



# Nevada State Board of Pharmacy

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## MINUTES

January 13-14 , 2016

## BOARD MEETING

Hilton Garden Inn  
7830 S Las Vegas Boulevard  
Las Vegas

### 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
Ken Scheuber	Luis Curras	Dena McClish	Raylene Palmer
Kristopher Mangosing			

Mr. Pinson introduced Darla Zarley, Pharm D. as Governor Sandoval's newest appointment to the Nevada State Board of Pharmacy for a three year term. Ms. Zarley is an accomplished pharmacist and educator. She currently holds the position of Director of Experiential Education/Associate Professor of Pharmacy Practice at Roseman University in Henderson, Nevada.

Mr. Pinson also announced that Leo Basch and Kirk Wentworth were reappointed to serve another term on the Board.

President Basch informed the Board that Valerie Jensen was present at the meeting as required by the Board Order.

1. Public Comments- January 13, 2016 9:00 A.M.

There was no public comment.

2. Approval of October 14-15, 2015, Minutes

Darla Zarley recused from participation in this matter as she was not present at the October 2015 meeting.

Mr. Pinson explained that Board Staff discovered spelling errors in the Minutes posted in the Board book. The errors have been corrected and Board Staff has posted the corrected version online.

Board Action:

Motion: Jason Penrod moved to approve the Minutes with the corrections as noted.

Second: Cheryl Blomstrom

Action: Passed Unanimously

3. Approval of Pharmacy, Medical Device, Equipment and Gases (MDEG) and Wholesaler Applications from December 2015  
Board Meeting – Non Appearance

- A. Advanced Family Pharmacy, Inc. – Fresno, CA
- B. AcuPharm LLC – Taylorsville, UT
- C. Ajanta Pharma USA Inc. – Bridgewater, NJ
- D. Amarin Pharma, Inc. – Bedminster, NJ
- E. Anacor Pharmaceuticals, Inc. – Palo Alto, CA
- F. ArjoHuntleigh Inc. – Sacramento, CA
- G. Biocodex Inc. – Redwood City, CA
- H. Brightwell Health – Tulsa, OK
- I. Cascade Specialty Pharmacy – Poulsbo, WA
- J. Center City Pharmacy, Inc. – West Palm Beach, FL
- K. CEVA Freight LLC – Groveport, OH
- L. Cleveland Clinic Specialty/Home Delivery Pharmacy – Beachwood, OH
- M. CSR Company, Inc. – La Vista, NE
- N. Custom Compounding Pharmacy, LLC – Weatherford, TX
- O. CVS/specialty – Chandler, AZ
- P. Dendreon Pharmaceuticals, Inc. – Seal Beach, CA
- Q. Hollis Prescription Center Inc. – Hollis, NY
- R. Home Respiratory Care – Los Angeles, CA
- S. Hospital Pharmaceutical Consulting – San Antonio, TX
- T. Inogen Inc. – Richardson, TX
- U. Inogen Inc. – Richardson, TX
- V. Jolley's Sandy Pharmacy – Sandy, UT
- W. Keystone Choice Pharmacy, LLC – Easton, PA
- X. Medline Industries, Inc. – Libertyville, IL
- Y. Medline Industries, Inc. – Phoenix, AZ
- Z. Merial, Inc. – Athens, GA
- AA. MP Pharmacy – Clearwater, FL
- BB. Onco360 – Louisville, KY
- CC. Parkway Surgery Center @ Horizon Ridge – Henderson
- DD. Pegasus Specialty Express Pharmacy – Cookeville, TN
- EE. Premier Medical Equipment, Inc. – Tampa, FL

- FF. Preston Wound Care – McKinney, TX
- GG. Priority Care Pharmacy at Cotton Gin Point, LLC – Amory, MS
- HH. PureTek Corporation – San Fernando, CA
- II. Renner Pharmacy – Richardson, TX
- JJ. Rx Reverse Distributors, Inc. – Sebastian, FL
- KK. Southern Nevada Oxygen, Inc. – Henderson
- LL. Southwest Surgery Center Tenaya – Las Vegas
- MM. Specialty Medical Drugstore – Southgate, KY
- NN. St. Mary’s Medical Park Pharmacy Inc. – Oro Valley, AZ
- OO. Thies Lombard Pharmacy Inc. – Lombard, IL
- PP. Total Home Health Care, Inc. – Stroudsburg, PA
- QQ. Total Pharmacy Supply – Arlington, TX
- RR. Tri-Pharma, Inc. – Marietta, GA
- SS. Valley Pharmacy – Sun Valley
- TT. Vincent Priority Care Pharmacy, LLC – Vincent, AL
- UU. Westminster Pharmaceuticals, LLC – Olive Branch, MS
- VV. Woodfield Distribution, LLC – Sugarland, TX
- WW. Xpress Long Term Care Pharmacy – Fort Worth, TX

Tallie Pederson requested clarification on the applications for Items 3.B, 3.K and 3.R.

Board Action:

Motion: Cheryl Blomstrom moved to approve the December 2015 Consent Agenda applications with the exception of Items 3.B, 3.K, and 3.R.

Second: Tallie Pederson

Action: Passed Unanimously

Mr. Pinson stated that Board Staff will check if AcuPharm LLC has provided the affidavit not to ship sterile products into Nevada. If not, Staff will have them complete and submit the affidavit.

Board Action:

Motion: Cheryl Blomstrom moved to approve AcuPharm LLC’s (Item 3.B) Application for Out-of-State Pharmacy License pending an affidavit not to ship sterile products into Nevada.

Second: Jason Penrod

Action: Passed Unanimously

Mr. Wuest spoke to a representative from CEVA Freight LLC and confirmed that they are an FDA approved 3PL outsourcing facility that ships medical devices directly to hospitals or physician's offices.

Board Action:

Motion: Cheryl Blomstrom moved to approve CEVA Freight LLC's Application for out-of-state MDEG License.

Second: Tallie Pederson

Action: Passed Unanimously

Mr. Wuest spoke to a Diana Guth, administrator, at Home Respiratory Care and verified that based on the equipment they are providing, an emergency contact was not necessary for the application.

Board Action:

Motion: Cheryl Blomstrom moved to approve Diana S. Guth dba Home Respiratory Care's (Item 3.R) Application for Out-of-State MDEG License.

Second: Tallie Pederson

Action: Passed Unanimously

4. Applications for Out-of-State Pharmacy – Non Appearance

- A. Albertsons-Safeway Pharmacy #4705 – Santa Fe Springs, CA
- B. BeneVi Health LLC – Cary, NC
- C. Caduceus Pharmacy II, LLC – Lauderdale Lakes, FL
- D. Factor One Source Pharmacy LLC – Cumberland, MD
- E. Ocean Breeze Healthcare – Staten Island, NY
- F. Ocean Breeze Pharmacy – Staten Island, NY
- G. OptiMed Specialty Pharmacy – Kalamazoo, MI
- H. Rx.com Community Pharmacy – Fort Worth, TX
- I. Owl Specialty Pharmacy – Covina, CA
- J. Walgreens Specialty Pharmacy #04563-2 – Beaverton, OR

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

- K. Affordable Pharmacy – Texas City, TX
- L. Emerald Pharmacy LLC – Houston, TX
- M. Encompass Rx – Atlanta, GA
- N. Farma Pharmacy – Glendale, CA
- O. Minnis Drug Store, Inc. – Morristown, TN
- P. Pro Med Rx PLLC – Sugar Land, TX

- Q. Riddle Drugs #3 – Oak Ridge, TN
- R. Sentrix Pharmacy and Discount, LLC – Pompano Beach, FL
- S. Veterinary Pharmacies of America – Houston, TX

Applications for Out-of-State Wholesaler – Non Appearance

- T. Amneal Pharmaceuticals LLC – Glasgow, KY
- U. Aprecia Pharmaceuticals Company – East Windsor, NJ
- V. Dendreon Pharmaceuticals, Inc. – Union City, GA
- W. Exel, Inc. – McDonough, GA
- X. Fagron Sterile Services, LLC – Wichita, KS
- Y. Galen US Incorporated – Souderton, PA
- Z. GM Pharmaceuticals, Inc. – Arlington, TX
- AA. HLS Therapeutics (USA), Inc. – Rosemont, PA
- BB. Kuehne + Nagel Inc. – Grapevine, TX
- CC. MD Logistics, Inc. – Plainfield, IN
- DD. Oculus Innovative Sciences, Inc. – Petaluma, CA
- EE. Solubiomix, LLC – Madisonville, LA
- FF. Supernus Pharmaceuticals, Inc. – Rockville, MD
- GG. PharmaGenetico, LLC – San Antonio, TX

Applications for Out-of-State MDEG – Non Appearance

- HH. Alliance Medical Supply – Sylmar, CA
- II. Bedard Medical, Inc. – Auburn, ME
- JJ. Competitive Medical Solutions – Scottsdale, AZ
- KK. Cumberland Medical Equipment Inc. – Mt. Pleasant, SC
- LL. DDME Supplies, LLC – Shelbyville, KY
- MM. Express Rx Inc. – Los Angeles, CA
- NN. NxStage Medical, Inc. – Lawrence, MA
- OO. Prism Medical Products, LLC – Fresno, CA
- PP. Volcano Corporation – Rancho Cordova, CA
- QQ. WR Specialists, LLC – Ann Arbor, MI

Application for Nevada Wholesaler – Non Appearance

- RR. Boehringer Ingelheim Pharmaceuticals, Inc. – Reno

Applications for Nevada MDEG – Non Appearance

- SS. Praxair Distribution, Inc. – Sparks
- TT. Praxair Distribution, Inc. – Sparks

Applications for Nevada Pharmacy – Non Appearance

- UU. Dahl's Pharmacy of Fernley – Fernley
- VV. Dahl's Pharmacy of Carson – Carson City

- CCC. Target Pharmacy #17465 – Henderson
- DDD. Target Pharmacy #17578 – Henderson
- EEE. Target Pharmacy #16079 – Las Vegas
- FFF. Target Pharmacy #16273 – Las Vegas
- GGG. Target Pharmacy #16291 – Las Vegas
- HHH. Target Pharmacy #16531 – Las Vegas
- III. Target Pharmacy #16562 – Las Vegas
- JJJJ. Target Pharmacy #16794 – Las Vegas
- KKK. Target Pharmacy #16854 – Las Vegas
- LLL. Target Pharmacy #17244 – Las Vegas
- MMM. Target Pharmacy #17579 – Las Vegas
- NNN. Target Pharmacy #17543 – North Las Vegas
- OOO. Target Pharmacy #16702 – Reno
- PPP. Target Pharmacy #17523 – Sparks

Tallie Pederson recused from participation regarding Walgreens Specialty Pharmacy (Item 4.J) due to her employment with Walgreens.

Kirk Wentworth recused from Items 4.UU, 4.VV and 4.WW due to past employment.

Board Action:

Motion: Cheryl Blomstrom moved to approve the Consent Agenda applications with the exception of Items 4.J, 4.UU, 4.VV and 4.WW.

Second: Jason Penrod

Action: Passed Unanimously

Board Action:

Motion: Tallie Pederson moved to approve the Applications for Nevada Pharmacy licenses for Dahl's Pharmacy of Fernley (Item 4.UU), Dahl's Pharmacy of Carson (Item 4.VV) and Dahl's Pharmacy of Fallon (Item 4.WW).

Second: Cheryl Blomstrom

Action: Passed Unanimously

Board Action:

Motion: Jason Penrod moved to approve the Application for Out-of-State Pharmacy License for Walgreens Specialty Pharmacy.

Second: Cheryl Blomstrom

Action: Passed Unanimously

Motion: Jason Penrod moved to approve the Application for Out-of-State Pharmacy License for Walgreens Specialty Pharmacy.

Second: Cheryl Blomstrom

Action: Passed Unanimously

5. Discipline

- A. Tina Rizzolo, R.Ph (15-028-RPH-A-S)
- B. Lucas Meyers, R.Ph (15-028-RPH-B-S)
- C. Walgreens #03922 (15-028-PH-S)
- D. Walgreens Mail Services, Inc. (15-028-PH-O)

Tallie Pederson recused due to her employment with Walgreens.

Tina Rizzolo, pharmacist, and Lucas Meyers, pharmacist, appeared and were sworn by President Basch prior to answering questions or offering testimony.

William Stilling was present as counsel representing all respondents. Michael Simcoe, Senior Counsel of Walgreens, was present.

Mr. Stilling introduced Courtney Watkins, pharmaceutical technician, Noelle Mallari, pharmaceutical technician, Holly Prevo, district manager, and Chris Wallitz, pharmacy manager of Walgreens Mail Services, Inc.

Mr. Edwards moved to have the stipulated facts regarding the Second through Fifth Causes of Action entered into the record. President Basch accepted the stipulated facts into the record.

The respondents admit that evidence exists to establish a factual basis for the violations alleged in the Accusations that: Mr. Meyers failed to maintain a recordkeeping system that would allow for readily retrievable prescription records for patient A.P.'s prescription. Ms. Rizzolo failed to provide adequate counseling for the patient's new prescription. As the pharmacy in which the alleged violations occurred, Walgreens Pharmacy #3922 is responsible for the actions of its employees, and as the pharmacy in which the violations alleged occurred, Walgreens Mail Service, Inc. is responsible for the unprofessional conduct of its employee, Ellen Wagner. Ms. Wagner failed to strictly follow the instructions of the prescriber and verified simvastatin 20 mg. tablets as the correct medication, instead of Zolof 200 mg. tablets as prescribed.

With regards to the violation in the Second Cause of Action Mr. Meyers shall pay a fine of \$500.00 and complete two one-hour CE on the topics of pharmacy record keeping and ethics. With regards to the violation in the Third Cause of Action Ms. Rizzolo shall pay a fine of \$750.00 and complete two one-hour CE on the topic of error prevention and proper counseling techniques. With regards to the violation in the Fifth Cause of Action Walgreens Mail Services, Inc. shall pay a fine of \$1,000.00 and pay an administrative fee of \$495.00.

Board Action:

Motion: Kirk Wentworth moved to approve the Stipulation and Order as presented regarding the Second through Fifth Causes of Action.

Second: Kevin Desmond

Action: Passed Unanimously

Regarding the one unresolved Cause of Action No.1. Mr. Stilling disputed that Mr. Meyers was responsible for not verifying and dispensing a prescription for simvastatin 20 mg. tablets rather than Zoloft 200 mg. tablets as prescribed.

Mr. Stilling moved to have Exhibits WG1 and WG2 entered into the record. President Basch accepted the Exhibits into the record.

Mr. Stilling explained that Exhibit WG1 was documentation of Case #14-076 and Exhibit WG2 was the minutes regarding the same case, which Mr. Stilling argued was controlling. Mr. Penrod opined that Case #14-076 was distinguishable from the current case.

The Board heard additional arguments and determined that Mr. Meyers was responsible for the actions of personnel under his supervision as the pharmacist on duty.

Board Action:

Motion: Jason Penrod moved to find that the allegations in the Notice of Intended Action have been proven and to find Lucas Meyers guilty of the First Cause of Action.

Second: Kirk Wentworth

Action: Passed Unanimously

Mr. Edwards offered penalty recommendations for the Board's consideration.

Board Action:

Motion: Cheryl Blomstrom moved that Lucas Meyers pay a fine of \$250.00 and complete two one-hour CE on the topics of pharmacy record keeping (1 CE) and proper error prevention techniques.

Second: Kevin Desmond

Action: Passed Unanimously

E. Justin Curnutt, R.Ph

(15-051-RPH-S)



- F. Isabel Romero, PT (15-051-PT-A-S)  
G. Lori Brandon, PT (15-051-PT-B-S)

Darla Zarley disclosed that Mr. Curnutt was a former student, but stated that this would not conflict with her participation in this matter.

Justin Curnutt, pharmacist, Isabel Romero, pharmaceutical technician, and Lori Brandon, pharmacy technician, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Patricia Marr was present as counsel representing Lori Brandon. Dave Krawczyk was present as counsel representing Justin Curnutt. Isabel Romero appeared without counsel.

Mr. Edwards stated that in June 2015, Board Staff received notice from a Smith's representative stating that Ms. Romero had been terminated from her employment as a pharmaceutical technician. Ms. Romero was terminated for falsifying a prescription for a dangerous drug (oral contraceptives) for herself. Ms. Romero falsified the prescription by patterning the counterfeit request after a previous legitimate prescription from her physician.

Mr. Edwards added that Ms. Romero scanned in the falsified prescription at Ms. Brandon's computer terminal under Ms. Brandon's credentials. Ms. Brandon observed this and reported her to Mr. Curnutt, the pharmacist on duty at the time. He explained that Ms. Romero did cancel the prescription at Mr. Curnutt's direction and Smith's did not dispense any medication pursuant to that authorization.

Mr. Edwards stated that during an interview with a Board Investigator, and in a subsequent written statement, Ms. Romero admitted to the foregoing allegations and went on to say that Mr. Curnutt told her all she needed to do was ask him for a prescription and he would have written one for her as he routinely did for himself and for Ms. Brandon.

Mr. Edwards moved to have stipulated facts regarding Mr. Curnutt and Ms. Brandon entered into the record. President Basch accepted the stipulated facts into the record.

Mr. Curnutt admitted that evidence exists to establish a factual basis for the violations alleged in the Accusation that Mr. Curnutt created, processed and filled multiple fraudulent prescriptions for himself and for Ms. Brandon.

Ms. Brandon admitted that evidence exists to establish a factual basis for the violations alleged in the Accusation that Ms. Brandon created and processed multiple fraudulent prescriptions for herself and for Mr. Curnutt.

Board Action:

Motion: Jason Penrod moved to find that the allegations in the Notice of Intended Action have been proven and to find Isabel Romero guilty of the First Cause of Action.

Second: Tallie Pederson

Action: Passed Unanimously

Board Action:

Motion: Jason Penrod moved to find that the allegations in the Notice of Intended Action have been proven and to find Justin Curnutt guilty of the Second Cause of Action.

Second: Tallie Pederson

Action: Passed Unanimously

Board Action:

Motion: Jason Penrod moved to find that the allegations in the Notice of Intended Action have been proven and to find Justin Curnutt guilty of the Third Cause of Action.

Second: Tallie Pederson

Action: Passed Unanimously

Board Action:

Motion: Jason Penrod moved to find that the allegations in the Notice of Intended Action have been proven and to find Justin Curnutt guilty of the Fourth Cause of Action.

Second: Tallie Pederson

Action: Passed Unanimously

Board Action:

Motion: Jason Penrod moved to find that the allegations in the Notice of Intended Action have been proven and to find Lori Brandon guilty of the Fifth Cause of Action.

Second: Tallie Pederson

Action: Passed Unanimously

Board Action:

Motion: Jason Penrod moved to find that the allegations in the Notice of Intended Action have been proven and to find Lori Brandon guilty of the Sixth Cause of Action.

Second: Tallie Pederson

Action: Passed Unanimously

Mr. Edwards stated that Ms. Romero's termination, interviews and statement initiated the investigation into Mr. Curnutt and Ms. Brandon, but based on her violation Board Staff recommends revocation of her pharmaceutical technician registration.

Ms. Romero stated that she accepts what she did was wrong and will accept the consequences of her action.

Board Action:

Motion: Tallie Pederson moved to revoke Isabel Romero's pharmaceutical technician registration for creating and attempting to process a fraudulent prescription.

Second: Cheryl Blomstrom

Action: Passed Unanimously

Mr. Krawczyk implored the Board to avoid revocation of Mr. Curnutt's pharmacist license. Mr. Krawczyk moved to have Exhibits 1-4 entered into the record. President Basch accepted the exhibits into the record.

Mr. Krawczyk explained that Exhibits 1-4 included a letter suggesting alternative disciplinary action such as mandatory CE, working under another pharmacist's supervision and surrender of his recently acquired pharmacy license.

Mr. Edwards stated that Board Staff recommends revocation of Mr. Curnutt's pharmacist license. He explained that Mr. Curnutt's activity was not a single lapse in judgement but a strong, well established pattern.

Board Action:

Motion: Jason Penrod moved to revoke Justin Curnutt's pharmacist license for creating multiple fraudulent prescriptions.

Second: Cheryl Blomstrom

Action: Passed Unanimously

Board Action:

Motion: Jason Penrod moved to revoke Justin Curnutt's pharmacist license for filling and dispensing multiple fraudulent prescriptions.

Second: Cheryl Blomstrom

Action: Passed Unanimously

Board Action:

Motion: Jason Penrod moved to revoke Justin Curnutt's pharmacist license for processing multiple fraudulent prescriptions.

Second: Cheryl Blomstrom

Action: Passed Unanimously

Ms. Marr requested the Board consider not revoking Ms. Brandon's pharmaceutical technician's registration. She stated that Ms. Brandon is apologetic for her mistakes and has learned a lot from this experience.

Mr. Edwards stated Board Staff recommends revocation of Ms. Brandon's pharmaceutical technician registration.

Board Action:

Motion: Tallie Pederson moved to revoke Lori Brandon's pharmaceutical technician registration for creating multiple fraudulent prescriptions.

Second: Darla Zarley

Action: Passed Unanimously

Board Action:

Motion: Tallie Pederson moved to revoke Lori Brandon's pharmaceutical technician registration for processing multiple fraudulent prescriptions.

Second: Darla Zarley

Action: Passed Unanimously

H. Vital Care Health Services

(15-055-MP-N)

Nancy Fannin, Area manager of Rotech Health , appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Edwards explained that on May 11, 2015, patient J.A. was prescribed a Respironics System One Pro Auto Servo-Ventilator (ASV). He stated that on July 15, 2015, Vital Care respiratory therapist (RT) Jim Burr setup and delivered the ASV to the patient. During setup, RT Burr set the Max Pressure to 13cmH2O rather than the 20cmH2O as prescribed and also incorrectly set the Max Pressure Support to 6cmH2O instead of the 13cmH2O as prescribed.

Mr. Edwards stated that on August 6, 2015, RT Duayne Meinert of Sierra Pulmonary discovered the error and contacted Rotech Health, parent company to Vital Care Health Services (Vital Care). RT Meinert also filed a consumer complaint with Board Staff on behalf of patient J.A that Vital Care failed to set J.A.'s auto-servoventilator to the correct pressures as prescribed by J.A.'s physician.

Ms. Fannin stated that all RTs go through a detailed orientation process and added that RT Burr must have rushed through the process. Ms. Fannin also informed the Board that RT Burr has since resigned from his position at Vital Care.

Mr. Edwards presented a Stipulation and Order regarding Vital Care Health Services for the Board's consideration. The respondent admits that evidence exists to establish a factual basis for the violations alleged in the Accusations that Vital Care is statutorily responsible for the actions of its employee RT Burr.

Vital Care shall pay a fine of \$500.00 for its employee's failure to follow the physician's instructions when providing and setting the ASV for patient J.A. Vital Care shall also pay an administrative fee of \$495.00.

Board Action:

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

Second: Kevin Desmond

Action: Passed Unanimously

I. Jennifer (Gentine) Watson, PT (15-056-PT-N)

Mr. Edwards advised the Board that Ms. Watson was not present.

Ms. Watson was served in time for the December 2015 Board meeting which was cancelled unexpectedly. The Board determined that Ms. Watson was not renoticed for this meeting with adequate time.

The Board tabled this matter for the March 2016 Board meeting and instructed Staff to renotify Ms. Watson with adequate time to respond.

J. Ashley Isom, R.Ph (15-074-RPH-N)

Darla Zarley disclosed that Ms. Isom was a former student, but stated that this would not conflict with her participation in this matter.

Jason Penrod disclosed that Ms. Isom was a coworker at Wal-Mart, but stated that this would not conflict with his participation in this matter.

Ashley Isom, pharmacist, and Larry Espadero, Director of PRN-PRN, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Edwards explained that in December 2015, Board Staff received notification that Ms. Isom diverted controlled substances and dangerous drugs during her employment at CVS Pharmacy #157. Mr. Edwards added that Ms. Isom provided a written statement admitting that she diverted drugs for personal use.

Mr. Edwards moved to have Exhibits 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 Ms. Isom signed for the Notice of Intended Action and Accusation and a copy of the hearing announcement mailed to Ms. Isom. Mr. Edwards also presented a statement from Ms. Isom explaining the diversion to a CVS Investigator.

Ms. Isom expressed remorse and apologized to the Board for her mistakes.

Mr. Espadero expressed concern and stressed that Ms. Isom needs to take time to focus on recovery and resolve issues in her personal life. He stated that at this time, he could not recommend she be allowed to work in a pharmacy.

Board discussion ensued regarding Ms. Isom's past drug diversion and concerns that the potentially stressful environment in the pharmacy could be unsafe for not only the public, but Ms. Isom as well.

Board Staff withdrew the alleged violation of NRS 453.331(1) (d) in the First Cause of Action.

Board Action:

Motion: Tallie Pederson moved to find that the allegations in the Notice of Intended Action have been proven and to find Ashley Isom guilty of the First Cause of Action.

Second: Cheryl Blomstrom

Action: Passed Unanimously

Mr. Edwards stated that Board Staff recommends revocation of Ms. Isom's pharmacist license.

Board Action:

Motion: Cheryl Blomstrom moved to revoke Ashley Isom's pharmacist license.

Second: Kevin Desmond

Action: Passed Unanimously

K. Jill Henry, R.Ph (13-067-RPH-B-S)

Mr. Edwards advised the Board that Ms. Henry was not present.

Mr. Edwards stated that on or about October 25, 2013, Board Staff received a complaint alleging that Omnicare filled and dispensed a prescription written prescription for sulfasalazine 500 mg. tablets with the incorrect medication.

Mr. Edwards explained that this case is actually part of a larger case that involved two other pharmacists, but those facts will be heard at a later meeting.

Mr. Edwards presented a Stipulation and Order regarding Ms. Henry for the Board's consideration. The respondent admits that evidence exists to establish a factual basis for the violation alleged in the Accusation that during data verification, Ms. Henry failed to detect the data entry error and verified the medication data as accurate.

Ms. Henry shall pay a fine of \$500.00, pay an administrative fee of \$495.00 and shall complete 4 CE hours: 1 hour on the topic of error prevention, 1 hour on the topic of proper counseling procedures and 2 hours on the topic of ethics.

Board Action:

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

Second: Kevin Desmond

Action: Passed Unanimously

6. Applications for Nevada MDEG – Appearance:

A. Bluebird Medical Supply, Inc. – Las Vegas

Mary Monica Khamtrashyan, administrator, and Simin Motallebi, owner, appeared and were sworn in by President Basch prior to answering questions or offering testimony.

Ms. Khamtrashyan explained that they are appearing before the Board to request an ownership change. Ms. Khamtrashyan stated that the original owner no longer wished to

invest in Bluebird Medical Supply, Inc. (Bluebird) and that Ms. Motallebi would like to become the owner.

Dave Wuest, Deputy Executive Secretary of the Nevada State Board of Pharmacy, was sworn in prior to answering questions or offering testimony.

Mr. Wuest informed the Board that Bluebird's Nevada MDEG license was approved in January 2015, but issuing the license was delayed due to Bluebird's insurance being cancelled.

The Board updated Questions 5 & 6 of Bluebird's application at Ms. Motallebi's and Ms. Khamtrashyan's request.

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

Mr. Curras explained that he conducted Bluebird's last inspection in November 2015. He stated that he found it peculiar that at the store there was no inventory or patient charts. He added that at that time Ms. Khamtrashyan stated that the store had no customers.

The Board questioned Ms. Montallebi regarding her educational background, work history and business plan.

The Board expressed concern at Ms. Montallebi's lack of experience and knowledge of operating an MDEG.

Board Action:

Motion: Kirk Wentworth moved to deny Bluebird Medical Supply, Inc.'s Application for Nevada MDEG Ownership Change.

Second: Jason Penrod

Action: Passed Unanimously

B. Cintas Corporation No. 2 – Sparks

Elisa Harrison, administrator, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Harrison stated that Cintas Corporation (Cintas) has been around since 1929 and is mostly known for selling uniforms, mats and soap products. He explained that about 15 years ago Cintas got into the business of selling First Aid kits and other over the counter medications.

Mr. Harrison stated that the Cintas location in Sparks would be responsible for shipping to 11 different sites on the West coast.



The Board questioned Mr. Harrison regarding why Cintas was applying for a MDEG application if they only plan to sell First Aid kits and over the counter products.

Mr. Harrison explained that Cintas is trying to be diligent with all licensing requirements in the states that they are doing business. He added that Cintas currently has no plans to sell products that require an MDEG license, but if that were to change, he assured the Board that proper training would be given to the employees, and that proper notification would be sent to Board Staff.

Board Action:

Motion: Kevin Desmond moved to approve Cintas Corporation's Application for Nevada MDEG license pending a positive inspection by Board Staff.

Second: Jason Penrod

Action: Passed Unanimously

C. HST, LLC – Henderson

Christina Molfetta, owner and administrator, and Natalie Duran, Clinical manager, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Ms. Molfetta explained that HST, LLC is seeking licensure to perform home sleep studies and dispense CPAP equipment to patients who have no insurance or have high deductible insurance plans.

The Board questioned Ms. Molfetta regarding how the home sleep studies are conducted.

Ms. Molfetta stated that the patients come to HST, LLC and pick up the equipment along with a video instructing them how to use the equipment and how to carry out the test. The following morning the patient brings the equipment back to the office and the data is downloaded and reviewed by a pulmonologist who then makes a recommendation to the patient's prescribing physician.

Ms. Molfetta assured the Board that after the recommendation is sent to the patient's physician, that physician may send the order to whatever facility the patient wants to fulfil the order. She stated that HST, LLC does not self-refer and will not provide pre-printed prescription pads with HST, LLC's information on the form.

Ms. Duran answered questions to the Board's satisfaction regarding her educational background, work history and qualifications as Clinical Manager.

Ms. Molfeta answered questions to the Board's satisfaction regarding a past non-compete lawsuit in 2005.

Board Action:

Motion: Jason Penrod moved to approve HST, LLC's Application for Nevada MDEG license pending a positive inspection by Board Staff.

Second: Kevin Desmond

Action: Passed Unanimously

D. Pahrump Medical Supply, Inc. – Pahrump

Pamela Lewis, owner, and Ruth Clark, administrator, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Ms. Lewis explained that Pahrump Medical Supply has been in business since 2007. She stated that they were appearing before the Board for an ownership change.

The Board updated Pahrump Medical Supply, Inc.'s application to indicate Ruth Clark as the MDEG administrator at Ms. Lewis' and Ms. Clark's request.

Ms. Lewis and Ms. Clark answered questions to the Board's satisfaction regarding products sold, record keeping, staffing and emergency procedures.

Board Action:

Motion: Jason Penrod moved to approve Pahrump Medical Supply, Inc.'s Application for Nevada MDEG License Ownership Change pending a positive inspection by Board Staff.

Second: Kirk Wentworth

Action: Passed Unanimously

E. Super Care Health – Las Vegas

John Cassar, CEO of Super Care Health, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Cassar explained that Super Care Health has been in business for about 40 years. He stated that currently there are 13 locations in California and that Las Vegas would be the first Nevada location.

Mr. Cassar stated that Super Care Health primarily provides respiratory equipment and services. He assured the Board that Super Care Health's compliance team has reviewed and is familiar with the regulations and statutes regarding MDEGs in Nevada.

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

Board Action:

Motion: Tallie Pederson moved to approve Super Care Health's Application for Nevada MDEG License pending a positive inspection by Board Staff.

Second: Jason Penrod

Action: Passed Unanimously

7. Applications for Nevada Pharmacy – Appearance:

A. Benzer NVI LLC – Las Vegas

Harry Patel, representative from Benzer NVI, LLC, and Kenneth Morang, pharmacy manager, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Wuest testified that a letter of authorization was faxed to the Board Office allowing Mr. Patel to speak on behalf of Benzer NVI, LLC.

Mr. Patel stated that Benzer NVI, LLC is a retail pharmacy that currently has 55 locations in 9 states. He explained that the Las Vegas location would be Benzer NVI, LLC's first West Coast facility.

The Board questioned Mr. Morang regarding his experience as pharmacy manager.

Mr. Morang explained that he has been a pharmacist for about 30 years. He stated that he has experience working in retail, mail order, compounding and hospital pharmacies.

The Board questioned Mr. Morang on questions 19, 20 and 21 on the application regarding whether or not he will be employed full time at Benzer NVI, LLC.

Mr. Morang explained that he is currently employed with Benzer NVI, LLC. only to open the pharmacy, but he added that he will be interviewing for the full time position as the pharmacy manager when it is available.

Mr. Patel and Mr. Morang answered questions to the Board's satisfaction.

Board Action:

Motion: Kevin Desmond moved to approve Benzer NVI, LLC's Application for Nevada Pharmacy License.

Second: Cheryl Blomstrom

Action: Passed Unanimously

B. Concierge Compounding Pharmaceuticals, Inc. – Henderson

Darla Zarley recused from participation in this matter because the original owner of Concierge Compounding Pharmaceuticals, Inc. (Concierge) is on the Board of Trustees at Roseman University where she is currently employed.

Farshad Sassounian, owner, and Sally Chia, pharmacy manager, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Brian Dickerson was present as counsel representing Concierge.

Mr. Sassounian explained that Concierge opened in October 2012. He stated that he was part of the original ownership and decided to become sole owner in September 2015. He assured the Board that since obtaining the business, he has cut all ties with the original owner and has a new business plan for Concierge.

Mr. Dickerson reviewed a handout that described the purchase acquisition of Concierge. He also explained that Concierge would primarily be focusing on providing veterinary medications and hormone replacement medications to local clinics as part of its new business plan.

Mr. Pinson stated that Board Staff has concerns regarding past disciplinary issues Concierge has had in other states.

Mr. Sassounian, Ms. Chia and Mr. Dickerson answered questions to the Board's satisfaction regarding Concierge's past discipline and current standing in other states.

Mr. Dickerson explained that all pending discipline has been resolved and that Concierge's pharmacy licenses are in good standing.

Board Action:

Motion: Jason Penrod moved to approve Concierge Compounding Pharmaceuticals, Inc.'s Application for Nevada Pharmacy License Ownership Change.

Second: Kevin Desmond

Action: Passed Unanimously

8. Applications for Renewal of Pharmacist License – Appearance:

A. Esther J. Kim

Esther Kim, pharmacist, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. Kim stated that she was requesting the Board's permission to renew her Nevada Pharmacist License.

The Board questioned Ms. Kim regarding her past discipline in California.

Ms. Kim explained that she opened a compounding pharmacy in 2005. She stated that the disciplinary action in California was due to her filling multiple prescriptions without a valid prescription.

Board discussion ensued regarding Ms. Kim's Stipulated Agreement with the California State Board of Pharmacy (California Board) and the voluntary surrender of her Pharmacist License in California.

Ms. Kim apologized to the Board for her mistakes.

The Board expressed concern for the public's safety if Ms. Kim would be allowed to practice pharmacy in Nevada. The Board recommended Ms. Kim resolve her disciplinary issues with the California Board .

Board Action:

Motion: Kevin Desmond moved to deny Esther J. Kim's renewal application for Pharmacist License.

Second: Jason Penrod

Action: Passed Unanimously

B. Kalpana K. Patel

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

Ms. Patel stated that she appeared before the Board requesting permission to renew her license. She explained that currently, there is no action against her Pharmacist License in California, but she wanted to disclose that there is a pending felony case involving her pharmacy.

The Board questioned Ms. Patel regarding the open case in California.

Ms. Patel explained that the case involves improper fill-on-arrival prescription procedures and billing of Medi-Cal. Ms. Patel answered questions to the Board's satisfaction.

Board Action:

Motion: Jason Penrod moved to approve Kalpana K. Patel's renewal application for Pharmacist License. Ms. Patel must inform the Board of any outcome with California State Board of Pharmacy's pending case involving her pharmacy.

Second: Cheryl Blomstrom

Action: Passed Unanimously

9. Application for Physician Assistant to Dispense – Appearance:

Heather L. Rohrer, PA

This matter was continued to the March 2016 Board meeting.

10. Application for Physician Assistant to Prescribe – Appearance for Possible Action:

Douglas S. Lynch, PA

Douglas Lynch and Larry Espadero, Director of PRN-PRN, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Lynch answered questions to the Board's satisfaction regarding his past drug abuse. Mr. Lynch explained to the Board that in February 2015, he relapsed. He stated that his PA license was suspended and that he voluntarily entered into a rehab program.

Mr. Lynch also explained that in September 2015, he entered into a 5 year contract with PRN-PRN and added that his medical license is currently in active probation status.

Mr. Espadero stated that Mr. Lynch is doing well in the PRN-PRN program and strongly suggests that he continue with his 5 year contract. Mr. Espadero added that he would be comfortable with Mr. Lynch prescribing.

Board discussion ensued regarding Mr. Lynch's recovery and current job opportunities.

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

Board Action:

Motion: Jason Penrod moved to approve Douglas S. Lynch's Application for Physician's Assistant Prescribe and Controlled Substance License pending Mr. Lynch stays in compliance with the Nevada Board of Medical Examiner's Order and completes the 5 year contact with PRN-PRN which began in September 2015.

Second: Cheryl Blomstrom

Action: Passed Unanimously

11. Request for Reinstatement of Pharmaceutical Technician License – Appearance for Possible Action:

Kenya M. Peoples

Kenya Peoples appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. Peoples stated that she appeared before the Board to request the reinstatement of her pharmaceutical technician license.

Ms. Peoples explained that in August 2014, her Pharmaceutical Technician's registration was revoked due to her diverting controlled substances, namely alprazolam 2 mg. Ms. Peoples stated that she diverted the controlled substances because an acquaintance threatened her and her family's safety if she did not divert alprazolam for them.

The Board questioned Ms. Peoples regarding her current employment and how she would respond if put in the same situation today.

The Board offered Ms. Peoples the option to table her request for a later date.

The Board expressed concern regarding the severity of Ms. Peoples offense.

The Board tabled Ms. Peoples' request for reinstatement of Pharmaceutical Technician License at her request.

12. Appearance Request for Possible Action:

Genda Zareei

This matter was continued to the March 2016 Board meeting.

13. Application by Examination for Pharmacist License – Appearance:

Ronald H. Engberson

Ronald Engberson appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Engberson explained that he is applying for a pharmacist license by examination. He stated that he practiced as a pharmacist in Alaska for 4 years. He stated that he has a disciplinary action against his license in Alaska for filling his own controlled substance prescriptions. Mr. Engberson added that he has since surrendered his pharmacist license in Alaska and has applied for a pharmacist license in Texas as well as Nevada.

The Board questioned Mr. Engberson regarding his disciplinary action and recovery.

The Board recommended Mr. Engberson contact Mr. Espadero to be evaluated by PRN-PRN.

Mr. Engberson requested the Board table his Application by Examination for Pharmacist License.

14. Application for Controlled Substance License – Appearance for Possible Action:

Mohamed O. Saleh, MD

Mohamed Saleh appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Pinson reminded the Board that Dr. Saleh had applied for a Nevada controlled substance license in the past. His application was denied due to violations in Florida including an arrest by the DEA for prescribing without a license.

The Board questioned Dr. Saleh regarding his arrest and the current status of his license with the Nevada State Board of Medical Examiners.

Dr. Saleh answered questions the Board's satisfaction.

Board discussion ensued regarding whether or not Dr. Saleh required the ability to prescribe for all schedules of controlled medication or not. Dr. Saleh stated that his specialty was in detox medications and he may need to occasionally write for controlled substances.

Board Action:

Motion: Jason Penrod moved to approve Mohamed Saleh's Application for Controlled Substance License with the restriction of only Controlled Substances Schedule III to V. Mohamed Saleh shall provide a copy of the Nevada State Board of Medical Examiner's Preceptor report for Board Staff's evaluation, and shall inform the Board of any changes in employment or location within 10 days of such changes.

Second: Tallie Pederson

Action: Passed Unanimously

15. Discussion and Determination – Appearance for Possible Action:

BriovaRx of Nevada, LLC and Tel-Drug, Inc. – Ed Rickert & John Jones

Edward Rickert, Quarles & Brady, John Jones, Optum Rx, Charlotte Bois, pharmacy manager at BriovaRx and Jeff Nielsen, Chief Pharmacist Tel-Drug Pharmacy appeared.



Mr. Rickert explained that BriovaRx of Nevada and Tel-Drug, Inc. are considering entering a shared services agreement where BriovaRx would act as a fulfillment pharmacy for Tel-Drug, Inc.

Mr. Rickert requested the Board consider revising NAC 639.921, which states that pharmacies licensed by the Board may share information concerning prescriptions if they are commonly owned. Mr. Rickert proposed to allow pharmacies that enter into a written agreement to share information concerning prescriptions.

Board discussion ensued regarding who would take responsibility in the event of an error.

Mr. Pinson stated that Board Staff has no objections if the Board would like to move forward to Workshop.

The Board instructed Board Staff to move forward with the proposed revisions to NAC 639.921 to Workshop at the March meeting.

16. Applications for Out-of-State Compounding Pharmacy – Appearance for Possible Action:

- A. American Specialty Pharmacy – Farmers Branch, TX
- B. American Specialty Pharmacy – San Antonio, TX

Suryanarayana Sagi, Pharmacy Supervisor, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Sagi provided a letter of authorization allowing him to speak on behalf of American Specialty Pharmacy.

Mr. Sagi explained that American Specialty Pharmacy has 13 stores total including one location in Las Vegas. Mr. Sagi stated American Specialty Pharmacy provides primarily oncology and transplant medications.

Mr. Sagi assured the Board that all medications shipped into Nevada will be commercially available not sterile compounded prescriptions.

Mr. Sagi clarified that Abdul Hameed, owner, is not a physician. The Board updated the application at Mr. Sagi's request.

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

Board Action:

Motion: Jason Penrod moved to approve American Specialty Pharmacy, Farmers Branch's Application for out-of-state Pharmacy License pending an affidavit not to ship sterile products into Nevada.

Second: Tallie Pederson

Action: Passed Unanimously

Board Action:

Motion: Jason Penrod moved to approve American Specialty Pharmacy, San Antonio's Application for out-of-state Pharmacy License pending an affidavit not to ship sterile products into Nevada.

Second: Tallie Pederson

Action: Passed Unanimously

C. Care Solutions, Inc. – Nashville, TN

Chris Powers, Vice President, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Powers explained that Care Solutions, Inc. is a sterile compounding pharmacy that provides IV antibiotics, hydration, TPNs and wound care products.

Mr. Powers answered questions to the Board's satisfaction regarding Care Solutions, Inc.'s shipping practices, products and staff training.

The Board removed Care Solutions, Inc.'s affidavit not to ship sterile products into Nevada at Mr. Powers' request.

Board Action:

Motion: Kirk Wentworth move to approve Care Solutions, Inc. Application for Out-of-State Pharmacy License pending a copy of the most recent inspection.

Second: Tallie Pederson

Action: Passed Unanimously

D. Life Worth Living Foundation Inc. – Orlando, FL

This matter was postponed to a later date at the applicant's request.

E. Pharmakon Pharmaceuticals, Inc. – Noblesville, TN

Paul Elmer, owner and president, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Elmer explained that Pharmakon Pharmaceuticals, Inc. is an FDA approved 503B outsourcing facility. He stated that Pharmakon Pharmaceuticals is a sterile to sterile repackager.

The Board questioned Mr. Elmer regarding a past inspection by the FDA.

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

Board Action:

Motion: Kevin Desmond moved to approve Pharmakon Pharmaceuticals, Inc.'s Application for Out-of-State Pharmacy License pending receipt of a copy of their most recent FDA form 483.

Second: Jason Penrod

Action: Passed Unanimously

F. Roxsan Pharmacy Inc. – Beverly Hills, CA

Joseph Michael Redman, President and CEO, David Engert, Executive Chairman, Tanaz Kohan, Director of Compliance and Michael Rashti, pharmacy manager, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Redman explained that Roxsan Pharmacy acknowledges their past history with the Board and has been working to fix the past issues and refocus on compliance and patient care.

Ms. Kohan reviewed Roxsan Pharmacy's updated policies and procedures and training manuals to the Board's satisfaction. She explained that the only sterile compounding will be fertility medications.

The Board removed Roxsan Pharmacy's affidavit not to ship sterile products into Nevada at Ms. Kohan's request.

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

Board Action:

Motion: Cheryl Blomstrom moved to approve Roxsan Pharmacy, Inc.'s Application for Out-of-State Pharmacy License.

Second: Jason Penrod

Action: Passed Unanimously

17. Continuing Education Committee for Possible Action:

- A. Update in Diagnosis and Management of Primary Immunodeficiency
- B. Diabetes-Alzheimer's Management: Geriatric Interprofessional Simulation

Mr. Pinson explained that the Continuing Education Committee (CE Committee) received a request to approve two continuing education courses in Nevada that are not ACPE accredited.

Mr. Pinson stated that the Board discussed the two courses that were reviewed by the Continuing Education Committee during the last meeting, but that no motion was made at that time.

Darla Zarley recused from participation in this matter as she was not present for the October 2015 meeting.

Board Action:

Motion: Cheryl Blomstrom moved to approve the two continuing education courses as presented.

Second: Jason Penrod

Action: Passed Unanimously

18. General Counsel Report

There was no General Counsel Report.

19. Executive Secretary Report for Possible Action:

- A. Financial Report

Mr. Pinson presented the financials to the Board's satisfaction. Mr. Pinson stated the auditor will review the audit report at the March 2016 Board meeting.

- B. Temporary Licenses

Two temporary licenses were issued since the last meeting.

- C. Staff Activities:
  - 1. FDA 50-State Meeting – Maryland

Mr. Pinson and Mr. Wuest attended FDA 50 State Meeting. Mr. Pinson stated that the Board is awaiting guidance from the FDA regarding the licensing of 3PL Outsourcing Facilities.

## 2. NASCA Annual Meeting – Scottsdale

Mr. Pinson attended the annual meeting in Scottsdale and was elected to serve on the Executive Committee.

3. ASPL – Miami
4. Speaking Engagements:
  - a. NABP Executive Office Forum – Chicago

Mr. Pinson was asked to speak to this group primarily to address the 18 new executives.

- b. Credentialing Association – Las Vegas

Mr. Pinson's presentation on January 12<sup>th</sup> was well received.

- c. Dental Group – Las Vegas

Mr. Pinson spoke to the Dental Group at Squaw Valley on October 17, 2015.

- d. Dignity Health – Las Vegas
- e. Executive Officers Panel – Chicago
5. Compliance Officer Forum – Chicago

Ken Scheuber attended the Compliance Officer Forum and Legal Counsel Forum in December 2015.

## 6. Compliance Officer Sterile Compounding Training – NABP

Joe Depczynski attended the Compliance Officer Sterile Compounding Training in October 2015.

- D. Reports to Board
  1. Collaborative Efforts:
    - a. NSBME; NSBVM; NSNB; NSBOC; DEA
    - b. Legislative Committee on Health Care
    - c. Renewals
    - d. NGA Policy Academy Report
    - e. Kudos to Candy and Paul
    - f. Lisa Adam's Retirement
    - g. Discussion of Oregon CE as Possible Remedial Measure

Cheryl Blomstrom and Tallie Pederson were given access to two modules by Oregon State University. Ms. Blomstrom and Ms. Pederson recommended the CE be considered for remediation.

Board Staff will provide the Board with titles and pricing information for the CE programs.

- E. Board Related News
- F. Activities Report

20. Proposed Regulation Amendment Workshop

**New Language to be added to NAC Chapter 639**, pursuant to the Good Samaritan Drug Overdose Act, SB 459 (2015), establishing standardized procedures or protocols for the furnishing of opioid antagonists by pharmacists and other appropriate entities to persons at risk of experiencing an opioid-related overdose or to a family member, friend or other person in a position to assist persons at risk of experiencing an opioid-related drug overdose.

Mr. Wuest provided a brief overview of SB 459 and presented the two avenues for non-profit organizations to obtain Naloxone based on the Board's suggestions at the last meeting.

President Basch opened the Public Hearing

Trey Delap, Group Six Partners, had questions regarding whether the proposed protocol would impair the public's ability to obtain naloxone or not.

Heidi Gustafson, Foundation for Recovery, stressed the importance of making naloxone as easily accessible as possible, and presented a naloxone auto-injector trainer to the Board as an example of the training materials accessible to the public.

Liz MacMenamin, RAN, supports the Board on collecting some demographic information, but wants to be sure that it won't be too cumbersome for patients and pharmacies.

President Basch closed the Public Hearing

Board discussion ensued to clarify language on Sections 2, 4 and 5.

Board Action:

Motion: Cheryl Blomstrom moved to adopt the proposed amendment and move forward to Public Hearing.

Second: Tallie Pederson

Action: Passed Unanimously

21. Notice of Intent to Act Upon a Regulation for Possible Action:

**1. Amendment of Nevada Administrative Code (NAC) 453.540 Schedule IV** The proposed amendment will add lorcaserin to the controlled substances listed in Schedule IV, and provides for other matters properly related thereto.

President Basch opened the Public Hearing.

There was no public comment.

President Basch closed the Public Hearing.

Board Action:

Motion: Jason Penrod moved to adopt the regulation as amended.

Second: Cheryl Blomstrom

Action: Passed Unanimously

**2. Amendment of Nevada Administrative Code (NAC) 639.926 Transmission of information regarding dispensing of controlled substances to certain persons.** Amends the rule that presently establishes frequency of the controlled substance information transmitted to the Board. The amendment will improve the timeliness of the date to improve the quality of the data provided to practitioners and pharmacies pursuant to NRS 453.1545 and SB459.

Mr. Edwards provided more information.

President Basch opened the Public Hearing.

There was no public comment.

President Basch closed the Public Hearing.

Board Action:

Motion: Jason Penrod moved to adopt the regulation as amended.

Second: Cheryl Blomstrom

Action: Passed Unanimously

**3. Amendment of Nevada Administrative Code (NAC) 639.620, NAC 639.6282, NAC 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.

22. Next Board Meeting:

March 2-3, 2016 – Reno

23. Public Comments- January 14, 2016, 9:00 A.M.

David Goldthorp, Las Vegas Metropolitan Police Department Forensic Lab, stated that LCB file R142-14 contains a definition for THC that the Forensic Lab agrees with. Mr. Goldthorp added that in proposed LCB file R080-15 contains a definition that is not consistent with R142-14.

Board Staff will contact LCB and will review and revise language before final approval.