Nevada State Board of Pharmacy

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MINUTES

April 13 & 14, 2016

BOARD MEETING

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

Board Members Present:

Leo Basch	Cheryl Blomstrom	Kevin Desmond	Tallie Pederson
Jason Penrod	Kirk Wentworth	Darla Zarley	

Board Staff Present:

Larry Pinson	Dave Wuest	Paul Edwards	Shirley Hunting
Ray Seidlinger	Ken Scheuber	Luis Curras	Dena McClish
Raylene Palmer	Kristopher Mangosing		

Mr. Pinson stated that he will be attending a meeting with NASCSA in Boston on April 14, 2016, and will absent from Board meeting that day.

1. Public Comment April 13, 2016 9:00 A.M.

There was no public comment.

2. Approval of March 2, 2016, 2016, Minutes

Ms. Blomstrom requested corrections on pg. 1 to change "emplore" to "implore" and on pg. 8 to change "owner's sister" to "owner's cousin."

Board Action:

Motion: Cheryl Blomstrom moved to approve the Minutes with the corrections as noted.

Second: Kirk Wentworth

Action: Passed Unanimously

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

A. Animal Health International, Inc. – Twin Falls, ID
B. Biologics, Inc. – Cary, NC
C. Braun Pharma Inc. – Chicago, IL
D. Byram Healthcare Centers, Inc. – Salt Lake City, UT
E. CareZone Pharmacy – Richmond, CA
F. CVS/specialty – Redlands, CA
G. DaVita Rx, LLC – Chandler, AZ
H. Hillmoor Pharmacy – Port Saint Lucie, FL
I. Home Towne Rx (store #1) – Ewing, NJ
J. Mint Pharmacy and Skin Clinic – North Palm Beach, FL
K. Pharmacare Plus – Houston, TX
L. Praxis Rx Pharmacy – Tampa, FL
M. Solera Specialty Pharmacy – Pompano Beach, FL

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

N. Accurate Rx Pharmacy Consulting, LLC – Columbia, MO
O. Geneva Woods Pharmacy – Spokane Valley, WA
P. Glades Drugs – Allentown, PA
Q. Phusion Pharmacy – Coventry, RI
R. Pinnacle Compounding – Missoula, MT
S. RSVP Pharmacy #7 – Farmers Branch, TX
T. RSVP Rx #700, LLC – North Richland Hills, TX
U. RSVP Rx #701 – Lubbock, TX
V. Specialty Chemist Corp. – Fresh Meadows, NY
W. Valley of the Sun Pharmacy – Phoenix, AZ

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

X. Animal Health International, Inc. – Visalia, CA
Y. Becton, Dickinson and Company – Sparks, MD
Z. Corcept Therapeutics Incorporated – Menlo Park, CA
AA. DPT Lakewood, LLC – Lakewood, NJ
BB. DSC Logistics, Inc. – Jefferson, GA
CC. EthiPak – Hilliard, OH
DD. Halozyme Therapeutics Inc. – San Diego, CA
EE. Heritage Pharmaceuticals Inc. – Eatontown, NJ
FF. Medline Industries, Inc. – Rialto, CA
GG. Medline Industries, Inc. – Tracy, CA
HH. Merit Medical Systems, Inc. – South Jordan, UT
II. Paragon Enterprises, Inc. – Weston, FL
JJ. Praxair Distribution, Inc. – Pittsburg, CA
KK. Primary Pharmaceuticals, Inc. – Ocean Springs, MS
LL. Quinn Pharmaceuticals LLC – Coral Springs, FL
MM. QuVA Pharma, Inc. – Temple, TX
NN. R-Pharm US, LLC – Lawrence, NJ
OO. Takeda Pharmaceuticals America, Inc. – Deerfield, IL

PP. ZS Pharma, Inc. – Coppell, TX

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

QQ. Aero-Med, Ltd. – Indianapolis, IN
RR. Compression Solutions, Inc. – Tulsa, OK
SS. Precision Medical Products, Inc. – Rocklin, CA
TT. Pulse Flow Technologies Inc. – Willoughby, OH

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

UU. Acadian Rehab, Inc. – Reno

Applications for Nevada Pharmacy – Non Appearance:

VV. Food Maxx Pharmacy #448 – Sparks
WW. Humana Pharmacy, Inc. – Las Vegas
XX. MDRX, LLC – Henderson

Board Action:

Motion: Tallie Pederson moved to approve the Consent Agenda.

Second: Darla Zarley

Action: Passed Unanimously

4. Discipline

A. Kyle C. Kekauoha, PT (15-077-PT-S)

Mr. Edwards stated that Mr. Kekauoha was not present.

He explained that in December 2015, Board Staff received notification from Smith's Pharmacy District Coordinator that Mr. Kekauoha was terminated from his employment as a pharmaceutical technician for diversion of controlled substances.

Mr. Edwards stated that during an interview with Smith's Pharmacy District Coordinator, and in a written statement, Mr. Kekauoha admitted to diverting approximately nine-hundred modafinil 100 mg. and 200 mg. tablets for personal use.

Mr. Edwards moved to have Exhibits 1 through 3 admitted. President Basch accepted the Exhibits into the record.

Mr. Edwards reviewed the Exhibits for the Board. He presented a copy of the certified mail receipt indicating the Notice of Intended Action and Accusation was signed for and received,

as well as a copy of the hearing announcement mailed to Mr. Kekauoha, and the tracking information indicating the hearing announcement was received and signed for.

Board Action:

Motion: Jason Penrod moved to find that based on the evidence presented, Board Staff properly attempted service by mailing the Notice of Intended Action and Accusation to Mr. Kekauoha.

Second: Cheryl Blomstrom

Action: Passed Unanimously

Mr. Edwards requested permission to move forward with the default proceedings based on the evidence provided.

President Basch approved.

Board Action:

Motion: Jason Penrod moved to find Kyle Kekauoha guilty of the First Cause of Action.

Second: Kevin Desmond

Action: Passed Unanimously

Mr. Edwards stated that Board Staff has a zero tolerance policy on theft and diversion of any kind. Board Staff recommends revocation of Mr. Kekauoha's pharmaceutical technician registration.

Board Action:

Motion: Jason Penrod moved to revoke Kyle Kekauoha's pharmaceutical technician registration.

Second: Cheryl Blomstrom

Action: Passed Unanimously

B. Sav-on Pharmacy #6060 (15-039-PH-S)

Noor Dudekula, pharmacist, and Liliana Bernardino, pharmaceutical technician, were sworn by President Basch prior to answering questions or offering testimony.

Amy Cotton-Peterson was present as counsel representing the Respondent.

Mr. Edwards explained that in June 2015, Board Staff received a complaint alleging that Sav-On dispensed another patient's medication to patient R.K. On March 25, 2015, R.K.'s

daughter picked up a refill of R.K.'s levothyroxine from Sav-On. On March 29, 2015, R.K. received a call from Sav-On that her medication was available for pick up. The call prompted R.K. to examine the medication bottle that was dispensed to her daughter on March 25, 2015. She observed another patient's name on the prescription label.

Mr. Edwards stated that R.K. went to Sav-On where Mr. Dudekula identified the medication as hydrochlorothiazide 12.5 mg. tablets instead of the levothyroxine 25 mcg. tablets as prescribed. Mr. Edwards added that pharmacy video surveillance footage shows Ms. Bernardino assisted R.K.'s daughter at the pharmacy out window on March 20, 2015, and that Ms. Bernardino admitted in a written statement that she mistakenly gave R.K. another patient's medication.

Mr. Edwards stated that R.K. ingested one tablet per day for approximately five days and began to experience headaches and dizziness. She was treated on March 30, 2015, at the University Medical Center Urgent Care for symptoms related to dehydration induced by the medication.

Mr. Edwards presented a Stipulation and Order regarding Sav-On. The Respondents admit that evidence exists to establish a basis for the violation alleged in the Accusation.

Sav-On shall receive a Letter of Admonishment from the Board's Executive Secretary, shall pay a fine of $1,000.00 for the First Cause of Action and shall pay an administrative fee of $495.00.

Mr. Dudekula apologized to the Board and to the patient for the dispensing error that occurred.

Board Action:

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

Second: Darla Zarley

Action: Passed Unanimously

C. Ronald Horvath, R.Ph (13-056-RPH-S)
D. CVS/pharmacy #8791 (13-056-PH-S)

Chris Scalzetti, CVS District Pharmacy Supervisor, and Ronald Horvath, pharmacist, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mike Dyer was present as counsel representing Mr. Horvath and CVS.

Mr. Edwards presented a Stipulation and Order regarding Mr. Horvath and CVS for the Board's consideration. The Respondents agreed that evidence exists to establish a factual basis for the violations alleged in the Accusation.

Mr. Edwards explained that on September 21, 2013, patient K.C. received bupropion 150 mg. SR (sustained release) tablets rather than the bupropion 150 mg. XL (extended release) tablets as prescribed.

Mr. Edwards added that pharmacy records show that the filling error originated when pharmaceutical technician Kellie Batallones selected the incorrect medication at data entry. Ms. Batallones completed the filling process and staged the final product for the pharmacist's verification. Mr. Horvath performed the final product verification, but failed to identify the medication error. Patient K.C. ingested thirty tablets of the incorrect medication over a thirty day period with no reported adverse effects.

Mr. Dyer agreed with the facts Mr. Edwards described to the Board

Mr. Horvath shall receive a Letter of Reprimand, pay a fine of $500.00 for the First Cause of Action and shall complete two additional CE on the topic of error prevention.

CVS Pharmacy shall pay an administrative fee of $495.00.

Mr. Dyer agreed with the Stipulation and Order presented.

Ms. Blomstrom asked if the pharmacy technician, Kellie Batallones, was present. Mr. Dyer explained that Ms. Batallones was present as a witness for her involvement in the case.

Ms. Blomstrom stressed the importance of pharmaceutical technician's role in the practice of pharmacy.

Board Action:

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

Second: Jason Penrod

Action: Passed Unanimously

President Basch acknowledged that Valerie Jensen was present as required by Board Order.

E.	Sharon Soleymani, R.Ph	(13-058-RPH-A-S)
F.	Malcolm L. Figert, R.Ph	(13-058-RPH-B-S)
G.	Huntridge Drug	(13-058-PH-S)

Darla Zarley disclosed that Sharon Soleymani was a former student, but she could participate fairly and without bias.

Jacob Hafter was present as counsel representing Sharon Soleymani and Huntridge Drug.

Pharmaceutical technician Lindsey Walker was subpoenaed and present for her involvement in the case.

Mr. Edwards explained he would present the case for Ms. Soleymani and Huntridge Drug first and then present Mr. Figert's case separately.

Mr. Edwards reviewed the case for the Board. He explained that on October 10, 2013, patient W.K.'s physician prescribed a quantity of one-hundred twenty (120) Navane 10 mg. tablets with instructions to take one tablet by mouth every morning and three tablets at bedtime. On October 31, 2013, it was discovered that W.K. received Norvasc (amlodipine) 10mg. tablets instead of Navane 10 mg. tablets as prescribed.

Mr. Edwards added that the dispensing error originated with Ms. Soleymani, who performed the data entry for W.K.'s prescription. Ms. Soleymani completed the filling process and performed the product verification. She did not detect the medication error during final product verification. Patient W.K ingested four tablets a day of the incorrect medication for approximately three weeks with no reported adverse effects.

W.K. returned the incorrect medication to Huntridge Drug where Ms. Walker returned the medication to stock rather than returned to quarantine for appropriate disposal.

Mr. Edwards presented a Stipulation and Order regarding Ms. Soleymani and Huntridge Drug. The Respondents admit that evidence exists to establish a basis for the violations alleged in the Accusation.

Ms. Soleymani shall receive a Letter of Reprimand, pay a fine of $500.00 for the First Cause of Action and complete two additional CE on the topic of error prevention.

Huntridge Drug shall pay a fine of $500.00, pay an administrative fee of $495.00 and within 30 days of the Order, shall provide policies and procedures designed to prevent similar errors from happening in the future.

Mr. Hafter apologized for the error on behalf of Ms. Soleymani. He explained that due to scheduling issues she was not able to appear, but assured the Board that both Huntridge Pharmacy and Ms. Soleymani are taking this error very seriously.

The Board thanked Ms. Walker for attending the meeting.

Lindsey Walker was sworn by President Basch prior to answering questions or offering testimony.

Ms. Walker stated that the error could have been prevented if multiple people would have been available to check the prescription instead of only having one person process the prescription from start to finish.

Board Action:

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

Second: Cheryl Blomstrom

Action: Passed Unanimously

Mr. Edwards moved to have Exhibits 1 through 5 entered into the record. President Basch accepted the Exhibits into the record.

Mr. Edwards explained that Mr. Figert is no longer employed by Huntridge Pharmacy and was served at the address on record with the Board office. Mr. Edwards presented the envelope containing the Notice of Intended Action and Accusation which was returned back to the Board Office, additional documentation indicating that the Accusation was sent by Certified Mail, a copy of the hearing notice mailed to Mr. Figert which was also returned to the Board Office.

Board Action:

Motion: Tallie Pederson moved to find that based on the evidence presented, Board Staff properly attempted service by mailing the Notice of Intended Action and Accusation to Mr. Figert.

Second: Cheryl Blomstrom

Action: Passed Unanimously

Mr. Edwards requested permission to move forward with the default proceedings based on the evidence provided.

President Basch approved.

Board Action:

Motion: Jason Penrod moved to find Malcolm Figert guilty of the Third Cause of Action by default.

Second: Kevin Desmond

Action: Passed Unanimously

Mr. Wentworth noted that Mr. Figert's Pharmacist License is currently in non-renewed status.

Mr. Edwards stated that Board Staff recommends that Mr. Figert receive a Letter of Reprimand, pay a fine of $500.00, and complete an additional two CEs on the topics of error prevention and supervising pharmacist responsibilities. Mr. Edwards added that the penalty be imposed and stayed indefinitely until Mr. Figert renews his pharmacist license, or applies for any other license or registration from the Board.

Board Action:

Motion: Cheryl Blomstrom moved that Malcolm Figert shall receive a Letter of Reprimand, shall pay a fine of $500.00 and shall complete two additional CEs on the topics of error prevention and supervising pharmacist responsibilities. The penalty shall be imposed and stayed indefinitely until or if Mr. Figert renews his pharmacist license, or applies for any other license or registration from the Board.

Second: Jason Penrod

Action: Passed Unanimously

H.	Daniel Shalala, R.Ph	(14-073-RPH-A-S)
I.	Christopher Peters, R.Ph	(14-073-RPH-B-S)
J.	Kelly Green, R.Ph	(14-073-RPH-C-S)
K.	Pathway Specialty Compounds	(14-073-PH-S)

Mr. Pinson explained that all parts of this case would be continued to the July 2016 meeting except for Kelly Green's case.

Kelly Green appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Edwards explained that in October 2014, Board Staff received a complaint regarding Pathway Specialty Compounds (Pathway). While investigating that complaint, the Board Investigator discovered compounding practice and record keeping deficiencies that led to the review of pharmacy records beyond the original complaint. Board Staff found evidence that Pathway's compounding practices were not compliant with Nevada Sterile Compounding Regulations or USP 797 Standards.

Mr. Edwards presented a Stipulation and Order regarding Mr. Green. Mr. Green admits that evidence exists to establish a factual basis for the violations alleged in the Accusation.

Mr. Green shall receive a Letter of Reprimand, pay a fine of $2,500.00, pay an administrative fee of $495.00, and shall not engage in any form of sterile compounding at a Nevada licensed facility until he completes a Board Staff approved sterile compounding course.

Mr. Green agrees to the facts Mr. Edwards described and to the Stipulation and Order presented.

Mr. Pinson explained that Mr. Green has been forthright and contacted Board Staff quickly to try to correct his errors.

Board Action:

Motion: Darla Zarley moved to approve the Stipulation and Order as presented.

Second: Jason Penrod

Action: Passed Unanimously

5. Applications for Pharmaceutical Technician in Training Registration – Appearance:

A. David Dent

David Dent appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Dent explained that he is applying for a pharmaceutical technician in training registration and in the future would like to eventually study to become a pharmacist. He stated that he is appearing before the Board to explain past misdemeanors in Virginia.

The Board questioned Mr. Dent regarding his past misdemeanors. Mr. Dent explained that during college, he was charged with possession of marijuana, and on a separate occasion for underage possession of alcohol.

Mr. Dent answered questions to the Board's satisfaction regarding the outcome of his cases and the drug rehabilitation program he attended.

The Board expressed concern that Mr. Dent had not been drug tested in the last few years.

Board Action:

Motion: Kirk Wentworth moved to approve David Dent's Application for Pharmaceutical Technician in Training Registration pending a drug test with a positive outcome.

Board discussion ensued regarding Mr. Dent taking his drug test and receiving an evaluation from PRN-PRN

Mr. Wentworth amended the motion.

Motion: Kirk Wentworth moved to approve David Dent's Application for Pharmaceutical Technician in Training Registration pending a positive drug test and evaluation by PRN-PRN. Board Staff is authorized to review the evaluation by PRN-PRN and will report to the Board if there is a negative outcome.

Second: Jason Penrod

Action: Passed Unanimously

B. Anna Ramirez

Ms. Ramirez was not present.

President Basch stated that Ms. Ramirez applied for a Pharmaceutical Technician in Training Registration. On her application, she indicated that she has been charged, arrested or convicted of a felony or misdemeanor.

Board Staff recommended, that based on her application and lack of attendance, to deny Ms. Ramirez's application.

Board Action:

Motion: Cheryl Blomstrom moved to deny Anna Ramirez's Application for Pharmaceutical Technician in Training Registration.

Second: Tallie Pederson

Action: Passed Unanimously

On the following day, Mr. Edwards stated that he was informed that Board Staff did receive a response from Ms. Ramirez prior to the meeting explaining that she would not be able to appear at the scheduled time and requesting this matter be rescheduled at a later date.

Board Action:

Motion: Cheryl Blomstrom moved to reconsider Anna Ramirez's Application for Pharmaceutical Technician in Training Registration.

Second: Kirk Wentworth

Action: Passed Unanimously

Board Action:

Motion: Cheryl Blomstrom moved to reverse the denial of Anna Ramirez's Application for Pharmaceutical Technician in Training Registration.

Second: Kirk Wentworth

Action: Passed Unanimously

Board Action:

Motion: Cheryl Blomstrom moved to table Anna Ramirez's Application for Pharmaceutical Technician in Training Registration until a later date.

Second: Jason Penrod

Action: Passed Unanimously

6. Application for Pharmacist by Reciprocation – Appearance:

Curtis Waldvogel

Curtis Waldvogel appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Waldvogel explained that in 2008, he became addicted to hydrocodone, and that in August 2009, he diverted drugs from his employer which ultimately led to his termination.

Mr. Waldvogel answered questions to the Board's satisfaction regarding his addiction, termination, rehabilitation and the Consent Order with the State of Illinois.

Mr. Waldvogel explained that he is applying for a pharmacist license in Nevada because his current employer provides remote pharmacy services. Mr. Waldvogel stated he has no intention of relocating to Nevada at this time.

Board Action:

Motion: Jason Penrod moved to approve Curtis Waldvogel's Application for Pharmacist License by Reciprocation pending receipt by the Board Office of documentation of Mr. Waldvogel's two most recent evaluations. Board Staff is authorized to review Mr. Waldvogel's evaluations. Mr. Waldvogel will notify the Board Office in writing prior to relocating and being employed in Nevada.

Second: Kirk Wentworth

Action: Passed Unanimously

7. Applications for Pharmacist by Examination - Appearance:

A. Sung K. Lee

Sung Lee appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. Lee explained that in July 2015, she received a Cease and Desist Order with Citation for Unlicensed Practice of Pharmacy. Ms. Lee had worked as an intern pharmacist in a Nevada-licensed Pharmacy without a Nevada intern registration for approximately thirty days.

Ms. Lee also explained that the California State Board of Pharmacy (California Board) has disqualified her from taking the NAPLEX exam until 2018 for accessing her cell phone during the exam.

Board discussion ensued regarding Ms. Lee's past disciplinary history. The Board expressed concern that Ms. Lee violated the NAPLEX examination rules after verbal instruction as well as signing a test agreement.

The Board stressed that Ms. Lee needs to learn and understand the laws in the states she plans to work in. The Board explained that it would be inappropriate to go against the California Board's decision and allow Ms. Lee to take the NAPLEX.

Board Action:

Motion: Cheryl Blomstrom moved to deny Sung K. Lee's Application for Pharmacist License by Examination.

Second: Jason Penrod

Action: Passed Unanimously

B. Matthew Osayaren

Matthew Osayaren appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Osayaren submitted a request to the Board Office for consideration of reinstatement of his pharmacist license. In October 2009 Mr. Osayaren's pharmacist license was revoked due to his conviction for fraudulent billing to Medicare and Medicaid. Mr. Osayaren was also placed on the OIG blacklist which prevents him from being employed by any business that bills Medicaid or Medicare.

Mr. Edwards explained that during the October 2012 meeting, the Board did not approve reinstatement of Mr. Osayaren's pharmacist license until he has passed the PARE exam, completed the required CE and has been removed from the OIG Blacklist.

Mr. Edwards added that Mr. Osayaren has not provided proof of compliance for any of the Board's past requirements.

After discussion, the Board determined that it is not in the public's best interest to reinstate Mr. Osayaren's pharmacist license.

Board Action:

Motion: Jason Penrod moved to deny Matthew Osayaren's request to sit for the NAPLEX Exam.

Second: Cheryl Blomstrom

Action: Passed Unanimously

The Board recommended that Mr. Osayaren provide documentation showing he has complied with the Board's past requirements if he decides to request reinstatement of his pharmacist license in the future.

8. Applications for Renewal of Pharmacist License – Appearance:

A. Shahin Banayan

Shahin Banayan appeared and was sworn by President Basch prior to answering questions or offering testimony.

Darla Zarley disclosed that Mr. Banayan was a student of hers at Roseman University, but she could participate in this matter fairly and without bias.

Jason Penrod disclosed that Mr. Banayan was a classmate of his at Roseman University, but he could participate in this matter fairly and without bias.

Mr. Banayan explained that he received a Cease and Desist Order for practicing as a pharmacist unlicensed for approximately sixty-two days. Mr. Banayan claimed responsibility for his actions and apologized to the Board for his oversight.

Mr. Edwards added that the error was discovered while Mr. Banayan was attempting to register an account with the Nevada Prescription Monitoring Program. He stated that Mr. Banayan has been forthright and brought his renewal form to the Board office the day after he was notified.

Mr. Banayan answered questions to the Board's satisfaction regarding his error and how he will prevent any further recurrence.

Board Action:

Motion: Jason Penrod moved to approve Shahin Banayan's renewal application for Pharmacist License.

Second: Kevin Desmond

Action: Passed Unanimously

B. Nancy A. Cha

Nancy Cha appeared and was sworn by President Basch prior to answering questions or offering testimony.

Richard Moss was present as counsel representing Ms. Cha.

Mr. Moss reviewed Ms. Cha's past discipline and answered questions to the Board's satisfaction regarding the status of her case in California.

The Board questioned Ms. Cha on the status of her license in California.

Ms. Cha explained that her pharmacist license is on probation in California until 2018. She stated that she is currently in a payment plan, which she pays $1,600.00 monthly,to pay a total fine of $92,798.25.

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

Board Action:

Motion: Jason Penrod moved to approve Nancy Cha's renewal application pending she remain in good standing with the California State Board of Pharmacy and comply with provisions of her probation.

Second: Cheryl Blomstrom

Action: Passed Unanimously

9. Request for Reinstatement of Revoked Pharmaceutical Technician License – Appearance:

Lehuanani V. Espinda

Lehuanani Espinda appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. Espinda explained that she was a pharmaceutical technician for almost ten years. She stated that in 2009 she was arrested for creating fraudulent prescriptions. Ms. Espinda explained that she illegally sold prescription drugs to fund her own drug addiction.

Ms. Espinda stated that after her arrest, she entered into treatment and has been sober since 2009. She is currently enrolled at Grand Canyon University's Bachelor of Science Program for Counseling with an Emphasis in Addiction, Chemical Dependency, and Substance Abuse.

Ms. Espinda answered questions to the Board's satisfaction regarding her arrest and treatment.

The Board expressed concern that Ms. Espinda was not present at her hearing on October 14, 2009 and that she has not worked as a pharmaceutical technician since 2009.

Ms. Espinda acknowledged that what she did was wrong, but at the time of her original hearing, her primary concern was her recovery. She explained that she currently has no job offers to work as a pharmaceutical technician, but would like to have her license reinstated for closure.

Board Action:

Motion: Jason Penrod moved to reinstate Lehuanani Espinda's Pharmaceutical Technician License pending a positive evaluation by PRN-PRN and a pharmacy manager willing to hire Ms. Espinda. Board Staff is authorized to review Ms. Espinda's PRN-PRN evaluation.

Second: Cheryl Blomstrom

Action: Passed Unanimously

10. Request for Reconsideration for Denied Out-of-State Wholesaler Application – Appearance:

Alexso Inc. – Los Angeles, CA

Darla Zarley recused from participation in this matter due to Mr. Melamed being on Roseman University's Board of Trustees.

Hootan Farahmand, and Hootan Melamed, owner, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Jennifer Gaynor was present as counsel for Mr. Melamed, Mr. Farahmand and Alexso Inc.

Mr. Edwards reviewed Alexso Inc.'s past appearances for the Board's information.

Ms. Gaynor presented information regarding Concierge Compounding Pharmaceutical's (Concierge) disciplinary action for the Board.

Ms. Gaynor also described the changes Alexso Inc. has implemented to address the Board's concerns. This included Mr. Farahmand being elected as the new company president and the appointment of a compliance officer to ensure that Alexso Inc. is compliant with the laws for each of the states that Alexso Inc. holds a license.

The Board expressed concern that even with the new proposed business model that the original leadership is still in place.

Ms. Gaynor and Mr. Farahmand stressed that Alexso Inc. and Concierge are different businesses and assured the Board that Alexso Inc. is taking steps to ensure that they are in compliance with all state laws.

Mr. Melamed stated that he can't take back what happened with Concierge and claimed responsibility for what happened. He explained due to personal issues he stepped down from leadership positions at Alexso Inc.

Board discussion ensued regarding Alexso Inc.'s proposed changes and the possibility of sending Board Staff to inspect Alexso Inc.'s facility.

Board Action:

Motion: Jason Penrod moved to approve Alexso Inc.'s Application for Out-of-State Wholesaler Application pending a positive inspection by Board Staff. Alexso Inc. shall not alter their corporate structure. Board Staff will report to the Board any findings during the inspection.

Second: Kirk Wentworth

Action: Passed Unanimously

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

U.S Homecare – Las Vegas

Kyle Sather, CEO of U.S. Homecare, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Sather stated that U.S. Homecare plans to sell wound care products and incontinence supplies to hospice and long term care facilities.

The Board questioned Mr. Sather regarding U.S. Homecare's business model, products and services provided and staffing.

The Board updated U.S. Homecare's application to reflect Estuardo Gallardo as the MDEG Administrator at Mr. Sather's request.

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

Board Action:

Motion: Kevin Desmond moved to approve U.S. Homecare's Application for Nevada MDEG License pending a positive inspection.

Second: Tallie Pederson

Action: Passed Unanimously

12. Application for Renewal of Out-of-State Pharmacy – Appearance:

Super Care Pharmacy – La Puente, CA

Eamonn Casey, president, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Pinson expressed concern regarding a past discipline in California. He explained that the case involved sterile compounding.

Mr. Casey explained that Super Care Pharmacy is no longer compounding and only provides commercially available respiratory medications to go along with their durable medical equipment business. He added that the pharmacist in charge and the technician in charge that were employed at the time the violations occurred have been terminated.

Mr. Casey answered questions to the Board's satisfaction regarding past discipline and their new business model.

Mr. Casey stated that Super Care Pharmacy has no plans to provide sterile compounding services at this time.

Board Action:

Motion: Jason Penrod moved to approve Super Care Pharmacy's renewal application for Out-of-State Pharmacy License pending a Letter of Authorization allowing Mr. Casey to speak on behalf of the company, receipt of the affidavit indicating Super Care Pharmacy will not be shipping sterile products into Nevada and that Super Care Pharmacy remains in compliance with the Order by the California State Board of Pharmacy.

Second: Darla Zarley

Action: Passed Unanimously

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

Medstar Pharmacy LLC – Palmetto Bay, FL

A representative from Medstar Pharmacy LLC was not present. Board Staff will contact Medstar Pharmacy LLC to reschedule an appearance at a later date.

14. Applications for Nevada Pharmacy – Appearance:

A. All City Pharmacy, LLC – Las Vegas

Thanh Tran, pharmacy manager, and Elen Zakaryan, owner, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Ms. Zakaryan stated that this was her first time owning a pharmacy and described her past work history to the Board's satisfaction.

Mr. Tran explained that All City Pharmacy will be a retail pharmacy, and will not be providing compounding services.

The Board questioned Mr. Tran regarding his past work history. He explained that he was employed as a pharmacist in charge at Rite Aid for approximately four years, and most recently has work as a pharmacist at Walgreens from 2007 to 2012.

Mr. Tran answered the Board's questions regarding his past discipline in another state.

The Board expressed concern that Mr. Tran had not worked in a pharmacy in the last three to four years. Mr. Tran assured the Board that he has stayed current on his continuing education and has picked up a few per diem shifts since leaving his position at Walgreens.

Ms. Zakaryan and Mr. Tran stated that All City Pharmacy would like to open as soon as possible, but explained that the pharmacy is still under construction. The Board suggested Ms. Zakaryan and Mr. Tran contact Board Staff to review that the pharmacy layout is in compliance with Nevada Pharmacy Law.

Board Action:

Motion: Kirk Wentworth moved to approve All City Pharmacy, LLC's Application for Nevada Pharmacy pending a positive inspection by Board Staff.

Second: Jason Penrod

Action: Passed Unanimously

B. Care First Concierge Pharmacy – Las Vegas

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

Darla Zarley disclosed that she knows Ms. Robinson, but she could participate in this matter fairly and without bias.

Ms. Robinson stated that she is currently employed as a pharmaceutical technician at Desert Hope Treatment Center. She explained that Desert Hope Treatment Center is a drug and alcohol abuse treatment center.

Ms. Robinson explained that Care First Concierge Pharmacy will operate as a closed door pharmacy servicing the outpatient program for Desert Hope Treatment Center.

Ms. Robinson answered questions to the Board's satisfaction regarding the prescription filling process, insurance contracting and pharmacy procedures.

The Board questioned Ms. Robinson regarding pharmacy manager Linda Darlene Wild's past work history and experience. Ms. Robinson was unable to answer the Board's questions regarding Ms. Wild.

The Board offered Ms. Robinson the option to table her application for a later date when Ms. Wild would be available to answer the Board's questions.

The Board tabled Care First Concierge Pharmacy's application for Nevada Pharmacy License at Ms. Robinson's request.

C. Community Outreach Medical Center Patient Pharmacy – Las Vegas

Rubin Saavedra, medical director and physician, and Hyeran Sung Yoon, managing pharmacist, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Tallie Pederson disclosed that she knows Hyeran Sung Yoon from her employment at Walgreens, but she could participate in this matter fairly and without bias.

Mr. Wuest explained that according to the application, Dr. Saavedra is the owner of Community Outreach Medical Center Patient Pharmacy (Community Outreach) which is in violation of NRS 639.232.

Dr. Saavedra explained he is not the owner and that there was an error in the application. He stated that Community Outreach is a non-profit organization and that he would provide all necessary documentation to Board Staff.

Dr. Saavedra and Ms. Yoon explained that Community Outreach is a primary care clinic that services the medically uninsured and underinsured residents of Clark County. In addition to providing general medical care, the clinic also provides prenatal care, family planning, STD testing and treatments, immunizations and cancer screening.

Dr. Saavedra and Ms. Yoon answered questions to the Board's satisfaction regarding the pharmacy layout, security and scheduling.

Board Staff stressed that the pharmacy's inventory be kept separate from the dispensing doctor's inventory.

Board Action:

Motion: Jason Penrod moved to approve Community Outreach Medical Center Patient Pharmacy's Application for Nevada Pharmacy License pending receipt of a new application with the updated ownership information and Hours of Operation and a positive inspection.

Second: Darla Zarley

Action: Passed Unanimously

15. Applications for Out-of-State Compounding Pharmacy – Appearance:

A. Customceutical Compounding – Phoenix, AZ

Sarah Simmers, pharmacy manager, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. Simmers explained that Customceutical Compounding is a retail pharmacy that specializes in patient specific sterile and non-sterile compounding. She stated that Customceutical Compounding has been in business approximately five years and primarily services the Phoenix area.

The Board questioned Ms. Simmers regarding Customceutical Compounding's staff, policies and procedures, training, past inspections and products provided.

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

Board Action:

Motion: Kevin Desmond moved to approve Customceutical Compounding's Application for Out-of-State Pharmacy License pending proof of positive last inspection.

Second: Jason Penrod

Action: Passed Unanimously

B. Family Pharmacy – Mesquite, TX

Stephen Thomas, President, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Thomas stated that Family Pharmacy is a retail pharmacy that specializes in patient specific non-sterile compounding, primarily combination pain creams.

The Board informed Mr. Thomas that his appearance was requested because the application indicates that Family Pharmacy will be performing sterile compounding. Mr. Thomas responded that currently Family Pharmacy only compounds non-sterile products.

The Board questioned Mr. Thomas regarding Family Pharmacy's compounding and shipping procedures.

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

Board Action:

Motion: Jason Penrod moved to approve Family Pharmacy's Application for Out-of-State Pharmacy License pending receipt of an updated affidavit not to ship sterile products into Nevada.

Second: Darla Zarley

Action: Passed Unanimously

C. Hybrid Pharma LLC – Deerfield Beach, FL

Ponswamy Rajalingam and Umarani Rajalingam appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Rajalingam explained that Hybrid Pharma is a 503B Outsourcing facility that specializes in sterile and non-sterile compounding.

The Board questioned Mr. Rajalingam and Ms. Rajalingam regarding the pharmacy layout, compounding procedures, staffing, training, past disciplinary action and sterility testing.

Mr. Rajalingam and Ms. Rajalingam answered questions to the Board's satisfaction.

The Board removed the affidavit not to ship sterile products into Nevada from the record at Mr. Rajalingam's request.

Board Action:

Motion: Jason Penrod moved to approve Hybrid Pharma's Application for Out-of-State Pharmacy License pending receipt of the second inspection by the Florida State Board of Pharmacy. Board Staff is authorized to review inspection report.

Second: Kevin Desmond

Action: Passed Unanimously

D. Premier Pharmacy Labs, Inc. – Weeki Warhee, FL

Andrea Bourgoin, pharmacy manager, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. Bourgoin provided a letter of authority allowing her to speak on behalf of the company.

Ms. Bourgoin stated that Premier Pharmacy Labs, Inc. (Premier Pharmacy) is a FDA registered 503B facility. Premier Pharmacy provides both sterile and non-sterile compounded products. She added that Premier Pharmacy services hospitals and surgery centers by compounding back ordered medication on the ASHP drug shortage list.

Ms. Bourgoin described Premier Pharmacy's compounding procedure, sterility testing and past inspections to the Board's satisfaction.

The Board questioned Ms. Bourgoin regarding her pharmacy experience as well as Premier Pharmacy's last inspection with the FDA.

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

Board Action:

Motion: Kirk Wentworth moved to approve Premier Pharmacy Labs, Inc.'s Application for Out-of-State Pharmacy License pending receipt of a copy of their FDA form 483 and a copy of their last inspection. Premier Pharmacy Labs will also provide a copy of their next inspection by the Florida Board of Pharmacy. Board Staff is authorized to review the FDA form 483 and inspections.

Second: Jason Penrod

Action: Passed Unanimously

E. SMP Pharmacy Solutions #2 – Miami, FL

A representative from SMP Pharmacy Solutions #2 was not present. Board Staff will contact SMP Pharmacy Solution #2 to reschedule an appearance at a later date.

Board Action:

Motion: Jason Penrod moved to table SMP Pharmacy Solutions #2's Application for Out-of-State Pharmacy License to a later date.

Second: Cheryl Blomstrom

Action: Passed Unanimously

16. Request for Reduction of Surety Bond – Non Appearance:

Blu Pharmaceuticals

Mr. Pinson reviewed statute NRS 639.515 which addresses Surety Bonds for the Board's information.

Mr. Pinson stated that a representative from Blu Pharmaceuticals was not present. He explained that Board Staff received a letter from Blu Pharmaceuticals requesting a Surety Bond reduction.

Mr. Pinson stated that Board Staff has no concerns with reducing the Surety Bond.

Board Action:

Motion: Cheryl Blomstrom moved to reduce Blu Pharmaceuticals' Surety Bond from $100,000 to $5,000.

Second: Tallie Pederson

Action: Passed Unanimously

17. General Counsel Report

Mr. Edwards updated the Board on pending legal action.

18. Executive Secretary Report for Possible Action:

Mr. Pinson introduced Joe Dodge, Pharm D., as the newest Board Staff employee. Mr. Dodge graduated from the University of Michigan School of Pharmacy in 1993. Mr. Dodge

will be inspecting all sterile compounding facilities in Nevada including 503B outsourcing facilities.

A. Financial Report

Mr. Pinson presented the financials to the Board's satisfaction.

B. Temporary Licenses

Two temporary licenses were issued since the last meeting.

C. Staff Activities
1. Speaking Engagements
a. Pharmacy Association Southern Nevada

Ms. Long's presentation to the group on March 20, 2016, was well received.

2. AG's Working Group on Substance Abuse

Mr. Pinson was asked to sit on the AG's Working Group. He attended the group's first meeting on March 29, 2016, where they discussed possible goals and strategies to combat substance abuse.

3. Executive Committee NASCSA

D. Reports to Board
1. Collaborative Efforts:
a. BOME; DEA; FBI
2. Grant Updates

Mr. Mangosing explained that the primary goal of the Harold Rogers grant is to reduce overdoses and deaths due to controlled substances by helping prescribers get registered for the Prescription Monitoring Program (PMP), and by providing education for prescribers who need help utilizing the PMP in compliance with SB 459. The grant will also compare death and overdose statistics before and after the implementation of SB 459.

Mr. Mangosing informed the Board that Venkata Kanukolanu, Grant Statistician, and Dave Jones, Grant Coordinator, have been hired as the new employees working on the Harold Rogers Grant.

E. Board Related News
1. Letter on Compounded & Repackaged Medications for Office Use
F. Activities Report

19. Notice of Intent to Act upon a Regulation for Possible Action:

Amendment of Nevada Administrative Code (NAC) 639.620, 639.6282, 639.6305 – Third-Party Logistics Providers – The regulation amends the definition of third-party

logistics providers (3PLs) to be consistent with the Federal Drug Quality and Security Act (DQSA). The amendment requires that a 3PL obtain a license as an authorized warehouse, rather than being licensed as a wholesaler as they have historically been licensed.

Cheryl Blomstrom disclosed that she had a discussion with the AG's office to clarify the conditions for recusal and felt that she did not have a conflict participating in this matter. However Ms. Blomstrom recused from participation in this matter due to the fact that she recused during the Workshop at the October 2015 meeting.

Mr. Edwards and Mr. Wuest provided a brief background for the Board's information and explained that the intent of the amendment is to license 3PLs and wholesalers separately as well as to clarify the definition of 3PLs.

Mr. Wuest mentioned that Board Staff received a letter from the Healthcare Distribution Management Association expressing support of the proposed amendments

Mr. Edwards added that Paul Enos, CEO Nevada Trucking Association, submitted a letter expressing concerns on the proposed regulation as well as a proposed draft of the regulation. He added that Mr. Enos would discuss the letter during Public Comment.

President Basch opened the Public Comment.

Paul Enos, CEO Nevada Trucking Association, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Enos thanked the Board for tabling this matter in October 2015 to allow time for the release of the Federal guidelines. He explained that even though the Federal guidelines have not been released to date, he believes that having a single federal license instead of 50 separate state licenses with different requirements in each state would be more efficient and would provide uniformity for the 3PLs.

Mr. Enos requested that if the Board decides to take action on a regulation regarding 3PLs, it considers the proposed draft, including clarification of the definition for "dispenser," that he submitted on behalf of the Trucking Association.

President Basch closed the Public Comment.

The Board expressed concern that if 3PLs were not licensed by the State, there would be no ability to take action if a 3PL violated the law.

After discussion, the Board agreed that there was concern that, when released, the Federal guidelines may change the current definition of 3PLs. However the Board felt that it is in the public's best interest to move forward with the proposed amendments at this time.

<u>Board Action:</u>

Motion: Kirk Wentworth moved to adopt the proposed amendment as presented and move forward to the Legislative Commission.

Second: Jason Penrod

Action: Passed unanimously

20. Next Board Meeting:

June 1-2, 2016 – Reno, Nevada

21. Public Comment

Claude Wolfe, pharmacist, appeared and explained that he was selected for the pharmacist CE Audit for this renewal period. Mr. Wolfe suggested ways to improve the auditing procedure.

Mr. Wuest stated that Board Staff would contact Mr. Wolfe to discuss his suggestions and concerns regarding his audit.

President Basch closed Public Comment.