



# NEVADA STATE BOARD OF PHARMACY

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## MINUTES

July 20-21, 2016

### BOARD MEETING

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

#### Board Members Present:

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

#### Board Members Absent:

Cheryl Blomstrom

#### Board Staff Present:

Dave Wuest	Paul Edwards	Shirley Hunting	Joe Dodge
Dena McClish	Luis Curras	Raelene Palmer	Ken Scheuber
Kristopher Mangosing			

Mr. Wuest explained that Mr. Pinson was absent due to a speaking engagement at a meeting with Quarles & Brady in Chicago.

#### 1. Public Comments

There was no public comment.

#### 2. Approval of June 1, 2016, Minutes

#### Board Action:

Motion: Kevin Desmond moved to approve the Minutes as presented.

Second: Jason Penrod

Action: Passed Unanimously

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

- A. 1RX Central Pharmacy & Medical Supplies – Stuart, FL
- B. Acro Pharmaceutical Services LLC – Sharon Hill, PA
- C. Apex Specialty Pharmacy – Riverside, MO
- D. Avella of Deer Valley, Inc. #38 – Phoenix, AZ
- E. Benevere Specialty Pharmacy – Collierville, TN
- F. California Specialty Pharmacy – Whittier, CA
- G. Fresenius Medical Care North America – DFW Airport, TX
- H. Medication Management Program – Columbus, OH
- I. MedShop Pharmacy, Incorporated – Alabaster, AL
- J. Patient Direct Rx – Horsham, PA
- K. Premier Health Pharmacy – College Point, NY
- L. Talon Compounding – San Antonio, TX
- M. Vickers Priority Care Pharmacy, LLC – Carbon Hill, AL
- N. Walgreens #03707 – San Francisco, CA

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

- O. 1 Stop Pharmacy – Stafford, TX
- P. McDaniel Pharmacy – Port Gibson, MS
- Q. Synergy Pharmacy, LLC – Starkville, MS
- R. The Diennet Pharmacy – Beverly Hills, CA
- S. Walgreens #15331 – San Francisco, CA

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

- T. Animas Corporation – West Chester, PA
- U. Cardinal Health 200, LLC – Solon, OH
- V. Crelta Pharmaceuticals – Lake Forest, IL
- W. Focus Health Group Inc. – Knoxville, TN
- X. Horizon Pharma USA Inc. – Lake Forest, IL
- Y. HZNP USA, Inc. – Lake Forest, IL
- Z. Jacobus Pharmaceutical Company, Inc. – Plainsboro, NJ
- AA. Keysource Medical – Cincinnati, OH
- BB. Linde Gas North America LLC – Sacramento, CA
- CC. Linde LLC – Sacramento, CA
- DD. Medsource Pharmaceuticals – Rancho Santa Margarita, CA
- EE. Midwest Medical Supply Co., L.L.C. – Earth City, MO
- FF. Midwest Medical Supply Co., L.L.C. – Phoenix, AZ
- GG. Noramco, Inc. – Athens, GA
- HH. Noramco, Inc. – Wilmington, DE
- II. Par Pharmaceutical, Inc. – Montebello, NY
- JJ. Puma Biotechnology, Inc. – Los Angeles, CA
- KK. Remedy Repack, Inc. – Indiana, PA
- LL. Somerset Therapeutics, LLC – Mendham, NJ

- MM. Time-Cap Laboratories, Inc. – Farmingdale, NY
- NN. ZO Skin Health, Inc. – Irvine, CA

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

- OO. AZ Diabetic Supply Inc. – Vienna, VA
- PP. Medline Industries, Inc. – Rialto, CA
- QQ. Neurotech NA, Inc. – Minnetonka, MN
- RR. Pro Oxygen Plus – St. Petersburg, FL

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

- SS. AA Medical – Las Vegas

Applications for Nevada Pharmacy – Non Appearance for Possible Action:

- TT. Desert View Hospital – Pahrump
- UU. Medical Development Company of Nevada, LLC – Las Vegas
- VV. Quail Surgical and Pain Center – Reno
- WW. Red Rock Pain Surgery Center – Las Vegas
- XX. Sav-on Pharmacy #3207 – Henderson

Darla Zarley recused from participation regarding Item WW. (Red Rock Pain Surgery Center) due to Mary Grear, managing pharmacist, being on Roseman University’s Board of Trustees.

Tallie Pederson recused from participation regarding Items N & S (Walgreens #03707 & #15331) due to her employment with Walgreens.

The Board requested Board Staff contact California Specialty Pharmacy and Talon Compounding (Items F & L). After review of the pharmacy applications, the Board had questions regarding the services the pharmacies plan to provide.

Board Action:

Motion: Jason Penrod moved to approve the Consent Agenda with the exception of Items F, L, N, S and WW.

Second: Kirk Wentworth

Action: Passed unanimously

Joe Dodge, Inspector Nevada State Board of Pharmacy, was sworn by President Basch prior to answering questions or offering testimony.

Mr. Dodge explained that he was unable to speak to a staff member of California Specialty Pharmacy (Item F). He stated that the pharmacy’s application indicated that they would not

be performing sterile or non-sterile compounding, but their pharmacy website states that California Specialty Pharmacy provides sterile and non-sterile compounding services.

Board Action:

Motion: Tallie Pederson moved to table California Specialty Pharmacy's Application for Out-of-State Pharmacy License and have them appear before the Board at a later meeting.

Second: Darla Zarley

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to approve Consent Agenda Item N and Item S pending verification of the Toll Free Number by Board Staff.

Second: Kirk Wentworth

Action: Passed unanimously.

Tallie Pederson did not vote on this matter.

Board Action:

Motion: Jason Penrod moved to approve Consent Agenda Item WW.

Second: Kirk Wentworth

Action: Passed unanimously.

Darla Zarley did not vote on this matter.

4. Discipline

A. Lisa Harris Baker, R.Ph (16-014-RPH-S)

Lisa Harris Baker appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Edwards stated that in May 2014, Ms. Baker received a letter from Board Staff informing her that she only completed twelve of the required thirty continuing education units (CEU) for the November 1, 2011, to October 31, 2013, renewal period. The letter was sent based on the results of a random audit conducted by Board Staff. The letter also directed Ms. Baker to complete a total of one hundred and eight CEUs for the biennium ending October 31, 2015, in lieu of formal discipline and stated that she would be audited the next renewal period.

Mr. Edwards explained that in November 2015, Ms. Baker contacted Board Staff by telephone and stated that she did not complete the required CEUs for the November 1, 2013 to October 31, 2015, renewal period.

In December 2015, Ms. Baker signed her renewal application certifying that she completed all required CEU hours due for the November , 2013, to October 31, 2015 renewal period.

In early 2016, Ms. Baker was contacted first by email, then by letter notifying her she is required to provide documentation of the, 108 CEUs she was ordered to complete for the renewal period ending October 31, 2015.

Ms. Baker did not respond to Board Staff's audit requests. Ms. Baker stated that she was going through personal issues and was questioning whether or not she wanted to renew her pharmacist license.

Mr. Edwards moved to have Exhibits entered into the record. Ms. Baker had no objections to the Exhibits. President Basch accepted the Exhibits in to the record.

Mr. Edwards called Shirley Hunting, Board Coordinator, as a witness.

Shirley Hunting appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. Hunting answered Mr. Edwards' questions regarding Board Staff's CEU audit procedure and, Board Staff's emails, letters and communications with Ms. Baker. Ms. Hunting also described the certified letters mailed to Ms. Baker and service for Ms. Baker's Notice of Intended Action and Accusation and hearing notice.

Mr. Edwards called Ms. Baker as a witness.

Mr. Edwards questioned Ms. Baker regarding why she did not respond to Board Staff's emails and letters. Ms. Baker stated that she did not receive any of the audit letters or emails.

Mr. Edwards stated that Board Staff is withdrawing the First Cause of Action against Lisa Harris Baker due to a citing issue brought up by DAG Palmer.

The Board expressed concern that Ms. Baker did not take the CEU audit and Board Staffs communication seriously.

Board Action:

Motion: Jason Penrod moved to find Lisa Harris Baker guilty of the Second Cause of Action.

Second: Tallie Pederson

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to find Lisa Harris Baker guilty of the Third Cause of Action.

Second: Tallie Pederson

Action: Passed unanimously

Mr. Edwards recommended Lisa Harris Baker's Pharmacist License be suspended and stay the suspension for twelve months. Ms. Baker shall pay a fine of \$1,000.00, pay an administrative fee of \$495.00 and take and pass the PARE exam.

Board Action:

Motion: Tallie Pederson moved to suspend Lisa Harris Baker's Pharmacist License. The suspension is stayed for twelve months during which time she shall take and pass the PARE exam. If Ms. Baker cannot pass the PARE exam in 12 months, the stay is lifted. Board Staff is authorized to review this case and lift the suspension on Ms. Baker's license prior to the end of the twelve-month period after she has passed the PARE exam. Ms. Baker shall pay a fine of \$1,000.00, and pay an administrative fee of \$495.00. Ms. Baker shall complete 30 CEU for the next renewal period starting from today's date and shall be audited during the next renewal period.

Second: Kevin Desmond

Action: Passed unanimously

B. Wal-Mart Pharmacy #10-5269 (16-001-PH-S)

Jason Penrod recused from participation in this matter due to his employment with Wal-Mart.

Debbie Mack, Shelly Tustison, Tracy Kazden and James Callis, Wal-Mart representatives, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Hal Taylor was present as counsel representing the Respondent.

Darla Zarley disclosed that Ms. Kazden is a former student, but stated she would be able to participate in this matter fairly and without bias.

Mr. Taylor explained that Ashley Day, pharmaceutical technician, was subpoenaed for her involvement in this case and was present in the audience.

Mr. Edwards explained that while investigating a complaint filed in December 2015, a Board Investigator discovered that Wal-Mart had dispensed a prescription for Hydromorphone 4 mg. to a patient without an original prescription.

Mr. Edwards stated the patient tendered the prescription to Wal-Mart in November 2015, the prescription was entered into the system and placed on an insurance hold. The insurance hold was resolved a few days later. On that date, the pharmacy did not have enough medication in stock to fulfill the prescription so the patient returned to Wal-Mart to retrieve the hard copy. Pharmaceutical technician in training, Ashely Day, gave the original copy of the prescription back to the patient, but she did not record in Wal-Mart's computer system that the patient picked up the prescription, nor did she cancel the prescription.

Mr. Edwards presented a Stipulation and Order regarding Wal-Mart Pharmacy for the Board's consideration. The Respondents admit that evidence exists to establish a factual basis for the violations alleged in the Accusation.

Wal-Mart Pharmacy shall pay a fine of \$1,000.00, pay an administrative fee of \$495.00 and shall provide to Board Staff amended Policy & Procedure to prevent a future similar reoccurrence within 30 days.

Mr. Taylor described Wal-Mart Pharmacy's updated policy and procedure to prevent a prescription from being filled without an original prescription.

Board Action:

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

Second: Kevin Desmond

Action: Passed unanimously

- C. Daniel Shalala, R.Ph (14-073-RPH-A-S)
- D. Christopher Peters, R.Ph (14-073-RPH-B-S)
- E. Pathway Specialty Compounds (14-073-PH-S)

Darla Zarley disclosed that Christopher Peters was a former student, but stated that she could participate fairly and without bias.

Daniel Shalala and Christopher Peters (Mr. Peters) appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mike Peters (Attorney Peters) was present as counsel representing Daniel Shalala and Christopher Peters.

Mr. Edwards explained that the Board heard part of this case during the April 2016 board meeting. He stated that while investigating a complaint, Board Staff found evidence that Pathway Specialty Compounds' (Pathway) compounding practices were not compliant with Nevada Sterile Compounding Regulations or USP 797 practices.

Mr. Edwards stated that the practices in question included inadequate product testing, record keeping, sterilization techniques and insufficient sterile compounding training.

Mr. Edwards presented three Stipulations and Orders regarding Christopher Peters, Daniel Shalala and Pathway.

Mr. Peters shall receive a Letter of Reprimand, pay a fine of \$2,500.00, pay an administrative fee of \$495.00, shall complete an additional 4 CEU on the topics of proper record keeping, error prevention and supervising pharmacist responsibilities. Mr. Peters shall not engage in any form of sterile compounding in any Nevada licensed facility until he completes a Board Staff approved sterile compounding training program.

Attorney Peters agreed to the facts Mr. Edwards described and to the Stipulation and Order presented.

Board Action:

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

Second: Jason Penrod

Action: Passed unanimously

Mr. Shalala shall receive a Letter of Reprimand, pay a fine of \$5,000.00, pay an administrative fee of \$495.00, shall complete an additional 6 CEUs on the topics of managing pharmacist responsibilities, pharmacy record keeping and error prevention. Mr. Shalala shall not engage in any form of sterile compounding in any Nevada licensed facility until he completes a Board Staff approved sterile compounding training program. Mr. Shalala's pharmacist license shall be on probation for 24 months during which time he cannot work as a managing pharmacist in any Nevada licensed pharmacy.

Attorney Peters agreed to the facts Mr. Edwards described and to the Stipulation and Order presented.

Board Action:

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

Second: Tallie Pederson

Action: Passed unanimously

Mr. Edwards explained that the representative of Pathway agreed to a Stipulation to Surrender License and Order. The Representative admits that evidence exists to establish a factual basis for the violations alleged in the Accusation.



Pathway Specialty Compounds shall surrender their Nevada Pharmacy License permanently. If Pathway Specialty Compounds or the existing owners apply for any Nevada license, they will have to appear before the Board.

Board Action:

Motion: Jason Penrod moved to approve the Stipulation and Order for Pathway Specialty Compounds as presented.

Second: Darla Zarley

Action: Passed unanimously

F. Lucas Meyers, R.Ph (15-028-RPH-B-S)  
G. Walgreens #03922 (15-028-PH-S)

This matter was tabled until a future date.

5. Applications for Nevada Pharmacy – Appearance:

A. Admix Infusion – Las Vegas

James Phipps, owner and pharmacy manager, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Phipps explained that Admix Infusion is a sterile compounding pharmacy that will provide primarily IV antibiotics and total parenteral nutrition medications.

Mr. Phipps answered questions to the Board’s satisfaction regarding the facility’s layout, clean room specifications, sterile compounding process and staff training.

The Board recommended Mr. Phipps contact Board Staff to review Admix Infusion’s proposed layout to make sure it is in compliance with State Law.

Board Action:

Motion: Kirk Wentworth moved to approve Admix Infusion’s Application for Nevada Pharmacy License pending a positive inspection.

Second: Darla Zarley

Action: Passed unanimously

B. Nevada Infusion – Reno

Gary Brooks, owner and pharmacy manager, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Kevin Desmond disclosed that he knows Mr. Brooks, who worked for Renown Health, and currently works in the same building, but stated that he could participate fairly and without bias.

Mr. Wuest explained that Nevada Infusion was on the Consent Agenda for the June 2016 Board meeting. The application was tabled at that time so a representative from Nevada Infusion could appear before the Board to answer questions regarding the pharmacy's business model.

Mr. Brooks explained that Nevada Infusion is a home infusion pharmacy that will provide total parenteral nutrition medications for home use and IV antibiotics. He stated that Nevada Infusion has no plans to provide any high risk sterile compounding products.

Mr. Brooks answered questions to the Board's satisfaction regarding his current employment, marketing strategy, and referral process. Mr. Brooks presented a letter from the CEO of Tahoe Pacific Hospitals stating that Mr. Brooks has reviewed the hospital's conflict of interest policy and will not impact or sway discharge planning of patients from Tahoe Pacific Hospitals. President Basch accepted the letter into the record.

Board Action:

Motion: Kevin Desmond moved to approve Nevada Infusion's Application for Nevada Pharmacy License pending a positive inspection.

Second: Tallie Pederson

Action: Passed unanimously

C. Professional Rx Pharmacy – Las Vegas

Matthew Peters, business manager, Stuart Koszer, pharmacy manager, and Massimo Cavallaro, owner, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Peters explained that Professional Rx Pharmacy intends to purchase Pathway Specialty Pharmacy's assets. He stated that Professional Rx Pharmacy would be at the same location, but would not be retaining any of the original staff, or performing any sterile compounding. He stated that Professional Rx Pharmacy mainly provides manufacturer produced topical pain creams.

The Board questioned Mr. Koszer on his pharmacy experience, training and work history.

Mr. Koszer explained that he was employed at Partell Pharmacy for three years and is currently the pharmacy manager at National Specialty Pharmacy.

The Board explained that Mr. Koszer could not be the pharmacy manager at both pharmacies. Mr. Koszer stated that there is a staff pharmacist who is willing to be pharmacy manager and they will update the Board Office when he accepts the manager position.

Mr. Peters, Mr. Koszer and Mr. Cavallaro answered questions to the Board's satisfaction regarding policies and procedures, marketing and staff training.

Board Action:

Motion: Kevin Desmond moved to approve Professional Rx Pharmacy's Application for Nevada Pharmacy License pending a positive inspection.

Second: Kirk Wentworth

Action: Passed unanimously

6. Application by Examination for Pharmacist License – Appearance for Possible Action:

Ronald H. Engberson

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

Mr. Engberson explained that he requested to table his application when he appeared before the Board in January 2016. At that time the Board recommended Mr. Engberson contact Mr. Espadero to be evaluated by PRN-PRN. Mr. Engberson stated that he is continuing his treatment and would like permission to take the NAPLEX.

Mr. Espadero stated that Mr. Engberson's reports from his treatment in Alaska show clean test results. Mr. Espadero recommended that, should Mr. Engberson be licensed in Nevada, he continue being monitored by PRN-PRN.

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

Board Action:

Motion: Kirk Wentworth moved to approve Ronald Engberson's Application by Examination for Pharmacist License. Pending Mr. Engberson's successful passing of the NAPLEX, he shall complete a five-year contract with PRN-PRN. Mr. Engberson shall not be the managing pharmacist, shall work and train with supervision for 6 weeks and shall disclose these details to his employer.

Second: Jason Penrod

Action: Passed unanimously

7. Application for Physicians Assistant Dispense – Appearance:

Heather Rohrer, PA

Heather Rohrer appeared and was sworn by President Basch prior to answering questions or offering testimony

Ms. Rohrer explained that she is currently working at Chic La Vie Medical Spa. She is seeking licensure in order to dispense Latisse. She stated that she has no intention of dispensing controlled substance medications.

Ms. Rohrer answered questions to the Board's satisfaction regarding her business model, work schedule, record keeping procedure and past discipline.

Board Action:

Motion: Kirk Wentworth moved to approve Heather Rohrer's Application for Physician's Assistant Dispensing License pending positive inspection.

Second: Kevin Desmond

Action: Passed unanimously

8. Application for Controlled Substance License – Appearance:

Ronald H. Foote, MD

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

Dr. Foote stated that he has been an anesthesiologist since 1999. He explained that in 2014 his medical license was suspended due to multiple DUI arrests and additional complaints. Dr. Foote stated that the Nevada State Board of Medical Examiners lifted his suspension on June 3, 2016.

The Board questioned Dr. Foote regarding his multiple DUI arrests, probation conditions, and addiction treatment.

After discussion the Board became aware that Dr. Foote had a pending lawsuit with the court date in September 2016. The Board offered Dr. Foote the option to table his application until after his lawsuit is resolved.

Dr. Foote requested the Board table his application until after his hearing.

9. Application for Practitioner Dispensing – Appearance:

Carmen F. Jones, MD

Carmen Jones appeared and was sworn by President Basch prior to answering questions or offering testimony.

Jacob Hafter was present as counsel representing Dr. Jones.

Mr. Hafter explained that Dr. Jones appeared before the Board in July 2015, requesting a license to dispense drugs. At that time, Dr. Jones requested that application be tabled due to the Board's concerns regarding her open investigation with the Nevada Board of Medical Examiners (Medical Board) as well as her lack of knowledge and experience regarding dispensing.

Mr. Hafter presented a Settlement Agreement between Dr. Jones and the Medical Board, as well as a letter from the CEO of Foundation for Positively Kids, requesting the Board to consider allowing Dr. Jones to dispense medication at their facility.

Mr. Hafter explained that Dr. Jones's Settlement Agreement is pending approval by the Medical Board at their next meeting in September 2016. He also stated that since Dr. Jones' last appearance she has become familiar with Nevada Law regarding dispensing medications.

Dr. Jones answered questions to the Board's satisfaction regarding the laws and regulations regarding dispensing medication.

Board Action:

Motion: Kirk Wentworth moved to approve Carmen F. Jones' Application for Practitioner Dispensing pending approval of Dr. Jones' settlement with the Nevada State Board of Medical Examiners.

Second: Jason Penrod

Action: Passed unanimously

10. Renewal Application for Controlled Substance and Practitioner Dispensing – Appearance:

Jin Ok Lee, MD

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

Mr. Wuest explained while investigating that compliant, it was discovered that Dr. Lee's Controlled Substance and Practitioner Dispensing Licenses had expired. During that time, Dr. Lee continued to prescribe controlled substances and dispense prescription medications.

Dr. Lee admitted that she did not realize her licenses had expired and that she did dispense Latisse and prescription and non-prescription Obagi products.

Dena McClish, Investigator Nevada State Board of Pharmacy, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. McClish described her investigation to the Board. She stated that Dr. Lee admitted to having a personal relationship with the MediSpa owner and would sell the owner both prescription and non-prescription Obagi products.

Mr. Edwards added that Dr. Lee prescribed approximately twenty-eight prescriptions after her Controlled Substance License expired. Mr. Edwards stated that once Dr. Lee discovered her licenses were not active, she ceased prescribing controlled medications.

Dr. Lee apologized to the Board for her mistake.

Board Action:

Motion: Jason Penrod moved to approve Jin Lee's Controlled Substance License pending the issuance of a Cite & Fine. Board Staff is authorized to determine the amount for the fine.

Second: Kevin Desmond

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to approve Jin Lee's Practitioner Dispensing License pending Dr. Lee takes and passes the APRN Dispensing Exam, a positive inspection and compliance of the conditions of the Cite & Fine. Board Staff is authorized to determine the amount for the fine.

Second: Tallie Pederson

Action: Passed unanimously

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

A. Jeffrey H. Clutters

Jeffrey Clutters appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Clutters stated that he is currently working as a photo technician at Walgreens and is applying to be a pharmaceutical technician in training at that location.

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

The Board questioned Mr. Clutters on his work history, DUI charges, addiction treatment and his future plans.

Mr. Clutters explained that he attended a six-month treatment program and is willing to be evaluated by PRN-PRN.

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

Board Action:

Motion: Jason Penrod moved to approve Jeffrey Clutters' Application for Pharmaceutical Technician in Training Registration pending a positive evaluation by PRN-PRN. Board Staff is authorized to review PRN-PRN's evaluation. Mr. Clutters shall provide Board Staff with an updated application signed by the current pharmacy manager.

Second: Darla Zarley

Action: Passed unanimously

B. Anna Ramirez

Anna Ramirez was not present.

Mr. Edwards stated that Ms. Ramirez indicated on her application that she has been charged, arrested or convicted of a felony or misdemeanor. The Board discussed that Ms. Ramirez's application is six months old and she has not contacted Board Staff or attended any of the Board meetings she has been noticed to appear at.

Board Action:

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

Second: Darla Zarley

Action: Passed unanimously

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

A. ASPCares – McAllen, TX

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

Ms. Abraham stated that ASPCares is an independent retail pharmacy that has been open since October 2013.

Ms. Abraham requested the Board amend ASPCares application to indicate that the pharmacy does not offer parenteral products.

Ms. Abraham testified that Bharat Pareek, owner, is a pharmacist not a physician and requested the Board amend the application.

Board Action:

Motion: Jason Penrod moved to approved ASPCares' Application for Out-of-State Pharmacy License with the amendments as requested.

Second: Darla Zarley

Action: Passed unanimously

B. Assurance Infusion – Houston, TX

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

Mr. Nguyen stated that the Letter of Authorization allowing him to speak on behalf of the company would be emailed to Board Staff.

Mr. Nguyen stated that Assurance Infusion provides sterile and non-sterile compounded medications.

Mr. Nguyen answered questions to the Board's satisfaction regarding, sterility testing, shipping procedures, beyond use dates, employee training, sterile facility and inspections.

Board Action:

Motion: Kirk Wentworth moved to approve Assurance Infusion's Application for Out-of-State Pharmacy License pending receipt of the last inspection. Board Staff is authorized to review the last inspection.

Second: Jason Penrod

Action: Passed unanimously

C. SMP Pharmacy Solutions #2 – Miami, FL

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



Ms. Alfonso explained that SMP Pharmacy Solutions #2 (SMP Pharmacy) is an independent community pharmacy that offers sterile and non-sterile compounding services. She stated that SMP Pharmacy specializes in infertility treatment and women's health.

Ms. Alfonso answered questions to the Board's satisfaction regarding sterile compounding procedures, employee training, facility layout and shipping procedures.

The Board removed SMP Pharmacy's affidavit not to ship sterile products into Nevada from the record at Ms. Alfonso's request.

Board Action:

Motion: Kevin Desmond moved to approve SMP Pharmacy Solutions #2's Application for Out-of-State Pharmacy License.

Second: Jason Penrod

Action: Passed unanimously

C. Tailor Made Compounding – Nicholasville, KY

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

Mr. Williams presented a Letter of Authorization allowing him to speak on behalf of the company.

Mr. Williams requested the Board amend Tailor Made Compounding's application to indicate that Jeremy Delk, owner, is not a physician.

Mr. Williams explained that Tailor Made Compounding is a sterile compounding pharmacy that specializes in anti-aging products and hormone replacement therapy.

Mr. Williams answered questions to the Board's satisfaction regarding Tailor Made Compounding's sterile facility, employee training, sterile compounding procedure and shipping procedure.

Board Action:

Motion: Kirk Wentworth moved to approve Tailor Made Compounding's Application for Out-of-State Pharmacy License pending receipt of the last inspection. Board Staff is authorized to review the last inspection.

Second: Kevin Desmond

Action: Passed unanimously

E. US Compounding – Conway, AR

This matter was tabled until a future date.

F. Wedgewood Village Pharmacy, LLC – Swedesboro, NJ

Anthony Grzib, Director of Pharmacy Compliance, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Rachel Pontikes was present as counsel representing Wedgewood Village Pharmacy.

Ms. Pontikes presented a Letter of Authorization allowing Mr. Grzib to speak on behalf of the company.

Mr. Grzib explained that Wedgewood Village Pharmacy is a retail pharmacy that provides sterile and non-sterile compounding services for both human and veterinary medications.

Mr. Grzib explained that Wedgewood Village Pharmacy is currently licensed in Nevada, but they are requesting an ownership change. He stated that the pharmacy is keeping the original staff.

Mr. Grzib and Ms. Pontikes answered questions to the Board's satisfaction regarding sterile process, staff training, past discipline and inspections.

Board Action:

Motion: Kirk Wentworth moved to approved Wedgewood Village Pharmacy's Application for Out-of-State Pharmacy License

Second: Kevin Desmond

Action: Passed unanimously

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

Medstar Pharmacy LLC – Palmetto Bay, FL

Marco Padron, Director of Pharmacy Operations, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Padron explained that Medstar Pharmacy LLC is a retail pharmacy that fills diabetic test strip prescriptions for Medicare part B and D patients.

Mr. Padron requested the Board amend Medstar Pharmacy LLC's application to indicate a new pharmacy application partnership on page 1.

Board Action:

Motion: Kirk Wentworth moved to approve Medstar Pharmacy LLC's Application for Out-of-State Pharmacy License.

Second: Kevin Desmond

Action: Passed unanimously

14. Applications for Nevada Medical, Devices, Equipment and Gases – Appearance:
- A. A-Class Medical Supplies – Las Vegas

Donald Amador, owner, and Donaldo Amador, MDEG administrator, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Donald and Mr. Donaldo explained that A-Class Medical Supplies provides incontinence supplies, home bathroom equipment and pre-fabricated orthotics to patients.

Mr. Donald and Mr. Donaldo answered questions to the Board's satisfaction regarding vendors, staff training and marketing.

Mr. Donaldo requested the Board add his initials on page 6 of the application.

Board Action:

Motion: Kevin Desmond moved to approve A-Class Medical Supplies' Application for Nevada MDEG License pending positive inspection.

Second: Jason Penrod

Action: Passed unanimously

- B. All Medical "R" Us – Las Vegas

John De La Rosa, owner, and Moreno De La Rosa (Mr. Moreno) appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Moreno explained that All Medical "R" Us would provide incontinence supplies, ostomy supplies, wound care products and wheelchairs to patients and long term care facilities in the Las Vegas area.

The Board questioned Mr. De La Rosa regarding the marketing strategy, suppliers, employee training, past work experience and Nevada Law regarding MDEG.

The Board expressed concern at Mr. De La Rosa's lack of knowledge regarding the MDEG business.

The Board offered Mr. De La Rosa the option to table the application and recommended he become familiar with Nevada Law regarding MDEGs and the products he plans to sell.

Mr. De La Rosa requested the Board table All Medical “R” Us’ application.

C. Helix Medical Equipment Inc. – Las Vegas

Angelo Petrilli and Angelo Petrilli Jr., part owners, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Petrilli explained that Helix Medical Equipment (Helix) intends to sell nebulizers and spacers directly to patients by storing the units at the prescriber’s office. When a patient is prescribed a nebulizer or spacer, the prescriber will contact Helix to bill the patient. Then the prescriber can go to Helix’s storage in the prescriber’s office, get the product and counsel the patient on the product.

The Board expressed concern that Helix Medical Equipment’s business model was not compliant with Nevada Law. The Board explained to Mr. Petrilli that offsite storage of medical equipment is prohibited.

The Board expressed concern that Mr. Petrilli Jr. did not meet the requirements to act as the MDEG administrator. Mr. Petrilli requested the MDEG administrator be changed to Deborah Petrilli.

The Board suggested Mr. Petrilli communicate with Board Staff to modify Helix’s business model to be in compliance with Nevada Law. The Board offered Mr. Petrilli the option to table his application.

Mr. Petrilli requested the Board table Helix Medical Equipment Inc.’s Application for MDEG License.

D. Ozomor Medical Supplies, Inc. – Las Vegas

Emmanuel Biabene, MDEG Administrator, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Wuest explained that this matter was tabled during the last Board meeting to allow Ozomor Medical Supplies (Ozomor) to complete their annual inspection and provide the records requested by Board Staff during the last meeting.

Mr. Biabene explained that the inspection has not been completed. He stated that Ozomor has moved to a different location and that he is applying for an ownership change.

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

Mr. Curras explained to the Board that he has attempted four times to complete Ozomor’s annual inspection. He stated that on the first attempt the facility was closed. On the second

attempt he was told that they were not ready for the inspection. On the third attempt the facility was vacant and the phone number posted on the entrance was disconnected. He stated that on the fourth attempt he learned that Ozomor moved to a new location. When he arrived at the new location, he was told that they still were not ready for their inspection.

The Board questioned Mr. Curras regarding the state of the facility during his visits. Mr. Curras stated that the facility had no equipment, maintenance records or invoices on site.

The Board questioned Mr. Biabene regarding employees, records, invoices, equipment and ownership. The Board informed Mr. Biabene that Ozomor cannot change locations or ownership without first seeking Board approval.

Board discussion ensued on how to proceed with Ozomor's inspection and care of their patients.

Board Action:

Motion: Jason Penrod moved to deny Ozomor Medical Supplies, Inc.'s Application for Nevada MDEG.

Second: Tallie Pederson

Action: Passed unanimously

15. Request for Approval to Seek Attorney General Opinion, For Discussion and Possible Action:

Board Staff requests the Board's Approval to request the Attorney General's Opinion, pursuant to NRS 228.150, regarding the correct interpretation and application of statutes and regulations regarding Dispensing Practitioners, as that term is defined in NRS 639.0125.

Mr. Edwards provided additional information.

Board Action:

Motion: Jason Penrod moved to authorize Board Staff to Seek Attorney General's Opinion on this matter.

Second: Darla Zarley

Action: Passed unanimously

16. Board Staff Request for Review and Possible Reconsideration of Out-of-State Wholesaler Application – Appearance:

Alexso, Inc. – Los Angeles, CA

Jennifer Gaynor was present as counsel representing Alexso, Inc.

Mr. Edwards explained that during the last Board meeting, the Board had approved Alexso, Inc.'s Out-of-State Wholesaler Application pending a positive inspection by Board Staff and restrictions on altering Alexso, Inc.'s corporate structure.

Mr. Edwards stated that in the interim while planning the inspection, Board Staff became aware of an indictment against Mr. Hootan Melamed, owner.

Ms. Gaynor agreed with Mr. Edward's description of the facts. Ms. Gaynor requested that the Board table Alexso, Inc.'s Application for Out-of-State Wholesaler. She stated that she will stay in contact with Board Staff and will request to reappear before the Board to discuss the outcome of this case.

17. Budget – Fiscal Year 2016-2017 for Possible Action

Mr. Wuest provided a copy of the budget for fiscal year 2016-2017 to the Board, and reviewed it to the Board's satisfaction.

Board Action:

Motion: Kirk Wentworth moved to approve the Budget for Fiscal Year 2016-2017 as presented.

Second: Jason Penrod

Action: Passed unanimously

18. General Counsel Report for Possible Discussion:

- A. Procedural Update on Pending Litigation Involving Strategic Pharmaceuticals Solutions, Inc., d/b/a VetSource Home Delivery

Mr. Edwards updated the Board on the status of the VetSource case.

- B. Review of Settlement Process for Administrative Actions

At the Board's request, Mr. Edwards reviewed each step in the Settlement Process. He described the procedure Board Staff follows from receipt of a complaint to resolution.

19. Executive Secretary Report for Possible Discussion:

- A. Financial Report

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

- B. Temporary Licenses

Five temporary licenses were issued since the last meeting.

- C. Staff Activities
  - 1. Speaking Engagements:
    - a. Coalition of Carson City

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

- b. Division of Behavioral Health

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

- c. Webinar Nationwide-SureScripts

Mr. Pinson's presentation to this group was very well received.

- d. Q & B Meeting
    - 2. Governor's Drug Summit Meeting

Board Staff attended this meeting in preparation for the Drug Summit at the end of August.

Mr. Wuest described Board Staff's activities regarding unsolicited reports and getting prescribers in compliance with SB 459.

- 3. Legislative Commission on Regulations
      - D. Reports to Board
        - 1. Collaborative Efforts: BOME; DEA; FBI
      - E. Board Related News
      - F. Activities Report

20. Proposed Regulation Amendment Workshop

**A. Amendment of Nevada Administrative Code (NAC) 639.7102 Use of computer system for issuance and transmission of prescription** the regulation currently allows the Board to approve a computer system for issuance and transmission of a prescription to a pharmacy only if the computer system limits access to the prescribing practitioner. The proposed amendment would allow the Board to approve computer systems that allow prescribers to designate delegates who have the authority to access the system to perform prescription-related functions on the practitioner's behalf.

**B. Amendment of Nevada Administrative Code (NAC) 639.7105 Electronic transmission of prescription** the regulation currently requires that only a practitioner may access a computer system used for issuance and transmission of a prescription to a pharmacy. The proposed amendment would allow a practitioner to authorize

delegates to access such a computer system to perform prescription–related functions on the practitioner’s behalf.

Mr. Wuest explained that under the current regulation, a physician cannot delegate their medical assistant (MA) to send a new e-prescription.

Mr. Wuest presented two versions of proposed amendments to the regulation. Version 1 being stricter on a physician and the agent and Version 2 being more lenient than the current regulation.

Board discussion ensued regarding errors found on e-prescriptions and the concern to public safety.

President Basch opened Public Comment.

Catherine Omara, Executive Director, Nevada Medical Association, expressed concern that stricter regulations on physicians and their MAs could negatively affect patient care.

Dr. Paul Michael stated that some physicians would not have the chance to send e-prescriptions until the end of the day which would delay patient from getting necessary medical care. He added that Version 2 of the proposed regulation amendments more closely matches what is currently going on in physician’s offices today.

Dr. Randy Christiansen stressed the importance of workflow and explained that prescriptions need to be filled in a timely manner.

The Board discussed finding a compromise between Versions 1 and 2 where the physician can do a final verification much like a pharmacist before an e-prescription is sent.

Adam Porath, pharmacist, expressed support for an amended regulation between Versions 1 and 2. He asked the Board to carefully consider what unintended consequences could occur from changing the current regulation.

President Basch closed Public Comment.

The Board expressed concerns regarding the validity and accuracy of e-prescriptions and instructed Board Staff to combine the two proposed amendments.

## 21. Notice of Intent to Act Upon a Regulation

A. **Amendment of Nevada Administrative Code (NAC) 639.921 Sharing of information between two or more pharmacies.** The proposed amendment would allow for the sharing of information concerning prescriptions between the computerized system of two or more pharmacies that are commonly owned or contractually related.



Mr. Wuest provided additional information for the Board. He explained that during the last meeting the Board instructed Staff to get industry input. He stated that members of the industry were in the audience.

President Basch opened the Public Comment.

Bill Stilling was present as counsel representing Walgreens.

Mr. Stilling commented in support of pharmacies contractually sharing data, and presented a flow chart comparing persons liable for unprofessional conduct for data check error using different work flow models.

Dan Luce, National Director of Pharmacy Affairs, Walgreens, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Luce commented in support of pharmacies contractually sharing data. He also requested the Board continue to license and discipline the out-of-state facilities instead of licensing each out-of-state pharmacist involved in the prescription filling process.

Board discussion ensued regarding the importance of looking at each discipline case on a single basis and not assigning blame contractually or through regulation.

Charlie Hartig, legal counsel representing CVS, appeared and was sworn by President Basch.

Mr. Hartig commented in support of shared service models added that this work flow model helps reduce distractions.

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

Mr. Heller commented that a segmented work flow is the safest work model.

President Basch closed Public Comment.

The Board discussed who would be held responsible for errors using the contractual data sharing model.

The Board discussed possible unintended consequences for approving or denying this amendment.

Board Action:

Motion: Jason Penrod moved to table LCB File No. R035-16.

Second: Darla Zarley

Jason Penrod withdrew his motion.

Board Action:

Motion: Jason Penrod moved to deny LCB File No. R035-16.

Second: Darla Zarley

Action: Passed unanimously

**B. Amendment of Nevada Administrative Code (NAC) 639.NEW LANGUAGE**  
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 and 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.

**C. Amendment of Nevada Administrative Code (NAC) 639.NEW LANGUAGE and 453C.NEW LANGUAGE** Additional new language to be added to NAC Chapter 639 and NAC Chapter 453C, 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 and 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 explained that originally these were one regulation that were separated in order to pass protocol for pharmacies to wholesale opioid antagonists to non-profit organizations.

President Basch opened the Public Comment.

Mr. Wuest presented written comment by Mary Staples, National Association of Chain Drug Stores (NACDS) regarding the renewal process of the written protocol between physicians and pharmacists. NACDS also commented on the reporting and recordkeeping requirements.

Liz MacMenamin, RAN, appeared and was sworn by President Basch before answering questions or offering testimony.

Ms. MacMenamin commented on the reporting and recordkeeping requirements. RAN stated no objection to the regulation after hearing Board Staff's explanation.

Heidi Gustafson, Foundation for Recovery, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. Gustafson commented in support of the regulation.

Scott Stolte, Dean, College of Pharmacy, Roseman University, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Stolte commented that he did not support the reporting of the patient's name that is receiving the opioid antagonist. Board Staff clarified that the reporting requirement includes the name of the entity distributing the opioid antagonist. The patient's name is not required for reporting purposes. Mr. Stolte stated no objection to the regulation after hearing the explanation.

Trey Delap, Group Six Partners, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Delap commented in support of the regulation.

President Basch closed Public Comment.

Board Action:

Motion: Tallie Pederson moved to adopt R058-16 as amended

Second: Darla Zarley

Action: Passed unanimously

Board Action:

Motion: Tallie Pederson moved to adopt R121-15 as amended

Second: Darla Zarley

Action: Passed unanimously

22. Date and Location of Next Scheduled Board Meeting:

September 7-8, 2016 – Reno, Nevada

23. Public Comment

Claude Wolfe, pharmacist, expressed concerns with the current pharmacist continuing education audit procedure and made suggestions to improve the process.