



NEVADA STATE BOARD OF PHARMACY

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MINUTES

October 12-13, 2016

BOARD MEETING

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

Board Members Present:

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

Board Staff Present:

Larry Pinson	Dave Wuest	Paul Edwards	Shirley Hunting
Ray Seidlinger	Ken Scheuber	Luis Curras	Dena McClish
Joe Dodge	Sophia Long	Kristopher Mangosing	

1. Public Comment October 12, 2016 9:00 AM

Kerry Rinato, Director of Pharmacy at Vista North Hospital Inc., thanked Board Staff, especially Dave Wuest, for helping her write a collaborative practice agreement for emergency department pharmacists.

2. Approval of September 7-8, 2016, Minutes

Kevin Desmond requested a correction on p.4 to clarify who made the Motion and the Second regarding Item 4A. Leo Basch requested the statement "There was no public comment," to be added to Items 14 D & E.

Board Action:

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

Second: Darla Zarley

Action: Passed unanimously

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

- A. Austin Wellness Pharmacy – Forest Hills, NY
- B. Care Services On Call LLC – Raleigh, NC
- C. DFW Wellness Pharmacy – Arlington, TX
- D. One Source Pharmacy, LLC – Davie, FL
- E. OptumRx – Cypress, CA
- F. OptumRx – San Diego, CA
- G. Paragon Healthcare Specialty – Dallas, TX
- H. Specialty Care Rx – Orange, CA

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

- I. Better Balance Pharmacy – Spring, TX
- J. Inverness Lone Star Pharmacy, LLC – Murphy, TX
- K. J-M Ward Enterprises LLC/John's Pharmacy – Bonita Springs, FL
- L. M.D. Pharmacy – Morristown, TN
- M. Specialty Med Services – Inglewood, CA
- N. VRx by Mail – Salt Lake City, UT

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

- O. Colgate Oral Pharmaceuticals, Inc. – New York, NY
- P. Epic Pharma, LLC – Laurelton, NY
- Q. Patterson Dental Supply, Inc. – Mesa, AZ
- R. Pharmaco Technology LLC – Dallas, TX
- S. Redmond & Greer Pharmacy Supply – Dallas, TX
- T. RxTPL, LLC – Fairfield, OH
- U. RxTPL, LLC – Mason, OH
- V. Sincerus Florida, LLC – Pompano Beach, FL
- W. VistaPharm, Inc. – Largo, FL

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

- X. Airgas USA, LLC – Pittsburg, CA
- Y. Airgas USA, LLC – Plumsteadvilles, PA
- Z. Airgas USA, LLC – Rancho Cucamonga, CA
- AA. Airgas USA, LLC – Salt Lake City, UT
- BB. Airgas USA, LLC – Santa Fe Springs, CA
- CC. Airgas USA, LLC – Tucson, AZ
- DD. Genco I, Inc. – New Galilee, PA
- EE. One Source Medical Group – San Antonio, TX
- FF. Valley Home Medical – Midvale, UT

Applications for Nevada Pharmacy – Non Appearance:

- GG. City Pharmacy – Las Vegas
- HH. Sav-on Pharmacy #2804 – Las Vegas

After discussion the Board instructed Board Staff to have Paragon Healthcare Specialty (Item G) appear for next Board meeting to clarify their services provided and discuss information presented on the company website.

Board Action:

Motion: Cheryl Blomstrom moved to approve the Consent Agenda with the exception of Item G.

Second: Jason Penrod

Action: Passed unanimously

4. Discipline

- A. Adam Katschke, R.Ph (15-017-RPH-S)
- B. Angela Walker, PT (15-017-PT-S)
- C. Meadow Valley Pharmacy (15-017-PH-S)

Dan Albrechts was present as counsel representing Adam Katschke and Meadow Valley Pharmacy.

Mr. Edwards stated that Angela Walker was not present. He explained that the set of facts is common for all three cases.

Mr. Edwards explained that Board Staff received a complaint in March 2015, that Mr. Katschke, Ms. Walker and Meadow Valley Pharmacy were illegally dispensing ketamine and ketoprofen cream to patients in Caliente, NV. Mr. Edwards stated that Ms. Walker, pharmacy technician, claimed to be the pharmacy manager and marketed the pain cream to patients by offering samples and soliciting prescriptions for tubes of medication. If a patient showed interest in buying more pain cream Ms. Walker would tell them that their insurance would cover the medication and the pharmacy would waive any copays. Initially Ms. Walker would contact physicians to solicit prescriptions on behalf of the patients, but eventually the pharmacy began to falsify prescriptions and attribute the fake prescriptions to prescribers without the prescriber's knowledge. The pharmacy initially used ketamine powder to compound the pain cream. Once the insurance companies started to reject payments for the ketamine powder the pharmacy billed insurance for ketamine tablets, but continued to use ketamine powder for compounding.

Mr. Edwards explained that during this time, Mr. Katschke was the sole owner of Meadow Valley Pharmacy and a registered pharmacist. He is also the owner of Pahrnagat Pharmacy. Mr. Katschke was aware of the actions Ms. Walker was doing, and Meadow Valley Pharmacy paid Ms. Walker a commission of 3% of the money paid by insurance. Ms. Walker made somewhere between \$100,000 and \$200,000 during 2015. In July 2016, the Nevada Attorney General's Office charged Mr. Katschke with one count of insurance fraud,

submitting false claims and Medicaid fraud. Mr. Katschke pleaded guilty to those criminal charges.

Mr. Edwards stated that Causes of Action 1 through 3 applied to all Respondents, and the Causes of Action 4 through 6 apply to Mr. Katschke.

Mr. Albregts agreed with Mr. Edwards description of the case.

Mr. Edwards presented a Stipulation and Order regarding the Mr. Katschke and Meadow Valley Pharmacy. Those Respondents admit that evidence exists to establish a basis for the violations alleged in the Accusation.

Mr. Katschke shall surrender his Nevada Pharmacist License, pay an administrative fee of \$10,000 and sell both Meadow Valley Pharmacy and Pahrnagat pharmacy.

Meadow Valley Pharmacy shall surrender its Nevada Pharmacy License, Trent Decker shall be the new managing pharmacist, and Pahrnagat Pharmacy will surrender its Pharmacy License within 90 days or at point-of-sale. Adam Katschke is not allowed access to the pharmacy and any proposed new owners will appear at the December or January Board meeting.

Mr. Albregts added that additional fees and restitutions are being paid to the Nevada Attorney General's Office to cover their investigation costs. He anticipated the pharmacy sale to be complete prior to January.

Mr. Edwards stated that there are restrictions on the pharmacy sale and explained that the pharmacy could not be owned by Mr. Katschke's immediate family.

Mr. Albregts urged the Board to accept the Stipulation and Order.

Board Action:

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

Second: Cheryl Blomstrom

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to accept the Stipulation and Order regarding Meadow Valley Pharmacy as presented.

Second: Cheryl Blomstrom

Action: Passed unanimously

President Basch called for Angela Walker. Ms. Walker was not present.

Mr. Edwards moved to have Exhibits 1 & 2 entered into the record.

President Basch accepted the Exhibits into the record.

Mr. Edwards stated that Exhibits 1 & 2 are Ms. Walker's Notice of Intended Action and Accusation and a follow up letter informing her of the date and time of her hearing. Both documents were sent by Certified Mail.

Board Action:

Motion: Jason Penrod moved to find that based on the evidence presented, Board Staff properly attempted service to Ms. Walker.

Second: Darla Zarley

Action: Passed Unanimously

Mr. Edwards explained that Ms. Walker has not contacted Board Staff, nor has counsel contacted Board Staff on her behalf.

Mr. Edwards requested permission to move forward with the default proceedings.

President Basch approved.

Board Action:

Motion: Jason Penrod moved to find Angela Walker guilty by default

Second: Darla Zarley

Action: Passed unanimously

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

Board Action:

Motion: Jason Penrod moved to revoke Angela Walker's Pharmaceutical Technician License. Board Staff is directed to refer this case to law enforcement.

Second: Darla Zarley

Board Staff offered a recommendation that Ms. Walker pay an administrative fee of \$1,000.00.

Mr. Penrod and Ms. Zarley accepted the recommendation.

Action: Passed unanimously

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| D. | Michael Lesser, R.Ph | (16-024-RPH-A-S) |
| E. | Stephan Cho, R.Ph | (16-025-RPH-B-S) |
| F. | Walgreens #07164 | (16-024-PH-S) |

Tallie Pederson recused due to her employment with Walgreens.

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

Michael Lesser, Stephan Cho and Jaclyn Latteri, Walgreens District Manager, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Bill Stilling was present as counsel representing the Respondents.

Mr. Stilling stated that Nicole Cramer, pharmaceutical technician, was present in the audience. Ms. Cramer was subpoenaed for her involvement in this case.

Mr. Edwards explained this case involves two errors on the same patient with the same medication. He stated that in July 2015, the patient's pediatrician prescribed a quantity of thirty (30) montelukast 4 mg. chewable tablets with 6 refills. In February 2016, Walgreens processed an automatic refill for this prescription. The patient's mother picked up the prescription. Upon opening the bottle, she realized the tablets were square rather than the rectangular tablets she was accustomed to for her son's montelukast 4 mg. chewable tablets. She discovered that the prescription was filled for montelukast 5 mg. chewable tablets instead of montelukast 4 mg. tablets as prescribed. Her son and his twin brother each ingested two tablets of the erred medication with no reported adverse effects. Mr. Lesser filled the prescription and performed final product verification of the product. He failed to detect that the bottle contained the incorrect medication.

Mr. Edwards stated that on March 15, 2016, the pediatrician wrote a new prescription for the same patient for 30 montelukast 4 mg. chewable tablets with 6 refills. The patient's mother picked up the medication and again discovered that the tablets were square rather than rectangular. Walgreens again dispensed montelukast 5 mg. chewable tablets rather than the montelukast 4 mg. chewable tablets as prescribed. Pharmacy records show Ms. Cramer correctly performed data entry which was verified remotely at a Walgreens' Central Facility in Florida, but pharmacy security video shows Ms. Cramer filled the prescription with the incorrect 5 mg. dosage and manually entering in the NDC when the stock bottle failed to scan. Mr. Cho performed final product verification and counseling. Mr. Cho did not detect the error.

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

Mr. Lesser shall pay a fine of \$1,000.00 and complete two additional CEU on the topics of proper verification techniques and error prevention.

Mr. Cho shall pay a fine of \$1,000.00 and complete two additional CEU on the topics of proper verification techniques and error prevention.

Walgreens shall pay an administrative fee of \$495.00 for each error for a total administrative fee of \$990.00. Walgreens shall also investigate the cause of the errors and report to Board Staff Walgreens' plan to fix the error and prevent future occurrences.

Mr. Stilling agreed to the Stipulation presented.

Mr. Stilling requested a modification on pg. 4 of the Stipulation to remove the patient's mother's identifying information.

The Board discussed the importance of training and education to reduce and prevent errors.

Board Action:

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

Second: Cheryl Blomstrom

Action: Passed unanimously

- G. Rhowela Albana, R.Ph (15-075-RPH-S)
- H. CVS/pharmacy #8789 (15-075-PH-S)

This matter was continued until the January 2017 board meeting.

- I. Rita Chanvisanuruk, R.Ph (15-060-RPH-S)
- J. K Mart Pharmacy #3680 (15-060-PH-S)

Rita Chanvisanuruk appeared and was sworn by President Basch prior to answering questions or offering testimony.

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

President Basch disclosed that Ms. Chanvisanuruk is a coworker at Sunrise Hospital, but stated he would be able to participate in this matter fairly and without bias.

Mr. Edwards explained that Ms. Chanvisanuruk and K Mart have counsel, but that counsel could not be present today. He added that a pharmacy technician was originally subpoenaed to appear, but after further investigation of the case, was found not to be involved and was excused.

Mr. Edwards stated that on September 10, 2015, the Board office received a complaint from the prescriber alleging that K Mart filled and dispensed hydrocodone-acetaminophen 10/325 mg. instead of hydrocodone-acetaminophen 5/325 mg. as prescribed.

Mr. Edwards presented a Stipulation and Order regarding Ms. Chanvisanuruk and K Mart for the Board's consideration. The Respondents admit that evidence exists to establish a factual basis for the violations alleged in the Accusation that during data entry, data verification and counseling, Ms. Chanvisanuruk failed to detect the error and verified the medication data as correct.

Ms. Chanvisanuruk shall receive a Letter of Reprimand, pay a total fine of \$1,250.00 and complete an additional 2 CEU on the topics of error prevention and 2 CEU on proper counseling techniques.

K Mart shall pay an administrative fee of \$495.00 and provide to Board Staff a written explanation of the error and the changes to policies and procedures to prevent future errors. K Mart shall also fix a software issue that defaults the system to show counseling is refused.

Ms. Chanvisanuruk stated that K Mart has already resolved the software issue and stated that she has changed her personal practice habits regarding prescription verification and counseling.

Board Action:

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

Second: Kevin Desmond

Action: Passed unanimously

K. Donatas Pranskevicius, PT (16-037-PT-N)

This matter was continued until the January 2017 board meeting at the Respondent's request.

5. Reconsideration of Denied Medical Device, Equipment and Gases License - Appearance:

Ozomor Medical Supplies, Inc. – Las Vegas

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

Libo Agwara was present as counsel representing Mr. Biabene.

Mr. Edwards moved to have Exhibits 1 through 3 entered into the record.

Mr. Agwara had no objections to the Exhibits.

President Basch admitted the Exhibits into the record.

Mr. Edwards explained that this is Ozomor Medical Supplies, Inc.'s (Ozomor) third appearance before the Board. During their first appearance, the Board tabled the application in order for Ozomor to complete their annual inspection and provide the records requested by Board Staff. During the second appearance, the Board denied Ozomor's application due to the Board's concerns regarding Ozomor not completing the inspection, providing the requested documentation and for relocating without Board approval.

Mr. Edwards explained that Mr. Biabene and Mr. Agwara are present requesting reconsideration of Ozomor's denied MDEG license. He added that Board Staff received a Letter from Festus Ibanca, part owner and APRN, court documents and a TPO against Mr. Biabene (Exhibits 1-3). Mr. Edwards stated that there is currently an open case to decide ownership of Ozomor.

Mr. Agwara agreed with Mr. Edwards' description of the facts and requested the Board continue this matter for a future meeting. He stated that there is a hearing scheduled in 6 days that should clarify the ownership dispute.

Board discussion ensued regarding Ozomor's past appearances. The Board expressed concern that even outside of the ownership issues the inspection and documentation issues with Ozomor still have not been resolved.

Board Action:

Motion: Jason Penrod moved to deny Ozomor Medical Supplies, Inc.'s Request for Reconsideration.

Second: Cheryl Blomstrom

Action: Passed unanimously

6. Application for Pharmacy Technician License – Appearance:

Rebecca L. Penn

Rebecca Penn appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Pinson explained that Ms. Penn submitted a Pharmaceutical Technician application in July 2016 that indicated that she had been charged, arrested or convicted of a felony or misdemeanor. He added that according to Ms. Penn's application, the charges took place between 2002 and 2004, but Ms. Penn did not disclose this information on her original Pharmaceutical Technician in Training application from 2008.

Ms. Penn apologized to the Board for not disclosing the information on her original application. She explained that at that time she was trying to get her life back in order and was embarrassed to answer the question honestly.

Ms. Penn answered questions to the Board satisfaction regarding her past arrests, treatment and work history.

The Board discussed Ms. Penn providing more detailed information regarding her past criminal history.

Board Action:

Motion: Jason Penrod moved to approve Rebecca Penn's Application for Pharmaceutical Technician License pending that Ms. Penn submit documentation from Clark County regarding her criminal history. Board Staff is to verify Ms. Penn's California Pharmaceutical Technician License is active and in good standing. Board Staff is authorized to evaluate the documentation from Clark County.

Second: Cheryl Blomstrom

Kirk Wentworth reviewed Ms. Penn's California license from the California Board of Pharmacy website. He stated that her license status is "clear."

Action: Passed unanimously

7. Application for Physician Assistant - Prescribe – Appearance:
Russell P. Johnson, PA

Russell Johnson appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Pinson explained that Mr. Johnson appeared at the last Board meeting to apply for a Physician's Assistant Prescribe License. After discussion regarding Mr. Johnson's past disciplinary actions in other states, the Board decided to table Mr. Johnson's application to allow him to be evaluated by PRN-PRN.

Mr. Pinson stated that since his last appearance Mr. Johnson was evaluated by PRN-PRN. The report from PRN-PRN shows that Mr. Johnson's evaluation was favorable.

The Board questioned Mr. Johnson regarding his current employment and specialty.

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

The Board expressed concern regarding Mr. Johnson's lack of accountability of his past disciplinary actions and that Mr. Johnson is providing pain management services with Dr.

Holper when Dr. Holper informed the Board that he was no longer going to be offering pain management.

Mr. Johnson stated that he accepts full responsibility for his actions in the past. He also stated that Dr. Holper is phasing out of pain management and discussed prescribing practices that he intends to implement.

Board Action:

Motion: Kirk Wentworth moved to approve Russell Johnson's Application for Physician's Assistant – Prescribe License.

Second: Jason Penrod

Action: Passed unanimously

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

A. Carie Boyd's Prescription Shop – Hurst, TX

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

Mr. Smith provided a letter of authorization allowing him to speak on behalf of the company.

Mr. Smith explained that Carie Boyd's Prescription Shop is an FDA approved 503B Outsourcing Facility that provides both sterile and non-sterile compounding services.

Mr. Smith answered questions to the Board's satisfaction regarding Carie Boyd's Prescription Shop's sterility policies and procedures, product testing, past discipline and previous inspections.

Board Action:

Motion: Kevin Desmond moved to approve Carie Boyd's Prescription Shop's Application for Out-of-State Pharmacy License.

Second: Jason Penrod

Action: Passed unanimously

B. Pharmco, LLC – North Miami Beach, FL

No representative from Pharmco, LLC was present. Board Staff will contact the pharmacy to schedule an appearance for a future date.

9. Applications for Nevada Pharmacy – Appearance:

A. Pipeline Rx – Las Vegas

Giyae Lee-Thornton, pharmacy manager, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. Lee-Thornton stated she would submit a Letter of Authorization allowing her to speak on behalf of the company by the end of the meeting.

Ms. Lee-Thornton explained that Pipeline Rx will be offering off-site cognitive services to hospitals across the United States. Ms. Lee-Thornton stated that Pipeline Rx staff accesses hospital records and performs drug utilization reviews on patients' charts.

Ms. Lee-Thornton answered questions to the Board's satisfaction regarding Pipeline Rx's business model, staff, potential clients and pharmacist licensing procedures.

Board Action:

Motion: Jason Penrod moved to approve Pipeline Rx's Application for Nevada Pharmacy.

Second: Kevin Desmond

Action: Passed unanimously

B. Westside Pharmacy – Las Vegas

Shahin Banayan, pharmacy manager, and Jessica Nguyen, owner and pharmacist, appeared and were sworn by President Basch prior to answering questions or offering testimony.

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

Jason Penrod disclosed that Mr. Banayan was a former classmate, but stated he would be able to participate in this matter fairly and without bias.

Mr. Banayan stated that Westside Pharmacy is a retail pharmacy that will provide over-the-counter vitamins and supplements for athletes as well as cosmetics items.

Mr. Banayan and Ms. Nguyen answered questions to the Board satisfaction regarding the pharmacy layout, services provided, pharmacy ownership and past discipline.

Ms. Nguyen requested the Board update Westside Pharmacy's application to reflect that she is the sole owner and on the ownership form to reflect that she is a pharmacist in Nevada and to enter her Pharmacist License #15397.

Board Action:

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

Second: Kirk Wentworth

Mr. Edwards questioned Ms. Nguyen if there are any open investigations regarding another pharmacy she owns. Ms. Nguyen answered no.

Action: Passed unanimously

10. Application for Controlled Substance License – Appearance:

Michael J. Yudez, DO

Michael Yudez and Herb Jacobs, physician, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Edwards explained that he is the Public Member on the Nevada State Board of Osteopathic Medicine (DO Board) and stated that he would not be participating in this matter.

Mr. Pinson explained that Dr. Yudez appeared before the Board during the September 2016 meeting. During that meeting the Board expressed concerns regarding Dr. Yudez's past discipline in Colorado. Board Staff was directed to contact the DO Board to discuss Dr. Yudez's past discipline and the approval of his Nevada DO license.

Mr. Pinson stated that Board Staff received a copy of the recording from Dr. Yudez's hearing with the DO Board. Mr. Pinson added that after listening to the testimony, the DO Board was unable to find any evidence of issues regarding controlled substances.

Dr. Jacobs spoke favorably on Dr. Yudez's behalf. He explained that he has known him for forty years and supported the Board's approval of Dr. Yudez's Controlled Substance Application.

Board Action:

Motion: Kirk Wentworth moved to approve Michael Yudez's Application for Controlled Substance License.

Second: Darla Zarley

The Board discussed Dr. Yudez's past discipline and the option of limiting Dr. Yudez's Controlled Substance License.

Mr. Penrod offered a friendly amendment to approve Michael Yudez's Application for Controlled Substance License. Board Staff is to review Dr. Yudez's controlled substance prescribing through the Prescription Monitoring Program (PMP) at 3 and 6 months and report back to the Board.

Mr. Wentworth and Ms. Zarley accepted the friendly amendment.

Action: Passed unanimously

11. Application for Nevada Wholesaler - Appearance:

Midwest Veterinary Supply, Inc. – North Las Vegas -

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

Mr. Flickinger explained that Midwest Veterinary Supply, Inc. plans to provide veterinary drugs and equipment.

The Board questioned Mr. Flickinger regarding Midwest Veterinary Supply, Inc.'s discipline in other states.

Mr. Flickinger described disciplinary actions in Minnesota and Maryland and explained the penalties and how Midwest Veterinary Supply, Inc. resolved the issues.

Mr. Flickinger answered questions to the Board satisfaction regarding staffing, purchasing from manufacturers and past inspections.

Board Action:

Motion: Jason Penrod moved to approve Midwest Veterinary Supply, Inc.'s Application for Nevada Wholesaler License pending receipt of past NABP inspections. Board Staff is authorized to review NABP inspection report.

Second: Cheryl Blomstrom

Action: Passed unanimously

12. Application for Nevada Medical Device, Equipment and Gases – Appearance:

MobilityWorks – Las Vegas

Cassandra Henry, MDEG administrator, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. Henry stated that she will provide a Letter of Authorization to speak on behalf of the company.

Ms. Henry stated that MobilityWorks is requesting an ownership change. She explained that MobilityWorks has 68 stores nationwide and that the Las Vegas location opened in 2005.

Ms. Henry explained that MobilityWorks provides and services wheelchairs and scooters.

Ms. Henry answered questions to the Board satisfaction regarding past inspections, staff and changes to the operation since the ownership change.

Board Action:

Motion: Kevin Desmond moved to approve MobilityWorks' Application for Nevada MDEG license pending positive inspection.

Second: Jason Penrod

Action: Passed unanimously

13. Executive Secretary Report for Possible Discussion:

A. Financial Report

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

B. Temporary Licenses

Two temporary licenses were issued since the last meeting.

C. Staff Activities:

1. Speaking Engagements:

a. Advisory Commission on the Administration of Justice

Mr. Pinson was asked to testify at the Advisory Commission on the Administration of Justice. Mr. Edwards and Ms. Long were also in attendance. Mr. Pinson's testimony to this group was well received.

2. FDA Meeting

Dave Wuest and Joe Dodge attended this group's meeting on September 21-22, 2016. Mr. Wuest and Mr. Dodge provided additional information regarding the meeting.

3. Legislative Commission

4. NASCSA Annual Meeting

5. Guam BOP

D. Reports to Board:

1. Collaborative Efforts:

NSBME; DEA; FBI; NSBN

E. Board Related News

Mr. Pinson announced that Stacy Ward has been hired as part of the Harold Rogers Grant to work with the Prescription Monitoring Program.

Mr. Edwards announced that Rose Marie Reynolds who served as Deputy Attorney General at several Board Meetings passed away this week. He expressed appreciation on behalf of the Board and Board Staff for her professionalism and thorough work.

F. Activities Report

Public Comment October 12, 2016 5:00 PM

There was no public comment.

14. Discussion and Determination for Possible Action:

A. PMP Data Input

Mr. Pinson explained that Board Staff regularly receives calls and letters from patients complaining that they are unable get their prescriptions because incorrect data in the PMP causes either prescribers to choose not to write prescriptions for them, or pharmacies to refuse to fill their prescriptions. Board Staff is looking for direction from the Board on how to handle these errors in the future.

Board discussion ensued regarding the consequences patients and prescribers face when a prescription is incorrectly attributed to the wrong patient and/or the wrong prescriber or any other incorrect information is reported to the PMP.

Mr. Wuest stated that during annual inspections of pharmacies and dispensing sites, Board Inspectors will be pulling four controlled substance prescriptions to review against the PMP records for accuracy.

The Board discussed the current procedure the PMP follows when trying to fix incorrect data. Mr. Pinson stated that the PMP Staff contacts the pharmacy to correct the error, but the process for the pharmacies can be time consuming. If the pharmacy does not comply they receive a warning letter.

President Basch opened the Public Comment.

Liz MacMenamin, RAN, stated that electronic prescriptions can reduce these input errors and encouraged the Board provide additional education to both pharmacies and prescribers.

The Board discussed ways to educate pharmacies and prescribers, the possibility of bringing egregious cases to hearing and the importance of maintaining the integrity of the PMP data.

President Basch closed the Public Comment.

B. Comprehensive Addiction and Recovery Act of 2016

Mr. Pinson presented a letter from NABP that describes Senate Bill 524 which amended the Controlled Substances Act to allow a pharmacist to partially fill a prescription for a Schedule

II controlled substance. Mr. Pinson stated that if the Board wishes, Board Staff will present potential regulation changes to match the Federal Regulations and bring it back to Workshop at a future meeting.

The Board agreed and instructed Board Staff to bring this matter back to Workshop.

C. Discharge Prescriptions from Medical Facilities

President Basch stated that under the current regulations, a discharge prescription must have the prescriber's "wet signature" in order to be valid. He explained that with the trend to move towards electronic prescriptions, pharmacies are receiving copies of electronic signatures on discharge prescriptions which is causing a delay in patient care while the pharmacist contacts the prescriber for a valid prescription or verbal order. He asked if there was any option to accept the electronic signatures if they originated from a medical facility where a patient was discharged from.

Joe Dodge, Inspector Nevada State Board of Pharmacy, stated that is a common issue since the popularity of electronic prescribing. He added that he would contact the prescriber for a verbal order or prescription with a "wet signature." Mr. Dodge agreed that the process was time consuming.

President Basch opened the Public Comment.

Kerry Rinato described the electronic prescription procedure and security features on prescriber's electronic signatures at her place of employment. She questioned if electronic signatures could be allowed for non-controlled medications.

The Board discussed that under the current regulations, the pharmacies must have a valid prescription. The pharmacies would need to continue to either get a verbal order or a prescription with a "wet signature."

D. Request for AD HOC Committee or Task Force

Mr. Pinson explained that he received a letter from Mr. Stilling requesting the creation of a Task Force that will evaluate Nevada pharmacy rules and proposed amendments.

The Board called upon Mr. Stilling to discuss his request.

Mr. Stilling explained that the Task Force would be made up of industry members, Board members and other members from different aspects of pharmacy. Mr. Stilling stated that the goal of the Task Force would be to evaluate current pharmacy rules and proposed amendments and discuss how it affects different pharmacy models before the rule is proposed to the Board for approval.

The Board expressed support for the Task Force and discussed the advantage to getting multiple perspectives on proposed regulations.

Board Action:

Motion: Jason Penrod moved to have Board Staff create a list of proposed members for the Task Force.

Second: Cheryl Blomstrom

Action: Passed unanimously

Public Comment October 13, 2016 9:00 AM

Mr. Pinson stated that Cheryl Blomstrom elected not to reapply for another term on the Board. Mr. Pinson thanked Ms. Blomstrom on behalf of the Board, the State of Nevada and the Governor for her hard work as the Public Member over the last 6 years.

President Basch thanked Ms. Blomstrom for her service to the Board and complimented her for her preparation and reasonable attitude.

Booker Chatman, Director of Northwest Career College, stated that he brings his students to the Board meetings to stress the importance of the pharmacy technician's role in pharmacy. Mr. Chatman thanked Ms. Blomstrom for advocating pharmacy technician accountability.

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

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. Pinson presented a letter from Adam Porath, pharmacist, as public comment.

Mr. Wuest provided information on two proposed amendment options. He explained that in Version B that the physician would have 24 hours to review the electronic prescriptions and that the language allowing a pharmacist to request a medical assistants training record has been removed.

President Basch opened the Public Comment.

Catherine O'Mara, Nevada State Medical Association (NSMA), thanked the Board and Board Staff for working with the NSMA on amendment.

Ms. O'Mara provided a review of physician testimonies from the last two workshops. She stressed that the physicians are willing to take responsibilities for their medical assistant's actions.

Ms. O'Mara requested the Board consider extending the 24 hour review time to 48 hours.

The Board discussed the option of drug utilization review and drug interaction overrides in electronic prescription software.

President Basch closed the Public Comment.

The Board expressed concerns regarding electronic prescription software that allows an agent to send a prescription without final verification from the physician.

The Board discussed physician accountability and training for medical assistants.

The Board encouraged pharmacies to complain to the Nevada State Board of Medical Examiners (Medical Board) if invalid electronic prescriptions are being sent to the pharmacy by a medical assistant or "agent."

Board Action:

Motion: Cheryl Blomstrom moved to adopt the proposed amendment to NAC 639.7102 and move forward to Public Hearing.

Second: Kirk Wentworth

Aye: Blomstrom, Wentworth, Pederson, Zarley

Nay: Desmond, Penrod

Action: Motion carries

Board Action:

Motion: Cheryl Blomstrom moved to adopt the proposed amendment to NAC 639.7105 and move forward to Public Hearing.

Second: Kirk Wentworth

Aye: Blomstrom, Wentworth, Pederson, Zarley

Nay: Desmond, Penrod

Action: Motion carries

C. Amendment of Nevada Administrative Code (NAC) 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.

Mr. Wuest explained that the Board approved this regulation at a previous meeting. He stated that while testifying at the Legislative Commission, he received feedback that the record keeping requirement for the pharmacies may be onerous while the other methods for patients to acquire an opioid antagonist don't have the same requirements. Mr. Wuest described that this amendment removes the record keeping requirement in question.

Mr. Edwards provided additional information.

The Board discussed grammatical corrections in Sections 3 and 4 as well as amendments to allow pharmacies to report opioid antagonist distribution by choice.

President Basch opened the Public Comment.

Liz MacMenamin, RAN, thanked the Board and Board Staff for their work on this regulation. Ms. MacMenamin stated that RAN supports the removal of the pharmacy reporting requirements. She stressed that the intent of the law was to make opioid antagonists readily available to the public.

President Basch closed the Public Comment.

Board Action:

Motion: Cheryl Blomstrom moved to adopt the proposed amendment with corrections to Section 3 as discussed and to strike Sections 8, 9 and 10 and move forward to Public Hearing

Second: Jason Penrod

Action: Passed unanimously

16. Date and Location of Next Scheduled Board Meeting:

December 7-8, 2016 – Reno, Nevada

17. Public Comment

Catherine O'Mara, Nevada State Medical Association (NSMA), thanked Board Staff for their attendance at the NSMA Annual Meeting and for being available to answer questions about the Prescription Monitoring Program and other pharmacy related issues.

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

DRAFT