

## MINUTES

October 14-15, 2015

### 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

#### Board Staff Present:

Dave Wuest                  Paul Edwards              Shirley Hunting      Ray Seidlinger  
Ken Scheuber                Luis Curras                Kristopher Mangosing  
Kimberly Aruello

Mr. Pinson was absent due to a speaking engagement at the NABP Executive Officer Forum in Chicago. Dave Wuest filled in for Mr. Pinson.

Mr. Wuest informed the Board that Valerie Jensen and Andrea Cordova, pharmaceutical technicians, were present for the Board Meeting as instructed by Board Order.

President Basch called the meeting to order at 9:00 a.m.

#### 1. Public Comment (October 14, 2015 9:00 a.m.)

Diane Rhee, Roseman University, appeared to inform the Board about the President's National Action Plan for Combating Antibiotic-Resistant Bacteria. She explained that the goals of the National Action Plan included reducing inappropriate antibiotic use by identifying the misuse and over-use of antibiotics in healthcare and food production. Ms. Rhee stressed the importance of educating pharmacists on appropriate antibiotic uses and dosing.

#### 2. Approval of September 2, 2015, Minutes

Cheryl Blomstrom recused from participation in this matter as she was not present at the September Board meeting.

President Basch requested a sentence on pg. 13 Item 9D to be corrected to, %The Board removed The Pharmacy at Midtown's affidavit not to ship sterile products into Nevada from the record at Mr. Thomas's request.+

Board Action:

Motion: Jason Penrod 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. Aspcares . Miami, FL
- B. Credena Health LLC . Portland, OR
- C. Homescrpts.com, LLC . Troy, MI
- D. Manhattan's Pharmacy . Jupiter, FL
- E. Reliable Pharmacy . Marco Island, FL
- F. US Specialty Care, LLC . Lakeland, FL

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

- G. All Scripts Pharmacy . Kissimmee, FL
- H. Astro Pharmacy . Glendale, CA
- I. Carrollton Prescription Shop . Haleyville, AL
- J. Hopkinton Drug, Inc. . Hopkinton, MA
- K. Florida Pharmacy Solutions, Inc. . Zephyr Hills, FL
- L. Jay Pharmacy of Jay, Florida Inc. . Jay, FL
- M. Ladd Family Pharmacy, LLC . Boise, ID
- N. PerformSpecialty, LLC . Orlando, FL
- O. Rx Unlimited . Beverly Hills, CA
- P. Vital Med Rx . Morristown, TN
- Q. Westwood Pharmacy Clinical Services . Richmond, VA

Applications for Out-of-State Wholesaler . Non Appearance

- R. Adamis Pharmaceuticals Corporation . San Diego, CA
- S. Dsquared Pharmaceuticals Inc. . Phoenix, AZ
- T. Eagle Pharmacy, Inc. . Birmingham, AL
- U. Egalet US Inc. . Wayne, IN
- V. Haemonetics Corporation . Draper, UT

- W. Letco Medical, LLC . Decatur, IL
- X. McKesson Medical-Surgical Inc. Jacksonville, FL
- Y. Med-Pro Distributors, LLC . Charlotte, NC
- Z. Merrimack Pharmaceuticals, Inc. . Cambridge, MA
- AA. NuCare Pharmaceuticals, Inc. . Orange, CA
- BB. Pharmacyclics LLS . Sunnyvale, CA
- CC. QuVA Pharma, Inc. . Sugar Land, TX
- DD. Recro Gainesville LLC . Gainesville, FL
- EE. Specialty Pharmaceutical Services 1 . La Verge, TN
- FF. Specialty Pharmaceutical Services 2 . La Verge, TN

Applications for Out-of-State MDEG . Non Appearance

- GG. JJ. Breg, Inc. . Grand Prairie, TX
- HH. Infinity Medical . Lincoln, NE
- II. Mayo Clinic Stores Siebens . Rochester, MN
- JJ. Nationwide Home Medical Supply, Inc. . San Diego, CA
- KK. Premier Home Medical Supplies . Tarpan Springs, FL
- LL. Ulthera, Inc. . Mesa, AZ
- MM. United States Medical Supply, Inc. . Miami, FL
- NN. US Med, LLC . Miami, FL
- OO. YNC Enterprise, Inc. . Newport Beach, CA

Applications for Nevada MDEG . Non Appearance

- PP. Care Chest of the Sierra Nevada . Reno
- QQ. Orthopedic Motion Inc. . Las Vegas
- RR. Prosthetic Center of Excellence, Inc. . Las Vegas

Applications for Nevada Pharmacy . Non Appearance

- SS. ACRx Specialty Pharmacy . Las Vegas
- TT. Nevada Surgical Suites . Las Vegas
- UU. Refill Pharmacy, LLC . Las Vegas
- VV. Ridley Pharmacy #1135 . Winnemucca
- WW. Silver Stage Pharmacy . Silver Springs
- XX. The LV Surgery Center LLC . Las Vegas

Board Action:

Motion: Kirk Wentworth moved to approve the Consent Agenda applications with the exception of Item 3.II. Mayo Clinic Store Siebens.

Second: Cheryl Blomstrom

Action: Passed Unanimously

Board Staff distributed a list of products that will be sold by Mayo Clinic Store Siebens.

After examination of the list the Board determined that the items listed were classified as Respiratory Equipment and that emergency contact information was necessary to complete the application.

Board Action:

Motion: Tallie Pederson moved to approve Mayo Clinic Store Siebens Application for Out-of-State MDEG License pending verification of emergency contact information.

Second: Cheryl Blomstrom

Action: Passed unanimously

4. Discipline

A. VetSource Home Delivery (15-042-PH-O)

This matter was continued to the December 2015 Pharmacy Board Meeting.

B. Hitesh Amin, R.Ph (15-035-RPH-S)

C. Sav-on Pharmacy #6093 (15-035-PH-S)

Christine Cassetta, Quarles & Brady, was present as counsel representing all respondents.

Mr. Edwards explained that in May 2015, Board Staff received notification from a physician's office that an error occurred at Sav-On Pharmacy #6093. He stated that on March 26, 2015, the patient saw her physician and received a prescription for thirty (30) amitriptyline 10 mg. Mr. Edwards stated that on March 28, 2015, Mr. Amin performed patient counseling at the time of pickup.

Mr. Edwards explained that while processing a refill request, pharmacist Rickey Smith discovered that the initial fill sold to the patient's husband on March 28, 2015, contained amitriptyline 100 mg. tablets, rather than the amitriptyline 10 mg. tablets as prescribed. Mr. Smith contacted the physician to report the error and it was discovered that the patient ingested twenty-nine tablets of the wrong medication before the error was discovered.

Mr. Edwards further stated that the error originated when pharmaceutical technician Janet Nyeholt inadvertently typed amitriptyline 100 mg. tablets rather than amitriptyline 10 mg. tablets. Mr. Amin performed the final product verification, but did not detect that the prescription bottle contained the incorrect strength.

Ms. Cassetta stated that Mr. Amin did not pull the prescription hard copy and had performed the final product verification based on the incorrect data entry. She apologized on Mr. Amin's behalf and stated that he has already made changes to prevent this error from occurring in the future.

Mr. Edwards presented a Stipulation and Order regarding Mr. Amin and Sav-On Pharmacy for the Board's consideration. Ms. Cassetta admits that evidence exists to establish a factual basis for the violations alleged in the Accusation.

Mr. Amin shall receive a Letter of Reprimand from the Board's Executive Secretary, pay a fine of \$500.00 for dispensing an incorrect medication that was ingested without verifiable harm, pay a fine of \$750.00 for failing to adequately counsel and complete four additional CEs, one hour on the topic of proper counselling, two hours on error prevention or proper product verification practices and one hour on ethics or Nevada law.

Sav-On shall pay an administrative fee of \$495.00 and shall, within 30 days of the Order, require all pharmacists in Southern Nevada to complete internal training on proper counseling and error prevention policies. Once each pharmacist signs a record indicating completion of training, Sav-On shall forward the record to Board Staff for review and verification.

Board discussion ensued regarding the seriousness of errors by technicians and the opportunity available at counseling to catch any errors.

Board Action:

Motion: Kirk Wentworth moved to accept the Stipulation and Order as presented.

Second: Tallie Pederson

Action: Passed unanimously

- |    |                          |                |
|----|--------------------------|----------------|
| D. | Douglas Cammann, R.Ph    | (15-049-RPH-S) |
| E. | AnazaoHealth Corporation | (15-049-PH-S)  |

Douglas Cammann, managing pharmacist, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Edwards explained to the Board that in July 2015, Texas Tech University Health Sciences Center School of Pharmacy contacted Board Staff to report that Sung Lee worked as an intern pharmacist at AnazaoHealth Corporation for approximately 240 hours without a Nevada intern registration. He stated that on July 17, 2015, Board Staff served Ms. Lee with a Cease and Desist Order and Citation for the Unlawful Practice of Pharmacy. Mr. Edwards added that Ms. Lee has already paid the \$1,000.00 satisfying her fine.

Mr. Edwards explained that as the managing pharmacist for the pharmacy that Ms. Lee worked in without a current intern pharmacist registration, Mr. Cammann violated multiple statutes. He further stated that AnazaoHealth Corporation was statutorily responsible for the actions of its employees.

Mr. Edwards presented a Stipulation and Order regarding Mr. Cammann and AnazaoHealth Corporation for the Board's consideration. The respondents admit that evidence exists to establish a factual basis for the violations alleged in the Accusation.

Mr. Cammann shall receive a public letter of reprimand from the Board's Executive Secretary, complete an additional CE on pharmacist in charge responsibilities, and pay a fine of \$250.00.

AnazaoHealth Corporation shall submit a letter to Board Staff within thirty days outlining and explaining the policies and procedures AnazaoHealth Corporation has or will establish to prevent employees from working without valid and appropriate license or registration, pay an administrative fee of \$500.00 and pay a fine of \$600.00.

Mr. Cammann apologized to the Board for the oversight and testified that AnazaoHealth Corporation has already created policies to prevent any future reoccurrence.

Board Action:

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

Second: Jason Penrod

Action: Passed unanimously

F. Shanelle Gayles, PT (15-050-PT-S)

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

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

Mr. Edwards explained that on or about June 26, 2015, Board Staff received notification from a CVS Regulatory Affairs Director indicating that CVS had terminated Ms. Gayles from her employment as a pharmaceutical technician at CVS Pharmacy #08800. CVS terminated Ms. Gayles' employment for filling fraudulent prescriptions and diverting phentermine. Mr. Edwards stated that CVS received the information in May 2015 through the CVS Ethics line. Ms. Gayles' former boyfriend, who was the recipient of the phentermine, provided the information.

Mr. Edwards reviewed the Exhibits for the Board. He presented a copy of the certified mail receipt indicating Ms. Gayles signed for the Notice of Intended Action and Accusation and a copy of the hearing announcement mailed to Ms. Gayles. Mr. Edwards also presented a statement from Ms. Gayles explaining the diversion to a CVS Investigator and a copy of the DEA-106 Report of a Loss of Controlled Substances.

Board Action:

Motion: Kevin Desmond moved to find that the allegations in the Notice of Intended Action have been proven and to find Shanelle Gayles guilty of the First and Second Causes of Action.

Second: Tallie Pederson

Action: Passed unanimously

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

Board Action:

Motion: Cheryl Blomstrom moved to revoke Shanelle Gayles pharmaceutical technician registration.

Second: Tallie Pederson

Action: Passed unanimously

- G. Linchi Li, R.Ph (15-022-RPH-A-S)
- H. Eric Van Meter, R.Ph (15-022-RPH-B-S)
- I. Vonç Pharmacy #2615 (15-022-PH-S)

Christine Cassetta, Quarles & Brady, was present as counsel representing all respondents.

Mr. Edwards stated that on or about April 2015, a customer filed a complaint with Board Staff alleging that on multiple occasions, Vonç pharmacist, Linchi Le failed to offer and/ or provide counseling for new prescriptions for the complaintant and members of her family including a prescription for Epipen JR 0.15 mg injectable solution for the complaintantç son and a prescription for Fluticasone 50 mcg for the complaintantç husband.

Mr. Edwards explained that despite clear evidence that counseling did not occur, Vonç records indicated that counseling was accepted. In both cases the initials for Pamela Walters or Stephanie Revero, pharmaceutical technicians, appear in the %Counseling Initials+or %RPh+ fields.

Ms. Cassetta explained that in 2015 Albertson's acquired Von's Pharmacy. She further stated that Albertson's is currently transitioning to a new computer system that included biometric authentication. She explained that scanning an employee's fingerprint would eliminate the need to enter initials into a Counseling and RPh field at prompted times during prescription filling and transaction. Ms. Cassetta stated that in the interim until the biometric system is in place, Von's Pharmacy will be utilizing a paper log to track counseling.

Jessica Covaci, New Albertsons Inc. Director of Pharmacy Compliance, was present and stated that she is a resource for and supports the division managers during this transition period.

Mr. Edwards presented a Stipulation and Order regarding Ms. Le, Mr. Van Meter and Von's Pharmacy for the Board's consideration. The respondents admit that evidence exists to establish a factual basis for the violations alleged in the Accusations that Ms. Le failed to provide counseling on E.J.'s prescription for EpiPen JR, and failed to provide counseling on Mr. Johnson's prescription for Fluticasone 50 mcg. Mr. Edwards further explained that as managing pharmacist who knew of and allowed the foregoing violations, Eric Van Meter violated NRS 639.210(15). Mr. Edwards further stated that Von's Pharmacy is statutorily responsible for the actions of pharmacists Linchi Le and Eric Van Meter.

Ms. Le shall receive a Letter of Reprimand from the Board's Executive Secretary, pay a fine of \$750.00 for the first failure to counsel, pay a fine of \$1,000.00 for the second failure to counsel, and complete two additional CE hours on the topic of staff pharmacist roles and responsibilities.

Mr. Van Meter shall receive a Letter of Reprimand from the Board's Executive Secretary, pay a fine for \$1,000.00 and complete two additional CE hours on the topic of managing pharmacist roles and responsibilities.

Von's Pharmacy #2615 shall pay an administrative fee of \$495.00, pay a fine of \$2,500.00 for failing to make the software corrections agreed to and required by the 2012 Stipulated Order, and shall make the software corrections necessary to bring its software compliant with the 2012 Stipulation and Order and current Nevada pharmacy law and regulations within 90 days. If Von's cannot update its software within 90 days, Von's agrees to utilize a manual log to track counseling at its pharmacies until the software is updated.

Board Staff will contact the pharmaceutical technicians involved, convey the impact of their actions, and reinforce the importance of technicians following proper store policy and procedure and pharmacy law and regulations.

Board Action:

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

Second: Kirk Wentworth



Action: Passed unanimously

5. Application for Out-of-State Wholesaler . Appearance

Alexso Inc. . Los Angeles, CA

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

Mr. Edwards explained that Alexso Inc. has appeared at a previous Board meeting to apply for an Out-of-State Wholesaler License. He stated that the Board requested Mr. Melamed to appear in order to answer questions regarding Concierge Compounding Pharmaceuticals, Inc. (Concierge), a pharmacy that Mr. Melamed had previously partially owned.

Mr. Melamed explained that Alexso Inc was formed in 2011. He stated that Alexso Inc. specializes in selling cyclobenzaprine, tramadol and Trezix to pharmacies exclusively for worker compensation claims.

The Board questioned Mr. Melamed regarding past discipline against himself and Concierge including the denial of Concierge's pharmacy license by the South Carolina Board of Pharmacy and administrative actions by the Oregon and Texas Boards of Pharmacy.

Mr. Melamed testified that he could not recall the specific details of the past administrative actions.

The Board expressed concern for Mr. Melamed's inability to answer questions regarding the past administrative actions and disciplines especially considering that Mr. Melamed was part owner of the company at the time of these actions.

Board discussion ensued regarding their reservations regarding Alexso Inc.'s leadership and stressed that they did not believe it would be in the best interest of the public to approve this application.

Board Action:

Motion: Cheryl Blomstrom moved to deny Alexso Inc.'s Application for Out-of-State Wholesaler License.

Second: Jason Penrod

Action: Passed unanimously

6. Application for Renewal of Pharmacist License . Appearance

David Moll

This matter was rescheduled for the December 2015 Board Meeting.

7. Application for Pharmacist License by Reciprocatation . Appearance

Cory H. McGuinn-Parks

Cory McGuinn-Parks appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. McGuinn-Parks explained that he appeared before the Board to request approval of his application by reciprocatation as a pharmacist. He stated that in 2002 he was charged and arrested for the distribution of cocaine based products.

Mr. McGuinn-Parks answered questions to the Board's satisfaction regarding his arrest, rehabilitation, education and restrictions to his license.

The Board commended Mr. McGuinn-Parks on changing his life and encouraged him to continue his hard work in the future.

Board Action:

Motion: Kirk Wentworth moved to approve Cory McGuinn-Parks's Application for Pharmacist License by Reciprocatation.

Second: Tallie Pederson

Action: Passed unanimously

8. Application for Physician Assistant to Dispense . Appearance

Heather L. Rohrer, PA

Ms. Rohrer contacted Board Staff to withdraw her Application for Authority to Dispense Drugs.

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

Siovonne Sims

Tallie Pederson recused from participation in this matter due to her employment with Walgreens.

Sioivonne Sims appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Edwards stated that Ms. Sims appeared before the Board in April 2014. He explained that Walgreens terminated her employment for diverting 21 bottles of Alprazolam 2mg tablets. At that time, the Board revoked Ms. Sims pharmaceutical technician license.

Ms. Sims addressed questions from the Board regarding her present employment as well as the status of her Court Order. Ms. Sims explained that she is currently working at AutoZone. She is also in the process of paying the fines and explained that once she completes the requirements by the Court ordered probation, the felony charges will be reduced to a gross misdemeanor.

Board discussion ensued regarding the inability to reinstate Ms. Sims while a felony charge is on her record. The Board expressed appreciation for Ms. Sims claiming responsibility for her actions and encouraged her to request reinstatement after completing the requirements of her Court Order.

Ms. Sims withdrew her request for reinstatement of her pharmaceutical technician license.

10. Request for Reconsideration of Board Order . Appearance for Possible Action

Flotsol, Inc.

(13-046-MP-S)

This matter was continued to a later date.

11. Applications for Nevada MDEG . Appearance for Possible Action:

A. Apnea Medical Services . Las Vegas

Callie Hines, owner, Michael Huff, facility administrator, and Larry Espadero, Director of PRN-PRN, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Ms. Hines stated that Apnea Medical Services would be focused on selling respiratory devices to those with chronic respiratory diseases.

Mr. Huff explained that he is a respiratory therapist and is currently employed part time with St. Rose Hospital. He informed the Board that pending approval of Apnea Medical Services application, he would be leaving his position at St. Rose Hospital. Mr. Huff assured the Board that he would not be referring any patients from St. Rose to Apnea Medical Services.

Ms. Hines and Mr. Huff answered questions to the Board's satisfaction regarding the products and services Apnea Medical Services intends to provide.

Mr. Espadero explained that Mr. Huff was a client in PRN-PRN until March 2013. Mr. Espadero spoke positively of Mr. Huff's recovery and volunteered to appear before the Board on Mr. Huff's behalf.

Mr. Huff answered questions to the Board's satisfaction regarding past disciplinary issues and recovery.

Board Action:

Motion: Jason Penrod moved to approve Apnea Medical Services' Application for Nevada MDEG License.

Second: Cheryl Blomstrom

Action: Passed unanimously

B. HST, LLC . Henderson

There was no representative present on behalf of HST, LLC.

C. U.S. Homecare . Las Vegas

There was no representative present on behalf of U.S. Homecare.

12. Applications for Nevada Pharmacy . Appearance for Possible Action:

A. Cononus Pharmacy Services, LLC . Las Vegas

Eric Lintner, managing pharmacist, appeared and was sworn in by President Basch prior to answering questions or offering testimony.

Mr. Lintner explained that Cononus Pharmacy Services, LLC (Cononus) had previously applied and been approved for an Out-of-State Pharmacy License. He stated that he was appearing before the Board because Cononus was looking to build a retail pharmacy in Nevada in order to service a nursing home in the Las Vegas area.

The Board questioned Mr. Lintner regarding Cononus's past disciplinary actions.

Josh Free, General Manager at Cononus Pharmacy Services, LLC Oregon Location, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Free answered questions to the Board's satisfaction regarding the past disciplinary actions at Cononus's Oregon location. Mr. Free explained that Cononus had a disciplinary action with the Oregon Board of Pharmacy regarding the proper verification practices for

emergency kits in Oregon skilled nursing facilities. Mr. Free stated that per the Stipulated Agreement with the Oregon Board of Pharmacy, the Quality Assurance Plan is in place and is being followed. He further stated that he could provide the Quality Assurance Plan at the Board's request.

The Board questioned Mr. Lintner and Mr. Free regarding Phillip and Steven Fogg, part owners, background and past lawsuits.

Beth Biggs, Vice President of Operations Consonus, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. Biggs explained that she has worked for the Fogg brothers for about 25 years. She stated that the lawsuits were not pharmaceutical related and primarily had to do with the nursing facility issues such as patient falls or employment related issues.

Mr. Lintner, Mr. Free and Ms. Biggs answered questions to the Board's satisfaction.

Board Action:

Motion: Jason Penrod moved to approve Consonus Pharmacy Services, LLC's application for Nevada Pharmacy License pending review by Board Staff that Consonus Pharmacy Services, LLC is in compliance with the Oregon Board of Pharmacy's Order.

Second: Cheryl Blomstrom

Action: Passed unanimously

B. Craig Rd. Pharmacy . North Las Vegas

Ashley Slocum, managing pharmacist, and Edward Curry, managing partner, appeared and were sworn in by President Basch prior to answering questions or offering testimony.

Ms. Slocum explained that Craig Rd. Pharmacy is an independent retail pharmacy with free delivery service that will primarily work to serve nursing homes, group homes, and other long term care facilities.

Ms. Slocum answered questions to the Board's satisfaction regarding her past experience in pharmacy. Ms. Slocum stated that she is currently in the process of reciprocating her license from Louisiana.

The Board questioned Ms. Slocum and Mr. Curry regarding the pharmacy's building plans, staffing and policies and procedure.

The Board encouraged Ms. Slocum and Mr. Curry to reach out to Board Staff for guidance on writing Craig Rd. Pharmacy's policies and procedures.

Board Action:

Motion: Kevin Desmond moved to approve Craig Rd. Pharmacy's Application for Nevada Pharmacy License.

Mr. Penrod offered a friendly amendment to include approval of Craig Rd. Pharmacy's Application for Nevada Pharmacy License pending positive inspection.

Mr. Desmond accepted the friendly amendment.

Second: Tallie Pederson

Action: Passed unanimously

C. Precision Specialty Pharmacy . Las Vegas

Dominik Bialek, managing pharmacist, and George Maiorano, owner, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Jonathan Leleu was present as counsel representing Precision Specialty Pharmacy.

Cheryl Blomstrom disclosed that she is familiar with Mr. Leleu, but stated that this would not conflict with her participation in this matter.

President Basch disclosed that he knows Mr. Bialek from his place of employment and felt that his participation in this matter would not be in conflict.

Mr. Maiorano answered questions to the Board's satisfaction regarding his educational background and work history.

Mr. Wuest stated that historically under previous ownership, Precision Specialty Pharmacy has had issues cited during past inspections by Board Staff.

Ray Seidlinger, Inspector for the Nevada State Board of Pharmacy, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Seidlinger reviewed past concerns discovered during Board Staff's inspections of Precision and provided guidance to Mr. Bialek and Mr. Maiorano on issues that needed to be resolved. Mr. Seidlinger suggested that Precision Specialty Pharmacy be prepared for an inspection by Board Staff at any time, to have accurate and complete records available for review. He also requested a list of all sterile and non-sterile products compounded in the last year and documentation that testing for sterility, stability and endotoxins are being done. Mr.

Seidlinger stated that Precision Specialty Pharmacy is not to compound medications that are commercially available without significant medical reason.

Mr. Maiorano stated that he is aware of the record keeping issues Precision has had in the past and has made staffing and procedural changes to fix the issues.

The Board recommended that Mr. Bialek and Mr. Maiorano contact Board Staff to discuss compounded products that Precision can and cannot produce.

The Board updated Precision's application to include retail, out of state and parenteral to services provided at Mr. Bialek and Mr. Maiorano's request.

The Board stressed the importance of all employees being properly trained.

Board Action:

Motion: Jason Penrod moved to approve Precision Specialty Pharmacy's Application for Nevada Pharmacy License Ownership Change pending a positive inspection by Board Staff.

Second: Kirk Wentworth

Action: Passed unanimously

D. TruCare Pharmacy . Las Vegas

Mina Kolta, pharmacist and part owner, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Kolta explained that TruCare Pharmacy has multiple locations in California that are primarily closed door pharmacies servicing long term care facilities. He stated that pending approval TruCare Pharmacy would like to open a retail pharmacy in Nevada.

Mr. Kolta explained that a friend recommended Leila Tafreshi for the managing pharmacist position and that he has met and interviewed her. Mr. Kolta informed the Board that TruCare Pharmacy's Director of Pharmacy already has a training plan prepared for her.

Mr. Kolta answered questions to Board's satisfaction regarding TruCare's policy and procedures, staffing, and services provided.

The Board updated TruCare Pharmacy's hours of operation to closed on Saturdays and Sundays at Mr. Kolta's request.

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

Second: Cheryl Blomstrom

Action: Passed unanimously

13. Application for Out-of-State Compounding Pharmacy . Appearance for Possible Action:

Premier Pharmacy Labs, Inc. . Brookville, FL

This matter was rescheduled to the December Board Meeting.

14. Request for Reduction of Surety Bond - Non Appearance for Possible Action:

Apotheca, Inc.

Mr. Wuest reviewed statute NRS 639.515 which addressed Surety Bonds for the Board.

Mr. Wuest explained that no representative from Apotheca, Inc. was present. Mr. Wuest stated that Board Staff had no concerns with reducing the Surety Bond.

Board Action:

Motion: Jason Penrod moved to reduce Apotheca, Inc. surety bond from \$100,000 to \$25,000.

Second: Cheryl Blomstrom

Action: Passed Unanimously

Public Comment (October 15, 2015 9:00 AM)

Cheryl Blomstrom and Tallie Pederson explained that they looked at 2 CE modules presented by Oregon State at President Basch's request. They stated that they would like to agendaize the CE modules and present the modules to the Board as another possible option for pharmacist remediation.

15. Continuing Education Committee for Possible Action:

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

Mr. Wuest 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. Wentworth explained that the conference call meeting was called to order on August 27, 2015. He stated that the CE Committee discussed the two programs and after discussion approved both continuing education courses.

16. General Counsel Report for Possible Action

There was no General Counsel Report.

17. Executive Secretary Report for Possible Action:

A. Financial Report

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

B. Temporary Licenses

Three temporary licenses were issued since the last meeting.

C. Staff Activities

1. Meetings with Hospitals, Hospital Associations & Health Care Board Exec.

Mr. Wuest explained that Mr. Pinson is at the NABP Executive Officer Forum in Chicago. He stated that Board Staff has met with a majority of the hospitals as well as the hospital associations and physicians associations in order to educate each group on SB 459.

2. Speaking Engagements:

a. NABP Executive Officer Forum

b. NVSHP

Mr. Depczynski spoke to Nevada Society of Health-System Pharmacists on October 3, 2015.

c. Dental Group

Mr. Pinson spoke to the Northern Nevada Dental Hygienists Association at Squaw Valley on October 17, 2015.

3. Compliance Officer Forum

Ken Scheuber will be attending NABP Compliance Officer and Legal Counsel Forum in December 2015.

4. Compliance Office Sterile Compounding Training . NABP

Joe Depczynski attended NABP Compliance Officer Sterile Compounding Training on October 6, 2015.

- D. Reports to Board
  - 1. Collaborative Efforts:
    - a. BOME; NSBVM; NSNB; DEA
  - 2. Update: District Meeting

Mr. Wuest stated that Board Staff has received many compliments on the NABP District 6, 7 and 8 Meeting.

- 3. Grants

Mr. Wuest provided a brief overview regarding the RPD and Harold Rogers Grants for the Board's information.

- E. Board Related News

- 1. DEA 10<sup>th</sup> Drug Take-Back Day

Liz MacMenamin, RAN, stated that the Drug Take-Bake Day in Northern Nevada was very successful and reported to the Board that 2,100 lbs. of drugs were collected in Washoe County, Storey County and Lyon County that day.

Board discussion ensued regarding how to get more pharmacist participation in future Drug Take-Back events.

- F. Activities Report

- 18. 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 educational requirements and 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 background on SB 459 for the Board's information. Board discussion ensued regarding clarification of language in Sections 4, 6 and 7. The Board also further discussed the options available for non-profit organizations to obtain opioid antagonists, as well as the idea of forming a protocol for pharmacies regarding dispensing opioid antagonists.

The Board requested Board Staff to contact the Legislature and to clarify the intent of SB 459 regarding dispensing opioid antagonists.

President Basch opened the Public Comment.

Liz MacMenamin, RAN, supported the Board's request to have Board Staff contact Legislature to clarify the intent of the law. Ms. MacMenamin urged the Board to use caution in forming a protocol and stated that possible comparing to see what other States are doing.

Heidi Gustafson, Foundation for Recovery, stated that the intent of SB 459 was to make Naloxone readily available to the public. She expressed concern that if there were too many steps required to obtain Naloxone from pharmacies then non-profit organizations would be overwhelmed with patients and unable to supply their needs.

Trey Delap, Director of Group Six, stated that he supported Ms. Gustafson's comments on making Naloxone readily and easily available to the public without requiring extensive demographic information.

Karen Rosati, pharmacist, agreed that increasing public access to Naloxone is the intent of SB 459.

Board Action:

Motion: Jason Penrod moved to adopt the proposed amendments to Sections 6, 7 and 8 with the corrections to Sections 7 and 8 as discussed.

Second: Tallie Pederson

Action: Passed unanimously

Board Action:

Motion: Cheryl Blomstrom moved to take the remaining Sections to Workshop during the December 2015 Board Meeting.

Second: Jason Penrod

Action: Passed unanimously

19. Notice of Intent to Act Upon a Regulation

1. **Amendment of Nevada Administrative Code 453.510 – Schedule I**

The proposed amendment to NAC 453.510 will add newly identified synthetic drugs to the list of controlled substances listed on Schedule I.

Mr. Wuest and Mr. Edwards provided information for the Board.

President Basch opened the Public Comment

There was no public comment.

President Basch closed the Public Comment.

Board Action:

Motion: Kirk Wentworth moved to adopt the proposed amendment as presented.

Second: Jason Penrod

Action: Passed unanimously

2. **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.

Cheryl Blomstrom recused from participation in this matter due to her previous representation of the Nevada Trucking Association.

Mr. Wuest mentioned that Paul Enos, CEO Nevada Trucking Association, submitted written public comment on behalf of UPS regarding their concerns on the proposed regulations.

Mr. Wuest and Mr. Edwards provided a brief background for the Board's information and explained that the intent of the amendment is to clarify the definition of 3PLs by adopting the Federal definition.

President Basch opened the Public Comment.

Paul Enos appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Enos stated that he has appeared before the Board on behalf of UPS. He explained that UPS has two locations in Nevada that are currently licensed as 3PLs. He explained 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.

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

Board Action:

Motion: Kirk Wentworth moved to adopt the proposed amendment as presented.

Second: Kevin Desmond

The Board expressed concern that the Federal guidelines, due on November 27, 2015, may change the current definition of 3PLs. The Board discussed waiting until the guidelines are released to make a more informed decision.

Kirk Wentworth withdrew the motion. Kevin Desmond withdrew the second.

Board Action:

Motion: Kirk Wentworth moved to table this matter until the December 2015 Board Meeting.

Second: Kevin Desmond

Action: Passed unanimously

3. **Amendment of Nevada Administrative Code (NAC) 639.050 and NAC 639.498** The proposed amendment will update the regulations to comply with current federal regulations allowing pharmacies, manufacturers, wholesalers, hospital pharmacies, and retail pharmacies to take prescription drugs back based on the September 9, 2014, DEA guidelines. These entities must obtain registration as an authorized collector from the DEA.

Mr. Edwards provided information for the Board.

President Basch opened Public Comment.

There was no public comment.

President Basch closed Public Comment.

Board Action:

Motion: Jason Penrod moved to adopt the proposed amendment as presented.

Second: Cheryl Blomstrom

Action: Passed unanimously

4. **Amendment of Nevada Administrative Code (NAC) 639.609, NAC 639.610, NAC 639.615; 639.New Language** The proposed amendment will require an outsourcing facility to obtain a license as a manufacturer if the outsourcing facility is engaged in the compounding of sterile drugs. The proposed amendment will update the regulation to be consistent with federal Drug Quality and Security Act (DQSA).

Mr. Wuest and Mr. Edwards provided information for the Board.

President Basch opened Public Comment.

There was no public comment.

President Basch closed Public Comment.

Motion: Jason Penrod moved to adopt the proposed amendment as presented.

Second: Kevin Desmond

Action: Passed unanimously

20. Next Board Meeting:

December 2-3, 2015 . Reno

21. Public Comment

There was no public comment.