



NEVADA STATE BOARD OF PHARMACY

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MINUTES

April 12 & 13, 2017

BOARD MEETING

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

Board Members Present:

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

Board Members Absent:

Tallie Pederson

Board Staff Present:

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

1. Public Comment April 12, 2017 9:00 AM

There was no public comment.

2. Approval of March 1, 2017, Minutes

Board Action:

Motion: Jason Penrod moved to approve the March 1, 2017 Meeting Minutes as presented.

Second: Darla Zarley

Action: Passed unanimously.

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

- A. AHF Pharmacy – Gardena, CA
- B. CareMed Pharmaceutical Services – Lake Success, FL
- C. Integra Rx – Pompano Beach, FL
- D. Point Rx – Point Richmond, CA
- E. Prescriptions Plus, Inc. – Wellington, FL
- F. ReCept Pharmacy #101 – Riverview, FL
- G. Rosemont Specialty Pharmacy – Orlando, FL
- H. Schraft's 2.0 – Cedar Knolls, NJ
- I. SMA Pharmacy – De Soto, TX
- J. Southside Pharmacy 3 – Houston, TX
- K. SPRX, Inc. – Jacksonville, FL
- L. The Pharmacie – Park City, UT
- M. TopCare Pharmacy, LLC – Middleburg, FL
- N. Veterinary Internet Company Retail Pharmacy – Union Grove, AL
- O. West Valley Pharmacy LLC – Surprise, AZ

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

- P. The Woodlands Apothecary – Spring, TX

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

- Q. ACI Healthcare USA, Inc. – Coral Springs, FL
- R. Aegerion Pharmaceuticals, Inc. – Cambridge, MA
- S. Aries Pharmaceuticals, Inc. – San Diego, CA
- T. Array BioPharma Inc. – Boulder, CO
- U. AstraZeneca Pharmaceuticals LP – Shephersville, KY
- V. Bioverative U.S. LLC – Waltham, MA
- W. Cambridge Therapeutic Technologies, LLC – Teaneck, NJ
- X. D+H Medical Supply – Ruston, LA
- Y. FedEx Supply Chain, Inc. – Memphis, TN
- Z. Integra LifeSciences Corporation – Plainsboro, NJ
- AA. Integra NeuroSciences – San Diego, CA
- BB. ISDIN Corp. – Morristown, NJ
- CC. KY Meds Inc. – Louisville, KY
- DD. Mallinckrodt Nuclear Medicine, LLC – Maryland Heights, MO
- EE. Praxis Med – Earth City, MO
- FF. Radius Health, Inc. – Waltham, MA
- GG. VetDC, Inc. – Fort Collins, CO

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

- HH. Alliqua Biomedical, Inc. – Eden Prairie, MN
- II. American Medical Supplies, Inc. – Boca Raton, FL
- JJ. Goedis Logistics, LLC – Plainfield, IN

- KK. Maquet Medical Systems USA – Wayne, NJ
- LL. Roche Diabetes Care Inc. – Indianapolis, IN
- MM. Roche Health Solutions Inc. – Indianapolis, IN

Applications for Nevada Pharmacy – Non Appearance:

- NN. Culinary Pharmacy – Las Vegas
- OO. Dignity St. Rose – Blue Diamond – Las Vegas
- PP. Dignity St. Rose – Flamingo – Las Vegas
- QQ. UNLV Medicine Mojave Pharmacy – Las Vegas
- RR. Well Care Apothecary, LLC – Las Vegas

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

- SS. Nocturna Sleep Center, LLC – Henderson

President Basch explained that after further examination of Item I’s (SMA Pharmacy) application, SMA Pharmacy will be noticed to appear at a future meeting.

Board Action:

Motion: Kevin Desmond moved to approve the Consent Agenda with the exception of Item I.

Second: Kirk Wentworth

Action: Passed unanimously

4. Discipline

- A. Jessica Nguyen, R.Ph (16-015-RPH-A-S)
- B. Martin O. Chibueze, R.Ph (16-015-RPH-B-S)
- C. Spring Valley Pharmacy (16-015-PH-S)

This matter was continued to the June 2017 Board Meeting.

- D. Jessica Nguyen, R.Ph (16-022-RPH-S)
- E. Spring Valley Pharmacy (16-022-PH-S)

This matter was continued to the June 2017 Board Meeting.

- F. Chelsea Weisbarth, PT (17-004-PT-S)

Mr. Edwards stated that Ms. Weisbarth was not present.

Mr. Edwards explained that in December 2016, CVS Pharmacy #16794 notified Board Staff that Ms. Weisbarth was terminated from her employment as a pharmaceutical technician for

diversion of controlled substances and a dangerous drug. He stated that Ms. Weisbarth worked in a CVS Pharmacy located inside a Target store. On September 12, 2016, a Target Asset Protection Specialist conducted a live video surveillance in the cosmetics department. He observed Ms. Weisbarth placing two lipsticks from the shelf, placing them in her purse and exiting the Target store without paying. Mr. Edwards explained that on September 28, 2016, Ms. Weisbarth was interviewed by the CVS Regional Loss Prevention Manager. During the interview and in a written statement Ms. Weisbarth admitted to the theft of the two lipsticks and also admitted to diverting one bottle of #30 modafinil 100mg. and one Viagra 25 mg. tablet. The thefts occurred between January 2016 and September 2016.

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 to Ms. Weisbarth by certified mail.

President Basch declared that based on the Exhibits presented that service was properly rendered to Ms. Weisbarth.

Board Action:

Motion: Jason Penrod moved to find Chelsea Weisbarth guilty of all four Causes of Action.

Second: Darla Zarley

Mr. Edwards offered a suggestion to include that the evidence shows findings of guilt on all four Causes of Action.

Mr. Penrod and Ms. Zarley accepted the suggestion.

Action: Passed unanimously.

Board Staff recommended revocation of Ms. Weisbarth's pharmaceutical technician registration.

Board Action:

Motion: Jason Penrod moved to revoke Chelsea Weisbarth's pharmaceutical technician registration.

Second: Darla Zarley

Action: Passed unanimously.

G. Marc Anthony Barbose, R.Ph

(16-034-RPH-S)

Kristen Gallagher was present as counsel representing Mr. Barbose.

Mr. Edwards explained that the Board heard the facts regarding this case during the January 2017 board meeting. He reviewed that Board Staff and the U.S. Food and Drug Administration (FDA) conducted a joint inspection of Well Care Compounding Pharmacy's (Well Care) facility due to a complaint the FDA received. The FDA Inspector's observed inadequate procedures to prevent microbiological contamination of drug products, deficient aseptic drug product processing areas and other deficiencies in Well Care's sterile compounding procedure.

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

Mr. Barbose shall receive a Letter of Warning from Board Staff, shall pay a \$1,000 fine and \$1,500 administrative fee. Mr. Barbose shall complete an additional 4 CEU, 2 CEU on the topics of managing pharmacist responsibilities and 2 CEU on proper record keeping. Mr. Barbose shall not supervise any sterile compounding practices until he completes a Board Staff approved sterile compounding training.

Ms. Gallagher had no objections to the Stipulation.

The Board questioned Ms. Gallagher as to why Mr. Barbose was not present.

Ms. Gallagher stated that Mr. Barbose does take this matter seriously, but due to scheduling issues at his place of employment, he was not able to attend.

Board Action:

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

Second: Jason Penrod

Action: Passed unanimously.

5. Review of Application for Pending Nevada Pharmacy License – Appearance:

Westside Pharmacy

Mr. Pinson stated that a representative from Westside Pharmacy contacted Board Staff to withdraw the Application for Nevada Pharmacy License for Westside Pharmacy.

6. Applications for Pharmacist – Reciprocity – Appearance:

A. Choon W. Kim, R.Ph

Choon Kim appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Pinson explained that Board Staff received an application for Nevada Pharmacist License from Mr Kim. Shortly after receiving the application, an email from Jonathan Chan was sent to Board Staff. In the email, Mr. Chan stated that Mr. Kim contacted him to ask if he could be a reference on his application. Mr. Chan later discovered that Mr. Kim forged his signature and credentials on the referral portion of the application. Mr. Chan expressed concern that Mr. Kim used his name fraudulently.

The Board questioned Mr. Kim regarding why he forged Mr. Chan's signature on the application.

Mr. Kim explained that he thought he had Mr. Chan's permission and stated that he was in a hurry to send in his application. Mr. Kim apologized to the Board for his mistake and requested that they not use this occurrence as a reflection of his character.

The Board discussed the severity of lying on an application and forging Mr. Chan's signature.

Board Action:

Motion: Jason Penrod moved to deny Choon Kim's Application for Nevada Pharmacist by Reciprocation. Board Staff shall forward the results of this appearance to NABP and Massachusetts' and Hawaii's Pharmacy Boards.

Second: Darla Zarley

Action: Passed unanimously.

B. Young Ju Woo, R.Ph

Young Ju Woo appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Pinson explained that Ms. Woo has a pending action in California involving a technician diverting hydrocodone at the pharmacy where she was the managing pharmacist.

Ms. Woo explained that her hearing on this matter is scheduled for May 23, 2017.

The Board offered Ms. Woo the option to table her application until her case in California is resolved.

The Board tabled Ms. Woo's application for Nevada Pharmacist at her request.

7. Request for Reinstatement of Pharmacist License – Appearance:

Justin Curnutt

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

Justin Curnutt appeared and was sworn by President Basch prior to answering questions or offering testimony.

President Basch stated that Mr. Curnutt appeared before the Board during the January 2017 board meeting. He explained that at that time the Board moved to reinstate Mr. Curnutt's Nevada Pharmacist License pending he comply with a number of restrictions, including to meet with Board Staff to explain the circumstances surrounding all unaccounted for medications.

Mr. Curnutt stated that he has met with Board Staff twice to review the case.

Ken Scheuber, Investigator for the Nevada State Board of Pharmacy, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Scheuber explained after meeting with Mr. Curnutt there are discrepancies regarding two prescriptions.

The Board questioned Mr. Curnutt regarding the two prescriptions in question.

Mr. Curnutt apologized to the Board for his mistake, but was not able to recall the circumstances surrounding the two prescriptions.

The Board expressed concern regarding Mr. Curnutt's lack of personal accountability regarding the case.

Board discussion ensued regarding the restrictions on Mr. Curnutt's Nevada Pharmacist License, status on the OIG Blacklist, and the possibility of having Mr. Curnutt complete a college level ethics course.

Board Action:

Motion: Kirk Wentworth moved to deny Justin Curnutt's Request for Reinstatement of Pharmacist License.

Kirk Wentworth withdrew his motion.

The Board discussed having Mr. Curnutt serve as a Pharmacy Intern.

Board Action:

Motion: Jason Penrod moved to approve Justin Curnutt's Application for Nevada Pharmacy Intern pending he finds employment at a pharmacy, completes a Board Staff approved college level ethics course, and complies with all the restrictions placed on his license during the January 2017 board meeting.

Second: Robert Sullivan

Action: Passed unanimously

8. Request for Reinstatement of Nevada Pharmacist License – Appearance for Possible
Ashley C. Isom

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

Jason Penrod disclosed that Ashley Isom was a coworker at Walmart Pharmacy, but stated that he would be able to participate in this matter fairly and without bias.

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

Ms. Isom explained that in January 2016, her Nevada Pharmacist License was revoked for diverting medication from CVS Pharmacy, where she was employed. She stated that since that time, she has been active with PRN-PRN and 12-step programs. She explained that currently she works as a health coach for people who are dealing with anxiety or depression to help them set goals and suggest lifestyle changes to control stress.

The Board questioned Mr. Espadero regarding Ms. Isom's recovery, compliance with her PRN-PRN contract and his opinion on her request to work in pharmacy.

Mr. Espadero stated that Ms. Isom has been compliant with her PRN-PRN contract and that she has made healthy changes in her life. He added that, in his opinion, Ms. Isom is ready to work in a pharmacy again, but recommended that Ms. Isom's PRN-PRN contract be extended for three more years.

Ms. Isom and Mr. Espadero answered questions to the Board's satisfaction.

Board Action:

Motion: Kirk Wentworth moved to reinstate Ashley Isom's Nevada Pharmacist License pending extension of her PRN-PRN contract for an additional three years. Ashley Isom shall be compliant with her PRN-PRN contract and shall not be a managing pharmacist and work no more than 90 hours in a two week period.

Second: Kevin Desmond

Action: Passed unanimously.

9. Application for Out-of-State Pharmacy for Off-Site Cognitive Services – Appearance:
Avera ePharmacy – Sioux Falls, SD

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

Ms. Darr explained that Avera ePharmacy offers remote offsite, cognitive services to healthcare facilities. Avera ePharmacy reviews physician's orders and also provides a resource to providers for consulting.

Mr. Darr answered questions to the Board's satisfaction regarding the facility, staff, clients and Avera ePharmacy's policies and procedures.

Board Action:

Motion: Kevin Desmond moved to approve Avera ePharmacy's Application for Out-of-State Pharmacy License.

Second: Kirk Wentworth

Action: Passed unanimously.

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

A. Ken's Professional Compounding Pharmacy – Las Vegas

Kenneth Heaton, managing pharmacist and owner, Cameron French, PA and part-owner, and Joseph Harding, part-owner, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Heaton explained that Ken's Professional Compounding Pharmacy is a non-sterile compounding pharmacy that primarily services assisted care living facilities.

Mr. Heaton, Mr. French and Mr. Harding answered questions to the Board's satisfaction regarding their educational background, policies and procedures, ownership structure and any planned changes to the business model.

Board Action:

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

Second: Darla Zarley

Action: Passed unanimously.

B. PPD Development, LP – Las Vegas

Lee Sun, managing pharmacist, and Adalberto Barba, Director of Clinical Operations, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Sun and Mr. Barba explained that PPD Development, LP, is a closed door pharmacy that compounds and dispenses experimental medications that have been approved for clinical trials on humans.

Mr. Sun and Mr. Barba answered questions to the Board's satisfaction regarding, PPD Development, LP's business model, sterile compounding procedure and services provided.

The Board altered PPD Development, LP's application to include parenteral services at Mr. Sun and Mr. Barba's request.

Board Action:

Motion: Kirk Wentworth approved PPD Development, LP's Application for Nevada Pharmacy pending a positive inspection and receipt of signed document outlining the company's ownership structure.

Second: Robert Sullivan

Action: Passed unanimously.

C. Specialty Care RX – Las Vegas

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

Jeffrey Scott Griffith, Chief Operations Officer, and Clare-lanie Macaraeg, managing pharmacist, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Griffith explained that Specialty Care RX specializes in medications for hemophilia, hepatitis C, HIV, and IBIG.

Ms. Macaraeg answered questions to the Board's satisfaction regarding her past work and educational history and pharmacy experience.

Ms. Macaraeg and Mr. Griffith answered questions to the Board's satisfaction regarding Specialty Care RX business model, policies and procedures and procedures for sterile compounding.

The Board altered Specialty Care RX's application to include parenteral services at Ms. Macaraeg and Mr. Griffith's request.

Board Action:

Motion: Kevin Desmond moved to approve Specialty Care RX's Application for Nevada Pharmacy

Second: Jason Penrod

Action: Passed unanimously.

11. Application for Nevada Wholesaler – Appearance:

Lincare Inc. – North Las Vegas

Tracy Falkenthal, facility manager, and Mark Salvo appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Salvo explained that Lincare Inc. plans to provide respiratory equipment, including oxygen concentrators and CPAP equipment, to skilled nursing facilities in Las Vegas.

Ms. Falkenthal answered questions to the Board’s satisfaction regarding her past work history and training.

Board Action:

Motion: Jason Penrod moved to approve Lincare Inc.’s Application for Nevada Wholesaler pending a positive inspection.

Second: Darla Zarley

Action: Passed unanimously.

12 Request to Add Compounding and Shipping of Sterile Compounded Drugs to an Existing Out-of-State Pharmacy License – Appearance:

A. Pinnacle Compounding (PH03149)

This matter was continued to a future Board meeting at Pinnacle Compounding’s request.

B. VLS Pharmacy, Inc. (PH03179)

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

Mr. Patel stated that VLS Pharmacy currently has an Out-of-State Pharmacy License, but is requesting the Board’s permission to dispense sterile and non-sterile compounded products in Nevada.

The Board questioned Mr. Patel regarding VLS Pharmacy’s sterile facility.

Mr. Patel answered questions to the Board’s satisfaction regarding VLS Pharmacy’s facility, sterile compounding procedure, staff, training and shipping procedures.

Board Action:

Motion: Jason Penrod moved to approve VLS Pharmacy, Inc's Request to Add Compounding and Shipping of Sterile and Non-Sterile Compounded Drugs to their Existing Out-of-State Pharmacy License.

Second: Darla Zarley

Action: Passed unanimously.

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

Cpap Store USA, LLC – Las Vegas (Tabled at January 2017 Meeting)

Valentina Zenlyak, MDEG administrator and RN, and Armin Magzanyan, Director of Operations, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Pinson stated that Cpap Store USA, LLC tabled their application at a previous meeting because the former MDEG administrator was unable to demonstrate his knowledge of the business to the Board.

Ms. Zenlyak answered questions to the Board's satisfaction regarding her work history, training and experience regarding the MDEG business.

Board Action:

Motion: Kevin Desmond moved to approve Cpap Store USA, LLC's Application for Nevada MDEG license pending a positive inspection.

Second: Robert Sullivan

Action: Passed unanimously.

14. Request to Engage in the Practice of Pharmacy at a Site Other Than a Licensing Pharmacy – Appearance:

Vasudha Gupta, R.Ph

Darla Zarley recused from participation in this matter because

Vasudha Gupta appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. Gupta requested the Board's permission to provide clinical services at First Person Complete Care Clinic in Las Vegas. Ms. Gupta explained that she will be employed by Roseman University, but will be working out of the clinic two days a week where she will meet

with patients, review their medical and prescription records and counsel the patient, or suggest possible therapeutic plans to the patient's primary care physician.

Dave Wuest, Deputy Executive Secretary, Nevada State Board of Pharmacy, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Wuest clarified that Ms. Gupta is requesting permission for a pharmacist to practice outside of a pharmacy setting.

Ms. Gupta answered questions to the Board's satisfaction regarding the security of patient's electronic health records.

Board Action:

Motion: Jason Penrod moved to approve Vasudha Gupta's request to engage in the practice of pharmacy at a site other than a licensed pharmacy.

Second: Kevin Desmond

Action: Passed unanimously.

15. General Counsel Report

16. Executive Secretary Report:

A. Financial Report

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

B. Temporary Licenses

One temporary license was issued since the last meeting.

C. Staff Activities:

1. Speaking Engagements

a. Behavioral Health – Las Vegas

b. Opticians – Reno and Las Vegas

c. Fraud Investigators – Las Vegas

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

d. Numerous Invitations

Mr. Pinson stated that Board Staff has received numerous requests and invitations to present

D. Reports to Board:

1. Legislative Update

Mr. Wuest provided an update on the Legislative Session to the Board's satisfaction.

Mr. Edwards provided additional information.

2. CE Approval for Congress on Clinical Rheumatology

Mr. Pinson stated that Congress on Clinical Rheumatology was approved for 13 CEU.

3. Canadian Websites

Mr. Pinson presented to the Board, a draft letter to members of Congress discussing potential legislation that would allow for US consumers to purchase Canada-approved medication through authorized wholesalers and Canadian online pharmacies.

4. "Know Your Pain Meds" Website

Mr. Pinson stated that the Board contributed to the Nevada State Board of Medical Examiners' "Know Your Pain Meds" website. Mr. Pinson explained the website is designed to help answer patient's medication questions.

- E. Board Related News
- F. Activities Report

Public Comment April 12, 2017 5:00 PM

There was no public comment.

Public Comment April 13, 2017 9:00 AM

There was no public comment.

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

- A. **Amendment of Nevada Administrative Code (NAC) 453.510 Schedule 1**
Clarifying Cannabis and Cannabidiol and adding Acetyl Fentanyl to Schedule 1.

Mr. Wuest provided a brief overview of the proposed amendments to NAC 453.510.

David Goldthorpe, Las Vegas Metropolitan Police Department Forensic Laboratory, provided additional information.

President Basch opened the Public Comment.

There was no public comment.

Board Action:

Motion: Jason Penrod moved to adopt the proposed amendments to NAC 453.510 and move forward to Public Hearing.

Second: Darla Zarley

Action: Passed unanimously.

B. Amendment of Nevada Administrative Code (NAC) 453.510 Schedule 1.
The DEA added ten more synthetic cathinones as schedule 1 controlled substances.

Mr. Wuest and Mr. Goldthorpe provided additional information.

President Basch opened the Public Comment.

There was no public comment.

Board Action:

Motion: Jason Penrod moved to adopt the proposed amendments to NAC 453.510 and move forward to Public Hearing.

Second: Darla Zarley

Action: Passed unanimously.

18. Date and Location of Next Scheduled Board Meeting:

May 31 - June 1, 2017 – Reno, Nevada

19. Public Comment April 13, 2017 10:00 AM

Booker Chapman, Director of Pharmacy NorthWest Career College, invited the Board and the public to attend the biannual pharmaceutical technician advisory committee meetings. He stated that the next meeting will be held on April 17, 2017.