

TEMPORARY LICENSES
(Issued since last board meeting)

No temporary licenses have been issued since last meeting.

HILLERBY & ASSOCIATES

LEGISLATIVE ADVOCACY
GOVERNMENT RELATIONS

April 18, 2011

This Legislative fortnight began with the death of the first bill at the hands of a gubernatorial veto, and ended with the deaths of some 325 others at the hands the first major deadline for legislation. AB 183 was vetoed by the Governor (see our April 2 report), and Friday, April 15 marked the day non-budget bills had to pass out of committee. But like Lazarus, some of these ideas will rise again before the end of the session as amendments or in conference committees.

This period also marked the half way point of the 120 day session, the end of salaries for Legislators, and the beginning of budget closings. The standoff over taxes and the budget continues, and Legislative Democrats announced a new plan for closing budgets in hopes of finding some Republican support for increased revenue. (Democrats take budget fight out of committee- LV Sun) This tactic comes with some risk, and the clock is ticking quickly towards an end that could ruin some summer vacations plans, if not a few political careers. (New budgeting style — probably not a new result- Las Vegas Sun)

While this is the time of the session when tempers reliably flare, this session has seen a new dynamic. Term limits and open Congressional seats mean that a number of Democratic lawmakers are looking at competing against one another for higher office, while others will be competing for leadership positions in the next session. Others face tough reelection campaigns in competitive districts and will struggle with a vote for a tax bill that will almost certainly be vetoed. (Rifts emerge among Legislative Democrats- LV Sun)

In addition to the historic challenges of this session, a scandal has emerged that has received national attention, and will undermine public faith in the Legislature. The federal indictment of PokerStars and other illegal online gambling web sites came on the heels of revelations that three Nevada legislators took free trips overseas to meet with PokerStars personnel. Also revealed was a \$300,000 Political Action Committee funded by an offshore PokerStars account, and used to make donations to dozens of Nevada officials. (Lawmaker targets PokerStars- LV Review Journal) This story will have implications for many people in and around the Legislature, and be featured in countless campaign flyers next year.

The next deadlines will come at a faster pace as we run through the second half of the session. Bills must be out of their house of origin by April 26, with fast-approaching deadlines for second house and committee passage during May. The Economic Forum meets May 2 and will provide the Governor and Legislators with the final revenue numbers they must use to balance the budget. We will soon see who is holding a strong hand, who is bluffing, and who will fold when the stakes get high.

It is with sadness we note the passing of UNR President Milt Glick on April 16. He was a great advocate for the University, an important voice for higher education at the Legislature, and a friend we will miss.

May 2, 2011

A U.S. Senator resigns. A September special election to replace him. Two sitting members of Congress are leaving safe seats. As much as \$250 million "found" late in the game. A televised address by a Governor mid-session. New political maps would end some political careers. Presidential hopefuls dropping by at regular intervals. High dollar campaign donations from foreign entities now under investigation.

No, this is not the back cover of the latest political thriller novel. It is the final 5 weeks of the Nevada Legislature, and things can only become more interesting between now and June 6. Now that you've read the teaser, here are the details:

Senator John Ensign announced his resignation on April 21, to be effective May 3. ([Ensign to Resign- LV Sun](#)) The Senate Ethics Committee has been actively investigating the activities that led to the resignation and were due to interview Ensign on May 4. While resignation has historically short-circuited the Ethics Committee, there is speculation their report may yet be released. ([Questions remain as Sen. Ensign departs - The Washington Post](#))

As expected, Governor Sandoval on April 27 appointed Congressman Dean Heller to the seat. That appointment will require a special election to fill Heller's seat, now set for September 13, and set in motion a game of musical chairs. Rep. Shelley Berkley has announced her intentions to run for the seat in 2012, leaving her seat, Heller's seat, and Nevada's newest seat to be created this session, all at play. ([Heller in Senate Shifts Political Landscape- LV Sun](#))

The special election will be governed by rules announced today by Secretary of State Ross Miller and very likely in the end by those approved by a court. This is the first time in Nevada history we will have a special election for a congressional seat, and the law as passed in 2003 is unclear about exactly how the election should be run. Miller has decided to go with a free-for-all where anyone can file to run- the scenario seen as most likely to fracture the Republican electorate (and therefore the option favored by the Democrats). The other option was a slate of candidates nominated by each party (favored by Republicans as the best shot to keep Sharron Angle out and hold the seat). This will almost certainly head to the courts now.

So far, the Republican field may include perennial candidate Angle, state party chair Mark Amodei, State Senator Greg Brower, Lt. Gov. Brian Krolicki, and former *USS Cole* commander Kirk Lippold. The Democratic frontrunners are Jill Derby, who has run for the seat twice before, and Treasurer Kate Marshall. The Democratic Party sees an open race as their best shot to win the seat for the first time since it was created.

The Economic Forum meets today, and will give the Governor and lawmakers the final revenue figures they must use to pass the budget. A sub-committee to review the smaller tax sources has already projected a \$72 million dollar increase from the December 2010 numbers. The full forum may add \$100-\$200 million more to the mix today. That is on top of \$50 million in budget additions in Medicaid and related funds announced last week by Gov. Sandoval. The Governor will make a televised address

on May 3 on these developments, presumably to bolster his position that his budget is balanced and workable, and to prod the Legislature to pass some of his proposed reform bills and end their work on time- without raising taxes. ([Economic Forum weighs state revenue projections - ReviewJournal.com](#))

Legislative Democratic leaders have been leading long floor sessions of the full Assembly and Senate to show the magnitude of the cuts, and force Republicans to vote for the Governor's budget. The meetings were designed to get these Republican votes for the cuts on record, and to encourage some Republicans to break ranks and support a tax increase of some sort. The sessions have so far resulted in long nights, bruised egos, and no change of heart by any moderate Republicans. In fact those same moderates may feel even less like compromising after the bumps and bruises from these sessions.

And if all this wasn't enough to make the next 5 weeks interesting, legislators began releasing maps for new congressional and legislative districts. Lawsuits have already been filed, and this process will begin to loom very large over the coming days. ([Parties Release Competing Political Maps- NV News Bureau](#)) With an open Senate seat, three of four House seats open, and our status as a Presidential swing state, we will see a great deal of attention from national party organizations between now and the 2012 election. (President Obama visited Reno lately, and at the other end of the reality spectrum, Donald Trump made a stop in Las Vegas last week.)

The PokerStars story that has been widely reported remains an open issue for the Nevada Legislature. The Political Action Committee that was funded by a foreign entity gave some \$250,000 in donations to Nevada pols (some lawmakers now say they never received the money reported as donated by the PAC), and sponsored overseas trips for some Legislative leaders. Investigations are ongoing into the source of the funds, what federal laws may have been broken, and exactly who knew what and when.

The deadline for non-exempt bills to pass out of their house of origin was April 26, and only 17 bills failed to make the deadline. The next hurdle is May 20, when bills must make it out of committee in the second house.

May 16, 2011

There are three weeks left in the 76th Session of the Nevada Legislature, and “train wreck” and “veto” are some of the most oft-heard words around the halls these days. Both parties have offered up reapportionment and redistricting plans, the Democratic majority is passing budgets with more spending than revenue, and the jury is still out how long and hot the summer may be in Carson City.

The big news was the introduction of two major tax bills by Democrats. One would implement a new sales tax on services, and the other a tax on business “margins”. This would be the most significant overhaul of the State’s tax policy in many years, and lawmakers have given themselves less than four weeks to debate the merits and figure out how to implement taxes estimated to raise \$615 million over the coming biennium.

The “Transaction Tax” would implement a 1% tax on services, with exemptions for healthcare, nursing homes, utilities, funerals and related consumer essentials. ([Assembly Vets Tax on Services- rgj.com](#)) Total spending on services outpaces spending on tangible goods in Nevada, and the tax is designed to make State revenues less volatile. Democrats have also floated the idea of eventually lowering the sales tax on goods as a part of the bargain.

The other new idea is a business “margins” tax. Also called a franchise tax, it is based on a Texas gross receipts tax, and would impose a 0.8% tax on the revenue of businesses with one of three deductions available at the payer’s options. The first \$1 million in revenue would be exempt, and businesses could choose to deduct 70% of their revenue, the cost of payroll, or the cost of goods sold. This plan also comes with the promise of phasing out the current payroll tax (MBT) over three years. ([Democrats Unveil Tax Plan, Republicans Remain Opposed- NV News Bureau](#))

Both plans require Republican votes and face a certain veto from Governor Sandoval, which has them widely considered to have little chance of ever passing. They may turn more attention to a bill to lift the prospective sunsets on the tax increases passed in 2009. That revenue, coincidentally, would nearly fill the hole created by the K-12 funding bill passed by Democrats. ([Democrats on path to force Sandoval to veto education funding- LV Sun](#)) The veto of the K-12 budget bill should arrive at the Legislature today.

Speculation abounds on whether a reforms-for-taxes deal lifts the sunsets; the Democrats ultimately pass the Governor’s budget and let him live with the results; or they decide to shut down government to see how anti-tax Republicans enjoy Carson in July.

Democrats also passed their version of reapportionment and redistricting, and it was vetoed over the weekend by Governor Sandoval. Both parties have expressed their love for the growing Hispanic population in Nevada, and their faith in the Voting Rights Act. While the Governor may yet weigh in on a deal that would gain his signature, this may be headed for the courts.

May 20 is the deadline for bills to get out of committee in the second house, and May 27 is the deadline for second house passage. June 6 is the official end of the session, and June 30 is the end of the fiscal year and the next major deadline should a budget standoff continue after the 120 day clock winds down.



Nevada State Board of Pharmacy

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NEVADA STATE BOARD OF PHARMACY

ACTIVITIES REPORT

APRIL 13 & 14, 2011 BOARD MEETING HELD IN LAS VEGAS, NEVADA

This report is prepared and presented to keep interested legislators and others abreast of the activities of the Nevada State Board of Pharmacy. Following is a summary of the April 2011 Board meeting.

Licensing Activity:

- 12 licenses were granted for Out-of-State MDEG (Medical Devices, Equipment and Gases) companies.
- 10 licenses were granted for Out-of-State pharmacies.
- 3 licenses were granted for Out-of-State wholesalers.
- 7 licenses were granted for a Nevada pharmacy (pending inspection).
- 3 licenses were granted for Nevada MDEG companies and 1 denied for failure to appear.
- 3 licenses were granted for Nevada wholesalers.

Disciplinary Action:

- Pharmacist VB was fined \$1K plus fees and costs for refilling controlled substance prescriptions without approval by the prescriber.
- Pharmaceutical technicians CM and PT were revoked for stealing cash and narcotics respectively from their employing pharmacies.
- Pharmaceutical technician in training ML was granted registration pending a satisfactory evaluation by PRN-PRN.
- Pharmacist JF was fined \$500 and pharmacy CV was ordered to put out an email to all pharmacy staff regarding misfiled prescriptions for filling a trazodone prescription with tramadol.
- Pharmacist MM was ordered into Your Success Rx (remedial training) for filling a child's methylphenidate prescription with methadone. Pharmacy CV was assessed the fees and costs.
- Pharmacist TV was fined \$750 as was pharmacy CV for giving a prescription to the wrong patient.
- Pharmacist MO was denied a request to reinstate his license secondary to a conviction for Medicaid and Medicare fraud.
- Physician MS was denied his application to become a dispensing practitioner for inaccurate answers on his application as well as dispensing in Nevada without a license.

Other Activity:

- A presentation was made to Pharmacist Gerald Mandel for maintaining a license in Nevada for over 50 years.
- Reports were given on the Cancer Donation Program, several NABP program updates, and other staff activity.
- A discussion was held regarding the disciplinary process.
- The usual Board business reports were given.