 4. Approval of March 23, 2020, Emergency Meeting Minutes

#### Board Action:

Motion: Wayne Mitchell moved to approve March 23, 2020 Emergency Meeting Minutes.

Second: Rolf Zakariassen

Action: Passed unanimously

### 5. Applications for Out-of-State Pharmacy License – Non Appearance (FOR POSSIBLE ACTION)

- A. Alegent Creighton Health – Omaha, NE
- B. Allcare Plus Pharmacy LLC – Northborough, MA
- C. BioPlus Specialty Pharmacy Services, LLC – Altamonte Springs, FL
- D. DSC Logistics, LLC – Elwood, IL
- E. Express Rx Pharmacy & Medical – Los Angeles, CA
- F. IWO Pharmacy & Wellness – Missouri City, TX
- G. MedScripts Medical Pharmacy – Greenville, SC
- H. Northwind Pharmacy – Indianapolis, IN
- I. Optum Pharmacy 701, LLC – Woodinville, WA
- J. Overlake Pharmacy LLC – Redmond, WA
- K. Placida Rx LLC – Englewood, FL
- L. Premier Care Pharmacy - Orem, UT
- M. RARX, LLC – Nashville, TN
- N. Rite RX Pharmacy – Hollywood, FL

- O. River Medical Pharmacy – San Antonio, TX
- P. Route 300 Pharmacy – Newburgh, NY
- Q. Spring Meds Inc. – Sioux Falls, SD
- R. TFP Wellness Systems – Tampa, FL

Application for Out-of-State Compounding Pharmacy License – Non Appearance  
(**FOR POSSIBLE ACTION**)

- S. ClearMD Pharmacy, LLC – Millburn, NJ
- T. Meds LLC - Chicago, IL
- U. Total Care Rx, Inc. – Oakland Gardens, NY

Applications for Out-of-State Medical, Devices, Equipment and Gases License –  
Non Appearance (**FOR POSSIBLE ACTION**)

- V. Better Health Supplies, Inc. – San Francisco, CA
- W. BioTAB, LLC – St. Louis, MO
- X. Gordian Medical II, Inc. – Spring, TX
- Y. HARP Medical Supply – Wake Forest, NC
- Z. Pathema DME LLC – Lauderdale, FL
- AA. Solara Medical Supplies, LLC – Livonia, MI
- BB. Wellspect Inc – Braselton, GA

Applications for Nevada Medical, Devices, Equipment and Gases License – Non  
Appearance (**FOR POSSIBLE ACTION**)

- CC. LifeCare Medical Supplies West Inc. – Las Vegas, NV

Applications for Out-of-State Wholesaler License – Non-Appearance (**FOR  
POSSIBLE ACTION**)

**Background Check Not Required by Law.**

1. Distributor for Single Manufacturer (NAC 639.593(7)(e))  
None
2. Manufacturer (NAC 639.593(7)(d))

- DD. Acella Pharmaceuticals, LLC – Alpharetta, GA
- EE. Althera Pharmaceuticals LLC – Morristown, NJ
- FF. Amring Pharmaceuticals Inc. – Berwyn, PA
- GG. Cipla USA, Inc. – Warren, NJ
- HH. Ferndale Laboratories, Inc. – Ferndale, MI
- II. Horizon Therapeutics USA, Inc. – Lake Forest, IL
- JJ. Kawasumi Laboratories America, Inc. – Tampa, FL
- KK. Lynch Biologics, LLC – Franklin, TN
- LL. Meitheal Pharmaceuticals, Inc. – Chicago, IL

MM. Millicent U.S., Inc. – East Hanover, NJ  
 NN. MorphoSys US Inc. – Boston, MA  
 OO. Olympus America, Inc. – Center Valley, PA  
 PP. Oxford Pharmaceuticals, LLC – Birmingham, AL  
 QQ. Posey Products, LLC – Ontario, CA  
 RR. NS Pharma, Inc. – Paramus, NJ  
 SS. Pageview Pharmaceuticals, LLC – Maryland Heights, MO  
 TT. Sigmapharm Laboratories, LLC – Bensalem, PA  
 UU. SK Life Science, Inc. – Paramus, NJ  
 VV. TerSera Therapeutics LLC – Deerfield, IL  
 WW. Veloxis Pharmaceuticals, Inc. – Cary, NC

3. Publicly Traded (NAC 639.593(7)(a))  
 None

4. VAWD-Accredited (NAC 639.593(7)(c))

XX. R&S Northeast, LLC – Fountain Run, KY  
 YY. R&S Northeast, LLC – Philadelphia, PA  
 ZZ. TAGI Pharma – South Beloit, IL  
 AAA. UPS Supply Chain Solutions, Inc. – Buford, GA  
 BBB. UPS Supply Chain Solutions, Inc. – Louisville, KY  
 CCC. UPS Supply Chain Solutions, Inc. – Tracy, CA

5. Manufacturer and VAWD-Accredited (NAC 639.593(7)(c) and (d))  
 None

6. Publicly Traded and Manufacturer (NAC 639.593(7)(a) and (d))

DDD. Assertio Therapeutics, Inc. – Lake Forest, IL  
 EEE. Biohaven Pharmaceuticals, Inc. – New Haven, CT  
 FFF. Deciphera Pharmaceuticals, LLC – Waltham, MA  
 GGG. Evofem Biosciences, Inc. – San Diego, CA  
 HHH. Napo Pharmaceuticals, Inc – San Francisco, CA

7. Publicly Traded and VAWD-Accredited (NAC 639.593(7)(a) and (c))  
 None

**Background checks completed in compliance with NRS 639.500. No Disqualifying Events.**

III. Amazon.com Services, LLC – Plainfield, IN  
 JJJ. FFF Enterprises – Flower Mound, TX  
 KKK. Life-Assist, Inc. – Lenexa, KS  
 LLL. Mockingbird Pharma LLC – Garland, TX  
 MMM. Q Med Corporation – Ft. Lauderdale, FL  
 NNN. Somerset Pharma, LLC – Somerset, NJ

OOO. SPYKA Wholesale Inc – Fairmont, WV

**Application for Ambulatory Surgery Center License – Non Appearance (FOR POSSIBLE ACTION)**

PPP. Advanced Orthopaedic Surgery Center – Las Vegas, NV  
 QQQ. Desert Orthopaedic Center Recovery Center – Las Vegas, NV  
 RRR. Seven Hills ASC – Henderson, NV

Jade Jacobo recused from participation regarding item 5-I due to her employment.

Mr. Wuest requested that items 5PPP, 5QQQ, 5RRR be removed from the Consent Agenda and be scheduled to appear at the July 2020 Board meeting.

Board Action:

Motion: Ms. Jacobo moved to approve the Consent Agenda with exception of agenda Item 5-I and to remove items 5PPP, 5QQQ and 5RRR from the Consent Agenda.

Second: Wayne Mitchell

Action: Passed unanimously

Board action:

Motion: Wayne Mitchell moved to approve Consent Agenda Item 5-I.

Second: Gener Tejero

Action: Passed unanimously

**6. Disciplinary hearings pursuant to NRS 639.247**

A. Kristin Hestdalen, MD (19-228-CS-N)

Lynn Beggs was present as counsel representing Kristin Hestdalen.

Mr. Kandt summarized the facts of the case that Dr. Hestdalen failed to timely renew her controlled substance registration which expired on October 31, 2018. Mr. Kandt stated that Dr. Hestdalen wrote two-hundred sixty-three prescriptions for controlled substances without proper licensure between November 1, 2018 and May 3, 2018.

Mr. Kandt explained that Dr. Hestdalen appeared before the Board on December 4<sup>th</sup>, 2019, and at that time the Board approved her controlled substance registrations with conditions.

Mr. Kandt presented a Stipulation and Order for the Board's consideration. Dr. Hestdalen shall receive a Letter of Reprimand, pay a \$5,000 fine and a pay \$950 to partially reimburse the Board for recoverable attorney's fees and costs.

Ms. Beggs had no objection to Mr. Kandt's summary of the case or to the Stipulation and Order presented.

After discussion, the Board requested a amendment to paragraph four of the Stipulation and Order to modify the start date of Dr. Hestdalen's payments to July 1, 2020.

Mr. Kandt and Ms. Beggs agreed to the modifications to the Stipulation and Order.

Ms. Beggs answered questions to the Board's satisfaction regarding the changes Dr. Hestdalen has made to her practice to prevent this issue from occurring again in the future.

Board Action:

Motion: Wayne Mitchell moved to accept the Stipulation and Order with the amendment as discussed.

Second: Jade Jacobo

Action: Passed unanimously

B. Silvia Torres, R.Ph	(17-081-RPH-S)
C. Walgreens #07864	(17-081-PH-S)

Silvia Torres and Holly Prievo, Healthcare Supervisor Walgreens, appeared and were sworn by President Park prior to answering questions or offering testimony.

Bill Stilling was present as counsel representing Silvia Torres and Walgreen's #07864.

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

Helen Park disclosed that she knows Ms. Prievo, and stated that she could participate in this matter fairly and without bias.

Mr. Kandt summarized the facts alleged in the case where patient D.O. received a prescription for losartan potassium 50 mg with directions to take one tablet daily. During data entry pharmaceutical technician Xochitl Coin mistakenly selected losartan potassium 25 mg with directions to take one tablet daily. Ms. Torres was the verifying pharmacist on record and failed to identify the error. Patient D.O. discovered the error prior to ingesting the medication.

Mr. Kandt presented a Stipulation and Order for the Board's consideration.

Silvia Torres shall receive a Letter of Reprimand, pay a \$1,000 fine and a pay \$1,000 to partially reimburse the Board for recoverable attorney costs, and shall complete two additional CEU on the topic of error prevention.

Walgreens #07864 shall pay a \$1,000 fine and a pay \$1,000 to partially reimburse the Board for recoverable attorney fees and costs.

Mr. Stilling had no objections to Mr. Kandt's summary of the case or to the Stipulation and Order presented.

Silvia Torres apologized for her error and described the changes she has made to her practice to prevent this error from occurring in the future.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order regarding Silvia Torres and Walgreens #07864.

Second: Wayne Mitchell

Action: Passed unanimously

D. Joshua Aighobahi	(19-035-RPH-A-S)
E. Felicia Aighobahi	(19-035-PT-S)
F. Divine Touch Services	(19-035-PH-S)

Joshua Aighobahi and Felicia Aighobahi were not present.

Persi Mishel was present as counsel representing Joshua Aighobahi, Felicia Aighobahi, and Divine Touch Services.

Mr. Kandt stated that there is one more respondent in this case, who will appear at a future meeting.

Mr. Kandt summarized the facts alleged in the case that Mr. Aighobahi was the owner and managing pharmacist of Divine Touch Services. Ms. Aighobahi was a pharmaceutical technician employed by Divine Touch Services. Mr. Kandt explained that during annual pharmacy inspections in September 2017 and September 2019 Board Staff observed that Mr. Aighobahi failed to conduct a proper biennial inventory of the pharmacy. During the September 2019 annual inspection Board Staff observed that Mr. Aighobahi exhibited behavior that rendered him incapable of safely and competently practicing pharmacy. Mr. Kandt stated that throughout 2019, Ms. Aighobahi performed functions limited by law to a registered pharmacist and attributed those functions to Mr. Aighobahi.

Mr. Kandt stated that in October 2019, Mr. Aighobahi presented to Board Staff that he would voluntarily cease operation of Divine Touch Services until he had a positive evaluation of his competency to practice pharmacy, or hired a managing pharmacist



approved by Board Staff. On or about October 31, 2019 Mr. Aighobahi notified Board Staff that he hired Katherine Kuehl as the new managing pharmacist. In January 2020 Board Staff conducted an inspection of Divine Touch Services and observed that Mr. Aighobahi continued to practice pharmacy.

Mr. Kandt presented a Stipulation and Order regarding Joshua Aighobahi, Felicia Aighobahi and Divine Touch Services for the Board's consideration.

By voluntarily surrendering his license while this administrative action was pending, Joshua Aighobahi is subject to discipline. Mr. Aighobahi may not work in any facility licensed by the Board, including a pharmacy, until he has petitioned the Board for reinstatement and the Board reinstates his registration. Mr. Aighobahi may not request reinstatement of his registration for a minimum of one year. If Mr. Aighobahi applies for reinstatement he shall reappear before the Board and shall have a positive evaluation of his competency to practice pharmacy.

By voluntarily surrendering her license while this administrative action was pending, Felicia Aighobahi is subject to discipline. Ms. Aighobahi may not work in any facility licensed by the Board, including a pharmacy, until she has petitioned the Board for reinstatement and the Board reinstates her registration. Ms. Aighobahi may not request reinstatement of her registration for a minimum of one year.

Divine Touch Services voluntarily surrenders its license and may not operate in any capacity until it has petitioned the Board for reinstatement. Divine Touch Services may not petition for reinstatement for a minimum of one year.

Joshua Aighobahi, Felicia Aighobahi and Divine Touch Services shall be jointly and severally liable to pay a fine of \$2,500 and pay \$3,000 to partially reimburse the Board for recoverable attorney fees and costs.

Mr. Mishel agreed with Mr. Kandt's summary of the case and requested the Board to accept the Stipulation and Order as presented.

Board Action:

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

Second: Krystal Freitas

Action: Passed unanimously

G. Rose Bellota-Rojas, MD	(18-103-CS-A-S)
H. Anuranjan Bist, MD	(18-103-CS-B-S)
I. Dithra Cotton-Lewis, APRN	(18-103-CS-C-S)

Anuranjan Bist, Rose Bellota-Rojas, and Dithra Cotton-Lewis appeared and were sworn by President Park prior to answering questions or offering testimony.

Bridget Kelley, Maria Nutile, and Russell Marsh were present as counsel representing Dr. Bellota- Rojas and Dr. Bist.

Crane Pomerance was present as counsel representing Ms. Cotton-Lewis.

Mr. Kandt summarized the facts alleged in the case when in 2018 Board Investigators, the Nevada State Board of Medical Examiners (BME), and the Drug Enforcement Administration (DEA) conducted a joint investigation of Mind Brain Institute. Investigators found evidence of misconduct and violations involving prescription records and the unlawful dispensing of controlled substances.

Dr. Bellota-Rojas pre-signed controlled substance prescriptions that were issued to patients while she was engaged in overseas travel. Records indicated three hundred and fifty three controlled substance prescriptions were written or authorized by Dr. Bellota-Rojas during the time she was overseas.

Dr. Bist pre-signed controlled substance prescriptions that were issued to patients while he was engaged in overseas travel. Records indicated sixty controlled substance prescriptions were written or authorized by Dr. Bist during the time he was overseas.

Ms. Cotton-Lewis prescribed a total of twelve prescriptions for dangerous drug and fifteen controlled substances prior to her properly registering with the Board. Records indicate she also prescribed four schedule II controlled substance prescriptions prior to having a proper DEA registration.

Mr. Kandt presented a Stipulation and Order regarding Dr. Bellota-Rojas and Dr. Bist.

Dr. Bellota-Rojas's controlled substance registration shall be suspended and the suspension stayed and placed on probation for two years. Dr. Bellota-Rojas shall receive a Letter of Reprimand, shall pay a \$5,000 fine and pay \$2,000 to partially reimburse the Board for recoverable attorney fees and costs.

Dr. Bist's controlled substance registration shall be suspended and the suspension stayed and placed on probation for two years. Dr. Bist shall receive a Letter of Reprimand, shall pay a \$5,000 fine and pay \$2,000 to partially reimburse the Board for recoverable attorney fees and costs.

The Mind Brain Institute shall receive quarterly inspections for twelve months at the company's expense not to exceed \$500 per inspection.

Ms. Kelly expressed no objections to Mr. Kandt's summary or to the Stipulation and Order presented.

Board Action:

Motion: Wayne Mitchell moved to accept the Stipulation and Order for Dr. Bellota-Rojas and Dr. Bist.

Second: Jade Jacobo

Action: Passed unanimously

Mr. Kandt presented a Stipulation and Order regarding Ms. Cotton-Lewis.

Ms. Cotton-Lewis shall receive a Letter of Reprimand, shall pay a \$5,000 fine, and shall pay \$950 to partially reimburse the Board for recoverable attorney fees and costs.

Board Action:

Motion: Wayne Mitchell moved to accept the Stipulation and Order regarding Ms. Cotton-Lewis.

Second: Rolf Zakariassen

Action: Passed unanimously

7. Approval of Revised Controlled Substance Registration, Pharmaceutical Technician Registration and Pharmacist Registration Application Forms. **(FOR POSSIBLE ACTION)**

Mr. Wuest, Mr. Sedar, and Ms. Long presented applications for Board's approval. Board members discussed corrections to the applications, including grammatical corrections, adding the ITIN number and accepting credit cards as a form of payment.

Board discussion ensued regarding Board Staff's procedures when processing applications.

The Board directed Board Staff to make corrections to the applications as discussed.

8. Discussion and possible action on approval of Nevada Career Institute as a program of training for pharmaceutical technicians pursuant to NAC 639.256 **(FOR POSSIBLE ACTION)**

Emilee Gonzales, Pharmacy Technician Program Chair, Marjorie Snowden, Program Director, and Serjik Kesachekian, Chief Compliance Officer, were present for this agenda item.

Mr. Wuest explained the requirements for approval of pharmaceutical technician training programs.

Ms. Gonzalez, Ms. Snowden, and Mr. Kesachekian answered questions regarding Nevada Career Institutes ASHP accreditation process and policies and procedures regarding their curriculum and drug and alcohol testing of their students.

The Board questioned Mr. Kesachekian regarding Nevada Career Institute's procedure for notifying the Board if a student fails a drug or alcohol test.

After discussion, Mr. Kesachekian stated that Nevada Career Institute will amend their policies and procedures to comply with Nevada Law.

Board Action:

Motion: Jade Jacobo moved to approve the Nevada Career Institute as a program of training for pharmaceutical technicians, pending receipt of Nevada Career Institutes ASHP accreditation and updated policy and procedures demonstrating the reporting of failed tests.

Second: Gener Tejero

Action: Passed unanimously

9. Discussion and possible action to request a Nevada attorney general opinion pursuant to NRS 228.150 on whether Nevada law authorizes Certified Registered Nurse Anesthetists to select and order anesthetic agents from a licensed institutional pharmacy in order to possess and administer these agents to patients.  
**(FOR POSSIBLE ACTION)**

Richard Dreitzer and Chelsea Adams appeared as counsel representing the Nevada Association of Nurse Anesthetists.

Richard Erickson, Former President Nevada Association of Nurse Anesthetists- NVANA, and Jennifer Buffum, President NVANA, were present regarding this matter.

Mr. Kandt summarized that during the January 2020 Board meeting the Board considered two petitions from NVANA for an advisory opinion holding that CRNAs do not need a registration from the Board or DEA to order anesthetic agents from a hospital pharmacy or medical facility, or administer anesthesia at that hospital or medical facility.

Mr. Kandt stated that at the January 2020 meeting, the Board directed Board Staff to agendize this matter to request an attorney general's opinion regarding this issue.

Board discussion ensued regarding the current licensing requirements for CRNAs.

Susan Fisher, NSSA, appeared and expressed support of Dr. Rahimzadeh's letter read under Agenda Item number two.

Board discussion ensued regarding issuing an advisory opinion drafted by General Counsel in response to this petition.

Board Action:

Motion: Richard Tomasso moved to issue an advisory opinion drafted by General Counsel in response to the petition pursuant to NAC 639.150.

Second: Jade Jacobo

Aye: Freitas, Jacobo, Mitchell, Park, Tomasso, Zakariassen

Nay: Tejero

Action: Motion carries.

10. General Counsel Report

General Counsel gave update on open litigation and pending lawsuits.

11. Executive Secretary Report:

A. Financial Report:

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

B. Temporary Licenses:

Twenty-three temporary licenses have been issued since the last meeting.

C. Staff Activities:

- Meetings with Other Health Care Boards
- COVID-19
- Emergency Regulation Update:

D. Report to Board:

- Licensing Software Update

E. Board Related News:

F. Licensing Activities Report

- PMP Integration

12. Notice of Proposed Regulation Public Hearing Pursuant to NRS 233B.061(2)  
**(FOR POSSIBLE ACTION):**

- A. Amendment of Nevada Administrative Code (NAC) Chapter 639.** The proposed amendment will authorize the treatment of partners for a shared communicable disease upon the diagnosis of one of the partners. (LCB File No. R008-20)

Dave Wuest, Executive Secretary Nevada State Board of Pharmacy, was sworn by President Helen Park prior to offering testimony or answering questions.

Mr. Wuest provided background information regarding the proposed amendment. He explained that the proposed amendment is consistent with CDC guidance.

President Park opened the Public Comment.

There was no public comment.

Board Action:

Motion: Gener Tejero moved to adopt R-008-20.

Second: Jade Jacobo

Action: Passed unanimously

13. Notice of Proposed Regulation Workshop Pursuant to NRS 233B.061(2)  
**(FOR POSSIBLE ACTION):**

- A. Amendment of Nevada Administrative Code (NAC) 639.** The proposed amendment adds a new section thereto regarding the licensing and regulation of a facility to dispense controlled substances and dangerous drugs if the facility is licensed by the State Board of Health pursuant to NRS 449.0303.

Mr. Kandt provided background information on the proposed amendment

Mr. Kandt stated that the Nevada State Board of Health created a new license type for recovery center facilities. Mr. Kandt explained that the proposed amendment defines recovery centers and provides for their licensing and regulation to dispense controlled substances or dangerous drugs.

President Park opened the Public Comment.

Mary Greer requested clarification regarding controlled substance registration requirements for recovery rooms.

Mr. Wuest stated that Board Staff will contact the DEA to confirm what the controlled substance registration guidelines are.

Board discussion ensued regarding the current licensing requirements for ambulatory surgery centers.

Scott Weiss from Parkway Recovery Center expressed support of Ms. Greer's suggestion and requested that the Board move forward with the proposed amendments.

Board Action:

Motion: Gener Tejero moved to adopt the proposed amendments and move forward to Public Hearing. Board Staff shall confirm controlled substance registration requirements with the DEA.

Second: Richard Tomasso

Action: Passed Unanimously

**B. Amendment of Nevada Administrative Code (NAC) 453.520: Schedule II.** The proposed amendment to NAC 453.520 will add a precursor to fentanyl, 4-Anilino-N-Phenethyl-4-Piperidine (ANPP) (some trade or other names: 4-ANPP; despropionyl fentanyl), to the list of controlled substances listed in Schedule II.

Darla Zarley and Dave Wuest provided background information regarding this proposed amendment.

President Park opened the Public Comment.

There was no public comment.

Board Action:

Motion: Krystal Freitas moved to adopt the proposed amendment and move forward to Public Hearing.

Second: Jade Jacobo

Action: Passed unanimously

**C. Amendment of Nevada Administrative Code (NAC) 639.** The proposed amendment will add a new section providing for the exemption of a practitioner pursuant to 639.23535(2) from the requirement that a prescription for a controlled substance must be given to a pharmacy by electronic transmission.

Yenh Long provided the Board with background information regarding AB 310 and on electronic transmission of controlled substance prescriptions.

Mr. Wuest presented written public comment submitted by Liz MacMenamin. He stated that Ms. MacMenamin was available in the public to discuss her comment.

President Park opened the Public Comment.

Liz MacMenamin, RAN, expressed support of the proposed amendment with clarification regarding the definition of technological or electronic failure and the waiver review process.



Jeanette Belz, Nevada Psychiatric Association, expressed support of the proposed amendment and requested that there be no waiver review process for prescribers.

Kimberly Johnson, One Point Patient Care, requested that the Board consider waiving the requirement to transmit controlled substance prescriptions electronically for patients who are terminally ill.

Board Staff explained that there are still methods of transmitting prescriptions on an emergency basis.

President Park closed the public comment.

Board discussion ensued regarding the possible burden for pharmacist to verify if prescribers have a waiver to submit prescriptions outside of electronic submission.

The Board directed Board Staff to write a news article regarding this issue.

Board Action:

Motion: Jade Jacobo moved to adopt the proposed amendment and move forward to Public Hearing.

Second: Richard Tomasso

Action: Passed unanimously

**D. Amendment of Nevada Administrative Code (NAC) 453.550: Schedule V.**  
The proposed amendment will remove FDA approved cannabidiol from the controlled substances listed in Schedule V. (**Deschedule Epidiolex**)

Darla Zarley gave background on Epidiolex, including a letter from the DEA and thoughts from the Crime Lab meetings.

President Park opened the Public Comment.

Kurt Stembridge, Greenwich Biosciences, stated that the FDA has descheduled Epidiolex, and that once the current supply in pharmacies is out and new inventory ordered, the new packaging will note that the FDA has descheduled Epidiolex.

President Park closed the public comment.

Board Action:

Motion: Jade Jacobo moved to deschedule any product that contains CBD and has been approved by the FDA and move forward to Public Hearing.

Second: Richard Tomasso

Action: Passed unanimously



**E. Amendment of Nevada Administrative Code (NAC) 639.** The proposed amendment relates to the licensing and regulation of the practice of pharmacy

Mr. Wuest provided background information regarding the proposed amendment.

Mr. Wuest described the role of pharmacy and therapeutics (P & T) committees in hospitals.

Mr. Wuest stated that the proposed amendments would allow P & T committees to make rapid decisions that may be critical to patient care. He stated that the current regulation requires approval by Board Staff which can delay patients from receiving care.

President Park opened the Public Comment.

Adam Porath, pharmacist, expressed support of the proposed language. He stated on subsection 9 which calls for practice agreement, and that this may need to be taken to the legislative level for change.

Mr. Wuest stated that the current regulations define this practice as a collaborative practice agreement and future Legislative changes would be necessary to allow this practice.

Evelyn Shu, pharmacist Valley Health Systems, stated that she is a member of a P & T committee and expressed support of the proposed language.

Kate Ward, Renown Health, expressed support of the proposed amendment with a modification to section 4 to include the initiation of drug therapy.

Mr. Kandt stated that the Legislature provided for the Board the ability to regulate specialty pharmacies and institutional settings like hospitals. The Legislature recognizes that activity in those settings is going to be different and may necessitate separate regulatory requirements, separate from regular pharmacies.

President Park closed public comment.

After discussion, the Board expressed that the proposed amendment is a good first step and necessary to improve patient care.

Board Action:

Motion: Wayne Mitchell moved to adopt the proposed amendment with revisions to Section 4 to include the initiation of drug therapy and move forward to public hearing.

Second: Krystal Freitas

Action: Passed unanimously

14. Date and Location of Next Scheduled Board Meeting:

July 15-16, 2020 – Las Vegas, NV

15. Public Comment June 03, 2020

Lauren Paul, CVS Health, thanked the Board and Board Staff for their efforts during the COVID-19 crisis.

16. Adjournment