



# NEVADA STATE BOARD OF PHARMACY

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## MINUTES

January 10 & 11, 2018

### BOARD MEETING

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

#### Board Members Present:

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

#### Board Staff Present:

Larry Pinson	Dave Wuest	Paul Edwards	Shirley Hunting
Brett Kandt	Joseph Dodge	Luis Curras	Kenneth Scheuber
Dena McClish	Sophia Long	Kristopher Mangosing	

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

1. Public Comment January 10, 2018, 9:00 AM

There was no public comment.

2. Approval of December 6, 2017, Minutes

President Basch requested a modification to Item 8 to add, "Mr. Axtell and Mr. Hagan answered questions to the Board's satisfaction."

#### Board Action:

Motion: Jason Penrod moved to approve the December 6, 2017, Meeting Minutes with corrections as discussed.

Second: Darla Zarley

Action: Passed unanimously

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

- A. Avera ePharmacy – San Antonio, TX
- B. Center for Comprehensive Care & Diagnosis of Inherited Blood Disorders – Santa Ana, CA
- C. El Monte Community Pharmacy – El Monte, CA
- D. Express Veterinary Pharmacy, LLC – Gilbert, AZ
- E. Foothills Professional Pharmacy – Phoenix, AZ
- F. Parkway Pharmacy LP – Howell, NJ
- G. Red Rock Pharmacy Ste 101 – Springville, UT
- H. Regents Pharmacy – La Jolla, CA
- I. Uptown Drugs Pharmacy – Allen Park, MI
- J. Vanderbilt Integrated Pharmacy – Nashville, TN
- K. Wellpartner – Tualatin, OR

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

- L. Fountain Plaza Pharmacy – Morristown, TN
- M. People First Pharmacy #2 – Carrollton, TX
- N. Talca Pharmaceuticals Inc. – Camarillo, CA
- O. Tampa Family Pharmacy, LLC – Tampa, FL

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

- P. Cooper Surgical, Inc. – North Tonawanda, NY
- Q. CuraScript SD Specialty Distribution – Tempe, AZ
- R. EPI Health, LLC – Charleston, SC
- S. Fisher Scientific Company L.L.C. – Dallas, TX
- T. Fisher Scientific Company L.L.C. – Raleigh, NC
- U. Integrated Commercialization Solutions, LLC – Lockbourne, OH
- V. La Jolla Pharmaceutical Company – San Diego, CA
- W. Medical Purchasing Solutions, LLC – Hilliard, OH
- X. Northwood Pharmaceuticals, LLC – Indianapolis, IN
- Y. Pajunk Medical Systems, LP – Norcross, GA
- Z. Rainbow Gold, Inc. – Guntersville, AL
- AA. Rx Return Services – Clearwater, FL
- BB. Time Cap Laboratories, Inc. – Hicksville, NY
- CC. Tetrphase Pharmaceuticals, Inc. – Watertown, MA
- DD. Tyto Care – New York, NY

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

- EE. Airvida – Tucson, AZ
- FF. Attentus Medical Sales, Inc. – Houston, TX

- GG. Avondale HME, Inc. – Temecula, CA
- HH. Home Medical Equipment and Supplies – Newport, OR
- II. Prothotics Health – Patchque, NY
- JJ. Tenssource, LLC – Tampa, FL
- KK. Therapeutic Resources, Inc. – Mill Creek, WA

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

- LL. Bennett Medical Services – Reno, NV
- MM. Bennett Medical Services – Reno, NV
- NN. Bennett Medical Services – Reno, NV
- OO. Bennett Medical Services – Reno, NV

Applications for Nevada Pharmacy – Non-Appearance:

- PP. Belmont Pharmacy – Las Vegas, NV
- QQ. Direct Scripts Mail (DSM) Pharmacy – North Las Vegas, NV
- RR. Elite Medical Center – Las Vegas, NV
- SS. Pharmacy Consulting Services Group – Las Vegas, NV
- TT. Sun Valley Surgery Center, LLC – North Las Vegas, NV
- UU. The Infusion Pharmacy – Henderson, NV

President Basch recused from participation on Item 3 TT due to him being listed as the managing pharmacist on the application.

Board Action:

Motion: Jason Penrod moved to approve the Consent Agenda except for Item 3 TT.

Second: Kirk Wentworth

Action: Passed unanimously

Jason Penrod presided over this matter as acting president.

Board Action:

Motion: Kevin Desmond moved to approve Item 3 TT.

Second: Robert Sullivan

Action: Passed unanimously

4. Discipline

- A. Hoyeon Cho, R.Ph (16-036-RPH-A-S)
- B. Amy L. DeLuca, R.Ph (16-036-RPH-B-S)

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

Melissa Shake disclosed that she knows Ms. DeLuca but stated that she could participate in this matter fairly and without bias.

Hoyeon Cho, Amy DeLuca, and Matt Forester appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mike Dyer was present as counsel representing the Respondents.

Mr. Kandt explained that in April 2016, Dr. T. electronically transmitted a prescription to CVS for Protonix 40 mg with instructions to take one tablet twice a day for gastric ulcer. He stated that during data entry, Ms. Cho selected propranolol rather than Protonix as prescribed. Ms. Cho failed to detect the medication error during final product verification. The pharmacy records indicate that Ms. Cho did not perform counseling for the patient's new prescription.

Mr. Kandt stated that the patient ingested forty propranolol 40 mg. tablets within a twenty-day period. Dr. T. discovered the error during the patient's wellness examination when the patient presented the medication bottle dispensed by CVS.

Mr. Kandt explained that Ms. Cho attempted to inactivate the incorrect prescription to prevent future fills and accidentally deleted the prescription from CVS' computer system.

Mr. Kandt stated that Ms. DeLuca was the managing pharmacist at CVS during the time of these events.

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

Ms. Cho shall receive a Letter of Reprimand, pay a fine of \$2,750.00 and complete an additional four CEU on the topics of error prevention and patient counseling.

Ms. DeLuca shall receive a Letter of Reprimand and complete an additional four CEU on the topics of pharmacy management.

CVS Pharmacy #5942 shall pay a fine of \$1,000.00, pay an administrative fee of \$1,500.00 and shall create a training module instructing all Nevada CVS employees that if a prescription is returned to the pharmacy due to an error, that the prescription is cancelled or inactivated in a manner that retains the original prescription and replacement prescription data in the store's computer system.

Mr. Dyer stated that the Respondents had no objections to the Stipulation and Order.

Ms. Cho apologized to the Board for her error. Ms. Cho explained the changes she made to her practice to more accurately verify prescriptions and counsel her patients.

Ms. DeLuca acknowledged her responsibility as the managing pharmacist and discussed the changes the store has made to improve prescription filling accuracy.

Ms. Cho and Ms. DeLuca answered questions to the Board's satisfaction.

Board Action:

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

Second: Kevin Desmond

Action: Passed unanimously

D. Donna Raymond, R.Ph (16-025-RPH-A-S)

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

Hal Taylor was present as counsel representing Ms. Raymond.

Mr. Kandt explained that in April 2016, patient E.S. filed a complaint with Board Staff alleging that CVS dispensed the injectable form of ampicillin rather than oral capsules prescribed by the physician.

Mr. Kandt stated that Ms. Raymond transcribed the phoned-in prescription for ampicillin 500 mg. capsules with instructions to take one capsule four times daily for seven days. He explained that during data entry, Ms. Raymond inadvertently selected ampicillin 500 mg. vials for injection, rather than the ampicillin 500 mg. capsules as prescribed.

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

Ms. Raymond's Nevada Pharmacist Registration shall be suspended. The suspension stayed and placed on probation for three months. Ms. Raymond shall complete an additional one CEU on the topic of error prevention, pay a fine of \$3,000.00 and shall comply with all State and Federal Laws.

Mr. Taylor stated that Ms. Raymond had no objections to the Stipulation and Order.

Board Action:

Motion: Kirk Wentworth moved to accept the Stipulation and Order with a modification to make the fine due within 90 days.

Second: Robert Sullivan

Action: Passed unanimously

- E. Marjan Ghanem, R.Ph (16-025-RPH-B-S)
- F. Eralda Baho, R.Ph (16-025-RPH-C-S)
- G. CVS/pharmacy #8827 (16-025-PH-S)

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

Marjan Ghanem, Eralda Baho, and Andrea Van Vooren, District Manager CVS, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mike Dyer was present as counsel representing the Respondents.

Mr. Kandt stated that this matter shares the same set of facts as Ms. Raymond's case.

Mr. Kandt explained that Ms. Ghanem performed the final product verification and failed to identify that the prescription had been filled for ampicillin 500 mg. vials for injection, rather than the ampicillin 500 mg. capsules as prescribed. He stated that Ms. Baho was the counseling pharmacist of record, but the pharmacy did not document that patient counseling occurred. He added that Ms. Baho was the pharmacist on duty when the patient returned the erred medication. Ms. Baho filled and dispensed the correct medication to the patient, but again, the pharmacy did not document that patient counseling occurred. Mr. Kandt stated that Ms. Baho did not follow the pharmacy's workflow procedure to correct and reprocess the prescription which resulted in the removal of the original data from the pharmacy computer system.

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

Ms. Baho shall receive a Letter of Reprimand, shall pay a fine of \$750.00 and shall complete an additional two CEU on the topic of patient counseling.

Ms. Ghanem shall receive a Letter of Reprimand and shall pay a fine of \$1,000.00.

CVS Pharmacy #8827 shall pay an administrative fee of \$1,500.00 and shall create a training module instructing all Nevada CVS employees that if a prescription is returned to the pharmacy due to an error, that the prescription is cancelled or inactivated in a manner that retains the original prescription and replacement prescription data in the store's computer system.

Board Action:

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

Second: Kirk Wentworth

Action: Passed unanimously

H. Mihreteab Tesema, R.Ph (17-032-RPH-S)  
I. CVS/pharmacy #9967 (17-032-PH-S)

Darla Zarley disclosed that Mr. Tesema was a former student but stated that she could participate in the matter fairly and without bias.

Mihreteab Tesema appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mike Dyer was present as counsel representing the Respondents.

Pharmaceutical technician, Amanie Khoury, was subpoenaed and was present for her involvement in the case.

Mr. Kandt explained that in October 2016, patient H.R. saw her physician and received a prescription for Adderall ER 20 mg. capsules with instructions to take one capsule daily. H.R. tendered the prescription to CVS where during data entry Ms. Khoury, selected Adderall XR 25 mg. capsules rather than Adderall ER 20 mg. capsules as prescribed.

Mr. Tesema failed to detect the error during product verification and CVS records do not indicate if counseling was accepted or declined.

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

Mr. Tesema shall receive a Letter of Reprimand, pay a fine of \$2,750.00 and complete an additional four CEU on the topics of error prevention and patient counseling.

CVS Pharmacy # 9967 shall pay an administrative fee of \$1,500.00.

Mr. Dyer stated that the Respondents had no objections to the Stipulation and Order presented.

Mr. Tesema apologized to the Board and patient H.R. for his mistake. Mr. Tesema described the changes he has made to his practice to prevent this error from occurring in the future.

Board discussion occurred regarding the importance of counseling and proper record keeping.

Board Action:

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

Second: Darla Zarley

Action: Passed unanimously

J.	Jose Ferran, R.Ph	(17-039-RPH-S)
K.	Ian Knickerbocker, PT	(17-039-PT-A-S)
L.	Tiffany Buie, PT	(17-039-PT-B-S)

This matter was continued to a future Board meeting.

5. Requests for Renewal of Pharmacist License:

A. Gurpartap Basrai

Gurpartap Basrai appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Edwards stated that Mr. Basrai disclosed a pending case with the California Board of Pharmacy (California Board) on his Nevada Pharmacist License Renewal form. Mr. Edwards explained that Mr. Basrai is the owner of a pharmacy that is currently being investigated by the California Board for substantial losses of hydrocodone and alprazolam.

The Board expressed concern regarding the amount of hydrocodone and alprazolam missing from Mr. Basrai's pharmacy.

The Board offered Mr. Basrai the option of tabling his request until his pending case in California is resolved.

The Board tabled Mr. Basrai's request for renewal of his Nevada Pharmacist License at his request.

B. Lisa Chaplinsky

Ms. Chaplinski contacted Board Staff to withdraw her request to renew her pharmacist license.

C. Farbod Melamed

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

Farbod Melamed appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Edwards explained that Mr. Melamed indicated that he had been the subject of a board citation or administrative action in California on his Nevada Pharmacist License Renewal form.



Mr. Melamed explained that the California Board of Pharmacy charged Roxsan Pharmacy, where he was practicing, with several violations. Mr. Melamed testified that he was not directly involved with the violations, but he accepts responsibility as the managing pharmacist at the time.

Mr. Melamed answered questions to the Board's satisfaction regarding his past discipline and restrictions on his California Pharmacist License.

Board Action:

Motion: Jason Penrod moved to approve Farbod Melamed's Request for Renewal of Pharmacist License with conditions. Mr. Melamed shall notify Board Staff of any changes in his disciplinary status in California within five business days. Mr. Melamed shall notify Board Staff if he intends to practice pharmacy in Nevada. If Mr. Melamed does not comply with these conditions, the Executive Secretary is authorized to immediately suspend Mr. Melamed's Nevada Pharmacist Registration.

Second: Darla Zarley

Action: Passed unanimously

D. Jonathan H. Tang

Jonathan Tang appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Edwards explained that Mr. Tang disclosed past discipline on his Nevada Pharmacist Registration renewal. Mr. Edwards stated that Mr. Tang was cited by the California Board for certifying that a pharmacy intern had completed her training hours when she had not.

Mr. Tang presented a letter from the California Board stating that he has paid the fines to the California Board.

Mr. Tang answered questions to the Board's satisfaction regarding his past discipline.

Board Action:

Motion: Melissa Shake moved to approve Mr. Tang's request to renew his Nevada Pharmacist License.

Second: Kirk Wentworth

Action: Passed unanimously

6. Application for Pharmaceutical Technician in Training – Appearance:

Terry Russell

Terry Russell appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Pinson explained that while enrolled in the Northwest Career College Pharmaceutical Technician Program, Mr. Russell tested positive for marijuana on his drug screen.

Mr. Russell explained that he has a valid medical marijuana card and stated that he did not disclose this information to Northwest Career College.

Mr. Russell presented his Nevada Medical Marijuana Card to the Board.

The Board discussed the importance of pharmacy staff's role in patient healthcare and stressed that pharmacy staff cannot be impaired while at work.

After discussion, the Board offered Mr. Russell the option to table his application to seek alternative treatment and to be evaluated by PRN-PRN.

The Board tabled Mr. Russell's Application for Pharmaceutical Technician in Training at Mr. Russell's request.

Public Comment January 10, 2018, 2:00 PM

There was no public comment.

7. Applications for Nevada Pharmacy – Appearance:

A. Direct Compounding and Outsourcing, LLC – Henderson, NV

Tim Brown, managing pharmacist, Dave Wuest, Deputy Executive Secretary Nevada State Board of Pharmacy, and Joe Dodge, Pharmacy Inspector Nevada State Board of Pharmacy, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Brown agreed to provide the Board with a Letter of Authorization allowing him to speak on behalf of the company.

Mr. Wuest questioned Mr. Brown regarding the services provided and pharmacy ownership.

Mr. Brown explained that David Smith is a pain management physician and Direct Compounding and Outsourcing, LLC's primary owner.

The Board informed Mr. Brown that according to Nevada Law physician owners are not allowed to own more than 10% of a pharmacy.

The Board offered Mr. Brown the option to table Direct Compounding and Outsourcing, LLC's Application for Nevada Pharmacy to bring their ownership structure in compliance with Nevada Law.

The Board tabled Direct Compounding and Outsourcing LLC's Application at Mr. Brown's request.

B. Reno Behavioral Healthcare Hospital – Reno, NV

Steve Shell, CEO, and Murray Robison, managing pharmacist, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Shell explained that Reno Behavioral Healthcare Hospital is part of Signature Healthcare Services and will be providing service to patients with psychiatric and chemical dependency needs.

The Board questioned Mr. Robison regarding his past work history and pharmacy experience. Mr. Robison explained that he has been a pharmacist for 47 years and has experience in retail, hospice and mental health care.

Mr. Shell and Mr. Robison answered questions to the Board's satisfaction regarding Reno Behavioral Healthcare Hospital's hours of operation, policies and procedures, staff and services provided.

Board Action:

Motion: Kevin Desmond moved to approve Reno Behavioral Healthcare Hospital's Application for Nevada Pharmacy License pending a positive inspection.

Second: Jason Penrod

Action: Passed unanimously

C. West Valley Pharmacy – Las Vegas, NV

Louis Nguyen, owner and managing pharmacist, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Nguyen explained that West Valley Pharmacy is a retail pharmacy.

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

Mr. Wuest and Mr. Curras questioned Mr. Nguyen regarding the pharmacy ownership structure, layout, computer system and the pharmacy's relationship with the urgent care in the same building.

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

Board Action:

Motion: Jason Penrod moved to approve West Valley Pharmacy's Application for Nevada Pharmacy License pending a positive inspection. West Valley Pharmacy shall notify Board Staff prior to executing any changes to the company's shareholders. The Executive Secretary is authorized to approve any changes to West Valley Pharmacy's shareholders.

Second: Darla Zarley

Board Staff recommended having West Valley Pharmacy notify Board Staff of all changes to its ownership structure prior to execution.

Jason Penrod and Darla Zarley accepted Board Staff's recommendation.

Action: Passed unanimously

8. Application for Out-of-State Outsourcing Facility – Appearance:  
Cantrell Drug Company – Little Rock, AR

This matter was continued to a future Board meeting.

9. Applications for Out-of-State Compounding Pharmacy – Appearance:
  - A. Promise Pharmacy – Palm Harbor, FL

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

Ms. Patel explained that Promise Pharmacy is a retail pharmacy that provides sterile and non-sterile compounding services.

Ms. Patel stated that Promise Pharmacy compounds patient specific eye drops and hormone replacement medications.

Mr. Dodge questioned Ms. Patel regarding Promise Pharmacy's policies and procedures, past inspections, clean room specifications, drug testing and high-risk sterile compounding procedures.

The Board expressed concern regarding Ms. Patel's inability to answer questions regarding Promise Pharmacy's sterile compounding procedures.

The Board offered Ms. Patel the option to table Promise Pharmacy's Application to allow her to appear at a future Board meeting with a staff member who is more familiar with the pharmacy's sterile compounding procedure.

The Board tabled Promise Pharmacy's Out-of-State Compounding Pharmacy Application at Ms. Patel's request.

B. Red Rock Pharmacy – St George, UT

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

Mr. Norris explained that Red Rock Pharmacy is a closed-door long-term care pharmacy that provides sterile compounding services.

Mr. Dodge questioned Mr. Norris regarding Red Rock Pharmacy's compounding policies and procedures, clean room specifications, product testing, past inspections and staff training.

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

Board Action:

Motion: Jason Penrod moved to approve Red Rock Pharmacy's Application for Out-of-State Pharmacy License pending receipt of documentation regarding Red Rock Pharmacy's clean room.

Second: Kevin Desmond

Action: Passed unanimously

10. Application for Nevada Wholesaler – Appearance:

Reichman Distribution Inc. – Las Vegas, NV

This matter was continued to a future Board meeting.

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

Las Vegas Medical Store – Las Vegas, NV

Stefanie Rumpel, MDEG Administrator and Respiratory Therapist, and Armenak Muradyan, owner, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Hal Taylor was present as counsel representing Las Vegas Medical Store.

Mr. Muradyan explained that Las Vegas Medical Store will be providing CPAP equipment.

Ms. Rumpel answered questions to the Board's satisfaction regarding her past work history and education.

The Board questioned Mr. Taylor and Mr. Muradyan regarding Las Vegas Medical Store's relationship with CPAP Store Las Vegas.

Mr. Taylor and Mr. Muradyan explained that CPAP Store Las Vegas withdrew their application for a Nevada MDEG License and testified that Las Vegas Medical Store has no professional relationship with CPAP Store Las Vegas.

Mr. Taylor explained that Las Vegas Medical Store has equipment that is segregated at CPAP Store Las Vegas as instructed by the Board during a past meeting.

Board Staff expressed concern regarding Las Vegas Medical Store selling that equipment to the public.

Board Action:

Motion: Jason Penrod moved to approve Las Vegas Medical Store's Application for Nevada MDEG License pending a positive inspection. Las Vegas Medical Store shall not purchase any prescription items from an unlicensed vendor and will not sell any of the equipment stored at the CPAP Store Las Vegas until it has been inspected and approved by Board Staff. Las Vegas Medical Store will be inspected quarterly at the expense of the company, not to exceed \$200 per inspection.

Second: Kevin Desmond

Action: Passed unanimously

12. Discussion and possible action regarding whether the Board will grant an exception under NAC 639.530(4) to allow Sunrise Pharmacy to operate without a lavatory within or adjoining the pharmacy.
13. Discussion and possible action regarding whether the Board will allow Professional Rx Pharmacy to complete a remodel of its previously approved facility per NAC 639.535 and to grant an exception under NAC 639.530(4) to allow the pharmacy, after completion of the remodel, to operate without a lavatory within or adjoining the pharmacy.

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

Michael Peters, owner Sunrise Pharmacy, and Tamara Angeles, managing pharmacist Sunrise Pharmacy, appeared and was sworn by President Basch prior to answering questions or offering testimony.

There was no representative from Professional Rx Pharmacy present.

Mr. Edwards, Mr. Wuest, Mr. Dodge and Mr. Pinson provided background information. They explained that Professional Rx Pharmacy was approved by the Board and had its own lavatory during the time of their opening inspection. They stated that Sunrise Pharmacy was later approved by the Board pending a positive inspection. During the inspection, it was discovered that Professional Rx Pharmacy had remodeled the building without informing the

Board. That renovation separated Professional Rx Pharmacy from the lavatory originally located in their pharmacy. The intent of the remodel would be for Professional Rx Pharmacy and Sunrise pharmacy to share a lavatory.

The Board expressed concern granting a variance to Professional Rx Pharmacy when the pharmacy, which was originally in compliance with the lavatory requirements, performed an unauthorized remodel which took them out of compliance.

The Board directed Mr. Peters to contact Board Staff to discuss possible renovations to bring Sunrise Pharmacy in compliance with Nevada Pharmacy Law.

14. General Counsel Report

15. Authorization to File an Appeal from Order Granting Motion for Preliminary Injunction in Spring Valley Pharmacy, LLC and Jessica Nguyen v. Nevada State Board of Pharmacy, Eighth Judicial District Court of the State of Nevada, Case No. A-17-763456-C.

Mr. Kandt and Mr. Edwards updated the Board regarding legal proceedings involving Spring Valley Pharmacy and Jessica Nguyen.

Mr. Kandt requested the Board's authorization to file an appeal from Order if it is necessary.

Board Action:

Motion: Jason Penrod moved to grant Board Staff authority to file an Appeal from Order Granting Motion for Preliminary Injunction in Spring Valley Pharmacy, LLC and Jessica Nguyen v. Nevada Board of Pharmacy, Eighth Judicial District Court of the State of Nevada, Case No. A-17-763456-C if Board Staff deems it necessary.

Second: Darla Zarley

Action: Passed unanimously

16. Discussion and possible action on amendments to Findings of Fact, Conclusions of Law and Order entered June 9, 2017, in Case No. 16-015 and Findings of Fact, Conclusions of Law and Order entered June 9, 2017, in Case No. 16-022 regarding Jessica Nguyen and Spring Valley Pharmacy; or, alternatively, issuance of new orders in Case No. 16-015 and Case No. 16-022 regarding Jessica Nguyen and Spring Valley Pharmacy.

The Board did not discuss this matter.

17. Approval of Annual Audit Report for Kohn & Company

Mr. Pinson stated that during the last Board meeting, Beth Kohn from Kohn & Company presented the audit results to the Board. Mr. Pinson requested the Board make a motion to accept or deny the results of the Annual Audit.

Board Action:

Motion: Jason Penrod moved to accept the Annual Audit Report as presented.

Second: Darla Zarley

Action: Passed unanimously

18. Executive Secretary Report:

A. Financial Report

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

B. Temporary Licenses

One temporary license was issued since the last meeting.

C. Staff Activities:

1. Nevada Medical, Devices, Equipment and Gases (MDEG) Advisory Committee Meeting
2. Nevada Healthcare Licensing Board Meeting
3. AB 474 Meetings and Continuing Education

Mr. Pinson reported that Board Staff has had meetings with the other Health Care Licensing Boards regarding the implementation of AB 474. He stated that Board Staff has presented to various groups on this topic.

4. Roseman Student Rotation
5. Idaho State University Student Rotation
6. Dental Society North Continuing Education

Mr. Pinson and Ms. Long will present to this group in March 2018.

- D. Reports to Board
- E. Board Related News
- F. Activities Report

Public Comment January 11, 2018, 9:00 AM

There was no public comment.

19. Notice of Proposed Regulation Workshop



**A. Amendment of Nevada Administrative Code Chapter 639 regarding dispensing of controlled substances or dangerous drugs by veterinarians.**

Mr. Edwards provided background information. He explained that proposed amendments to NAC 639.742 and NAC 639.220 add a subsection for licensing and set the licensing fee relating to the dispensing of controlled substances and dangerous drugs by practitioners of veterinary medicine.

Mr. Wuest explained that the proposed amendments were the results of meetings by a committee comprised of public members, veterinarian members and the pharmacy members, including Kevin Desmond and Jason Penrod.

Mr. Desmond and Mr. Penrod provided a summary of the Committee Meetings.

President Basch opened the Public Comment.

James Boyle, Strategic Pharmacy Solutions, appeared and explained that he contacted Board Staff and discussed how the proposed amendments would affect the pending consignment regulation. Mr. Boyle suggested modifications to the proposed amendment to add references to the consignment regulation once it has been approved by the Legislative Counsel Bureau.

Board discussion ensued regarding who would be considered the dispensing practitioner if a veterinarian was utilizing a consignment model.

After discussion, the Board agreed, that in a scenario where a veterinarian is utilizing a consignment model, that both the veterinarian and the third-party pharmacy who filled the prescription could be considered the dispensing practitioner.

President Basch closed the Public Comment.

**Board Action:**

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

**Second:** Kevin Desmond

**Action:** Passed unanimously

**B. Amendment of Nevada Administrative Code Chapter 639 to add a new section thereto relating to the issuance of an order to show cause for failure to comply with an order entered by the Board.**

Mr. Kandt explained that the proposed amendment would allow the Executive Secretary to issue an order to show cause for failure to comply with the terms of an order directing the

respondent to appear before the Board at the next regularly-scheduled meeting for a show cause hearing.

President Basch opened the Public Comment.

There was no public comment.

Board Action:

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

Second: Kirk Wentworth

Action: Passed unanimously

**C. Amendment of Nevada Administrative Code Chapter 639 to add a new section thereto relating to practitioner access to the database of the program established pursuant to NRS 453.162.** To require practitioners to register with the Board to access the database. To allow a practitioner to designate members of his or her staff to act as delegates for the purposes of accessing the database. To provide for the suspension or termination of access to the database if the Board or the Division has probable cause to believe that the database has been intentionally accessed by a person or for a purpose not authorized by law.

Board Action:

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

Second: Darla Zarley

Action: Passed unanimously

20. Notice of Proposed Regulation Public Hearing

**Amendment of Nevada Administrative Code (NAC) 453.460:** The proposed amendment to NAC 453.460 revises provisions relating to the partial filling of a controlled substance listed in Schedule II. (LCB File No. R007-17)

Mr. Kandt and Mr. Wuest provided background information and explained that the proposed amendment revises the circumstances in which a pharmacist is authorized to partially fill a prescription for a controlled substance listed in schedule II. The regulation requires that the remaining portion of a partially filled Schedule II prescription must be filled not later than 30 days after the date the prescription was written; the remaining portion of an emergency schedule II prescription must be filled not later than 72 hours after the prescription was issued; requires a pharmacist to refuse to fill or partially fill a schedule II prescription more than 30 days after the date the prescription was written.

The Board requested a modification to Section 1 (a) to change “must” to “may.”

President Basch opened the Public Comment.

There was no public comment.

Board Action:

Motion: Jason Penrod moved to adopt the proposed language with corrections to Section 1 as discussed.

Second: Darla Zarley

Action: Passed unanimously

21. Date and Location of Next Scheduled Board Meeting:

March 7-8, 2018 – Reno, NV

22. Public Comment January 11, 2018 2:15 PM

There was no public comment.