

February 20, 2008

AGENDA

◆ PUBLIC NOTICE ◆

NEVADA STATE BOARD OF PHARMACY

BOARD MEETING

at the

Airport Plaza Hotel
1981 Terminal Way
Reno

Wednesday, March 5, 2008 – 10:30 am

Thursday, March 6, 2008 – 9:00 am

Please Note: The Nevada State Board of Pharmacy may address agenda items out of sequence to accommodate persons appearing before the Board or to aid in the efficiency or effectiveness of the meeting.

Public comment is welcomed by the Board, but will be heard only when that item on the agenda is reached and will be limited to five minutes per person. The president may allow additional time to a given speaker as time allows and in his sole discretion.

◆ CONSENT AGENDA ◆

The Consent Agenda contains matters of routine acceptance. The Board Members may approve the consent agenda items as written or, at their discretion, may address individual items for discussion or change.

March 2008 Board Meeting Agenda

- * 1. Approval of January 16-17, 2008, Minutes
- * 2. Applications for Out-of-State MDEG – Non Appearance:
 - A. Air Liquide Healthcare America Corporation – Plumsteadville, PA
 - B. Alpine Home Medical Equipment, Inc. – Salt Lake City, UT
 - C. American Medical Sales & Repairs, Inc. – Centennial, CO
 - D. Cardinal Health – Earth City, MO
 - E. Inogen, Inc. – Goleta, CA
 - F. Orbit Medical of Idaho Falls, Inc. – Idaho Falls, ID
 - G. Prentke Romich Company – Wooster, OH

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

- H. Bowermans Pharmacy – Fresno, CA
- I. Fairview Specialty Pharmacy Services – Minneapolis, MN
- J. Family Drugstore, Inc. – Boca Raton, FL
- K. FarmVet.com – Franklin, TN
- L. Healthwise Pharmacy – Springville, UT
- M. Medco Health Solutions of Scottsdale – Scottsdale, AZ
- N. New England Mail Order Pharmacy – Middlebury, VT

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

- O. Advanced Pharma, Inc. – Houston, TX
- P. BioRx – Cincinnati, OH
- Q. Exel Inc. – Mechanicsburg, PA
- R. Jace Pharmaceuticals, Inc. – Paramus, NJ
- S. Midwest Medical Supply Co., LLC
- T. Vedco, Incorporated – St Joseph, MO

Applications for Nevada MDEG – Non Appearance:

- U. Dynamic Sleep SolutionZ – Reno
- V. N2Sleep Homecare – Las Vegas

Applications for Nevada Pharmacy – Non Appearance:

- W. Longs Pharmacy #786 – Reno
- X. Sav-on Pharmacy #6032 – Las Vegas
- Y. Sav-on Pharmacy #6090 – Las Vegas
- Z. Sam's Club Pharmacy 10-4983 – Las Vegas
- AA. Walgreens #10190 – North Las Vegas
- BB. Walgreens #10978 – Mesquite

March 2008 Board Meeting Agenda

◆ REGULAR AGENDA ◆

- * 3. Application for Nevada MDEG –Appearance:
 - Vital Supply, LLC – Las Vegas

- * 4. Application for Out-of-State Pharmacy – Appearance:
 - Abrams Royal Pharmacy – Dallas, TX

- * 5. Disciplinary Action: Note – The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of any of the below named parties.
 - A. Robert G. Linger, R.Ph (07-018-RPH-N)
 - B. Terry L. Lute, R.Ph (07-008A-RPH-N)
 - C. Eduardo Morales, R.Ph (07-008B-RPH-N)
 - D. Smith’s Pharmacy #356 (07-008-PH-N)
 - E. Cindy J. Vert, R.Ph (07-098-RPH-N)
 - F. Zachary W. Bergan, R.Ph (07-083-RPH-N)

- * 6. Request for Reinstatement of Pharmacist License – Appearance:
 - Rebekah Keechler (07-013-RPH-N)

- * 7. Executive Secretary Report:
 - A. Financial Report
 - B. Investment Report
 - C. Temporary Licenses
 - D. Staff Activities
 - 1. Meetings
 - a. Task Force
 - b. NABP Executive Committee
 - E. Reports to Board
 - 1. Legislative Commission on Regulations
 - 2. AG Case
 - 3. Legislative Commission on Health Care
 - 4. Versa
 - F. Board Related News
 - G. Activities Report

- * 8. General Counsel Report

March 2008 Board Meeting Agenda

* 9. Legal Question

Advanced Isotopes

*10. Request for Clarification

Department of Corrections

*11. CE Committee Meeting Report

*12. Discussion and Determination:

- A. Scheduling of Tramadol
- B. CII Prescription Splitting

W O R K S H O P – Thursday, March 6, 2008 – 9:00 am

- *13. **Proposed Regulation Amendment Workshop** – The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations.

Amendment of Nevada Administrative Code 639 NEW Language
Inactive status for pharmacists license.

14. Next Board Meeting:

April 16-17, 2008 – Las Vegas, Nevada

15. Public Comments and Discussion of and Deliberation Upon Those Comments

Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken. (NRS 241.020)

* Board action may be taken on these items.

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Nevada State Board of Pharmacy, 431 W Plumb Lane, Reno, Nevada 89509, or call Jeri Walter at (775) 850-1440, as soon as possible.

Anyone desiring additional information regarding the meeting is invited to call the board office at (775) 850-1440.

March 2008 Board Meeting Agenda

Mailing a copy of the Nevada State Board of Pharmacy meeting agenda to any person who has requested it will not continue unless a request for reinstatement on the mailing list is made in writing every six months. Continuing Education credit of 4 hours, including 1 hour of law, will be given per day of Board meeting attendance. You are required to attend the board meeting for a full day to receive CE credit including the law credit.

This notice has been posted at the following locations:

Elko County Courthouse – Elko
Mineral County Courthouse – Hawthorne
Washoe County Courthouse – Reno
Nevada State Board of Pharmacy – Reno and Las Vegas

BOARD MEETING

Airport Plaza Hotel
1981 Terminal Way
Reno

March 5 & 6, 2008

The meeting was called to order at 10:30 a.m. on Wednesday March 5, 2008 and 9:00 a.m. on Thursday, March 6, 2008 by Barry Boudreaux, Board President.

Board Members Present:

Barry Boudreaux
Ray Seidlinger
Mary Lau

Keith Macdonald
Donald Fey

Leo Basch
Chad Luebke

Board Members Absent:

Board Staff Present:

Larry Pinson

Jeri Walter

Louis Ling

Keith Marcher

CONSENT AGENDA

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- BB. Walgreens #10978 – Mesquite

Discussion:

The consent agenda applications and supporting documents were reviewed.

NOTE: Keith Macdonald recused from participation in the vote for Item 2 Z as he is employed by Wal-Mart. Leo Basch recused from participation in the vote on Items 2 AA and BB as he is employed by Walgreens. Mary Lau disclosed that she is the president of the Retail Association of Nevada, however her affiliation with RAN would not affect her voting on Items 2 W, X Y, Z, AA and BB. President Boudreaux noted that even though he does not vote, he disclosed that 2 M is an application for Medco Health Solutions, and he is employed by Medco.

Board Action:

Motion: Leo Basch found the consent agenda application information to be accurate and complete and moved for approval of Items 2 A-Z.

Second: Ray Seidlinger

Action: Passed Unanimously

Motion: Ray Seidlinger moved to approve Items AA and BB.

Second: Don Fey

Action: Passed Unanimously

Motion: Leo Basch found the minutes to be accurate and complete and moved for approval.

Second: Don Fey

Action: Passed Unanimously

REGULAR AGENDA

3. Application for Nevada MDEG –Appearance:

Vital Supply, LLC – Las Vegas

Vital Supply, LLC has rescheduled to the April meeting.

4. Application for Out-of-State Pharmacy – Appearance:

Abrams Royal Pharmacy – Dallas, TX

Justin Trish appeared and was sworn by President Boudreaux prior to answering questions or offering testimony.

Mr. Trish explained that this is a compounding pharmacy that produces medications for product sensitive patients. They do not do internet pharmacy. They take verbal orders from physicians for their patients and occasionally the compounded medications are sent to the physician for administration to their patients. Mr. Trish explained that their facility is 797 compliant and they have 27 employees. They ship their products via UPS so they can be tracked and if they have a refrigerated product, it is packed in ice before shipping. Abrams Royal Pharmacy has been licensed in Texas since 1980.

The Board advised Mr. Trish that Nevada law requires that he bill his compounded medications directly to the patient, even if he ships to the physician for administration.

Board Action:

Motion: Leo Basch moved to approve the application for Abrams Royal Pharmacy.

Second: Don Fey

Action: Passed Unanimously

5. Disciplinary Action:

A. Robert G. Linger, R.Ph (07-018-RPH-N)

Robert Linger appeared and was sworn by President Boudreaux prior to answering questions or offering testimony.

Mr. Linger was represented by Alice Mercado of Lemons, Grundy & Eisenberg.

NOTE: Leo Basch recused from participation in this matter as he is an acquaintance of Mr. Linger. Keith Macdonald recused from participation as he is employed by Wal-Mart.

Louis Ling called Joe Depczynski to testify.

Joe Depczynski, Board inspector/investigator, appeared and was sworn by President Boudreaux prior to answering questions or offering testimony.

Mr. Depczynski described his job duties and the procedures leading up to an investigation. In this matter, Patient R received a prescription for clonazepam for another patient. Mr. Depczynski stated that he went to Wal-Mart and reviewed their filling procedures. From what Mr. Depczynski could derive, it appeared that Mr. Linger switched the patient packaging inserts and Patient R received Patient M's clonazepam. It was noted that clonazepam was prescribed for both patients, however the dosing was different. Patient M was to receive a 30 tablets and Patient R was to receive 60 tablets. Mr. Depczynski reviewed Wal-Mart's policies and procedures and they clearly allow only one prescription to be verified at a time.

Ms. Mercado cross examined and the Board questioned Mr. Depczynski to their satisfaction.

Ms. Mercado questioned Mr. Linger regarding his filling practices. He explained that more than one patient packaging insert would print out before someone would pick them up they would be distributed to the appropriate tote with the prescription in process and verified by the pharmacist.

Louis Ling questioned Mr. Linger regarding Wal-Mart's policy and procedure number POM1009 regarding visual verification. Since the medication was the same for Patient R and Patient M, perhaps Mr. Linger switched the patient packaging inserts when he was doing the verification. Mr. Linger acknowledged that there was more than one patient packaging insert in the printer but stated that he was working them one at a time.

Ms. Mercado cross examined and the Board questioned Mr. Linger regarding his filling practices. Mr. Linger testified that because of this incident he looks at each prescription more carefully now.

Mr. Ling gave closing statements. He noted that Board staff did not charge Wal-Mart in this case because their policies and procedures are very clear that pharmacists are to work one tote at a time. Mr. Ling recommended the lowest fine of \$100.00 and fees and costs as there was no potential for harm.

Ms. Mercado gave closing statements and indicated that she found no cause to impose discipline upon her client, Mr. Linger, in this matter.

Board Action:

Motion: Ray Seidlinger moved to find Mr. Linger guilty of the alleged violations.

Second: Don Fey

Action: Passed Unanimously

Motion: Ray Seidlinger moved to fine Mr. Linger \$100.00 plus fees and costs.

Second: Chad Luebke

Action: Passed Unanimously

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|----|-----------------------|-----------------|
| B. | Terry L. Lute, R.Ph | (07-008A-RPH-N) |
| C. | Eduardo Morales, R.Ph | (07-008B-RPH-N) |
| D. | Smith's Pharmacy #356 | (07-008-PH-N) |

Terry Lute, Eduardo Morales, and Bonnie Brandt, district pharmacy supervisor for Smith's, appeared and were sworn by President Boudreaux prior to answering questions or offering testimony.

Louis Ling advised the Board that the complainant in this matter, Dr. Lagios, was unable to be present to testify but would be available to testify by telephone.

NOTE: Leo Basch disclosed that he knows Mr. Lute.

Mr. Ling presented a packet of redacted prescription refill requests faxed to Dr. Lagios by Smith's #356. They were marked as Exhibit 1 and admitted into the record.

Mr. Lute presented five examples of other redacted prescription refill requests that had also been faxed to Dr. Lagios by Smith's #356. They were marked as Exhibit A, B, C, D and E and admitted into the record.

Louis Ling reviewed Exhibit 1 with Mr. Lute and Mr. Morales. Mr. Lute and Mr. Morales both testified that they read each of the refill requests as authorized by Dr. Lagios. Mr. Ling noted that the check marks Dr. Lagios made to deny the refills began on the line across from the word "Denied". Mr. Lute and Mr. Morales both noted that the tail of the check mark went to the line directly above the "Denied" line and they each read the refill requests as authorized one time.

Mr. Ling telephoned Dr. Lagios. President Boudreaux swore Dr. Lagios prior to his answering questions or offering testimony.

Dr. Lagios explained that he filed his complaint with the Board because he got a profile from Smith's showing various fills for a patient for which he had denied refills. Dr. Lagios was concerned about his patient's abuse of drugs and did not want her to use Fiorinal, Tramadol or hydrocodone. He noted that he was originally treating Patient M for headaches and then later for seizures.

Mr. Ling questioned Dr. Lagios. Was the patient harmed because of these refills? Dr. Lagios stated that she was not harmed, but did not think these drugs should be used for headaches. Mr. Ling asked if Patient M was seen in the office between these unauthorized refills. Dr. Lagios testified that she had appointments but would cancel them. He finally called Patient M's primary care physician and advised that he would no longer treat Patient M.

Dr. Lagios described his denial habits. He thought that if he checked the denial line that would be enough to ensure his patient would not receive medication he did not authorize. Dr. Lagios indicated that if the Smith's pharmacists were reading check marks made on the denial line where the tail of the check mark went to the line above and confusing them, Smith's should change their form.

Bonnie Brandt explained what she and the pharmacists have done since this issue was brought to their attention. Ms. Brandt also advised that Smith's is in the process of getting a new computer system and this form will be discontinued once the new system is implemented. She also noted that most doctors write out the word "No" or indicate the reason for denial. Ms. Brandt admitted that Mr. Lute and Mr. Morales did refill the prescription refills in question, however they read them to have one refill, made a judgment call and did not do it with deliberate intent to refute the doctor's orders. When it was brought to their attention they reviewed their pharmacy practices and retrained people in the pharmacy. The pharmacists' main concern was the patient so they spoke with Patient M and advised her that they had been refilling her prescriptions in error. Patient M advised them that she was seeing another doctor and there should not be a problem with Dr. Logios again. Ms. Brandt denied that Smith's, Mr. Lute or Mr. Morales were negligent or unprofessional as indicated in the Board's Accusation.

Board Action:

Motion: Chad Luebke moved to find Mr. Lute, Mr. Morales and Smith's #356 not guilty of the alleged violations.

Second: No Second

Action: Motion Failed

Motion: Keith Macdonald moved to find Mr. Lute, Mr. Morales and Smith's #356 guilty of the alleged violations.

Second: Don Fey

Action: Passed With One Negative Vote, Leo Basch and Mary Lau Abstained, Plus President Boudreaux's Vote

Motion: Keith Macdonald moved to send each a letter of admonition.

Second: Ray Seidlinger

Action: Passed Unanimously, Mary Lau Abstained

E. Cindy J. Vert, R.Ph (07-098-RPH-N)

Cindy Vert and Larry Espadero, PRN-PRN monitor, appeared and were sworn by President Boudreaux prior to answering questions or offering testimony.

Ms. Vert testified that she did not contest the Accusation. She did remove Stadol from Scolari's for her personal use. Ms. Vert stated that she had headaches and she took Stadol because it was a quick fix. Ms. Vert indicated that she had used Stadol in the past when she was in Colorado and had become addicted to it. Her headaches were becoming an issue again and rather than go to the doctor she began self-medicating and again became dependant on Stadol.

Mr. Espadero advised the Board that Ms. Vert joined PRN-PRN in November, 2007. She has been compliant with her contract and is an active participant. Mr. Espadero did recommend that Ms. Vert not return to pharmacy practice at this time. He wanted to monitor her for a period of time before making that recommendation.

NOTE: Ray Seidlinger recused from participation as he is employed as a per diem pharmacist for Scolari's.

Board Action:

Motion: Keith Macdonald moved to find Cindy Vert guilty of the alleged violations.

Second: Don Fey

Action: Passed Unanimously

Motion: Keith Macdonald moved to place Ms. Vert on a temporary suspension until she and Mr. Espadero feel she is ready to request reinstatement. Ms. Vert is to continue with her PRN-PRN program under the standard contract and pay the fees and costs in this matter.

Second: Don Fey

Action: Passed Unanimously

F. Zachary W. Bergan, R.Ph (07-083-RPH-N)

Louis Ling explained that Board staff had spoken with Mr. Bergan. He advised that he is currently living in Connecticut, is unemployed and would be unable to appear before the Board as it would be a financial burden. Mr. Ling advised that the Board had a copy of Mr. Bergan's Answer and Notice of Defense before them and noted that Mr. Bergan admits to everything in the Accusation. Mr. Ling recommended the standard PRN-PRN Order, indefinite suspension, and a required appearance with Mr. Espadero before he be allowed to practice in Nevada.

Board Action:

Motion: Leo Basch moved to find Mr. Bergan guilty of the alleged violations.

Second: Keith Macdonald

Action: Passed Unanimously

Motion: Leo Basch moved to revoke Mr. Bergan's pharmacist license and Board staff to notify Connecticut of this Order.

Second: Chad Luebke

Action: Passed Unanimously

6. Request for Reinstatement of Pharmacist License – Appearance:

Rebekah Keechler (07-013-RPH-N)

Rebekah Keechler appeared and was sworn by President Boudreaux prior to answering questions or offering testimony.

Mr. Espadero testified that Ms. Keechler joined PRN-PRN in December, 2006 and has fulfilled all the requirements of her contract to date.

Ms. Keechler testified that she likes the person she is today. She has reconnected with her family and now she is a stay at home mom to her children. The Board questioned Ms. Keechler about her husband's drug use as she had been sharing the drugs she took from Scolari's with him. She indicated that he and she are both attending AA and NA meetings and her husband is not using drugs even though he is not in a monitoring program as she is. Ms. Keechler indicated that she does not want to return to retail pharmacy and would like to go into some other segment of pharmacy such as nuclear pharmacy. The Board asked Ms. Keechler if she had paid restitution to Scolari's and she indicated that she had not, but had recently signed a payment agreement with David Chan.

NOTE: Ray Seidlinger disclosed that he is employed as a per diem pharmacist for Scolari's.

Board Action:

Motion: Keith Macdonald moved to reinstate Ms. Keechler's pharmacist license effective April 27, 2008 with the provision that Ms. Keechler pay restitution to Scolari's as outlined in her agreement with them.

Second: Leo Basch

Action: Passed Unanimously

It was noted that Ms. Keechler's original Order requires her to appear before the Board with any potential employer so the Board can review and approve a particular employment.

Board Action:

Motion: Keith Macdonald moved to amend the original Order to allow Ms. Keechler and prospective employers to meet with Board staff for the purpose of approval.

Second: Leo Basch

Action: Passed Unanimously

7. Executive Secretary Report:

- A. Financial Report
- B. Investment Report

Larry Pinson gave the financial and investment reports to the Board's satisfaction.

C. Temporary Licenses

Since the last Board meeting, Mr. Pinson has granted eleven temporary licenses.

D. Staff Activities

1. Meetings

a. Task Force

Mr. Pinson hosted his first Task Force meeting. Discussion at the meeting brought forth the request to schedule Tramadol. Mr. Pinson indicated that there would be a group of individuals present on Thursday morning to discuss Item 12 A on the Agenda for Discussion and Determination. He also noted that the Task Force plans to meet more regularly.

b. NABP Executive Committee

Larry Pinson advised that he and Louis Ling did not attend the NABP Executive Committee meeting as development of the pedigree program was not completed.

E. Reports to Board

1. Legislative Commission on Regulations

All of the regulations that went before the Legislative Commission were approved. There were some questions regarding the PT regs, but they were answered to the Commissions satisfaction.

2. AG Case

Mr. Pinson reported on the Dr. Harrison Bass case. Candy Nally, Joanee Quirk and Louis Ling were all summoned to testify at the hearing in Las Vegas. Dr. Bass was charged with selling drugs without a license and the death of a girl he had sold drugs to. Mr. Pinson commended Board staff for their excellent testimony. The jury seemed to understand that Dr. Bass was not properly licensed to do what he was doing.

3. Legislative Commission on Health Care

Larry Pinson touched on the situation in Las Vegas where a surgery center was not practicing sterile technique by reusing syringes. Several cases of patients being diagnosed with Hepatitis C were traced back to the surgery center. Mr. Pinson commended the Board for addressing these types of issues in our compounding regulations.

4. Versa

Board staff has installed three new servers in preparation for our new licensing program. They are located downstairs in a secure room. From what Board staff has seen, this program should be much more user friendly and efficient.

F. Board Related News

Mr. Pinson noted that Nightline ran a segment on the Shinn case last week. If anyone missed it they can go to ABC's website and view it.

Larry Pinson advised the Board that he received a very complimentary phone call regarding one of CVS's pharmacists. Most of the calls Board staff receives are not nearly as pleasurable.

Larry Pinson announced that Keith Macdonald has been honored with the Community Pharmacist of the Year award by the Wal-Mart Corporation.

Sizzurp update. Larry Pinson asked Michael Cinnamon, the intern from North Dakota State University doing a rotation at the Board office, to do a little research. Mr. Cinnamon was present at the Board meeting and advised that he found that Sizzurp is promoted by a rap group in their music. Sizzurp is a combination of soda pop, promethazine, and codeine and sometimes a Jolly Rancher for extra sugar. Some Sizzurp users are mixing other drugs into the cocktail and the results have become alarming, including a number of deaths. There are recipes on line and people can actually rate their experiences with the combinations they have experimented with.

G. Activities Report

8. General Counsel Report

Mr. Ling advised the Board that Kathryn Eban has done an article on hospital pharmacies in the March issue of *Conde Nast Portfolio* where she highlights the Shinn case.

Louis Ling will be attending the ASPL meeting in San Diego on March 14th through the 17th.

Mr. Ling noted that he has revised his memo to Mary Lau after coming to agreement with her legal counsel regarding ethical issues raised at the January Board meeting. All of the previous issues have been addressed.

9. Legal Question

Advanced Isotopes

Troy Curnutt appeared and noted that he owns a nuclear pharmacy in Colorado. He would like to come to Nevada and open a nuclear pharmacy in Las Vegas with a group of physicians. The problem with this concept is that Nevada law only allows practitioners to own no more than 10% of a pharmacy. Mr. Curnutt's attorney, Mark Katz, sent a letter to Board staff on behalf of Advanced Isotopes outlining that Nevada law was ambiguous and that the Board's interpretation seemed to be contrary to the legislative intent of NRS 639.232.

Mary Lau suggested Board staff get an opinion of the legislative intent of our statute and regulations. Keith Macdonald voiced his opposition to Advanced Isotopes practice

model and agreed with Ms. Lau that we get a legislative opinion. Board staff will start the process of obtaining an opinion and submit the findings to Mr. Curnutt and Mr. Katz.

10. Request for Clarification

Department of Corrections

Chuck Schardin, Chief of Medical Fiscal Services, Bruce Bannister, Medical Director, and Janet Traut, Senior Deputy Attorney General, appeared and requested clarification on the necessity of having a pharmacist inspect their drug rooms every 30 days. They explained that at present they have the director of nurses for each prison site inspect the drug rooms. They indicated that they did not have enough funding to send a pharmacist to remote locations throughout the state monthly to inspect drug rooms. They would like to continue as they have been by utilizing the director of nurses for each facility to inspect the drug rooms and have a pharmacist inspect quarterly.

The Board discussed this concept and Keith Macdonald suggested that we amend NAC 639.480 to reflect a quarterly inspection by a pharmacist. President Boudreaux thought the addition of a number 6 giving a different set of inspection parameters would work in NAC 639.480. Board staff was directed to bring language to the April Workshop.

11. CE Committee Meeting Report

Larry Pinson reported that the CE Committee met and reviewed four courses as follows: 1) Violence Risk Assessment, 2) Hepatitis A, B and C, 3) Morbidity and Mortality – Sexually Transmitted Diseases, and 4) Western Society of Allergy, Asthma and Immunology Annual Scientific Session. He asked for a motion to approve them.

Board Action:

Motion: Ray Seidlinger moved to approve the four referenced CE programs.

Second: Don Fey

Action: Passed Unanimously

12. Discussion and Determination:

A. Scheduling of Tramadol

Larry Pinson introduced Chris Laporie, representing Johnson & Johnson, Gary Foresinger an anesthesiologist also representing Johnson & Johnson, and Edgar Adams, a pharmacist and doctor of epidemiology. Mr. Pinson advised the Board that they are appearing before them to oppose the scheduling of Tramadol.

The representatives of Johnson & Johnson have been monitoring the potential for abuse and diversion of Tramadol worldwide since 1992 and gave a presentation of their findings.

After the presentation President Boudreaux and Keith Macdonald both voiced that they did not think the Board should schedule Tramadol until there is proven abuse potential. The Board directed staff to make the information provided by Johnson & Johnson available to the doctors on the Task Force. Larry Pinson asked if Mr. Laporie and his group would consider returning to make the presentation to the Task Force at their next meeting and they all agreed to return.

B. CII Prescription Splitting

Mr. Pinson advised the Board that there is a rumor going around that the federal government say a CII prescription can not be split where the patient can pay by both cash and insurance. Since CII splitting has been Board policy, Board staff researched this concept and can not find anything in federal law that would prohibit this practice. One instance would be a prescription written for a 90 day supply but insurance will only pay for a 30 day supply – would the pharmacy be able to bill insurance for 30 and the patient pay cash for the remaining 60 on two separate prescription numbers? Chad Luebke and Ray Seidlinger both agreed that they do not have an issue with that practice so long as the patient is being cared for appropriately. Mr. Luebke indicated that CVS Corporate said there is a federal restriction and sent a memo to CVS pharmacies notifying them. Mr. Luebke was asked to research this with CVS Corporate and advise Board staff where that restriction can be found.

WORKSHOP

13. **Proposed Regulation Amendment Workshop**

Amendment of Nevada Administrative Code 639 NEW Language Inactive status for pharmacists license.

Louis Ling and Larry Pinson presented the inactive status parameters to the Board. Pharmacists would have to renew their licenses and pay the fees but they would not have to certify that they had done their CE for the inactive status. If the pharmacist had been practicing in another state and wanted to reinstate his Nevada license, the CE requirements from the state in which he was practicing would be sufficient to reactivate the Nevada license. If the pharmacist was not practicing he would have to provide CE and take and pass a written Nevada law CE examination.

There was no public input.

Board Action:

Motion: Ray Seidlinger moved to proceed to public hearing.

Second: Mary Lau

Action: Passed Unanimously

14. Next Board Meeting:

April 16-17, 2008 – Las Vegas, Nevada

15. Public Comments and Discussion of and Deliberation Upon Those Comments

There were no public comments.