



NEVADA STATE BOARD OF PHARMACY

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MINUTES

December 7, 2016

BOARD MEETING

Hyatt Place
1790 E Plumb Lane
Reno, Nevada

Board Members Present:

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

Board Staff Present:

Larry Pinson	Dave Wuest	Paul Edwards	Shirley Hunting
Joe Depczynski	Peter Keegan	Kristopher Mangosing	

Mr. Pinson introduced and congratulated Robert Sullivan as Governor Sandoval's newest appointment to the Nevada State Board of Pharmacy for a three year term. Mr. Sullivan graduated from the University of Nevada, Reno with a Bachelor of Science in Business Administration Degree and earned his Master's Degree in Educational Administration from the University of San Francisco. Mr. Sullivan is a retired educator with over 30 years of service. He has also served on a variety of district and state associations.

Mr. Pinson announced and congratulated Kevin Desmond and Tallie Pederson on their reappointments to serve another term on the Board.

1. Public Comment December 7, 2016 9:00 AM

Catherine O'Mara, Nevada State Medical Association (NSMA), thanked the Board and Board Staff for their work on the electronic prescribing workshop. She stated that the Nevada State Board of Medical Examiners has passed legislation regarding medical assistants and presented the draft language for the Board's information. Ms. O'Mara stated that she is looking forward to continued collaboration between NSMA and the Board.

Dr. Andrew Pasternak, NSMA, explained that the draft language has guidance for training medical assistants. He asked for pharmacist feedback regarding the training of medical assistants and stressed the importance of pharmacists and prescribers working together.

Dr. Steven Parker, NSMA, thanked the Board and Board Staff for working together on this issue.

Jason Bleak, Administrator & CEO of Lincoln Hospital, expressed concern for patient care in Caliente, Nevada. Mr. Bleak stressed the importance of healthcare and pharmacy services in the rural areas and voiced his opposition to the Jolly's Drug Store application.

Dave Wuest, Deputy Executive Secretary Nevada State Board of Pharmacy, stated that Board Staff has received several calls from residents in Caliente and the surrounding area who are concerned with pharmacy services with the closing of Meadow Valley Pharmacy.

Tyler Heaton, part owner Jolly's Drug Store, stated that the intention of Jolly's Drug Store application is to serve Lincoln County community.

Jenner Minto, Pharmacy Intern from UM Skaggs School of Pharmacy, provided information on her rotation at VA Sierra Nevada Health Care. Ms. Minto explained the rotation focuses on administrative and leadership roles in pharmacy.

2. Approval of October 12-13, 2016, Minutes

Robert Sullivan recused from participation in this matter due to his absence during the last meeting.

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. AllyScripts – Scottsboro, AL
- B. Alpha-Omega Pharmacy LLC – Spring Hill, FL
- C. Boerne Drug Company – Boerne, TX
- D. Brookside Rx, LLC – Omaha, NE
- E. Chemistry Rx Pharmacy – Philadelphia, PA
- F. HRx Pharmacy LLC – Salt Lake City, UT
- G. Incline Health LLC – Fort Lee, NJ
- H. Lumicera Health Services, LLC – Phoenix, AZ
- I. Medication Review, Inc. – Spokane, WA
- J. MedPharma Pharmacy – Dallas, TX
- K. Medi Script Pharmacy – Houston, TX

- L. Novixus Pharmacy Services – Novi, MI
- M. Skyline Pharmacy, Inc. – New York, NY
- N. Soleo Health Inc. – Hayward, CA
- O. The Pill Club – Redwood City, CA
- P. TrustedMedRx Inc. – Boca Raton, FL
- Q. U of A Medication Management Center #2 – Phoenix, AZ
- R. US Specialty Care – Centennial, CO
- S. Wells Specialty Pharmacy Inc. – Winter Park, FL

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

- T. Astro Pharmacy – Irvine, CA
- U. Firmus Pharmacy, LLC – Beltsville, MD
- V. Marian Respiratory Care, Inc. – Daphne, IL
- W. Pharmaceutical Specialties Express – Bogart, GA
- X. RX One Pharmacy – Cypress, TX
- Y. Surecare Specialty Pharmacy, LLC – El Paso, TX
- Z. The University of Chicago Medical Center DCAM Outpatient Pharmacy – Chicago, IL
- AA. US Specialty Care – Centennial, CO
- BB. Your Rx Pharmacy – Grapevine, TX

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

- CC. Amerigen Pharmaceuticals, Inc. – Lyndhurst, NJ
- DD. Anda, Inc. – Weston, FL
- EE. Anda Pharmaceuticals, Inc. – Olive Branch, MS
- FF. Empower Pharmacy – Houston, TX
- GG. Healthsource Distributors, LLC – Baltimore, MD
- HH. Lupin Pharmaceuticals, Inc. – Baltimore, MD
- II. Medical Specialties Distributors, LLC – Hanover Park, IL
- JJ. Medical Specialties Distributors, LLC – Irving, TX
- KK. Medical Specialties Distributors, LLC – Stoughton, MA
- LL. Ollin Pharmaceuticals, LLC – Murray, UT
- MM. OPKO Pharmaceuticals, LLC – Miami, FL
- NN. Optime Care, Inc. – Earth City, MO
- OO. ParMed Pharmaceuticals – Memphis, TN
- PP. Pentec Health Inc. – Boothwyn, PA
- QQ. Pharmalucence, Inc. – Billerica, MA
- RR. Praxair Distributors, Inc. – Lake Havasu, AZ
- SS. Purdue GMP Center LLC – West Lafayette, IN
- TT. River City Pharma – Cincinnati, OH
- UU. River City Pharma – Mason, OH
- VV. SCA Pharmaceuticals, LLC – Little Rock, AR
- WW. Slate Run Pharmaceuticals LLC – Columbus, OH
- XX. Torrent Pharma Inc. – Basking Ridge, NJ
- YY. West-Ward Pharmaceuticals Corp. – Columbus, OH

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

- ZZ. Advanced Healing Solutions, Inc. – Riverside, CA
- AAA. Aero-Med, Ltd. – Bethlehem, PA
- BBB. American Home Medical, Inc. – Davie, FL
- CCC. Doctors Medical LLC – Oviedo, FL
- DDD. Gordian Medical IV, Inc. – Riverside, CA
- EEE. Haywood Vocational Opportunities, Inc. (HVO, Inc.) – Waynesville, NC
- FFF. Home Delivery Incontinent Supplies Co. Inc. – Olivette, MO
- GGG. InSleep Technologies, LLC – Weston, FL
- HHH. Life Source Medical, Inc. – Greensboro, NC
- III. One Source Medical Group – San Antonio, TX
- JJJ. Orbit Medical of Portland, Inc. – Sandy, UT
- KKK. Otto Bock Orthopedic Services LLC – Austin, TX
- LLL. PA Healthcare Pharmaceutical Company – San Diego, CA
- MMM. Payless Medical LLC – Morrisville, NC
- NNN. Quality Medical Equipment & Supply – Irvine, CA
- OOO. Respiration Logistics Services, LLC – Mt. Pleasant, PA
- PPP. Snap LLC – Venice, CA
- QQQ. SpecialtyCare, Inc. – Nashville, TN

Applications for Nevada Pharmacy – Non Appearance for Possible Action:

- RRR. Nevada Advanced Pain Surgical Center, LLC – Reno
- SSS. Olsen’s Corner Drug Store Compounding Center – Winnemucca
- TTT. Spring Valley Surgery Center, LLC – Las Vegas
- UUU. Tango Pharmacy – North Las Vegas

The Board discussed what services Snap LLC (Item PPP) would be providing, and if an Out-of-State MDEG license was necessary for the business.

Board Action:

Motion: Jason Penrod moved to approve the Consent Agenda with the exception of Item PPP (Snap LLC).

Second: Darla Zarley

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to approve Snap LLC’s Application for Out-of-State MDEG license pending Board Staff review of Snap LLC’s business model to determine if an MDEG license is necessary.

Second: Darla Zarley

Action: Passed unanimously

4. Discipline

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

Mr. Edwards stated that Mr. Pranskevicius was not present. He explained that Mr. Pranskevicius is represented by Paul Quade. Mr. Quade was not present at the meeting either, however he did work with Mr. Edwards on the Stipulation and Order.

Tallie Pederson disclosed that she is employed by Walgreens. She stated that she has never worked at the same store as Mr. Pranskevicius and will be able to participate in this matter fairly and without bias.

Mr. Edwards stated that in May 2016, Board Staff received notification from the managing pharmacist at Walgreens Pharmacy #2662 (Walgreens) stating that Mr. Pranskevicius' employment was terminated for diversion of controlled substances. Mr. Edwards explained that during an interview with Walgreens Asset Protection Manager, and in a written statement, Mr. Pranskevicius admitted to diverting prescription drugs, including controlled substances, to sell and for personal use.

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

The Stipulation and Order included the following. Mr. Pranskevicius' pharmaceutical technician registration is currently in non-renewed status. Mr. Pranskevicius is not eligible to apply for reinstatement of his pharmaceutical technician registration for a year. If Mr. Pranskevicius seeks to obtain a new license or registration then he must appear before the Board.

Board Action:

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

Second: Kevin Desmond

Action: Passed unanimously

B. Dominique Melendez, PT (16-067-PT-N)

Jason Penrod recused from participation in this matter. He explained that he has worked with Ms. Melendez at Walmart Pharmacy.

Mr. Edwards stated that Ms. Melendez was not present. He explained that Ms. Melendez contacted Board Staff, the day before the meeting, to inform Staff that she would not be able to appear at the meeting. Ms. Melendez emailed Board Staff requesting the Board proceed with the hearing in her absence.

Mr. Edwards moved to have Exhibits entered into the record.

President Basch admitted the Exhibits into the record.

Mr. Edwards presented the Exhibits. He explained that Board Staff served the Notice of Intended Action and Accusation by certified mail in October 2016. Ms. Melendez also received a letter from Board Staff reminding her of the date and time of her appearance (Exhibits 1-3). Mr. Edwards also presented an email report from Walmart, a report on Ms. Melendez's interview with Walmart Market Asset Protection, and a written confession (Exhibits 4-6).

Board Action:

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

Second: Darla Zarley

Action: Passed Unanimously

Mr. Edwards stated that in July 2016, Board Staff received notification that Ms. Melendez was terminated from her employment at Walmart for falsifying and filling fraudulent prescriptions for controlled substances. He explained that in an interview with Walmart Market Asset Protection, and in a written statement, Ms. Melendez admitted to creating five fraudulent prescriptions for oxycodone 20 mg. tablets.

Board Action:

Motion: Kevin Desmond moved to find Dominique Melendez guilty of all five Causes of Action.

Second: Darla Zarley

Action: Passed unanimously

Mr. Edwards explained that Ms. Melendez's pharmaceutical technician registration is currently in non-renewed status. Board Staff recommended that Ms. Melendez be ineligible to apply for reinstatement of her pharmaceutical technician registration for a year, and If Ms. Melendez seeks to obtain a new license or registration she must appear before the Board. Board Staff shall also be ordered to report this to both NABP and the appropriate law enforcement agency.

Board Action:

Motion: Kevin Desmond moved that Dominique Melendez shall be ineligible to apply for reinstatement of her pharmaceutical technician registration for one year. If Ms.

Melendez seeks to obtain a new license or registration she must appear before the Board. Board Staff shall report this matter to NABP and the appropriate law enforcement agency.

Second: Darla Zarley

Action: Passed unanimously

5. Applications for Nevada Pharmacy – Appearance for Possible Action:

A. Jolly's Drug Store – Caliente

Tyler Heaton and Jonathan Heaton, part owners, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Tyler Heaton explained that Jolly's Drug Store is a retail pharmacy that wishes to service the town of Caliente and the surrounding areas.

Tyler and Jonathan Heaton answered the Board's questions regarding pharmacy ownership structure, services provided and the managing pharmacist's past discipline.

The Board expressed concern that as the majority pharmacy owners, Tyler and Jonathan Heaton did not have knowledge of Nevada pharmacy law or the business of pharmacy.

The Board discussed the possibility of having Board Staff inspect the pharmacy multiple times per year instead of annually and strongly recommended that Tyler and Jonathan Heaton become familiar with Nevada pharmacy law.

Board Action:

Motion: Jason Penrod moved to approve Jolly's Drug Store's Application for Nevada Pharmacy pending a positive inspection. Jolly's Drug Store shall be inspected by Board Staff quarterly for two years, in addition to the annual pharmacy inspection. All three pharmacy owners shall be present during the inspections. Jolly's Drug Store shall pay the Board's expenses for the quarterly inspections not to exceed \$500.00 per inspection.

Second: Kevin Desmond

Action: Passed unanimously

B. Silver State Drug – Caliente

Andrew Bleak, owner and managing pharmacist, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Bleak explained that he is currently the sole owner of Silver State Drug. He stated that he plans to keep three pharmacy technicians as well as Trent Decker, pharmacist, from Meadow Valley Pharmacy.

The Board questioned Mr. Bleak as to his knowledge of, or involvement in the pharmacy's illegal activities, which included knowingly filling fraudulent prescriptions and fraudulent insurance billing, including Medicaid, which led to the closing of Meadow Valley Pharmacy.

Mr. Bleak stated that he was unaware of the illegal activities until just before the investigation of Meadow Valley Pharmacy began.

The Board expressed concern regarding Silver State Drug's application, the danger to the public that Meadow Valley Pharmacy caused and if Mr. Bleak's ownership of Silver State Drug was in compliance with the Board's Order regarding Meadow Valley Pharmacy and Adam Katschke.

Board Action:

Motion: Jason Penrod moved to deny Silver State Drug's Application for Nevada Pharmacy.

Second: Kevin Desmond

Action: Passed unanimously

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

A. Option Care – Lombard, IL

Edward Rickert, authorized representative for Option Care, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Tallie Pederson recused from this matter due to her employment with Walgreens. Walgreens is a minority owner of Option Care.

President Basch disclosed that he worked at the Option Care in Las Vegas, but stated that he can participate in this matter fairly and without bias.

Mr. Rickert stated that Option Care is an infusion pharmacy. He explained that Option Care will be dispensing infusion medication that is prepared by the manufacturer, and that Option Care does not perform any sterile compounding at this location.

Mr. Rickert answered questions to the Board's satisfaction regarding Option Care's past discipline and ownership structure.

Board Action:

Motion: Jason Penrod moved to approve Option Care's Application for Out-of-State Pharmacy License.

Second: Darla Zarley

Action: Passed unanimously

- B. Paragon Healthcare Specialty – Dallas, TX
- C. Paragon Infusion Care, Inc. – Dallas, TX

Eric Ho, pharmacy manager Paragon Healthcare Specialty, and Mathew Fulton, pharmacy manager Paragon Infusion Care, Inc. appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Ho and Mr. Fulton presented a Letter of Authorization allowing them to speak on behalf of the company.

Mr. Edwards explained that Paragon Healthcare Specialty was on the Consent Agenda during the last meeting. The Board requested the pharmacy to appear due to pre-printed prescriptions being available on the pharmacy website that included the pharmacy's name.

The Board explained that pre-printed prescriptions with the pharmacy's name are considered to be inducements and are not allowed by Nevada Pharmacy Law.

Mr. Ho stated that the pre-printed prescriptions will be removed from the website or modified to remove the company name and information in compliance with Nevada law.

Mr. Ho and Mr. Fulton answered questions to the Board's satisfaction.

Board Action:

Motion: Jason Penrod moved to approve Paragon Healthcare Specialty's Application for Out-of-State Pharmacy License pending removal or modification of the prescription forms from the company website. Board Staff is authorized to evaluate the changes to the website.

Second: Darla Zarley

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to approve Paragon Infusion Care, Inc.'s Application for Out-of-State Pharmacy License.

Second: Darla Zarley

Action: Passed unanimously

7. Application for Out-of-State Medical, Devices, Equipment and Gases –
Appearance:

Harvard MedTech of Nevada – Las Vegas

Kuldarshan Padda, owner and MDEG Administrator, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Padda stated that Harvard MedTech of Nevada will provide prescription rehabilitation equipment. He added that the equipment is an alternative therapy to opioid pain medications and may be used to isolate and strengthen muscle groups in combination with physical therapy.

Mr. Padda answered questions to the Board's satisfaction regarding his education and work experience.

Board Action:

Motion: Jason Penrod moved to approve Harvard MedTech of Nevada's Application for Nevada MDEG License pending positive inspection.

Second: Kevin Desmond

Action: Passed unanimously

8. Application for Out-of-State Wholesaler – Appearance for Possible Action:

Valley Wholesale Drug Co., LLC – Stockton, CA

Angelo Grande, Facility Manager, and Daniel Matteoli, VP of Procurement and Pricing, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Grande stated that Valley Wholesale Drug Co., LLC (Valley Wholesale) is re-applying for an Out-of-State Wholesale License. He added that when Valley Wholesale was purchased by H.D. Smith, the Board was not properly notified that a change was made to their surety bond.

Mr. Grande explained that this led to Valley Wholesale's original license to be closed. He assured the Board that during the time Valley Wholesale was unlicensed that no medications were shipped into Nevada. He stated that procedure changes have been made to prevent any future recurrence of this error.

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

Board Action:

Motion: Jason Penrod moved to approved Valley Wholesale Drug Co., LLC's Application for Out-of-State Wholesaler License.

Second: Kevin Desmond

Action: Passed unanimously

9. BriovaRx Request for Proposed Changes to NAC 639.921 – Appearance for Possible Action

Edward Rickert and Aaron Bukofzer, pharmacy manager BriovaRx, appeared and were sworn by President Basch prior to answering questions or offering testimony.

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

Mr. Rickert explained that this matter was presented to the Board before, but the Board denied the request due to concerns with who would take responsibility in the event of an error.

Board discussion ensued regarding pharmacist accountability and if this topic should be addressed by the working group that is being formed.

The Board directed Board Staff to schedule a Discussion and Determination on this topic for the January 2017 Board Meeting.

10. CVS/pharmacy's Request for Approval to Use Computer to Transfer Prescriptions– Appearance for Possible Action

Lauren Berton appeared and requested the Board's authorization for all CVS retail pharmacies in Nevada to use RxConnect computer dispensing software for electronic fax transfers of prescriptions to another pharmacy without the signature and handwritten license number of the transferring pharmacist, as allowed by NAC 639.7145 (2). She explained that the electronic fax document will contain the pharmacist's name and license number, but it will be electronically generated instead of handwritten.

Ms. Berton explained that RxConnect will document and record the pharmacist responsible for the transfer and the record cannot be modified, added or provided without the knowledge of the pharmacist.

Board Action:

Motion: Jason Penrod moved to approve CVS/Pharmacy's Request to electronically transfer prescriptions to a non-commonly owned pharmacy.

Second: Darla Zarley

Action: Passed unanimously

Board discussion ensued regarding how to handle future requests for authorization to use a computer program to transfer prescriptions.

Board Action:

Motion: Jason Penrod moved to have Board Staff evaluate and approve pharmacies' requests to electronically transfer prescription to a non-commonly owned pharmacy in compliance with NAC 639.7145.

Second: Darla Zarley

Action: Passed unanimously

11. Discussion and Possible Action affirming the Board Executive Secretary's authority to act on behalf of the Board to identify, secure and lease appropriate office space at appropriate locations as needed to carry out the Board's operations.

Mr. Pinson stated that the lease for the Board of Pharmacy's Las Vegas office is ending soon. Mr. Pinson requested the Board affirm the Executive Secretary's authority to act on behalf of the Board to lease appropriate office space.

Mr. Edwards explained the procedure for getting leases and purchasing requests approved by the Board of Examiners.

Board Action:

Motion: Jason Penrod moved to authorize the Board of Pharmacy's Executive Secretary to identify, secure and lease appropriate office space at appropriate locations as needed to carry out the Board's operations.

Second: Darla Zarley

Action: Passed unanimously

12. General Counsel Report

13. Executive Secretary Report for Possible Discussion:

- A. Financial Report

Mr. Pinson presented the audit results to the Board's satisfaction.

- B. Temporary Licenses

No temporary licenses have been issued since the last meeting.

- C. Staff Activities:
 - 1. Speaking Engagements

Mr. Pinson stated that Yen Long, PMP Administrator, will be presenting to groups at UNR and UNLV in February 2017.

- 2. NASCSA Annual Meeting

Mr. Pinson, Yen Long and Jenine Davis attended this association's meeting. Mr. Pinson stated that DEA and other law enforcement agencies made presentations on trends in drug abuse.

Ms. Long stated that the group discussed the PMP's role in solving the drug abuse problem nationwide. She added that she is also on a panel that works to enhance PMP data quality.

- 3. ASPL

Mr. Pinson, Mr. Wuest and Mr. Edwards attended this association's meeting. Mr. Edwards explained that this meeting is a good opportunity to meet with the law firms that represent the pharmacies.

- D. Reports to Board
- E. Board Related News:
 - 1. Kratom Update
 - 2. Promethazine w/Codeine Scheduling Update
- F. Activities Report

Jason Penrod attended NABP Member Forum. He stated that this meeting offered a great chance to collaborate with other states and see how other states are dealing with similar pharmacy and drug issues.

- 14. Date and Location of Next Scheduled Board Meeting:

- January 11-12, 2017 – Las Vegas, Nevada

- 15. Public Comment December 7, 2016 5:00 PM

There was no public comment.