



NEVADA STATE BOARD OF PHARMACY

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MINUTES

October 18-19, 2017

BOARD MEETING

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

Board Members Present:

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

Board Staff Present:

Dave Wuest	Paul Edwards	Shirley Hunting	Brett Kandt
Ray Seidlinger	Joseph Dodge	Luis Curras	Kenneth Scheuber
Dena McClish	Sophia Long	Kristopher Mangosing	

Board Staff Absent:

Larry Pinson

President Basch called for a moment of silence in remembrance of the victims affected by the Las Vegas shooting on October 1, 2017.

1. Public Comment October 18, 2017, 9:00 AM

There was no public comment.

2. Approval of September 6-7, 2017, Minutes

President Basch requested a correction on p.11 to indicate, "Ms. Snidow shall pay a \$1,000.00 administrative fee and a \$3,900.00 fine."

President Basch requested a correction on p.15 to correct the date and time of the Public Comment.

Board Action:

Motion: Darla Zarley moved to approve the September 6 & 7 2017, Meeting Minutes with the corrections as noted.

Second: Jason Penrod

Action: Passed unanimously

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

- A. ANIMART Livestock Pharmacy – Beaver Dam, WI
- B. Biologics, Inc. – Cary, NC
- C. Broadway Continental Drugs – North Bergen, NJ
- D. Community, A Walgreens Pharmacy – Los Angeles, CA
- E. Costco Pharmacy #583, Central Fill – Everett, WA
- F. Injoy Rx LLC – Chino Hills, CA
- G. KnippeRx Inc. – Charleston, IN
- H. Pacific Pulmonary Services – Bakersfield, CA
- I. Postmeds Inc. – San Mateo, CA
- J. Profusion Specialty Pharmacy – San Diego, CA
- K. Richardson Pharmacy, LLC – Richardson, TX
- L. Rite Care Pharmacy – Dallas, TX

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

- M. Clark's Pharmacy – Bellevue, WA
- N. Richmond Pharmacy – Richmond, TX
- O. TPS, LLC – Fultondale, AL

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

- P. AGC Distributors, LLC – Slidell, LA
- Q. Central Admixture Pharmacy Services, Inc. – Allentown, PA
- R. Dendreon Pharmaceuticals LLC – Seal Beach, CA
- S. Dendreon Pharmaceuticals LLC – Union City, GA
- T. Dental City – Green Bay, WI
- U. Durbin USA – Ocean Springs, MS
- V. Henry Schein Animal Health – Columbus, OH
- W. Kite Pharma, Inc. – El Segundo, CA
- X. Merck Sharp & Dohme Corp. – Wilson, NC
- Y. Paragon Enterprises, Inc. – Memphis, TN

Applications for Out-of-State Medical, Devices, Equipment and Gases – None Appearance:

- Z. 3G Medical – Idaho Falls, ID
- AA. AB Direct Marketing, Inc. – Boca Raton, FL

- BB. Animal Health Logistics, LLC – Dublin, OH
- CC. Cardinal Health 200, LLC – El Paso, TX
- DD. Cardinal Health 200, LLC – El Paso, TX
- EE. Cardinal Health 200, LLC – Fort Mill, SC
- FF. Cardinal Health 200, LLC – Fort Mill, SC
- GG. Complete Medical Solutions, LLC – Lewes, DE
- HH. Freedom Prosthetic & Orthotics, LLC – St George, UT
- II. Healthcare Mobility, Inc. – Springfield, MO
- JJ. Metro Medical – Tulsa, OK
- KK. Midwest Medical Associates, Inc. – Atlanta, GA
- LL. Philcare Medical Supplies, Inc. – Jonesboro, AR
- MM. Reliable Orthotics LLC – Avondale, AZ
- NN. Respiratory Technologies, Inc. – St Paul, MN
- OO. United Diabetic Supplies, Inc. – North Palm Beach, FL
- PP. Universal Medical Solutions – Santee, CA

Application for Nevada Ambulatory Surgery Center – Non Appearance:

- QQ. miVIP Regional Surgery Center, LLC – Las Vegas, NV

Application for Nevada Pharmacy – Non Appearance:

- RR. CNS Scrips, LLC – Las Vegas, NV

Application for Nevada Wholesaler – Non Appearance:

- SS. DHL Supply Chain (USA) – Las Vegas, NV

Applications for Nevada Medical, Devices, Equipment and Gases – None Appearance:

- TT. Bennett Medical Services – Carson City, NV
- UU. Bennett Medical Services – Elko, NV
- VV. Bennett Medical Services – Reno, NV
- WW. Bennett Medical Services – Las Vegas, NV

Melissa Shake recused from participation regarding Item 3 D due to her employment with Walgreens.

Mr. Dodge explained that he spoke with Lance Paulson, managing pharmacist, for ANIMART Livestock Pharmacy (Item 3 A). He verified that patient's could not initiate ordering medication from the pharmacy's website.

Mr. Dodge explained that Central Admixture Pharmacy Services, Inc. (CAPS) is listed in the Consent Agenda as Item 3 Q. CAPS is applying for an Out-of-State Wholesaler License, but they are also a 503B Outsourcing Facility.

Board Staff requested the Board table Item 3 Q to allow Board Staff to contact CAPS to verify if they need to fill out the Outsourcing Facility application instead.

Board Action:

Motion: Jason Penrod moved to approve the Consent Agenda with the exception of Items 3 D & 3 Q.

Second: Kevin Desmond

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to approve Item 3 D.

Second: Robert Sullivan

Action: Passed unanimously

Mr. Wuest explained that the address listed in CAPS' application is an expansion for a facility that is already licensed in Nevada. He stated that CAPS will appear before the Board in the future for an Outsourcing Facility License for a different facility.

Board Action:

Motion: Jason Penrod moved to approve Item 3 Q.

Second: Kevin Desmond

Action: Passed unanimously

4. Discipline

A. Emily A. Muchnick, PT (17-083-PT-S)

Ms. Muchnick was not present.

Mr. Kandt stated that in July 2017, Board Staff received notice that Ms. Muchnick was terminated from her employment as a pharmaceutical technician at Smith's Pharmacy #332. He explained that on June 30, 2017, Smith's conducted a drug test on all pharmacy associates. Ms. Muchnick's drug screen indicated a positive result for amphetamine, methamphetamine, opiates, codeine, morphine, and oxycodone.

Mr. Kandt moved to have Exhibits 1-5 admitted into the record.

President Basch admitted Exhibits 1-5 into the record.

Mr. Kandt reviewed the Exhibits with the Board. He presented Ms. Muchnick's Notice of Intended Action and Accusation, sent by certified mail. Mr. Kandt also presented the results of Ms. Muchnick's drug screen, notice of Ms. Muchnick's termination and statements from Smith's Pharmacy.

Board Action:

Motion: Darla Zarley moved that based on the evidence presented, Board Staff properly attempted service by mailing the Notice of Intended Action and Accusation to Ms. Muchnick.

Second: Jason Penrod

Action: Passed unanimously

Board Action:

Motion: Kevin Desmond moved that the evidence supports the factual allegations in the Notice of Intended Action and Accusation.

Second: Jason Penrod

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to find Emily Muchnick guilty of the 1-4 Causes of Action.

Second: Darla Zarley

Action: Passed unanimously

Mr. Kandt stated that Board Staff recommends revocation of Ms. Muchnick's pharmaceutical technician registration.

Board Action:

Motion: Kevin Desmond moved to revoke Emily Muchnick's Nevada Pharmaceutical Technician Registration.

Second: Robert Sullivan

Action: Passed unanimously

B. Jennifer E. Arocha, PT

(17-082-PT-S)

Ms. Arocha was not present.

Mr. Kandt moved to have Exhibits 1-3 admitted into the record.

President Basch admitted Exhibits 1-3 into the record.

Mr. Kandt explained that in June 2017, a lead coordinator from CVS Drug Loss Program Team notified Board Staff that CVS terminated Ms. Arocha from her employment as a pharmaceutical technician at CVS Pharmacy #8800 for diversion of controlled substances. He added that during an interview with CVS Loss Prevention and in a written statement, Ms. Arocha admitted to diverting 5,700 Soma 350 mg. tablets, 8,400 Tylenol with Codeine tablets and 5,600 Tramadol tablets.

Mr. Kandt reviewed Exhibits 1-3 with the Board. He presented Ms. Arocha's Notice of Intended Action and Accusation, sent by certified mail. He also presented a Report of Theft/Loss of Controlled Substances sent by CVS Pharmacy and a statement from Ms. Arocha where she admits to diverting controlled substances from CVS Pharmacy.

Board Action:

Motion: Melissa Shake moved that based on the evidence presented, Board Staff properly attempted service by mailing the Notice of Intended Action and Accusation to Ms. Arocha.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved that the evidence supports the factual allegations in the Notice of Intended Action and Accusation.

Second: Kevin Desmond

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to find Jennifer Arocha guilty of the 1-4 Causes of Action.

Second: Darla Zarley

Action: Passed unanimously

Mr. Kandt stated that Board Staff recommends revocation of Ms. Arocha's pharmaceutical technician registration.

Board Action:

Motion: Jason Penrod moved to revoke Jennifer Arocha's Nevada Pharmaceutical Technician Registration.

Second: Darla Zarley

Action: Passed unanimously

C. Parris M. Howard, PT (16-083-PT-S)

Mr. Howard was not present.

Melissa Shake disclosed that Mr. Howard was an employee of Walgreens, but stated that she could participate in the matter fairly and without bias.

Mr. Kandt moved to have Exhibits 1-4 admitted into the record.

President Basch admitted Exhibits 1-4 into the record.

Mr. Kandt explained that in November 2016, Board Staff received notice from the pharmacy manager at Walgreens Pharmacy #05814 stating that Mr. Howard resigned from his employment as a pharmaceutical technician at Walgreens. Mr. Kandt stated Walgreens ordered a drug screen based on complaints concerning Mr. Howard's behavior in the workplace. Mr. Howard's drug screen indicated a positive result for oxycodone and oxymorphone. Mr. Kandt explained that Mr. Howard did not have a valid prescription for either oxycodone or oxymorphone. He admitted in a statement to taking a "pill" that was not prescribed to him.

Mr. Kandt reviewed the Exhibits with the Board. He presented attempted proof of service of Mr. Howard's Notice of Intended Action and Accusation. He also presented the results of Mr. Howard's drug screen and statements from Walgreen's representatives and Mr. Howard.

Board Action:

Motion: Darla Zarley moved that based on the evidence presented, Board Staff properly attempted service by mailing the Notice of Intended Action and Accusation to Mr. Howard.

Second: Kevin Desmond

Action: Passed unanimously

Board Action:

Motion: Kevin Desmond moved that the evidence supports the factual allegations in the Notice of Intended Action and Accusation.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Kevin Desmond moved to find Parris Howard guilty of the First and Second Causes of Action.

Second: Darla Zarley

Aye: Desmond, Penrod, Sullivan, Wentworth, Zarley
Nay: Shake

Action: Motion carries

Mr. Kandt stated that Board Staff recommends revocation of Mr. Howard's pharmaceutical technician registration.

Board Action:

Motion: Kevin Desmond moved to revoke Parris Howard's Nevada Pharmaceutical Technician Registration.

Second: Melissa Shake

Action: Passed unanimously

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| D. | Donna Raymond, R.Ph | (16-025-RPH-A-S) |
| E. | Marjan Ghanem, R.Ph | (16-025-RPH-B-S) |
| F. | Eralda Baho, R.Ph | (16-025-RPH-C-S) |
| G. | CVS/pharmacy #8827 | (16-025-PH-S) |

This matter was continued to a future Board Meeting.

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| H. | Hoyeon Cho, R.Ph | (16-036-RPH-A-S) |
| I. | Amy Lynn Deluca, R.Ph | (16-036-RPH-B-S) |
| J. | CVS/pharmacy #5942 | (16-036-PH-S) |

This matter was continued to a future Board meeting.

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| K. | Willie E. Bawarski, R.Ph | (15-043-RPH-A-S) |
| L. | Jennifer T. Chan, R.Ph | (15-043-RPH-B-S) |
| M. | Walgreens #07864 | (15-043-PH-S) |

Melissa Shake recused from participation in this matter due to her employment with Walgreens.

Willie Bawarski, Jennifer Chan and Nicole Hurtado, pharmaceutical technician, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Bill Stilling was present as counsel representing the Respondents.

Mr. Edwards requested to withdraw the 2nd Cause of Action regarding Ms. Chan.

Mr. Edwards requested to withdraw the 3rd Cause of Action regarding Mr. Bawarski as the managing pharmacist. He explained that the request to withdraw the 3rd Cause of Action was due to Ms. Chan no longer being a Respondent in this case.

Mr. Edwards explained that the remaining Respondents have agreed to Stipulated Facts and requested the Board's permission to have Mr. Kandt read the facts into the record.

President Basch allowed Mr. Kandt to read the Stipulated Facts into the record.

Mr. Kandt read that in May 2015, patient J.C. received a prescription from her physician for Tegretol 100 mg. (generic is carbamazepine) with instructions to take one tablet every day for 7 days, then take one tablet every 12 hours as needed. On May 20, 2015, the prescription was tendered to Walgreens, where pharmaceutical technician Nicole Hurtado entered the data into the Walgreens' computer system. During data entry, Ms. Hurtado selected carbamazepine 200 mg. tablets instead of Tegretol 100 mg. tablets as prescribed. The label on the dispensed carbamazepine included the correct dose for the initial seven-day course of treatment, but the dosing instructions for the subsequent days was double the strength prescribed. Mr. Kandt read that Mr. Bawarski was the verifying pharmacist and he failed to detect the dosing error when he verified the data entry and final product as accurate. Patient J.C. ingested carbamazepine at two times the prescribed dose for 12 days. J.C. experienced adverse physical effects because of the error. The error was detected on June 7, 2015, by Pharmacist R.K. Pharmacist R.K. closed the prescription in the computer system, and created a new prescription for carbamazepine 200 mg. tablets with the correct directions for use.

Mr. Stilling agreed to the Stipulated Facts regarding the 1st and 4th Causes of Action and called Mr. Bawarski as a witness.

Mr. Bawarski acknowledged his mistake and apologized to the Board for the error.

Mr. Bawarski answered the Board's questions regarding the changes he's made to his practice since the error.

The Board questioned Ms. Hurtado regarding why she selected carbamazepine 200 mg. instead of Tegretol 100 mg. as prescribed. Ms. Hurtado testified that the carbamazepine 100 mg. tablets were out-of-stock and stated that she consulted the pharmacist prior to selecting carbamazepine 200 mg. tablets.

Board discussion ensued regarding proper counseling. The Board stressed that patient counseling is the pharmacist's last chance to catch an error before the patient takes possession of the prescription.

Board Action:

Motion: Jason Penrod moved to accept the Stipulated Facts as presented.

Second: Darla Zarley

Action: Passed unanimously

Mr. Edwards requested the Board find that based on the evidence presented that the factual allegations regarding the 1st and 4th Cause of Action are true.

Mr. Stilling requested a modification to remove NRS 639.210 (11) & (15) from paragraph 19 of the Accusation.

Mr. Edwards had no objections to the modification.

Board Action:

Motion: Jason Penrod moved to find Willie Bawarski guilty of the First Cause of Action.

Second: Kevin Desmond

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to find Walgreens Pharmacy #07864 guilty of the Fourth Cause of Action with the modifications to the Accusation as discussed.

Second: Darla Zarley

Action: Passed unanimously

Mr. Edwards stated that Board Staff recommends that Mr. Bawarski shall pay a fine of \$1,000.00 and complete an additional four CEU on the topics of error prevention and managing pharmacist responsibilities. Walgreens shall pay an administrative fee of \$1,500.00.

Mr. Stilling agreed with Board Staff's recommendations but requested the Board provide a deadline for the fines and additional CEU.

Board Action:

Motion: Jason Penrod moved that Willie Bawarski shall pay a fine of \$1,000.00 within 60 days of the Board's Order and Mr. Bawarski shall complete an additional 4 CEU on the topics of error prevention and managing pharmacist responsibilities within 6 months of the Board's Order.

Second: Kevin Desmond

Action: Passed unanimously

Board Action:

Motion: Kevin Desmond moved that Walgreens shall pay an administrative fee of \$1,500.00 within 60 days of the Board's Order.

Second: Robert Sullivan

Action: Passed unanimously

5. Request for Reinstatement of Voluntary Surrendered Pharmacist License:

Derek Sapone

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

Mr. Kandt explained that in 2009, Mr. Sapone became addicted to hydrocodone and was entered into a three-month inpatient treatment program. He explained that Mr. Sapone did not disclose this matter on his NABP application which lead to discipline in multiple states and voluntary surrender of his license in Nevada. Mr. Kandt stated that Mr. Sapone appeared before the Board during the July 2017 Board meeting where Mr. Sapone requested the Board table his application to allow him the opportunity to be evaluated by PRN-PRN.

Mr. Espadero explained that he has been in contact with Mr. Sapone's sponsor in Virginia and has reviewed Mr. Sapone's treatment plans. Mr. Espadero expressed support of the Board reinstating Mr. Sapone's pharmacist license and suggested that Mr. Sapone's sponsor provide him with updates on Mr. Sapone's recovery.

Mr. Sapone answered questions to the Board's satisfaction regarding his discipline in other states, recovery and current employment.

Board Action:

Motion: Jason Penrod moved to reinstate Derek Sapone's Nevada Pharmacist License pending receipt of Mr. Sapone's Orders from Alabama and South Carolina. Mr. Sapone shall comply with all requirements outlined in the Orders. If Mr. Sapone does not comply with the Orders, he shall notify Board Staff within one business day and his Pharmacist License will be suspended immediately. Mr. Sapone shall ensure that his sponsor in Virginia provides Mr. Espadero with updates on his recovery.

Second: Darla Zarley

Action: Passed unanimously

6. Request for Advanced Practitioner of Nursing Prescribe Registration:

Veronica N. James, APRN

Veronica James and Jennifer Dipp, Billing Department Manager Las Vegas Pain Institute, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Kandt explained that Ms. James was asked to appear before the Board because she did not disclose past discipline on her Application for Nevada Advanced Practitioner of Nursing Prescribe Registration.

Ms. James and Ms. Dipp described the circumstances that led to Ms. James not disclosing her past discipline on her application.

Ms. Dipp stated that Ms. James provided the credentialing company with documentation of her discipline. She explained that due to clerical errors by the credentialing company the documentation was not submitted to the Board.

Ms. James acknowledged her responsibility to verify her application's accuracy and apologized to the Board for her oversight.

Ms. James answered questions to the Board's satisfaction regarding her past discipline in Texas.

Board Action:

Motion: Melissa Shake moved to approve Veronica N. James' Application for Advanced Practitioner of Nursing Prescribe Registration.

Second: Robert Sullivan

Jason Penrod offered a friendly amendment to have Board Staff forward Ms. James' application to the Nevada State Board of Nursing.

Ms. Shake and Mr. Sullivan accepted the friendly amendment.

Action: Passed unanimously

7. Appearance for Determination of Pharmacist Licensure Status

Lisa Baker

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

Mr. Edwards reviewed Ms. Baker's Order regarding Case No. 16-014-RPH-S. Ms. Baker's pharmacist license was suspended, and the suspension stayed for 12 months. During that time, Ms. Baker was ordered to pay an administrative fee and fine and pass the PARE exam.

Mr. Edwards explained that the 12 months has passed and Ms. Baker's pharmacist license has been suspended. He stated that to date Ms. Baker has not passed the PARE exam or paid her fine and fee.

Ms. Baker stated that she recently mailed in her fine. She requested the Board's permission to take the PARE exam again.

President Basch granted Ms. Baker permission to take the PARE exam again.

The Board strongly recommended Ms. Baker comply will all requirements of her Order and appear before the Board again in a timely manner.

8. Appearances Required by Discipline Order:

A. Martin O. Chibueze, R.Ph (16-015-RPH-B-S)

Darla Zarley disclosed that Mr. Chibueze was a former student, but stated that she could participate in this matter fairly and without bias.

Jason Penrod disclosed that Mr. Chibueze was a former classmate, but stated that he could participate in this matter fairly and without bias.

Martin Chibueze appeared and was sworn by President Basch prior to answering questions or offering testimony.

Jude Nazareth was present as counsel representing Mr. Chibueze.

Mr. Edwards explained that Mr. Chibueze was required by the June 2017 Board Order to appear at two of the next three Las Vegas Board meetings, on the disciplinary day. At the first of those two meetings, Mr. Chibueze's name shall appear on the agenda and Mr. Chibueze shall appear in person to explain his failure to attend his hearing.

Mr. Chibueze apologized to the Board for not attending his hearing. He explained that he thought that having legal counsel represent him was sufficient.

Board discussion ensued regarding the importance of licensees attending their hearings in person.

B. Jessica T. Nguyen, R.Ph (16-015-RPH-A-S)

Neither Ms. Nguyen nor her legal counsel were present.

Mr. Edwards reviewed the Board's June 9, 2017 Order in Case No. 16-015. Mr. Edwards explained that Ms. Nguyen was required by the Order to appear at two of the next three

Board meetings in Las Vegas, Nevada on the disciplinary day. At the first of those two meetings, Ms. Nguyen's name shall appear on the agenda and she shall appear in person to explain her failure to attend her hearing.

Mr. Edwards explained that Ms. Nguyen needed to appear at the October 2017 and the January 2018 Board Meetings to be in compliance with the Order.

Board Action:

Motion: Jason Penrod moved to find that Board Staff noticed Ms. Nguyen of the hearing.

Second: Darla Zarley

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to find that Jessica Nguyen has failed to comply with the Order.

Second: Kevin Desmond

Action: Passed unanimously

Mr. Edwards explained that based on the finding that Ms. Nguyen is out of compliance with the Order then both her pharmacist license and Spring Valley Pharmacy's pharmacy license are suspended and the stays on their fines are lifted.

Mr. Kandt reviewed NAC 639.570 regarding involuntary closures with the Board.

Mr. Wuest explained that Board Staff will be impounding the controlled substances at Spring Valley Pharmacy, but stated that non-controlled medications would be able to be dispensed for the next thirty days.

9. Request for Appearance with proposal to surrender Nevada pharmacist license and/or modify existing Board Order(s) in Case Nos. 16-015-RPH and 16-022-RPH.

Jessica T. Nguyen, R.Ph

Based on the results in the previous matter the Board decided to table this matter until a future meeting.

10. Application for Out-of-State Wholesaler – Appearance:

Alexso Inc. – Los Angeles, CA

Hootan Troy Farahmand, part-owner and facility manager, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Edwards explained that during the September 2017 Board meeting the Board tabled Alexso Inc.'s Application at Mr. Farahmand's request.

Mr. Farahmand answered questions to the Board's satisfaction regarding Mr. Melamed's Federal Indictment, Alexso Inc.'s Shareholder Agreement, as well as the status of the pending civil litigation between Mr. Melamed and Alexso Inc.

The Board discussed sending Board Staff to inspect Alexso Inc.'s facility in California.

Board Action:

Motion: Jason Penrod moved to approve Alexso Inc.'s Application for Out-of-State Wholesaler pending a positive inspection by Board Staff. If Mr. Melamed obtains control of or access to Alexso Inc., then Alexso Inc. shall notify Board Staff within one business day and their Out-of-State Wholesaler License will be suspended immediately. Alexso Inc. shall notify Board Staff regarding any changes regarding their pending civil litigation.

Second: Kevin Desmond

Action: Passed unanimously

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

Care First Concierge Pharmacy – Las Vegas, NV

Mr. Edwards explained that Board Staff received an email from Ms. Robinson, owner Care First Concierge Pharmacy, requesting the Board continue this matter until a future meeting.

The Board tabled Care First Concierge Pharmacy's Application at Ms. Robinson's request.

12 Request to Engage in the Practice of Pharmacy at a Site Other Than a Licensed Pharmacy – Appearance:

Christina M. Madison, PharmD

Darla Zarley recused from participation in this matter due to her employment with Roseman University.

Christina Madison appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. Madison stated that she is an employee of Roseman University. She explained that she is requesting the Board's approval to provide pharmacy services at Huntridge Family Clinic.

She stated that she intends to perform medical record review, drug interaction review and remote consultation.

Ms. Madison answered questions to the Board's satisfaction regarding her education history, work history and services provided.

Board Action:

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

Second: Melissa Shake

Action: Passed unanimously

13. Applications for Nevada Pharmacy – Appearance:

A. Nevada State Pharmacy – Las Vegas, NV

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

Mr. Brill explained that Nevada State Pharmacy is a closed-door retail pharmacy that services long-term care facilities.

Mr. Brill answered questions to the Board's satisfaction regarding his work history, pharmacy layout, security, and ownership structure.

Board Action:

Motion: Jason Penrod moved to approve Nevada State Pharmacy's Application for Nevada Pharmacy License pending a positive inspection.

Second: Darla Zarley

Action: Passed unanimously

B. Quire Pharmacy, LLC – Las Vegas, NV

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

Ms. Majchrowski presented a Letter of Authorization allowing to her to speak on behalf of the company.

Ms. Majchrowski explained that Quire Pharmacy, LLC is a retail pharmacy that offers mail service.

Ms. Majchrowski answered questions to the Board's satisfaction regarding her past work history, pharmacy staff and the pharmacy ownership structure.

Board Action:

Motion: Jason Penrod moved to approve Quire Pharmacy, LLC's Application for Nevada Pharmacy License pending a positive inspection and receipt of documentation describing Quire Pharmacy, LLC's ownership structure. Board Staff is authorized to evaluate Quire Pharmacy, LLC's ownership structure.

Second: Kevin Desmond

Action: Passed unanimously

14. Applications for Out-of-State Outsourcing Facility – Appearance:

A. Atlas Pharmaceuticals – Phoenix, AZ

Nancy Costlow, Director of Operations, and Jerry Depa, Supervising Pharmacist, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Ms. Costlow explained that Atlas Pharmaceuticals is an FDA approved 503B Outsourcing Facility that provides sterile and non-sterile compounding services.

Ms. Costlow answered questions to the Board's satisfaction regarding pharmacy staff, training, past inspections, product testing and pharmacy policies and procedures.

Mr. Depo answered questions to the Board's satisfaction regarding his past work history and experience.

Board Action:

Motion: Jason Penrod moved to approve Atlas Pharmaceuticals' Application for Out-of-State Outsourcing Facility License pending receipt of Atlas Pharmacy's FDA 483 Form and their response. Board Staff is authorized to review and evaluate these documents. Board Staff shall contact the Arizona State Board of Pharmacy to verify that there are no outstanding issues with the FDA or the Arizona State Board of Pharmacy.

Second: Kevin Desmond

Action: Passed unanimously

B. Nubrotori, Inc. – Torrance, CA

Robert Nickell, CEO & owner, and Gulshakar Khwaja, Supervising Pharmacist, and Jennifer Wilson, Lead Pharmacy Technician, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Ms. Khwaja explained that Nubrotori, Inc. is an FDA approved 503B Outsourcing Facility that provides sterile and non-sterile compounding services.

Ms. Khwaja and Ms. Wilson answered questions to the Board's satisfaction regarding the pharmacy layout, clean room specifications and pharmacy policies and procedures.

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

Mr. Dodge questioned Ms. Khwaja regarding the California State Board of Pharmacy's (California Board) inspection of Nubrotori, Inc.

Ms. Khwaja described the observations noted during the inspection by the California Board.

Ms. Khwaja explained that FDA has not yet done their inspection of Nubrotori, Inc.

Board Action:

Motion: Kevin Desmond moved to approve Nubrotori, Inc.'s Application for Out-of-State Outsourcing Facility pending receipt of the California Board's inspection report. Nubrotori, Inc. shall send the Board a copy of their FDA 483 Form once their FDA inspection is complete. Board Staff is authorized to review and evaluate these documents.

Second: Jason Penrod

Action: Passed unanimously

C. US Compounding, Inc. – Conway, AR

Rebecca Mitchell, supervising pharmacist, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. Mitchell explained that US Compounding, Inc. is currently licensed in Nevada as an Out-of-State Pharmacy. She stated that US Compounding, Inc. is applying for their Out-of-State Outsourcing Facility License.

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

Mr. Dodge questioned Ms. Mitchell regarding US Compounding, Inc.'s past FDA inspections and voluntary recalls.

Ms. Mitchell answered questions to the Board's satisfaction.

Board Action:

Motion: Kevin Desmond moved to approve US Compounding, Inc.'s Application for Out-of-State Outsourcing Facility.

Second: Robert Sullivan

Action: Passed unanimously

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

A. Elwyn Specialty Care – Garnet Valley, PA

Marc Stranz appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Stranz explained that Elwyn Specialty Care is a retail specialty pharmacy that provides sterile and non-sterile compounding services.

Mr. Stranz answered questions to the Board's satisfaction regarding pharmacy staff, training and pharmacy shipping and product testing procedures

Board Action:

Motion: Kevin Desmond moved to approve Elwyn Specialty Care's Ownership Change Application for Out-of-State Compounding Pharmacy License.

Second: Robert Sullivan

Action: Passed unanimously

B. Triad Rx, Inc. – Daphne, AL

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

Mr. Roberts presented a Letter of Authorization allowing him to speak on behalf of Triad Rx, Inc.

Mr. Roberts stated that Triad Rx, Inc. is a retail pharmacy that provides sterile and non-sterile compounding services. He explained that Triad Rx, Inc. is requesting an ownership change and stated that there are no plans to change their current business model.

Mr. Roberts answered questions to the Board satisfaction regarding Triad Rx, Inc.'s past inspections, high-risk sterile compounding procedures, shipping procedures and product testing

Board Action:

Motion: Jason Penrod moved to approve Triad Rx, Inc.'s Ownership Change Application for Out-of-State Pharmacy License. Board Staff shall review Triad Rx, Inc.'s last Alabama inspection and will bring this matter back to the Board if there are any concerns.

Second: Darla Zarley

Action: Passed unanimously

C. Village Fertility Pharmacy, LLC – Waltham, MA

This matter was continued to the December 2017 Board meeting at the applicant's request.

D. VitalCare of North Houston – Houston, TX

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

Mr. Henry stated that he would provide the Board with a Letter of Authorization allowing him to speak on behalf of the company.

Mr. Henry explained that VitalCare of North Houston specializes in low to medium risk sterile compounding. He added that VitalCare of North Houston has no intention of performing high-risk sterile compounding.

Mr. Henry answered questions to the Board's satisfaction regarding VitalCare of North Houston's staff, clean room specifications, compounding and shipping procedures, past inspections and ownership.

Board Action:

Motion: Jason Penrod moved to approve VitalCare of North Houston's Application for Out-of-State Pharmacy License pending receipt of a Letter of Authorization allowing Mr. Henry to speak on behalf of the company.

Second: Darla Zarley

Action: Passed unanimously

16. Applications for Nevada Medical, Devices, Equipment and Gases – Appearance:

A. Children's Orthotics and Prosthetics LLC – Las Vegas, NV

Alicia Purdum, MDEG Administrator and Owner, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. Purdum answered questions to the Board's satisfaction regarding her work history, experience with orthotics and prosthetics and the products and services provided.

Ms. Purdum requested the Board modify her application on p.2 question 3, to remove her name from the list of health professional owners.

Board Action:

Motion: Jason Penrod moved to approve Children's Orthotics and Prosthetics, LLC's Application for Nevada MDEG license pending a positive inspection.

Second: Kirk Wentworth

Action: Passed unanimously

- B. Las Vegas Medical Store – Las Vegas, NV

Hal Taylor appeared on behalf of Las Vegas Medical Store. Mr. Taylor requested to continue this matter until the December 2017 Board meeting.

President Basch accepted Mr. Taylor's request to continue this matter.

- 17. Presentation from Brian Williamson, PharmD – Proteus Digital Sensor

Brian Williamson, pharmacist, Rob Duck, Director of Business Engineering, and Dr. Noni Viridi, Head of Medical Science appeared.

Mr. Duck and Dr. Viridi presented the Proteus Digital Sensor to the Board. They explained that the Proteus Digital Sensor is an FDA approved ingestible sensor that tracks the date and time a patient takes their medication. That information is sent to an app which the prescriber and patient can then observe patient compliance.

- 18. Presentation on Open Government and Administrative Law – Brett Kandt, General Counsel

This matter was continued to a future Board meeting.

Public Comment October 18, 2017, 5:00 PM

There was no public comment.

- 19. General Counsel Report for Possible Discussion

- 20. Executive Secretary Report for Possible Discussion:

- A. Financial Report

Mr. Wuest presented the financial report to the Board's satisfaction.

- B. Temporary Licenses

One temporary license was issued since the last meeting.

- C. Staff Activities:
 - 1. FBI CE

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

- 2. Meetings with Other Health Care Boards

Mr. Wuest stated that Board Staff met with the other Health Care Boards to discuss AB 474. The group discussed the potential impact on all healthcare professionals and their staff, as well as methods to educate them on the changes to the law.

- 3. Governor's Task Force on Opiates
- 4. AG Substance Abuse Working Group
- 5. NASCSA Annual Meeting

Mr. Wuest explained that Mr. Pinson and Ms. Long are attending the NASCSA Annual Meeting this week.

- 6. FDA 50 State Meeting on Compounding
- D. Reports to Board:
 - 1. CE Approval for Ehlers-Danlos Conference
 - 2. Pharmacy Practice Advisory Committee
- E. Board Related News
- F. Activities Report

Public Comment October 19, 2017, 9:00 AM

Catherine Oswald, pharmacist, expressed interest in a newsletter article regarding best practices for dispensing Narcan.

21. Notice of Proposed Regulation Workshop Pursuant to NRS 233B.061(2): **(For Possible Action)**

The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in proposed regulations:

- 1. **Amendment of Nevada Administrative Code (NAC) 453.460: Partial filling of prescriptions listed in Schedule II.** The proposed amendment to NAC 453.460 revises provisions relating to the partial filling of a controlled substance listed in Schedule II. (LCB File No. R007-17)

Mr. Wuest and Mr. Kandt provided a brief background.

After discussion, the Board directed Board Staff to modify the proposed amendment to mirror Federal Law.

President Basch opened the Public Comment.

Lauren Berton, CVS Omnicare, stated that the language regarding long term care on p.2 of the proposed amendment was struck. She explained that this language is still in compliance with Federal Law.

Board Staff agreed that this language was struck in error and stated that the error would be corrected.

Board Action:

Motion: Jason Penrod moved to adopt the proposed amendments and move forward to Public Hearing with the changes as discussed.

Second: Melissa Shake

Action: Passed unanimously

- 2. Amendment of Nevada Administrative Code Chapter 453 to add a new section thereto providing for the dispensing of dangerous drugs by veterinarians through consignment.** To allow a veterinarian to take legal ownership but not physical possession of a dangerous drug from a wholesaler, prescribe the drug to a patient, and then consign to a pharmacy for dispensing to the patient.

Mr. Kandt provided a brief background.

The Board requested modifications to the proposed amendment to include written client consent to the consignment of dangerous drugs and to allow for multiple Board representatives to inspect facilities.

President Basch opened the Public Comment.

Bill Stilling asked if the proposed amendment was limited to only companion animals or if it also applied to herd animals.

After discussion, the Board decided that there was no need to specify between companion and herd animals in the proposed amendment.

James Boyle, Strategic Pharmacy Solutions, thanked the Board and Board Staff for their work on the proposed amendment.

Mr. Boyle expressed concerns regarding Section 3 and Section 8 creating additional requirements for veterinarians.

Board Action:

Motion: Jason Penrod moved to bring the proposed amendments back to Workshop with the changes discussed.

Second: Darla Zarley

Action: Passed unanimously

3. Amendment of Nevada Administrative Code 639.010: Definitions. Enacts definition of designated agent for purposes of NAC 639.7102 and 639.7105.

Mr. Kandt provided a brief background.

Mr. Kandt explained that Board Staff received written public comment from the Nevada Dental Association requesting the Board consider broadening the definition of designated agent to include dental personnel.

Board discussion ensued regarding the option of broadening the definition of designated agent to include employees of the prescriber or a list of specific professions.

President Basch opened the Public Comment.

There was no public comment.

Board Action:

Motion: Jason Penrod moved to bring the proposed amendment back to Workshop with the changes discussed.

Second: Kevin Desmond

Action: Passed unanimously

4. Amendment of Nevada Administrative Code 639.670: Adoption of certain publications by reference; revision of publication after adoption. Adopts by reference chapter 800 of the *United States Pharmacopeia - National Formulary*, published by the United States Pharmacopeial Convention.

Mr. Wuest provided a brief background and stated that USP 800 was scheduled to go into effect in 2018, but that effective date has been postponed.

President Basch opened the Public Comment.

Karen Rosati, CAPS, expressed concern regarding the phrasing in USP 800.

Board Staff encouraged CAPS to submit public comments to USP 800 regarding any concerns.

Gener Tejero, RPh, asked how USP 800 would give the Board oversight over prescribers who compound in their facilities.

Mr. Wuest explained that the Board may have oversight in some cases, but if not then the case would be referred to the prescriber's primary licensing board.

- 5. Amendment of Nevada Administrative Code 639.879:** Scope of authority to dispense. Amends provisions relating to the dispensing of dangerous drugs by an advanced practice registered nurse.

Mr. Kandt provided a brief background and explained that the purpose of this proposed amendment is to amend our regulation to be consistent with existing laws.

President Basch opened the Public Comment.

There was no public comment.

Board Action:

Motion: Kevin Desmond moved to adopt the proposed amendments and move forward to Public Hearing.

Second: Jason Penrod

Action: Passed unanimously

- 6. Amendment of Nevada Administrative Code Chapter 639 to add a new section thereto providing for the dispensing of drugs with prescription readers.** Enacts provisions of Senate Bill 131 (79th Session 2017) requiring certain pharmacies to, upon request, provide a prescription reader or advice on obtaining a prescription reader.

Mr. Kandt provided additional information.

President Basch opened the Public Comment.

Liz MacMenamin, RAN, expressed support of the proposed language and thanked the Board and Board Staff for their work.

Board Action:

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

Second: Robert Sullivan

Action: Passed unanimously

22. Date and Location of Next Scheduled Board Meeting:

December 6-7, 2017 – Reno, Nevada

23. Public Comment October 19, 2017, 5:00 PM

There was no public comment.

24. Request for Renewal of Pharmacist License:

Raymond M. Duro, R.Ph

Kevin Desmond explained that he knows Mr. Duro and recused from participation in this matter.

Raymond Duro appeared and was sworn by President Basch prior to answering questions or offering testimony.

Hal Taylor was present as counsel representing Mr. Duro.

Mr. Kandt explained that Mr. Duro disclosed on his renewal application that he had an administrative action on his Pharmacist License in California.

Mr. Duro explained that during a pharmacy inspection by the California Board of Pharmacy the inspectors observed pharmaceutical technician working unsupervised. Mr. Duro stated that he was the pharmacist on duty at that time.

Mr. Duro answered questions to the Board's satisfaction regarding his discipline in California.

Board discussion ensued regarding the procedure to renew Mr. Duro's Nevada license, potential parallel action, and reporting to NABP's database.

Board Action:

Motion: Kirk Wentworth moved to approve Raymond Duro's Renewal Application.

Second: Robert Sullivan

Action: Passed unanimously