



NEVADA STATE BOARD OF PHARMACY

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MINUTES

September 6-7, 2017

BOARD MEETING

Hyatt Place
1790 E Plumb Lane
Reno, Nevada

Board Members Present:

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

Board Staff Present:

Larry Pinson	Dave Wuest	Paul Edwards	Shirley Hunting	Brett Kandt
Yenh Long	Henna Rasul	Kristopher Mangosing		

President Basch read the mission statement of the Nevada State Board of Pharmacy to reiterate the Board's duty to carry out and enforce the provisions of Nevada law to protect the health, safety, and welfare of the public.

Mr. Pinson recognized Hi Jeppson as the longest registered active pharmacist in Nevada. Mr. Pinson commended Mr. Jeppson for his hard work and service over the course of his career.

1. Public Comment September 6, 2017, 9:00 AM

There was no public comment.

2. Approval of July 19-20, 2017, Minutes

Board Action:

Motion: Darla Zarley moved to approve the July 19-20, 2017, Minutes as presented.

Second: Kirk Wentworth

Action: Passed unanimously

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

- A. Accurate Rx Pharmacy – Columbia, MO
- B. ARJ Infusion Services, Inc. – Omaha, NE
- C. DMG Health Pharmacy – Murfreesboro, TN
- D. FortBend RX Pharmacy – Missouri City, TX
- E. Giannotto's Pharmacy – Newark, NJ
- F. Lakeforest Pharmacy – Wentzville, MO
- G. RARx, LP – Nashville, TN
- H. Restore Rx, Inc. – Brunswick, TN
- I. Synergy Rx – Eugene, OR

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

- J. Family Care Pharmacies – Houston, TX
- K. Good Samaritan Pharmacy & Compounding – Houston, TX
- L. Pharmacy Innovations – Folcroft, PA

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

- M. Achaogen, Inc. – South San Francisco, CA
- N. Aiping Pharmaceutical, Inc. – Hauppauge, NY
- O. BPI Labs, LLC – Largo, FL
- P. Global Pharmacy Wholesale – Dearborn, MI
- Q. LifeCell Corporation – Branchburg, NJ
- R. Lupin Pharmaceuticals, Inc. – Somerset, NJ
- S. Medisol Pharmaceuticals LLC – Richardson, TX
- T. MHC Pharma, LLC – Fairfield, OH
- U. Navilyst Medical, Inc. – Glen Falls, NY
- V. Ocular Therapeutix, Inc. – Bedford, MA
- W. PruGen, Inc. – Scottsdale, AZ
- X. Theravance Biopharma US, Inc. – South San Francisco, CA
- Y. Ultragenyx Pharmaceutical, Inc. – Novato, CA
- Z. Upsher-Smith Laboratories, LLC – Maple Grove, MN
- AA. UPS Supply Chain Solutions, Inc. – Pedricktown, NJ

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

- BB. AbleNet Inc. – Roseville, MN
- CC. AMD Medical Inc. – Lockbourne, OH
- DD. Avondale HME, Inc. – San Diego, CA
- EE. Byram Healthcare Centers, Inc. – South Bend, IN
- FF. Essential Medical Supplies – San Diego, CA
- GG. FedEx Supply Chain, Inc. – Edwardsville, IL
- HH. FedEx Supply Chain, Inc. – Fontana, CA

- II. FedEx Supply Chain, Inc. – Greenwood, IN
- JJ. FedEx Supply Chain, Inc. – Jacksonville, FL
- KK. Freedom Medical Consultants LLC – Woodstock, GA
- LL. Gemco Medical – Hudson, OH
- MM. Mobility Maintenance Solutions – Chino, CA
- NN. Optimum Med Equipment Supply, LLC – Bayville, NY
- OO. Pacific Pulmonary Services – Bakersfield, CA
- PP. Patient Direct Rx, LLC – Horsham, PA
- QQ. XL Group, Inc. – Doylestown, PA

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

- RR. Pacific Pulmonary Services – Las Vegas, NV
- SS. Pacific Pulmonary Services – Reno, NV

Applications for Nevada Pharmacy – Non Appearance:

- TT. Mesquite Pharmacy and Medical Supplies – Mesquite, NV
- UU. Renown Regional Medical Center Pharmacy – Reno

Kevin Desmond recused from participation regarding Item UU due to his employment with Renown Health.

Board Action:

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

Second: Darla Zarley

Action: Passed unanimously

Board Action:

Motion: Kirk Wentworth moved to approve Item UU.

Second: Jason Penrod

Action: Passed unanimously

4. Discipline

- A. Rhoda Maglaya, R.Ph (17-023-RPH-N)
- B. Griselda Rangel, PTT (17-023-PTT-N)

Jason Penrod recused from participation in this matter due to his employment with Walmart.

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

Rhoda Maglaya and Griselda Rangel appeared and were sworn by President Basch prior to answering questions or offering testimony.

Roderick Carucci was present as counsel representing Ms. Maglaya.

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

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

Mr. Edwards read that on February 18, 2016, Ms. Rangel was hired at Walmart Pharmacy #10-2617 as a pharmacy clerk. As the managing pharmacist, Ms. Maglaya signed Ms. Rangel's application to the Board as a pharmaceutical technician in training. Ms. Rangel's pharmaceutical technician in training registration was issued on March 16, 2016.

Mr. Edwards read that on March 9, 2017, Ms. Maglaya telephoned the Board Office to inform Staff that she recently discovered that Ms. Rangel had falsified her application by indicating that she is a high school graduate or equivalent. Subsequent to the submission of the falsified application and issuance of Ms. Rangel's pharmaceutical technician in training registration, Ms. Rangel worked at Walmart Pharmacy #10-2617 for approximately one year. On March 13, 2017, Walmart terminated Ms. Rangel's employment for misrepresenting that she is a high school graduate or equivalent on her application. On March 24, 2017, Ms. Rangel sent a letter to the Board Office to surrender her pharmaceutical technician in training registration. In her letter, Ms. Rangel admitted that she lied on her application by indicating that she is a high school graduate or equivalent when she is neither.

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

Mr. Carucci had no objections to Exhibits 1-3.

Mr. Kandt explained that Ms. Rangel has stipulated that she falsified her application, but stated that Ms. Rangel alleges that Ms. Maglaya encouraged her to do so.

Mr. Carucci explained Ms. Maglaya contests the accusation. He explained that Ms. Maglaya contacted Board Staff to report the issue.

Mr. Kandt called Rhiannon Hornbarger as a witness.

Rhiannon Hornbarger, pharmaceutical technician, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Kandt moved to have Exhibits 4 and 5 admitted into the record.

President Basch admitted Exhibits 4 and 5 into the record.

Mr. Kandt asked Ms. Hornbarger to describe the Exhibits to the Board. Ms. Hornbarger explained that Exhibit 4 is a written statement issued by her describing a discussion that she witnessed between Ms. Maglaya and Ms. Rangel. In that discussion, Ms. Maglaya instructed Ms. Rangel to indicate that she was a high school graduate or equivalent on her pharmaceutical technician in training application.

Mr. Carucci asked Ms. Hornbarger to describe her relationship with Ms. Maglaya and Ms. Rangel. He asked Ms. Hornbarger to describe in detail the conversation between Ms. Maglaya and Ms. Rangel.

Ms. Hornbarger explained that her relationship with Ms. Maglaya was strained and stated that she has complained to Walmart regarding her management style and attitude towards her subordinates.

Mr. Carucci called Ms. Rangel as a witness.

Mr. Carucci asked Ms. Rangel to describe the process of completing her application. He also asked Ms. Rangel to describe her relationship with Ms. Hornbarger and Ms. Maglaya.

Ms. Rangel described the steps she took to complete her application and described a conversation with Ms. Maglaya instructing her to indicate on her application that she was a high school graduate or equivalent.

Ms. Rangel testified that Ms. Maglaya has coached her regarding her work performance and added that she has filed complaints with Walmart regarding Ms. Maglaya's management style and treatment of her staff.

Mr. Carucci stated that there are discrepancies between the Exhibits and Ms. Rangel's and Ms. Hornbarger's testimonies. He explained that Ms. Maglaya had no motivation to instruct Ms. Rangel to falsify her application.

Mr. Carucci called Ms. Maglaya as a witness.

Mr. Carucci asked Ms. Maglaya to describe the events that led to her discovery that Ms. Rangel was not a high school graduate or equivalent. Ms. Maglaya testified that she noticed job performance issues specifically regarding pharmacy calculations.

Board discussion ensued regarding the responsibility to verify if employees meet the prerequisite to be hired for their positions.

Ms. Rangel answered the Board's questions regarding Walmart's hiring procedure.

Board Action:

Motion: Kevin Desmond moved that the Stipulated Facts and evidence supports the factual allegations in the Notice of Intended Action and Accusation regarding Ms. Rangel.

Second: Darla Zarley

Action: Passed unanimously

Board Action:

Motion: Kevin Desmond moved to find Griselda Rangel guilty of the First Cause of Action.

Second: Darla Zarley

Action: Passed unanimously

Mr. Kandt stated that Ms. Rangel has surrendered her pharmaceutical technician in training registration.

Board Action:

Motion: Melissa Shake moved that Griselda Rangel cannot reapply for a pharmaceutical technician in training registration for a minimum of 1 year. Prior to reapplying for licensure Ms. Rangel shall pay an administrative fine of \$495.00.

Second: Darla Zarley

Action: Passed unanimously

Board discussion ensued that based on the evidence provided did Ms. Maglaya encourage Ms. Rangel to falsify her application.

Ms. Rasul recommended the Board review the Notice of Intended Action and Accusation to see if each factual allegation was proven.

After thorough review of the Notice of Intended Action and Accusation the Board decided that there was not enough evidence to prove Ms. Maglaya encouraged Ms. Rangel to falsify her application.

Board Action:

Motion: Kirk Wentworth moved to find Rhoda Maglaya not guilty of the Second Cause of Action.

Second: Robert Sullivan

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

Action: Motion failed

Mr. Kandt explained that taking into consideration the findings of fact, the parties stipulate that all elements of the Second Cause of Action against Ms. Maglaya as set forth in the Accusation cannot be proven, and the parties stipulate to the dismissal of the Second Cause of Action.

C. Lisa K. Brown, R.Ph

(17-068-RPH-N)

Lisa Brown was not present.

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

President Basch admitted Exhibits 1-3 into the record.

Mr. Edwards reviewed the Exhibits with the Board. He presented documentation indicating that Board Staff sent Ms. Brown's Notice of Intended Action and Accusation by certified mail as required by law.

Board Action:

Motion: Jason Penrod moved that Board Staff properly attempted service by mailing the Notice of Intended Action and Accusation to Ms. Brown.

Second: Darla Zarley

Action: Passed unanimously

Mr. Edwards explained that this case is a parallel action for discipline that occurred in California.

Mr. Edwards explained that while registered as a pharmacist by the Nevada State Board of Pharmacy and the California State Board of Pharmacy (CA Board), Ms. Brown used multiple aliases. In April 2008, the CA Board disciplined Ms. Brown's California Pharmacist License. Ms. Brown stipulated to reckless driving allegations. Ms. Brown tested positive for amphetamines and opiates. Ms. Brown failed to disclose that she had been the subject of criminal actions and administrative actions in California on her Renewal Application.

Board Action:

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

Second: Darla Zarley

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to find Lisa K Brown guilty of the First Cause of Action.

Second: Melissa Shake

Action: Passed unanimously

Board Action:

Motion: Kevin Desmond moved to find Lisa K Brown guilty of the Second Cause of Action.

Second: Jason Penrod

Action: Passed unanimously

Mr. Edwards stated that Board Staff recommends revocation of Ms. Brown's Nevada Pharmacist License and Ms. Brown shall pay a \$10,000 fine. The fine is due prior to Ms. Brown reapplying for licensure in Nevada.

Board Action:

Motion: Kevin Desmond moved to revoke Lisa K Brown's Nevada Pharmacist License. Ms. Brown shall pay a \$10,000.00 fine. The fine is due prior to her reapplying for licensure in Nevada.

Second: Jason Penrod

Action: Passed unanimously

D. Elizabeth Turnbeaugh, APRN (17-058-CS-N)

Elizabeth Turnbeaugh appeared and was sworn by President Basch prior to answering questions or offering testimony.

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

Ms. Turnbeaugh had no objections to the Exhibits.

President Basch admitted Exhibits 1-3 into the record.

Mr. Kandt explained that Ms. Turnbeaugh authorized 59 emergency oral schedule II controlled substance prescriptions and failed to provide the pharmacy with a signed, written prescription within 72 hours.

Ms. Turnbeaugh apologized to the Board for her mistake and acknowledged that it is her responsibility to provide the written prescription to the pharmacy.

Mr. Kandt called Kristopher Mangosing as a witness.

Kristopher Mangosing, Assistant Board Coordinator Nevada State Board of Pharmacy, appeared and was sworn prior to answering questions or offering testimony.

Mr. Kandt asked Mr. Mangosing to review Exhibits for the Board. Mr. Mangosing described the notifications that CVS/Omnicare of Reno (CVS/Omnicare) faxed to the Board office. He explained that the notifications list the prescriber name and the prescription number of emergency oral schedule II prescriptions that CVS/Omnicare did not receive the required written prescription for within 72 hours. Mr. Mangosing also described the letters sent from Board Staff to Ms. Turnbeaugh notifying her of the complaints from CVS/Omnicare and listing the missing prescriptions.

Ms. Turnbeaugh explained that after receiving the letter from Board Staff in November 2016, she contacted CVS/Omnicare to obtain a list of the delinquent prescriptions. She stated that at that time she had resolved those prescriptions. She added that after receiving her Notice of Intended Action and Accusation in June 2017, she again contacted CVS/Omnicare for an up-to-date list of delinquent prescriptions. She explained that she has resolved those prescriptions as well.

Ms. Turnbeaugh explained that she recently changed jobs and will no longer be providing services that require her to authorize oral emergency schedule controlled substance prescriptions.

Ms. Turnbeaugh called Glenn Kaiser as a witness.

Glenn Kaiser, pharmacy manager CVS/Omnicare, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Kaiser explained that Ms. Turnbeaugh has made efforts to correct the delinquent prescriptions. He was unable to verify if all reported prescriptions have been resolved.

Ms. Turnbeaugh stated that approximately 30 of the 59 prescriptions in question have been resolved.

Mr. Kandt stated that the testimony and Exhibits presented support findings of fact on paragraphs 1-7 of the Notice of Intended Action and Accusation. He agreed that based on Ms. Turnbeaugh's testimony to amend paragraph 8 to remove the statement "to date."

Board Action:

Motion: Melissa Shake moved that the evidence supports the factual allegations in paragraphs 1 -8 of the Notice of Intended Action and Accusation.

Second: Kevin Desmond

President Basch offered a friendly amendment to remove the statement "to date" from paragraph 8.

Melissa Shake and Kevin Desmond accepted the friendly amendment.

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to find Elizabeth Turnbeaugh guilty of the First Cause of Action.

Second: Darla Zarley

Action: Passed unanimously

Mr. Kandt stated that Board Staff recommends Ms. Turnbeaugh receive a Letter of Reprimand, Ms. Turnbeaugh shall provide to Board Staff the changes to their office procedure to fix the problem within 30 days. Ms. Turnbeaugh shall pay a \$1,000 administrative fee and a \$5,900.00 fine. The fine is stayed and Ms. Turnbeaugh's Controlled Substance registration is on probation for 1 year. If there are no violations during her probation, Board Staff may dismiss the fine.

Board Action:

Motion: Kevin Desmond moved to accept Board Staff's recommendation.

Second: Darla Zarley

Action: Passed unanimously

E. Jennifer Snidow, APRN (17-059-CS-N)

Jennifer Snidow appeared and was sworn by President Basch prior to answering questions or offering testimony.

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

Ms. Snidow had no objections to the Exhibits.

President Basch admitted Exhibits 1-3 into the record.

Mr. Kandt explained that Ms. Turnbeaugh authorized 39 emergency oral schedule II controlled substance prescriptions and failed to provide the pharmacy with a signed, written prescription within 72 hours.

Mr. Kandt called Kristopher Mangosing as a witness.

Mr. Kandt asked Mr. Mangosing to review Exhibits for the Board. Mr. Mangosing described the notifications that CVS/Omnicare of Reno (CVS/Omnicare) faxed to the Board office. He explained that the notifications list the prescriber name and the prescription number of emergency oral schedule II prescriptions that CVS/Omnicare did not receive the required written prescription within 72 hours. Mr. Mangosing also described the letters sent from Board Staff to Ms. Snidow notifying her of the complaints from CVS/Omnicare and listing the missing prescriptions.

Ms. Snidow admitted that after receiving the two notifications from Board Staff. She explained that she did contact Glenn Kaiser at CVS/Omnicare to discuss how to improve their procedure.

Ms. Snidow explained her procedure at work. She apologized to the Board for her mistake. She acknowledged her responsibility to provide a signed, written prescription to the pharmacy within 72 hours after authorizing an emergency oral schedule II controlled substance prescription.

Board Action:

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

Second: Darla Zarley

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to find Elizabeth Turnbeaugh guilty of the First Cause of Action.

Second: Darla Zarley

Action: Passed unanimously

Mr. Kandt stated that Board Staff recommends Ms. Snidow receive a Letter of Reprimand, Ms. Snidow shall provide to Board Staff the changes to their office procedure to fix the problem within 30 days. Ms. Snidow shall pay a \$1,000 administrative fee and a \$3,900.00 fine. The fine is stayed and Ms. Snidow's Controlled Substance registration is on probation for 1 year. If there are no violations during her probation, Board Staff may dismiss the fine.

Board Action:

Motion: Jason Penrod moved to accept Board Staff's recommendation.

Second: Darla Zarley

Action: Passed unanimously

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

Alexso Inc. – Los Angeles, CA

Darla Zarley stated that during Alexso Inc.'s appearances at prior meetings she recused from participation due to Mr. Melamed being on Roseman University's Board of Trustees. She disclosed that Mr. Melamed is no longer on the Board of Trustees and she would be able to participate in this matter.

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

Mr. Edwards explained that in April 2016, the Board approved Alexso Inc.'s Out-of-State Wholesaler Application pending a positive inspection by Board Staff. He stated that in the interim while planning the inspection, Board Staff became aware of an indictment against the owner Mr. Hootan Melamed. At the July 2016 Board meeting, the Board tabled Alexso Inc.'s application at their request.

Mr. Farahmand answered the Board's questions regarding Mr. Melamed's Federal Indictment, Alexso Inc.'s Shareholder Agreement, where Mr. Melamed relinquished his control, decision-making power, ability and authority on behalf of Alexso Inc. and the status of the pending civil litigation between Mr. Melamed and Alexso Inc.

The Board expressed concern regarding the pending civil litigation and discussed the option of having Board Staff contact the California State Board of Pharmacy to discuss the outcome of their inspection of the facility.

The Board offered Mr. Farahmand the option to table Alexso Inc.'s application until Board Staff can discuss the outcome of Alexso Inc.'s inspection with the California State Board of Pharmacy.

The Board tabled Alexso Inc.'s application for Out-of-State Wholesaler at Mr. Farahmand's request.

6. Application for Canadian Pharmacy – Appearance:

Homelix Pharmacy – Surrey, BC

Sukhwinder Grewal, President Homelix Pharmacy, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Pinson gave a brief history of licensing Canadian Pharmacies in Nevada.

Mr. Grewal answered questions to the Board's satisfaction regarding export laws, policies and procedures, marketing, prescription labeling and products that Homelix Pharmacy will be sending into Nevada.

Board Action:

Motion: Jason Penrod moved to approve Homelinx Pharmacy's Application for Canadian Pharmacy License pending a positive inspection by Board Staff. Board Staff shall audit products that Homelinx Pharmacy dispenses into Nevada.

Second: Darla Zarley

Action: Passed unanimously

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

A. New Era Pharmacy, LLC – Portland, OR

Tyler Treharne, managing pharmacist and part owner, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Susan Trujillo was present as counsel representing New Era Pharmacy, LLC.

Mr. Treharne explained that New Era Pharmacy, LLC is a sterile and non-sterile compounding pharmacy that specializes in products dealing with in vitro fertilization.

Mr. Treharne answered questions to the Board's satisfaction regarding past discipline, physician ownership, past inspections, the pharmacy layout, clean room specifications and the company's policies and procedures.

The Board updated New Era Pharmacy, LLC's application to reflect that the pharmacy will be providing mail services and sterile and non-sterile compounding. The Board removed New Era Pharmacy, LLC's affidavit not to ship sterile products into Nevada from the record at Mr. Treharne's request.

Board Action:

Motion: Jason Penrod moved to approve New Era Pharmacy, LLC's Application for Out-of-State Pharmacy License pending receipt of the pharmacy's most recent inspection and the licensure status of the physician owners.

Second: Darla Zarley

Action: Passed Unanimously

B. Triad Rx, Inc. – Daphne, AL

This matter was tabled at the applicant's request to the October 2017 Board meeting.

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

Ascend Medical Products, Inc. – Incline Village, NV

Richard Rappaport, MDEG Administrator and owner, and Dayna Titus, project manager, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Rappaport explained that Ascend Medical Products, Inc. plans to provide orthopedic braces and supports to patients.

Mr. Rappaport explained that upon approval of Ascend Medical Products, Inc.'s license he will begin hiring sales representatives and an administrator who will be on site during business hours.

Mr. Rappaport and Ms. Titus answered questions to the Board's satisfaction regarding marketing and inventory storage and management.

Board Action:

Motion: Kirk Wentworth moved to approve Ascend Medical Products, Inc.'s Application for Nevada MDEG License pending a positive inspection and hiring of a MDEG Administrator who meets all the requirements and is reviewed and approved by Board Staff.

Second: Jason Penrod

Action: Passed Unanimously

9. Presentation from Michael Burns, R.Ph – InstyMeds Medication Adherence System

Michael Burns, pharmacist, and Brad Schraut, CEO InstyMeds Medication Adherence System (InstyMeds), appeared

Mr. Burns explained that InstyMeds provides an automated system which dispenses prescription medications to patients at the point-of-care. He stated that InstyMeds improves prescription fill rates and reduces costs associated with patient noncompliance.

Mr. Burns explained that InstyMeds is looking to service urgent care clinics and hospitals, especially in the rural areas.

Mr. Burns and Mr. Schraut answered the Board's questions regarding product dispensing, inventory management and patient counseling.

10. Presentation on 79th (2017) Session of the Nevada Legislature from Mike Hillerby

Mr. Hillerby thanked the Board and Board Staff for their work during the 2017 Legislative Session.

Mr. Hillerby provided a report on the 2017 Legislative Session to the Board.

11. Presentation from Christopher Ellis – Covanta Environmental Solutions

Christopher Ellis, Director of Operations, explained that Covanta Environmental Solutions works with pharmacies, wholesalers and other providers to find sustainable solutions to their waste management challenges, including drug takeback and destruction.

Mr. Ellis described Covanta Environmental Solutions' procedures regarding the reverse distribution and destruction of prescription products.

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

12 Discussion and possible action on pending retirement of Executive Secretary Larry L. Pinson and employment of J. David Wuest as Executive Secretary pursuant to NRS 639.040(2).

Mr. Pinson announced that he is prepared to begin transitioning into retirement. Mr. Pinson described the succession plan which led to the hiring of a Deputy Executive Secretary. Mr. Pinson complimented Mr. Wuest for his work as the Deputy Executive Secretary and recommended the Board consider him for the position of Executive Secretary upon his retirement.

The Board commended Mr. Pinson for his hard work and contributions over the course of his career and thanked him for developing a succession plan to ensure a smooth transition upon his retirement.

The Board complimented Mr. Wuest for his leadership skills, pharmacy experience, and work ethic and expressed support of him becoming the Executive Secretary upon Mr. Pinson's retirement.

Board Action:

Motion: Jason Penrod moved to hire J. David Wuest as Executive Secretary upon Mr. Pinson's retirement.

Second: Melissa Shake

Action: Passed unanimously

Public Comment September 6, 2017 5:00 PM

Liz MacMenamin, RAN, congratulated Mr. Pinson on his retirement and Mr. Wuest for his new position.

13. Approval of 2018 Board Meeting Dates

Mr. Pinson presented a schedule of the 2018 Board Meeting Dates to the Board's satisfaction.

14. General Counsel Report for Possible Discussion
15. Executive Secretary Report for Possible Discussion:
 - A. Financial Report

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

- B. Temporary Licenses

No temporary licenses were issued since the last meeting.

- C. Staff Activities:
 1. NAMSDL Meeting
 2. Meeting with other health care boards and Governor's Staff
Re: AB474 & SB59

Mr. Pinson stated that Board Staff has had several meetings with the Healthcare Boards to discuss the implementation and effects of AB474 and SB59.

Mr. Wuest explained that Board Staff and the Healthcare Boards are preparing a White Paper to summarize AB474.

3. Pharmacy Law Symposium

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

4. Law CE with Reno Police Department

Dave Jones' presentation to this group was well received.

5. AG Substance Abuse Working Group
 6. FBI CE

Mr. Pinson and Mr. Jones will be presenting to this group later this month.

7. FDA 50 State Meeting on Compounding
 - D. Reports to Board:
 1. Letter to Board – Scott Ruedy

Mr. Pinson presented a letter from Mr. Ruedy regarding a case that was heard at the last Board meeting. Mr. Ruedy thanked Board Staff for their work on his daughter's case and thanked the Board for their professionalism and fair judgment.

2. Veterinary Dispensing License Update

- 3. Pharmacy Practice Advisory Committee
- 4. Gabapentin Scheduling or Reporting in Some States
- E. Board Related News

F. Activities Report

Public Comment September 7, 2017 9:00 AM

There was no public comment.

16. Notice of Proposed Regulation Workshop Pursuant to NRS 233B.061(2):

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

The dispensing of dangerous drugs by veterinarians through consignment.

Mr. Kandt and Ms. Platt provided a brief background and presented proposed language based that allowed for veterinarian dispensing of dangerous drugs through consignment.

After discussion, the Board expressed support of the proposed language as a framework and directed Board Staff to continue to work out the details as discussed.

President Basch opened the Public Comment.

James Boyle, counsel representing Strategic Pharmacy Solutions, expressed support of the proposed language. Mr. Boyle requested additional clarification be added regarding what a patient notification should include.

Liz MacMenamin, RAN, advised the Board to continue to be cautious moving forward with language for this business model especially in regards to any changes involving controlled substances.

President Basch closed the Public Comment.

Board discussion ensued regarding clarification of patient notification and if the proposed regulation is within the Board's scope of authority.

Board Action:

Motion: Jason Penrod moved to have Board Staff consult with LCB to verify the proposed regulation is within the Board's authority. If LCB approves, then Board Staff is to provide the proposed language with additional details as discussed and bring this matter back to Workshop.

Second: Darla Zarley

Action: Passed unanimously

17. Notice of Intent to Act Upon a Regulation Pursuant to NRS 233B.061(3) (**For Possible Action**):

A. **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.

Mr. Edwards provided a brief background and explained that the intent of the amendment is to bring State Law into line with Federal Law regarding partial filling of Schedule II prescriptions.

Board discussion ensued regarding the proposed amendment. The Board requested Board Staff to modify Section 3 to indicate that whenever a patient requests a partial filling, the pharmacist shall refuse to partially fill any prescription for a controlled substance listed in Schedule II more than 30 days after the date on which the prescription was first filled.

President Basch opened the Public Comment.

Dennis McAllister, Express Scripts, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. McAllister discussed the intent of the Federal Law and explained that this change was a separate matter than the rule regarding emergency Schedule II prescriptions.

Colleen Platt, Board counsel, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. Platt provided additional information regarding the Federal Law.

Board discussion ensued regarding clarification between the date a prescription is issued and the prescription fill date.

Mr. Wuest stated that Board Staff would provide copies of the Federal Law for the next Workshop.

Board Action:

Motion: Jason Penrod moved to move the proposed amendment to Workshop with the modifications discussed.

Second: Melissa Shake

Action: Passed unanimously

B. Amendment of Nevada Administrative Code (NAC) 453C.NEW LANGUAGE: Changing the implementation of standardized procedures for furnishing opioid antagonists to permissive and removes certain recordkeeping requirements concerning opioid antagonists. The proposed amendment to NAC 453C makes the implementation of a standardized procedure permissive and removes certain recordkeeping requirements when a pharmacist is furnishing opioid antagonists

Mr. Wuest provided a brief background and stated that a drafting error was discovered on p.2 Line 4 where “must” was changed to “may.”

Mr. Kandt added that LCB has been notified and the corrections have been made.

President Basch opened the Public Comment.

There was no public comment.

President Basch closed the Public Comment.

Board Action:

Motion: Jason Penrod moved to adopt the proposed amendment.

Second: Darla Zarley

Action: Passed unanimously

C. Amendment of Nevada Administrative Code (NAC) 453.510: Schedule I The proposed amendment to NAC 453.510 will add newly identified synthetic drugs to the list of controlled substances listed in Schedule I. This regulation also revises the list of trade names for dimethyltryptamine, a substance listed in Schedule I.

Mr. Wuest provided information for the Board.

President Basch opened the Public Comment.

There was no public comment.

President Basch closed the Public Comment.

Board Action:

Motion: Darla Zarley moved to adopt the proposed amendment.

Second: Jason Penrod

Action: Passed unanimously

D. **Amendment of Nevada Administrative Code (NAC) 453.510: Schedule I** The proposed amendment to NAC 453.510 will add newly identified synthetic drugs to the list of controlled substances listed in Schedule I. This regulation also revises the list of trade names for certain synthetic cathinones.

Mr. Wuest provided information for the Board.

President Basch opened the Public Comment.

There was no public comment.

President Basch closed the Public Comment.

Board Action:

Motion: Kevin Desmond moved to adopt the proposed amendment.

Second: Kirk Wentworth

Action: Passed unanimously

E. **Amendment of Nevada Administrative Code (NAC) 453.530: Schedule III** The proposed amendment to NAC 453.530 specifies that if chorionic gonadotropin (HCG) is used solely for a FDA-approved implantation or injection in cattle or any other nonhuman species, it is not considered a controlled substance for purposes of such use.

Mr. Wuest provided a brief background and explained that the intent of the amendment is to remove HCG for animal use from Schedule III.

President Basch opened the Public Comment.

Chris Ferrari, Merck Animal Health, and Dr. Alison Flynn, DVM, appeared and expressed support of the proposed amendment. Dr. Flynn provided additional information on the uses of HCG in cattle and fish.

President Basch closed the Public Comment.

Board Action:

Motion: Jason Penrod moved to adopt the proposed amendment as presented.

Second: Kevin Desmond

Action: Passed unanimously

F. Amendment of Nevada Administrative Code (NAC) 639.7102: Electronic transmission of a prescription. The proposed amendment to NAC 639.7102 revises provisions relating to the electronic transmission of a prescription to a pharmacy.

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

Mr. Wuest and Mr. Kandt clarified that two versions of the proposed amendments have been provided to the Board and the public. They explained that the version dated September 5, 2017, is correct and most recent version.

Mr. Pinson presented three letters that were submitted to the Board Office to be written public comment in this matter. The letters were submitted by representatives from Surescripts, Comprehensive Cancer Centers of Nevada and Dr. Staci McHale in support of the proposed amendment.

Mr. Wuest provided a brief background and explained that Board Staff has received questions from pharmacies asking for clarification whether electronic prescriptions transmitted by a prescriber's designated agent are valid or not.

President Basch opened the Public Comment.

Catherine O'Mara, NSMA, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. O'Mara expressed support of the proposed regulations. She summarized regulations approved by the Nevada State Board of Medical Examiners regarding the physician's responsibility for their medical assistants and the training of medical assistants.

Ms. O'Mara presented an outline regarding the training of medical assistants and welcomed feedback from the pharmacist community to help improve their training procedures.

Dr. Steve Parker and Dr. Andrew Pasternak appeared and were sworn by President Basch prior to answering questions or offering testimony.

Dr. Parker and Dr. Pasternak expressed support of the proposed amendment. They stated that electronic prescriptions improve patient safety, and explained that allowing designated agents to transmit prescriptions after a physician has prescribed a medication will allow physicians more time to spend treating patients.

Connor King, Comprehensive Cancer Centers of Nevada, appeared and was sworn by President Basch before answering questions or offering testimony.

Mr. King thanked the Board and Board Staff for their work on the proposed amendment. He stated that Comprehensive Cancer Centers of Nevada supports the proposed amendment and encouraged the Board to move forward with the changes.

Dr. John Hess and Dr. Bayo Curry-Winchell appeared and were sworn by President Basch prior to answering questions or offering testimony.

Dr. Curry-Winchell expressed concern that adding additional requirements on prescribers may delay patients from receiving timely care. Dr. Curry-Winchell stressed the importance of patient safety and encouraged increased communication between prescribers and pharmacies to help increase the quality of patient care and patient safety.

Dr. Hess expressed concern regarding the differences between different electronic prescription software. He stated that some of the confusion could be resolved if there was some uniformity in what information and how electronic prescription software transmits the information to pharmacies.

Adam Porath, RPh, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Porath expressed concern regarding medical assistants performing drug utilization review during transmission, which requires a clinical decision to be made. Board Staff clarified that the law does not allow medical assistants to make clinical decisions or prescribe. Mr. Porath stated no objection to the regulation after hearing the explanation.

The Board discussed adding pharmacists under the definition of a designated agent.

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

Ms. MacMenamin expressed support of the proposed amendment.

President Basch closed the Public Comment.

Board Action:

Motion: Melissa Shake moved to adopt the proposed amendment with corrections to Section 2 as discussed.

Second: Kirk Wentworth

Action: Passed unanimously

18. Date and Location of Next Scheduled Board Meeting:

October 18-19, 2017 – Las Vegas, NV

19. Public Comment September 7, 2017 3:00 PM

Kate Antill, Raley's, questioned the Board regarding partial fills on Schedule II prescriptions.

The Board discussed that each pharmacy will have to work with their software vendors to make changes to their systems that are in compliance with the law.

DRAFT