



Nevada State Board of Pharmacy

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MINUTES

March 2, 2016

BOARD MEETING

Hyatt Place
1790 E. Plumb Lane
Reno, 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
Joe Depczynski	Brett Kendt	Kristopher Mangosing	

Mr. Pinson stated that Tallie Pederson's flight was delayed and she is expected to arrive at the meeting at 9:45 A.M.

1. Public Comments

Liz MacMenamin, RAN, informed the Board that the Prescription Drug Round Up in Northern Nevada will take place on April 30, 2016. Ms. MacMenamin asked for volunteers especially pharmacists to sign up at one of the four locations.

Leo Horishny, pharmaceutical technician, expressed his support of the Prescription Drug Round Up and requested the Board consider offering a Nevada Law CE for participation.

2. Approval of January 13-14, 2016, Minutes

Ms. Blomstrom requested corrections to change "implored" to "employed" (pg. 11.) Regarding Jennifer (Gentine) Watson (pg. 12), clarify this matter was rescheduled to the March 2016 Board Meeting because Ms. Watson did not receive adequate notice for the January 2016 meeting.

President Basch requested an addition on pg. 3 to indicate that Tallie Pederson asked that Items 3.B, 3.K and 3.R be separated from the Consent Agenda for additional clarification.

Tallie Pederson was not present to vote on this matter.

Board Action:

Motion: Kevin Desmond moved to approve the Minutes with the corrections as noted.

Second: Jason Penrod

Action: Passed Unanimously

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

- A. Accredo Health Group, Inc. – Phoenix, AZ
- B. Alameda Pharmacy, LLC – San Leandro, CA
- C. Avita Drugs, LLC – Baton Rouge, LA
- D. Diplomat Specialty Pharmacy – Flint, MI
- E. Healthcare Specialty Transaction Services, LLC – Gainesville, GA
- F. Infiniti Pharmacy and Infusion Services, Inc. – Pompano Beach, FL
- G. Long's Drugs of Lexington, South Carolina, Inc. – Lexington, SC
- H. Medstar Pharmacy LLC – Palmetto Bay, FL
- I. Meijer Pharmacy #463 – Fort Wayne, IN
- J. Roche Diabetes Care, Inc. – Fishers, IN
- K. The Nebraska Center Clinic Pharmacy – Omaha, NE
- L. United Specialty Pharmacy – Euless, TX
- M. Walgreens #16272 Specialty Pharmacy – Honolulu, HI

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

- N. Advanced Rx Pharmacy 060 – Nashville, TN
- O. CDM Drugs – Corona Del Mar, CA
- P. Forest Hill Pharmacy LLC – Lake Worth, FL
- Q. ImprimisRx – Folcroft, CA
- R. Pharmatek Pharmacy Inc. – Peoria, AZ
- S. SMA Pharmacy #20 – Dallas, TX

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

- T. Advanced Inventory Management, Inc. – Makena, IL
- U. Adapt Pharma, Inc. – Radnor, PA
- V. Anutra Medical, Inc. – Morrisville, NC
- W. Areva Pharmaceuticals – Georgetown, IN
- X. Aytu BioScience, Inc. – Englewood, CO
- Y. Boehringer Ingelheim Pharmaceuticals, Inc. – Columbus, OH
- Z. CVS Orlando FL Distribution, LLC – Orlando, FL
- AA. Greiner Bio-One NA Inc. – Monroe, NC
- BB. HealthSource Distributors LLC – Windsor Mill, MD
- CC. Incyte Corporation – Wilmington, DE
- DD. Intercept Pharmaceuticals, Inc. – New York, NY

- EE. J. Knipper & Company, Inc. – Charlestown, IN
- FF. Kremers Urban Pharmaceuticals Inc7. – Seymour, IN
- GG. Mallinckrodt Nuclear Medicine LLC – Maryland Heights, MO
- HH. Med-Pro Distributors, LLC – Fort Mill, SC
- II. Sigma Pharmaceuticals, LLC – North Liberty, IA
- JJ. Southern Anesthesia & Surgical, Inc. – Broken Arrow, OK
- KK. Sunstar Americas, Inc. – Schaumburg, IL
- LL. Taiho Oncology, Inc. – Princeton, NJ
- MM. Trigen Laboratories, LLC – Sayreville, NJ

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

- NN. Alivio Medical Supplies Inc. – Lowell, MI
- OO. Luv MedGroup LLC – Van Alstyne, TX
- PP. Reliant Medgroup Inc. – Pottsboro, TX
- QQ. Sonas Medical Supply – Denison, TX
- RR. The Betty Mills Company, Inc. – San Mateo, CA
- SS. USMed, LLC – Albuquerque, NM

Application for Nevada Wholesaler – Non Appearance:

- TT. MDRX, LLC – Henderson

Applications for Nevada Pharmacy – Non Appearance:

- UU. CVS/pharmacy #10348 – Las Vegas
- VV. QHR Pharmacy – Las Vegas
- WW. QHR Pharmacy 1 – Las Vegas

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

- XX. Innovative Neurotronics, Inc. – Reno

Mr. Pinson stated that, after further review, Board Staff requests that Item 3.H (Medstar Pharmacy, LLC.) be pulled from the Consent Agenda and rescheduled to appear before the Board at a later meeting.

Tallie Pederson was not present to vote on this matter.

Board Action:

Motion: Cheryl Blomstrom moved to approve the Consent Agenda applications with the exception of Item 3H.

Second: Jason Penrod

Action: Passed Unanimously

4. Discipline

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

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

Mr. Edwards explained that this matter was originally scheduled for the December 2015 Board meeting, but due to the unexpected cancellation of the December meeting and re-noticing issues for the January 2016 meeting this matter was rescheduled for the March 2016 meeting.

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

Mr. Edwards presented Exhibits 2A, 2B and 3. Mr. Edwards explained that Board Staff originally served the Notice of Intended Action and Accusation by certified mail in October 2015. Ms. Watson was properly notified again for the March 2016 meeting.

Tallie Pederson was not present to vote on this matter.

Board Action:

Motion: Cheryl Blomstrom moved to find that based on the evidence presented, Board Staff properly attempted service by mailing the Notice of Intended Action and Accusation to Ms. Watson.

Second: Jason Penrod

Action: Passed Unanimously

Mr. Edwards explained that on or about August 19, 2015, the Save-Mart Director of Pharmacy Operations, Nevada District, reported that Ms. Watson's employment as a pharmaceutical technician was terminated. Mr. Edwards stated that customer complaints prompted pharmacy manager, Robert Mai, to double count patients' controlled substance prescriptions at the out window. Mr. Mai discovered several discrepancies in patients' controlled substance prescriptions. Mr. Edwards explained that when Mr. Mai confronted Ms. Watson about the discrepancies, she admitted to diverting approximately fifty methadone 10 mg. tablets and oxycodone 5 mg tablets. Ms. Watson also provided a written statement admitting that she would remove a couple of pills out of the patients' filled prescriptions at the out window.

Board Action:

Motion: Cheryl Blomstrom moved to find Jennifer Watson guilty of the First Cause of Action.

Second: Jason Penrod

Action: Passed Unanimously

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

Board Action:

Motion: Jason Penrod moved to revoke Jennifer Watson's pharmaceutical technician registration.

Second: Cheryl Blomstrom

Action: Passed Unanimously

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|----|-----------------------|------------------|
| B. | Patrick Black, R.Ph | (13-067-RPH-A-S) |
| C. | Gary Goodman, R.Ph | (13-067-RPH-C-S) |
| D. | Omnicare of Las Vegas | (13-067-PH-S) |

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

Patrick Black, pharmacist, and Gary Goodman, pharmacy manager, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mike Dyer was present as counsel representing all Respondents.

President Basch acknowledged that Tallie Pederson had arrived at the meeting at 9:30 A.M.

Mr. Edwards reviewed the case for the Board. He explained that this matter has six Causes of Action. The First Cause of Action, regarding Jill Henry, was resolved at the January 2016 meeting.

Mr. Edwards presented a Stipulation and Order regarding Mr. Black, Mr. Goodman and Omnicare of Las Vegas. The Respondents admit that evidence exists to establish a basis for the violations alleged in the Accusation.

Mr. Goodman shall pay a total fine of \$1,000.00 for both the Second and Fifth Causes of Action for verifying and dispensing sulfadiazine 500 mg. tablets, rather than the sulfasalazine 500 mg. tablets as prescribed. Mr. Goodman shall pay an administrative fee of \$495.00 and complete four additional CE on topics pre-approved by the Board.

Mr. Black shall pay a fine of \$500.00 for the Fourth Cause of Action for verifying and dispensing sulfadiazine 500 mg. tablets, rather than the sulfasalazine 500 mg. tablets

prescribed. Mr. Black shall pay an administrative fee of \$495.00 and complete four additional CE on topics pre-approved by the Board.

Omnicare of Las Vegas shall pay a total fine of \$1,000.00 for the Third and Sixth Causes of Action and pay and administrative fee of \$495.00.

Mr. Dyer described Omnicare of Las Vegas' verification process and assured the Board that Omnicare is working to improve their procedure to prevent future recurrences.

Board Action:

Motion: Cheryl Blomstrom moved to approve the Stipulation and Order as presented.

Second: Darla Zarley

Action: Passed Unanimously

E. Corisse Hendricks, PT (15-078-PT-N)

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

Mr. Edwards moved to have Exhibits admitted. President Basch accepted the Exhibits into the record. Mr. Edwards requested that Exhibit 5 be removed from the record and explained that it was not relevant to the case. President Basch removed Exhibit 5 from the record.

Mr. Edwards stated that on or about December 21, 2015, Board Staff received notice that Ms. Hendricks was terminated from her employment as a pharmaceutical technician at CVS for diversion of controlled substances.

Mr. Edwards explained that during an interview with the CVS Regional Loss Protection Manager, and in a written statement, Ms. Hendricks admitted to diverting three phentermine 37.5 mg. tablets for personal use. Mr. Edwards added that Ms. Hendricks submitted an Answer and Notice of Defense stating that the violations alleged in the Accusation are true and correct.

Board Action:

Motion: Jason Penrod moved to find Corisse Hendricks guilty of the First Cause of Action.

Second: Kevin Desmond

Action: Passed Unanimously

Mr. Edwards stated that Board Staff recommends revocation of Ms. Hendricks pharmaceutical technician registration.

Board Action:

Motion: Jason Penrod moved to revoke Corisse Hendricks' pharmaceutical technician registration.

Second: Kevin Desmond

Action: Passed Unanimously

F. Vital Care Health Services (15-072-MP-N

Mr. Edwards stated that a representative from Vital Care Health Services was not present.

Mr. Edwards explained that in November 2015, Board Staff received a complaint from Dr. Michael Lucia on behalf of patient K.H. The complaint alleges that Vital Care Respiratory Therapist (RT) Stephanie Reeves failed to set K.H.'s ResMed AirSense 10 CPAP machine to the correct pressures as prescribed by Dr. Lucia. RT Stephanie Reeves also failed to install the prescribed smart card used to monitor the Apnea-Hypopnea Index and patient compliance. RT Stephanie Reeves also fitted the patient with a chin strap without the doctor's order.

Mr. Edwards stated Board Staff withdraws the Second and Third Causes of Action due to lack of evidence.

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

Vital Care Health Services shall pay an administrative fee of \$495.00 and pay a fine of \$1,000.00.

Board Action:

Motion: Cheryl Blomstrom moved to accept the Stipulation and Order as presented.

Second: Kirk Wentworth

Action: Passed Unanimously

5. Application for Nevada Pharmacy – Appearance

A. Dahl's Specialty Pharmacy of Carson – Carson City

Kirk Wentworth recused from participation in this matter due to a financial arrangement with the pharmacy.

Cheryl Blomstrom disclosed that she is familiar with the owner's sister, but stated that she could participate in this matter fairly and without bias.

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

Mr. Pinson explained that Board Staff had concerns regarding issues involving compounding that were discovered during an inspection. Mr. Pinson requested Dahl's Specialty Pharmacy of Carson appear before the Board to describe their business and address the issues.

Mr. Dahl explained that Dahl's Specialty Pharmacy of Carson will no longer be compounding. He stated that this location will be a closed door pharmacy that primarily provides services to long term care facilities in the area.

Mr. Dahl answered questions to the Board's satisfaction regarding the pharmacy business model and the pharmacy manager's past work and discipline history.

Board Action:

Motion: Jason Penrod moved to approve Dahl's Specialty Pharmacy of Carson's Application for Nevada Pharmacy pending a positive inspection by Board Staff.

Second: Darla Zarley

Action: Passed Unanimously

B. Volunteers in Medicine of Southern Nevada – Las Vegas

Florence Jameson, founder and OBGYN, and Lisa Harris Baker, acting pharmacy manager, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Pinson explained that Board Staff had discovered that Volunteers in Medicine of Southern Nevada was operating without a pharmacy license in Nevada.

Dr. Jameson apologized to the Board for operating as a pharmacy without the proper licensure. She assured the Board that Volunteers in Medicine of Southern Nevada will be compliant with the law.

Dr. Jameson explained that Volunteers in Medicine of Southern Nevada is a nonprofit health organization that provides affordable medical care and support to the uninsured and underserved residents of Clark County.

The Board questioned Dr. Jameson and Ms. Baker regarding the pharmacy's policies and procedures.

Ms. Baker answered questions to the Board's satisfaction regarding her work history and experience as a pharmacy manager.

Board Action:

Motion: Cheryl Blomstrom moved to approve Volunteers in Medicine of Southern Nevada's Application for Nevada Pharmacy pending a positive inspection by Board Staff.

Second: Jason Penrod

Action: Passed Unanimously

6. Application for Renewal of Pharmacist License – Appearance

David Moll

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

Mr. Moll answered the Board's questions regarding his Consent Order with the Oregon State Board of Pharmacy.

Mr. Moll stated that he is in full compliance with the Consent Order. He explained he closed his pharmacy in 2013 and has not practiced since. Mr. Moll believes that the time away from the stressful environment of owning and operating a pharmacy, and with the help of his therapy, he is ready to work in pharmacy again.

The Board expressed concern that Mr. Moll has a pending case with the California State Board of Pharmacy and that Mr. Moll has not practiced pharmacy in over two years.

Board discussion ensued regarding Mr. Moll taking the PARE exam to evaluate his competency as a pharmacist.

Board Action:

Motion: Cheryl Blomstrom moved to approve David Moll's renewal application for Pharmacist License pending successful completion of the PARE exam, a report on the outcome of his hearing with the California Board of Pharmacy and a copy of additional evaluations from the California Board of Pharmacy. The Board authorizes Board Staff to review the evaluations to determine if Mr. Moll needs to appear before the Board or if the evaluations are satisfactory.

Second: Tallie Pederson

Action: Passed Unanimously

7. Request for Pharmacist License by Reciprocity – Appearance

Genda Zareei

Genda Zareei appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Pinson reminded the Board that Ms. Zareei appeared before the Board and was ordered to either successfully pass the NAPLEX or the PARE exam in order to be issued a pharmacist license. He explained that Ms. Zareei has not been able to pass either test. She has unsuccessfully taken the NAPLEX once and the PARE exam four times. Mr. Pinson added that Ms. Zareei is currently licensed as a pharmacist intern.

Board discussion ensued regarding resources for NAPLEX preparation. The Board provided suggestions for Ms. Zareei to prepare for the NAPLEX and recommended she successfully complete the NAPLEX before her pharmacist intern license expires in October 2016.

8. Application for Controlled Substance License – Appearance

David G. Watson, MD

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

Dr. Watson explained that in 2004 he faced discipline with Texas Board of Pharmacy after he tested positive for cocaine. He stated that he went into a rehab program, but relapsed. In 2007, he was arrested and charged with “attempted possession of a controlled substance.”

The Board questioned Dr. Watson regarding his arrest, rehab, and preceptorship plan.

Dr. Watson explained that he is currently being monitored by two physicians, Dr. Fry and Dr. Murry. A written report by Dr. Fry, detailing Dr. Watson’s progress, is submitted to the Nevada Board of Medical Examiners monthly.

Dr. Watson answered questions to the Board’s satisfaction.

Board Action:

Motion: Kirk Wentworth moved to approve David Watson’s Application for Controlled Substance License

Mr. Penrod offered a friendly amendment to include approval of David Watson’s Application for Controlled Substance License pending a copy of Dr. Fry’s and Dr. Murry’s reports from the Nevada Board of Medical Examiners be sent to Board Staff.

Mr. Wentworth accepted the friendly amendment.

Second: Jason Penrod

Action: Passed Unanimously

9. Application for Renewal of Controlled Substance License – Appearance:

Jacqueline Leventhal, DO

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

Ms. Leventhal explained that in July 2013, she was arrested as a result of a single-car accident in which she was the driver. At the time, Ms. Leventhal was under the influence of alcohol. In May 2014, Ms. Leventhal voluntarily entered treatment for her depression and substance abuse issues.

Mr. Wuest stated that Board Staff contacted the Nevada State Board of Osteopathic Medicine regarding Ms. Leventhal. Their response was positive and supportive of her renewing her controlled substance license.

Mr. Espadero answered questions regarding Ms. Leventhal's five year contract. He spoke well of Ms. Leventhal's recovery and expressed support of her returning to practice again.

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

Board Action:

Motion: Kirk Wentworth moved to approve Jacqueline Leventhal's renewal application for Controlled Substance License.

Second: Darla Zarley

Action: Passed Unanimously

10. Application for Practitioner Dispensing – Appearance:

Bruce K. Fong, DO

Dr. Bruce K. Fong appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Pinson explained that Board Staff served Dr. Fong a Cease and Desist Order for dispensing medication without the proper licensure. He stated that Dr. Fong immediately stopped dispensing medications and has since paid his fine.

Dr. Fong apologized to the Board for the oversight and answered questions to the Board's satisfaction regarding proper dispensing practices.

Board Action:

Motion: Kevin Desmond moved to approve Bruce K. Fong's Application for Practitioner Dispensing License.

Second: Jason Penrod

Action: Passed Unanimously

11. Application for Advanced Registered Practice Nurse Prescribe – Appearance

Mary S. Emerson, APRN

Mary Susan Emerson appeared and was sworn by President Basch prior to answering questions or offering testimony.

Tracy L. Singh was present as counsel representing Ms. Emerson.

Cheryl Blomstrom disclosed that she knows Ms. Singh, but stated that she could participate in this matter fairly and without bias.

Mr. Wuest stated that Ms. Emerson was served a Cease and Desist Order for prescribing without proper licensure. Mr. Wuest added that Ms. Emerson has already paid her fine.

Ms. Singh explained that Ms. Emerson immediately took personal responsibility for her mistake and addressed evidence against her to both the Nevada State Board of Pharmacy and Nevada State Board of Nursing.

Ms. Singh and Ms. Emerson answered questions to the Board's satisfaction.

Ms. Singh explained that in lieu of official discipline from the Nevada State Board of Nursing, Ms. Emerson will be teaching a program for nursing students at UNLV.

Mr. Edwards stated that he has spoken to the Nevada State Board of Nursing and they are comfortable with Ms. Emerson practicing.

Board Action:

Motion: Jason Penrod moved to approve Mary S. Emerson's Application for Advanced Registered Practice Nurse Prescribe License pending her completion of her training program for the Nursing Board.

Second: Tallie Pederson

Action: Passed Unanimously

12. Requested Appearance

Kelsey Maxim, PharmD
Approval of the Molina Medicare Medication Therapy Management Program

Kelsey Maxim appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. Maxim explained that she is seeking the Board's permission to practice medication therapy management outside of a pharmacy setting.

Ms. Maxim answered questions to the Board's satisfaction regarding Molina Medicare's business model and HIPAA compliance procedures.

Board Action:

Motion: Cheryl Blomstrom moved to allow Kelsey Maxim to provide Medication Therapy Management services in Nevada.

Second: Kirk Wentworth

Action: Passed Unanimously

13. Requested Appearance

Christine Versichele BSN, MSP-West Region
Introduction of Dynalabs LLC – Qualitative Analytical Testing for Compounding Pharmacies

Mr. Pinson advised the Board that Ms. Versichele was not present. This matter will be rescheduled for a later date.

14. Annual Auditors Report for the Nevada State Board of Pharmacy – Appearance

Beth Kohn – Kohn & Company

Ms. Kohn presented the audit results and answered questions to the Board's satisfaction.

15. Don's Pharmacy, Hale's Pharmacy, Sierra Pharmacy, Sierra Specialty Pharmacy and Village Pharmacy Request for Approval to Use Computer to Transfer Prescriptions– Appearance

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

Mr. Vasenden stated that he is requesting authorization to use Sierra Family Pharmacies computer systems for electronic fax transfers of prescriptions to another pharmacy without the signature of the pharmacist as outlined in NAC 639.7145. He explained that Don's Pharmacy, Hale's Pharmacy, Sierra Pharmacy, Sierra Specialty Pharmacy and Village Pharmacy would be using the same computer system.

Board Action:

Motion: Cheryl Blomstrom moved to approve Don's Pharmacy Hale's Pharmacy, Sierra Pharmacy, Sierra Specialty Pharmacy and Village Pharmacy's authorization to use the Sierra Family Pharmacies computer system for electronic fax transfer of prescriptions.

Second: Jason Penrod

Action: Passed Unanimously

16. Discussion and Determinations for Possible Action:

A. Prescription OTC's

Mr. Pinson stated that Board Staff received a complaint regarding a veterinarian who wrote a prescription for an over-the-counter (OTC) item, insulin. The patient brought the prescription to a pharmacy and a technician recognized the item was OTC. The technician sold the item to the patient without processing it as a prescription and without pharmacist counseling. When the patient got home there was an error administering the medication to the animal resulting in hospitalization of the pet. Mr. Pinson asked the Board to discuss the appropriate way to handle prescriptions for OTC items.

Following discussion, the general consensus of the Board was that the pharmacist on duty, not the technician, should determine if the OTC item will be processed as a prescription or sold over-the-counter.

Dan Luce, Walgreens Regulatory Affairs, stated that the pharmacist should ask the patient what they want and offer to process the item as a prescription to quote a price.

Mark Johnston, CVS, agreed with Mr. Luce that the pharmacist should see how the patient would like it handled.

Dr. Bruce Fong stated that when he writes a prescription, even for an OTC item, he expects the pharmacist to carry out the prescription and be able to counsel the patient.

Bill Stilling questioned if the definition of a prescription applies to animals. Mr. Wuest responded that in this case the animal is the patient.

B. Regulations Pertaining to the Filling and Verifying of Prescriptions

Mr. Edwards stated that it appears that the industry is moving towards segmenting the prescription filling process. He explained that while this move towards segmenting is widely accepted, it poses the question of who takes responsibility should an error occur, or if a prescription is verified by an out-of-state pharmacist not licensed in Nevada, should a Nevada licensed pharmacist have to re-verify that the prescription is correct.

Board discussion ensued regarding the possibility of licensing out-of-state pharmacists or just licensing the facilities.

President Basch opened Public Comment

Dan Luce, Walgreens Regulatory Affairs, expressed support of the industry standard to segment the prescription filling and verifying process. Mr. Luce requested the Board only have the out-of-state facility be licensed in Nevada instead of each out-of-state pharmacist.

Hal Taylor stated that pharmacy staff are expected to do too many tasks at the same time. He suggested having pharmacies hire more pharmacists to help staff from being interrupted while completing a task.

17. General Counsel Report

Mr. Edwards updated the Board on pending legal action.

18. Executive Secretary Report

A. Financial Report

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

B. Temporary Licenses

Three temporary licenses were issues since the last meeting.

C. Staff Activities

1. Speaking Engagements:

a. DO Annual Meeting – Lake Tahoe

Mr. Edwards' and Ms. Long's presentation to this group in January was well received.

b. CE – Sierra Nevada Job Corps – Reno

Ms. Long's presentation to this group was well received.

c. Pharmacy Association of Southern Nevada

Mr. Pinson and/or Yen Long will speak to this group in Las Vegas on March 20, 2016.

- D. Reports to Board
 - 1. Collaborative Efforts:
 - a. NSBME; DEA
 - 2. Legislative Committee on Health Care

Mr. Wuest's and Mr. Edwards' appearance before the Legislative Committee was well received.

3. Attorney General's Substance Abuse Working Group

Mr. Pinson accepted the invitation to serve for a two-year period as a member of the Attorney General's Substance Abuse Working Group.

- E. Board Related News
 - 1. Letter on Compounded & Repackaged Medications for Office Use

Mr. Pinson presented the letter for the Board's information.

- F. Activities Report

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

- A. **Amendment of Nevada Administrative Code (NAC) 639.955 Imposition of fines; authority to take disciplinary action.** The proposed amendment imposes fines for not transmitting information regarding the dispensing of controlled substances.

Mr. Edwards and Ms. Long, PMP Administrator, explained that the proposed amendment would allow the Board a way to enforce the next business day reporting required by SB 459.

Ms. Long described the policy in place to offer ample warning and instruction before disciplinary action would be taken.

President Basch opened the Public Comment.

Dan Luce, Walgreens Regulatory Affairs, asked the Board's opinion on mandatory PMP use for prescribers and pharmacists. Mr. Pinson explained that with the passing of SB 459 prescribers are mandated to utilize and review PMP reports prior to prescribing controlled substances.

Board Action:

Motion: Tallie Pederson moved to adopt the proposed amendment and move forward to Public Hearing.

Second: Cheryl Blomstrom

Action: Passed unanimously

- B. Amendment of Nevada Administrative Code (NAC) 639.921 Sharing information between systems: Conditions and requirements.** The proposed amendment would allow for the sharing of information between two or more pharmacies that are commonly owned or contractually related.

Mr. Edwards provided a brief background for the Board's information.

President Basch opened the Public Comment.

Mark Johnston, former Idaho State Board of Pharmacy Executive Director, explained that Idaho currently allows the contractual sharing of data between pharmacies.

Board discussion ensued regarding pharmacies abilities to contractually delegate responsibility.

Board Action:

Motion: Jason Penrod moved to adopt the proposed amendment, with minor corrections as discussed, and move forward to Public Hearing.

Second: Cheryl Blomstrom

Action: Passed unanimously

20. Next Board Meeting:

April 13-14, 2016 – Las Vegas

21. Public Comment

Liz MacMenamin, RAN, explained that she has been asked to implement an interim committee on substance abuse to discuss the effectiveness of SB 459. She requested permission for Board Staff to participate in the committee and stated that she would contact the Board office with the details.

Dan Luce, Walgreens, thanked the Board and Board Staff for being open to dialog about pharmacy topics.

Blank