



NEVADA STATE BOARD OF PHARMACY

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• Web Page: bop.nv.gov

MINUTES

May 31 & June 1, 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:

Dave Wuest	Paul Edwards	Shirley Hunting	Yenh Long
Joe Depczynski	Dena McClish	Luis Curras	Peter Keegan
Kristopher Mangosing			

Board Staff Absent:

Larry Pinson

Mr. Wuest explained that Mr. Pinson is on his way to a meeting in Washington D.C.

Mr. Wuest stated that Tallie Pederson has officially relocated to Ohio and will be no longer be serving on the Board.

Mr. Wuest introduced and congratulated Melissa Shake as Governor Sandoval's newest appointment to the Nevada State Board of Pharmacy for a three-year term. Ms. Shake graduated from the University of Southern Nevada (now Roseman University). She is an accomplished pharmacist at Walgreens and is a member of the Nevada Immunization and Health Coalition.

1. Public Comment May 31, 2017, 9:00 AM

There was no public comment.

2. Approval of April 12-13, 2017, Minutes

Melissa Shake recused from participation in this matter due to her absence from the last meeting.

Darla Zarley requested a correction on p.12 to add the reason she recused from participation on Item 14.

Leo Basch requested a correction on p. 10 to change "IBIG" to "IVIG."

Board Action:

Motion: Jason Penrod moved to approve the April 12-13, 2017, Minutes with the corrections as noted.

Second: Darla Zarley

Action: Passed unanimously

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

- A. Big Bend Pharmacy, LLC – Memphis, TN
- B. Conception Pharmacy – The Woodlands, TX
- C. Duncan Specialty Pharmacy – Mayfield, KY
- D. Farmacia Libertad – Austin, TX
- E. Ford's Pharmacy, LLC – Longwood, FL
- F. Healthcare Pharmaceuticals, Inc. – Salt Lake City, UT
- G. Heart of America Pharmacy, LLC – Grandview, MO
- H. Inception Rx – Brentwood, TN
- I. Medisuite – Cary, NC
- J. Meijer Specialty Pharmacy – Belleville, MI
- K. PillPack Austin – Austin, TX
- L. Prime Therapeutics – Irving, TX
- M. Quaker Community Pharmacy, LLC – Easton, PA
- N. SmartScripts – Washington, IA
- O. U.S. PharmaMed, LLC – Raleigh, NC
- P. Valeda Rx LLC – Pittsburgh, PA
- Q. Vital Rx – Pelham, AL

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

- R. Lyons Pharmacy and Compounding Lab. – Newhall, CA
- S. Michaels Pharmacy – Pasadena, CA
- T. Publix Specialty Pharmacy #3212 – Orlando, FL
- U. Veterinary Pharmacies of America – Houston, TX

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

- V. A & K Distributors PR, LLC – Aquadilla, PR
- W. ApoPharma USA, Inc. – Weston, FL
- X. Coherus Biosciences, Inc. – Redwood City, CA
- Y. Fisher Scientific Company L.L.C. – Chino, CA
- Z. Fisher Scientific Company L.L.C. – Santa Clara, CA
- AA. Hisun Pharmaceuticals USA, Inc. – Princeton, NJ
- BB. ICU Medical Sales, Inc. – Austin, TX
- CC. ICU Medical Sales, Inc. – Farmers Branch, TX
- DD. ICU Medical Sales, Inc. – King of Prussia, PA
- EE. IsoTis OrthoBiologics, Inc. – Irvine, CA
- FF. Nova Bay Pharmaceuticals, Inc. – Emeryville, CA
- GG. OptiNose US, Inc. – Yardley, PA
- HH. SeaSpine Orthopedics Corporation – Carlsbad, CA
- II. Southern Anesthesia & Surgical, Inc. – Broken Arrow, OK
- JJ. Southern Anesthesia & Surgical, Inc. – West Columbia, SC
- KK. Teva Pharmaceuticals USA, Inc. – Gurnee, IL
- LL. Top Quality Manufacturing, Inc. – Folcroft, PA
- MM. UPS Supply Chain Solutions, Inc. – Louisville, KY

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

- NN. Coastal Pharmacy – Ocean Springs, MS
- OO. DME Supply USA LLC – North Chesterfield, VA
- PP. Lofta – La Jolla, CA
- QQ. Option Care Enterprises, Inc. – Lombard, IL
- RR. Pumping Essentials, LLC – Orange, CA
- SS. Quality Provider Services Inc – Richmond, KY
- TT. Restorative Medical – Winston Salem, NC

Applications for Nevada Pharmacy – Non-Appearance:

- UU. Green Valley Surgery Center LLC – Las Vegas
- VV. Humana Pharmacy, Inc. – Pahrump
- WW. Spring Valley Surgery Center – Las Vegas

Application for Nevada Wholesaler – Non-Appearance:

- XX. Southern Anesthesia & Surgical, Inc. – Reno

Darla Zarley disclosed that on Item R, a former student was listed on the application, and on Item UU a member of the Roseman Board of Trustees was listed on the application. She stated that she would be able to participate in these matters fairly and without bias.

Melissa Shake recused from Items L & QQ due to her employment with Walgreens.

President Basch requested Board Staff contact A & K Distributors PR, LLC (Item V) to clarify the location of their facility.

President Basch requested Board Staff contact Lofta (Item PP) to verify if they have an emergency contact located in Nevada.

President Basch requested Board Staff contact Spring Valley Surgery Center (Item WW) to appear before the Board at a future meeting to discuss their services provided.

Board Action:

Motion: Jason Penrod moved to approve the Consent Agenda with the exception of Items L, QQ, V, PP & WW.

Second: Darla Zarley

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to approve the Applications for Items L & QQ

Second: Darla Zarley

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to have Board Staff notice Spring Valley Surgery Center (Item WW) appear at a future Board meeting.

Second: Darla Zarley

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to approve the Applications for Items V & PP pending Board Staff review.

Second: Darla Zarley

Action: Passed unanimously

4. Discipline

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

Jude Nazareth was present as counsel representing the Respondents.

Mr. Edwards explained that both parties have agreed to Stipulated Facts and requested the Board's permission to have Yen Long, Board Staff, read the facts into the record.

President Basch allowed Ms. Long to read the Stipulated Facts into the record.

Mr. Edwards explained that the Stipulated Facts pertain to Causes of Action 1 through 5 and 8 through 10.

Mr. Nazareth stated that he is withdrawing his objections to Causes of Action 6 and 7.

Mr. Edwards clarified that based on Mr. Nazareth's withdrawal the Stipulated Facts would pertain to all Causes of Action.

Ms. Long read the Stipulated Facts, that this case involved three prescriptions for one-year old patient A.G. One prescription for Methotrexate compounded liquid and two prescriptions for Flagyl suspension.

In March 2016, a Board Inspector conducted Spring Valley's annual pharmacy inspection. The Board Inspector observed four vials of Methotrexate 250mg/10ml injection on the shelf and requested to see the prescription and records related to the drug. Ms. Nguyen presented the prescription and all available records to the Board Inspector.

The Board Inspector observed that Spring Valley's computer system shows that Ms. Nguyen entered the prescription data into the computer. The system did not capture the signature, initials, or the name of each pharmacist or pharmaceutical technician who played a role in processing or filling the prescription. The computer also failed to record which pharmacist verified the medication as accurate before dispensing it.

In April 2016, Ms. Nguyen provided the Board Inspector with a duplicate label and a copy of the prescription from the pharmacy's archived paper records. The directions on the duplicate label and the copy of the prescription did not match. Ms. Nguyen was unable to explain why the records were inconsistent.

During the investigation, the Board Inspector requested additional records or documentation which Ms. Nguyen and Spring Valley were unable to submit, including, e-prescription records, records of who processed the prescription and filled the medication, invoice records for the Methotrexate purchased by Spring Valley and a copy of Spring Valley's policies and procedures for compounding non-sterile drug products.

Mr. Nazareth agreed to the Stipulated Facts as presented.

Board Action:

Motion: Jason Penrod moved to find Jessica Nguyen guilty of the Ninth and Tenth Causes of Action based on the Stipulated Facts presented.

Second: Darla Zarley

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to find Spring Valley Pharmacy guilty of Causes of Action 1 through 8 and 10 based on the Stipulated Facts presented.

Second: Darla Zarley

Action: Passed unanimously

Mr. Edwards stated that Board Staff recommends the same penalty as in Case No. 16-015.

Board discussion ensued regarding fines and to prohibit Spring Valley from compounding any medication until Affiliated Monitors reviews their policies and procedures.

Board Action:

Motion: Kirk Wentworth moved that Spring Valley Pharmacy shall pay a \$10,000.00 fine, pay an administrative fee of \$1,500.00 and Spring Valley's Pharmacy License is suspended. The fine and suspension are stayed. Within ninety days Spring Valley must begin practice monitoring with Affiliated Monitors. Affiliated Monitors is to provide regular updates regarding Spring Valley's progress to Board Staff. Spring Valley shall not compound until their compounding procedures are reviewed and approved by Affiliated Monitors

Jessica Nguyen shall pay a \$5,000.00 fine and her Pharmacist License is suspended. The fine and suspension are stayed. Ms. Nguyen's Pharmacist License is on probation for 18 months. Ms. Nguyen shall not be a pharmacist in charge during her probation. Ms. Nguyen must engage and participate with Affiliated Monitor's program.

Spring Valley and Jessica Nguyen must shoulder all costs associated with the Affiliated Monitor program. If Spring Valley and Jessica Nguyen do not comply with Affiliated Monitors then the stays on the fines and license suspensions are removed.

Second: Melissa Shake

Action: Passed unanimously

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

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

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

Jude Nazareth was present as counsel representing the Respondents.

Mr. Edwards explained that both parties have agreed to Stipulated Facts and requested the Board's permission to have Yen Long read the facts into the record.

President Basch allowed Ms. Long to read the Stipulated Facts into the record.

Ms. Long read the Stipulated Facts, that in February 2016, patient L.T. saw ARPN M.G. at the Mind Body Solutions Clinic. M.G. prescribed a quantity of one-hundred and twenty (120) Adderall 10 mg. tablets with instructions to take one tablet four times daily. L.T. tendered the prescription to Spring Valley Pharmacy (Spring Valley) the day she received it. Spring Valley assigned it Prescription No. 26542 and dispensed the medication on the same day. That evening, L.T. opened the medication bottle and discovered that it contained thirty (30) tablets of Adderall, instead of the 120 tablets as prescribed.

L.T. contacted Spring Valley to report the shortage. Mr. Chibueze informed L.T. that he checked the pharmacy's Adderall 10 mg. inventory and that he found no discrepancies. Mr. Chibueze also said that he would view the video of L.T.'s prescription being filled. Spring Valley's video system overrides recorded video every forty-eight hours, so he was not able to view the filling of L.T.'s prescription.

When L.T. was unable to resolve the medication shortage with Spring Valley, she reported the incident to law enforcement and filed a police report.

Ms. Long read that during Board Staff's investigation of L.T.'s complaint the Board Investigator found that Spring Valley's pharmacy workflow software does not depict the required data elements of a lawful prescription. The Board investigator also found substantial discrepancies in Spring Valley's electronic Schedule II perpetual inventory recordkeeping.

Mr. Nazareth agreed to the Stipulated Facts as presented.

Mr. Edwards explained that the Respondents admit that evidence exists to establish a basis for the violations alleged in Causes of Action 1 through 7, 10 and 11. He stated that the only violations still in question are Causes of Action 8 and 9.

Mr. Nazareth stated that the Respondents acknowledge that mistakes have been made, and are willing to work with Board Staff to correct the issues.

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

President Basch accepted the Exhibits into the record.

Mr. Edwards called Dena McClish, Board Investigator Nevada State Board of Pharmacy, as a witness.

Dena McClish appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. McClish described her investigation to the Board. Mr. Edwards asked Ms. McClish to review the Exhibits for the Board. Ms. McClish identified the counseling log submitted by Spring Valley. She testified that Spring Valley's counseling log lacked any record that counseling occurred, if the patient accepted or rejected counseling and added that there was no title on the document indicating it was a counseling log. She explained that she asked for additional counseling documentation and received a copy of the same document with "counseling log" handwritten in the margin. Ms. McClish identified written statements from Mr. Chibueze and Samantha Duong, pharmacy clerk, stating that counseling did occur and that Mr. Chibueze verified the contents of the bottle with the patient.

The Board asked Ms. McClish to provide additional details regarding the Spring Valley's counseling log and computer system.

The Board questioned Mr. Nazareth regarding why Mr. Chibueze and Ms. Nguyen were not present at the hearing.

Mr. Nazareth stated that both Mr. Chibueze and Ms. Nguyen were not able to present due to other engagements. He explained that he believed he could appear on their behalf.

Mr. Nazareth reviewed his Exhibits to the Board. Mr. Nazareth presented a screen shot of Spring Valley's counseling record and explained Spring Valley's procedure when a patient picks up their prescription.

Board discussion ensued that Spring Valley's counseling record and counseling procedure was not compliant with the law.

Board Action:

Motion: Jason Penrod moved to find Spring Valley Pharmacy guilty of Causes of Action 1 through 7, 9 and 11 based on the Stipulated Facts presented.

Second: Darla Zarley

Action: Passed unanimously.

Board Action:

Motion: Jason Penrod moved to find Martin Chibueze guilty of the Eighth Cause of Action based on the testimony and evidence presented.

Second: Darla Zarley

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to find Jessica Nguyen guilty of the Tenth and Eleventh Causes of Action based on the testimony and Stipulated Facts provided.

Second: Darla Zarley

Action: Passed unanimously

Mr. Edwards stated that Board Staff recommends Mr. Chibueze receive a Letter of Reprimand. Mr. Chibueze shall pay a fine of \$750.00, pay an administrative fee of \$495.00, and complete two additional CEU on the topic of proper counseling within 60 days.

The Board discussed having Mr. Chibueze attend two future Board meetings to explain why he was not present at his hearing.

Board Action:

Motion: Jason Penrod moved to accept Board Staff's recommendation for penalty, and require Mr. Chibueze to appear at two of the next three Las Vegas Board meetings on the discipline day. On Mr. Chibueze's first appearance, he is to explain why he was not present during his hearing.

Second: Darla Zarley

Action: Passed unanimously

Mr. Edwards stated that Board Staff recommends Spring Valley shall pay a fine of \$10,000.00, pay an administrative fee of \$1,500.00, Spring Valley's Nevada Pharmacy License is suspended. The fine and suspension are stayed. Within ninety days Spring Valley must begin working with a practice monitor. That practice monitor must provide regular updates to Board Staff on Spring Valley's progress. Regarding Ms. Nguyen, Board Staff recommends she pay a fine of \$5,000.00, Ms. Nguyen's Nevada Pharmacist License is suspended. The fine and suspension are stayed and her Pharmacist License is placed on probation for 18 months.

Board discussion ensued to select Affiliated Monitors as the practice monitor for Spring Valley.

Board Action:

Motion: Jason Penrod moved that Spring Valley Pharmacy shall pay a \$10,000.00 fine, pay an administrative fee of \$1,500.00 and Spring Valley's Pharmacy License is suspended. The fine and suspension are stayed. Within ninety days Spring Valley must begin practice monitoring with Affiliated Monitors. Affiliated

Monitors is to provide regular updates regarding Spring Valley's progress to Board Staff.

Jessica Nguyen shall pay a \$5,000.00 fine and her Pharmacist License is suspended. The fine and suspension are stayed. Ms. Nguyen's Pharmacist License is on probation for 18 months. Ms. Nguyen shall not be a pharmacist in charge during her probation. She must engage and participate with Affiliated Monitor's program. She must complete an additional 10 CEU on the topics of pharmacy law, counseling, patient safety and pharmacy business operations. Ms. Nguyen shall appear at two of the next 3 Las Vegas Board meetings on the discipline day. On her first appearance, she is to explain why she was not present at her hearing.

Second: Darla Zarley

Action: Passed unanimously

F. Rhoda Maglaya, R.Ph (17-023-RPH-N)
G. Griselda Rangel, PT (17-023-PTT-N)

This matter was continued to a future Board meeting.

H. Leah Snidow, PT (17-035-PT-N)

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

Mr. Edwards explained that Ms. Snidow was not present.

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

President Basch admitted the Exhibits into the record.

Mr. Edwards explained that in March 2017, Walgreens Pharmacy notified Board Staff that Ms. Snidow was terminated from her employment as a pharmaceutical technician for diversion of controlled substances.

Mr. Edwards stated that during an interview with a Walgreens Asset Protection Manager, Ms. Snidow admitted to diverting hydrocodone 5/325 mg. and hydrocodone 10-325 mg. Walgreens Pharmacy reported that Ms. Snidow diverted approximately thirty hydrocodone 10/325 mg. tablets and three hundred and fifty-two hydrocodone 5/325 mg. tablets. Mr. Edwards stated that Walgreens Pharmacy has reported the theft to law enforcement.

Mr. Edwards reviewed the Exhibits to the Board. He presented Ms. Snidow's Notice of Intended Action and Accusation, sent by certified mail, and a follow-up letter informing her of the date and time of her hearing.

Board Action:

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

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to find Leah Snidow guilty of all four Causes of Action.

Second: Darla Zarley

Action: Passed unanimously

Mr. Edwards stated that Board Staff has a zero-tolerance policy on theft and diversion of any kind and recommended revocation of Ms. Snidow's pharmaceutical technician registration.

Board Action:

Motion: Kevin Desmond moved to revoke Leah Snidow's Pharmaceutical Technician Registration.

Second: Darla Zarley

Action: Passed unanimously

I. David Julian, MD (17-037-CS-N)

Kevin Desmond recused from participation in this matter due to his employment with Renown Health. Dr. Julian is also an employee of Renown Health.

David Julian appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Wuest stated that Dr. Julian met with Mr. Pinson and himself at the Board Office to discuss this matter and explained that Dr. Julian expressed willingness to work with Board Staff to correct the issues.

Mr. Edwards moved to have Exhibits 4 through 20 admitted to the record.

Dr. Julian had no objections to the Exhibits.

President Basch admitted Exhibits 4 through 20 into the record.

Mr. Edwards explained that in March 2016, Board Staff began receiving notices indicating that Dr. Julian was not providing CVS/Omnicare of Reno Nevada (CVS/Omnicare) with signed, written prescriptions within 72 hours after authorizing an emergency oral schedule II controlled substance prescription. He stated that on April 20, 2016, Board Staff sent Dr. Julian a letter informing him of the complaints and directing Dr. Julian to provide the required written prescriptions to the pharmacy. Mr. Edwards explained that Board Staff sent a second notice on November 15, 2016, again notifying him that he is not in compliance with the law as to his emergency phoned-in schedule II controlled substance prescriptions. Mr. Edwards stated that Board Staff has been notified of sixty-eight prescriptions total that Dr. Julian did not provide to CVS/Omnicare within 72 hours after authorizing an emergency oral schedule II controlled substance prescription.

Dr. Julian provided a brief background on his current employment for the Board. He stated that he is a Renown Health hospitalist as well as the Director at Life Care Center of Reno (Life Care).

Dr. Julian described the procedure he followed when authorizing an emergency oral schedule II prescription. Dr. Julian explained that he believes the main issue is that after issuing an emergency oral schedule II prescription, he would sign a written prescription to be faxed by Life Care staff. He stated that due to technical issues, not every fax sent by Life Care staff was received by CVS/Omnicare.

Dr. Julian described for the Board the new procedure that he and CVS/Omnicare follow to ensure that he complies with the law. He stated that after he issues an emergency oral schedule II prescription, a CVS/Omnicare representative will go to the Life Care facility and pick up a written prescription. He explained that a copy of the prescription is kept at Life Care for their medical records. Dr. Julian stated that in the future he hopes Life Care upgrade their software to include electronic prescribing.

Mr. Edwards called Kristopher Mangosing as a witness.

Kristopher Mangosing, Board Staff Nevada State Board of Pharmacy, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Edwards asked Mr. Mangosing to review Exhibits for the Board. Mr. Mangosing described the notifications that 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 Dr. Julian notifying him of the complaints from CVS/Omnicare and listing the missing prescriptions.

Mr. Edwards called Glenn Kaiser as a witness.

Glenn Kaiser, managing pharmacist CVS/Omnicare of Reno, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Kaiser provided additional information on the reports sent by CVS/Omnicare. Mr. Kaiser spoke positively of Dr. Julian and his staff and stated that he believes the problem to be a technical issue not an issue of ill-intent. He added that CVS/Omnicare is required by law to report any prescribers who do not provide the pharmacy with a written prescription after authorizing an emergency oral schedule II prescription.

Mr. Kaiser answered questions to the Board's satisfaction regarding CVS/Omnicare's computer system and tracking emergency oral schedule II prescriptions.

Ronda Creegan, Director of Nursing Life Care, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. Creegan explained that any prescriptions that Dr. Julian needs to provide a written prescription for goes directly to her, so she can make sure Dr. Julian will have the prescription sent back to CVS/Omnicare within the 72-hour period.

The Board expressed that while the errors appeared to be technical, evidence shows that violations did occur.

Board Action:

Motion: Jason Penrod moved to find David Julian guilty of the First Cause of Action.

Second: Darla Zarley

Aye: Wentworth, Sullivan, Penrod, Zarley

Nay: Shake

Action: Motion carries

Mr. Edwards stated that Board Staff recommends Dr. Julian receive a Letter of Reprimand, Dr. Julian shall provide to Board Staff the changes to their office procedure to fix the problem within 30 days. Dr. Julian shall pay a \$1,000.00 administrative fee and a \$6,800.00 fine. The fine is stayed and Dr. Julian's Controlled Substance license is on probation for 12 months. If there are no violations during the 12-month probation, Board Staff may dismiss the fine and probation.

Board Action:

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

Second: Darla Zarley

Action: Passed unanimously

5. Applications for Nevada Pharmacy – Appearance:

A. LC VIP, LLC – Las Vegas

Melissa Shake disclosed that LC VIP, LLC is located down the street from the pharmacy where she is employed but stated that she would be able to participate in this matter fairly and without bias.

Scott Cantor, CFO Linden Care, and Ralph Fiandra, managing pharmacist, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Cantor explained that Linden Care is a retail pharmacy that specializes in pain management.

The Board questioned Mr. Fiandra regarding his past work and educational history and pharmacy experience.

The Board questioned Mr. Cantor regarding LC VIP, LLC's prior ownership, past discipline and pharmacy staff.

Mr. Cantor and Mr. Fiandra answered questions to the Board's satisfaction.

Board Action:

Motion: Kevin Desmond moved to approve LC VIP, LLC's Application for Nevada Pharmacy License Ownership Change pending a positive inspection.

Second: Kirk Wentworth

Action: Passed unanimously

B. West Valley Pharmacy – Las Vegas

A representative from West Valley Pharmacy contacted Board Staff to withdraw their application for a Nevada Pharmacy License.

6. Application for Out-of-State Compounding Pharmacy – Appearance:

Enovex Pharmacy – Glendale, CA

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

Mr. Dzhragatspanyan stated that Enovex Pharmacy is a retail compounding pharmacy that primarily serves military veterans.

Mr. Dzhragatspanyan answered questions to the Board's satisfaction regarding Enovex Pharmacy's sterile compounding procedures, pharmacy staff, training and past inspections.

The Board removed Enovex Pharmacy's affidavit not to ship sterile products into Nevada from the record at Mr. Dzhragatspanyan's request.

Board Action:

Motion: Jason Penrod moved to approve Enovex Pharmacy's Application for Out-of-State Compounding Pharmacy License pending receipt of their last inspection by the California State Board of Pharmacy. Board Staff is authorized to review and evaluate the inspection.

Second: Darla Zarley

Action: Passed unanimously

7. Application for Out-of-State Pharmacy – Appearance:
SMA Pharmacy #10 – De Soto, TX

No representative from SMA Pharmacy #10 was present.

8. Review of Application for Pending Nevada Pharmacy License – Appearance:
Care First Concierge Pharmacy – Las Vegas

Darla Zarley disclosed that she knows Ms. Robinson, but stated that she could participate in this matter fairly and without bias.

Kelly Robinson, owner, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Edwards explained that the Board approved Care First Concierge Pharmacy's application at the June 2016 Board meeting. He added that after the pre-opening inspection was completed, Board Staff received allegations regarding Ms. Robinson. Mr. Edward's explained that there is currently an open investigation on this matter.

Mr. Edwards stated that Care First Concierge Pharmacy's license has not yet been issued, and asked the Board if they would like Board Staff to issue the license, or to withhold issuing the license until the end of the investigation.

The Board discussed the potential risks of approving Care First Concierge Pharmacy's license while an open investigation is taking place.

Board Action:

Motion: Kirk Wentworth moved to table Care First Concierge Pharmacy's Application for Nevada Pharmacy License for ninety days to allow the investigation to be completed. Board Staff shall schedule this matter again for the September 2017 Board meeting.

Jason Penrod offered a friendly amendment to include that if no violations are found in during the investigation, Board Staff is authorized to issue Care First Concierge Pharmacy's Nevada Pharmacy License.

Mr. Wentworth accepted the friendly amendment.

Second: Jason Penrod

Action: Passed unanimously

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

Diplomat Pharmacy, Inc. – Cincinnati, OH (PH02621)

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

Mr. Reyna presented to the Board a Letter of Authorization allowing him to speak on behalf of the company.

Mr. Reyna stated that Diplomat Pharmacy, Inc 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. Reyna regarding Diplomat Pharmacy, Inc's sterile compounding and shipping procedures, sterile facility, pharmacy staff, and training.

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

Board Action:

Motion: Kevin Desmond moved to approve Diplomat Pharmacy, Inc's Request to Add Compounding and Shipping of Sterile Compounded Drugs to their Existing Out-of-State Pharmacy License.

Second: Robert Sullivan

Action: Passed unanimously

10. Appearance Request:

Michael Burns, R.Ph – InstyMeds Medication Adherence System

No representative from InstyMeds was present.

11. Discussion and Determination:

Veterinary Medical Delivery Models

James Boyd and Audrey Damonte were present as counsel representing Strategic Pharmaceutical Solutions Inc. (VetSource).

Colleen Platt was present as counsel representing the Nevada State Board of Pharmacy.

Mr. Edwards provided a summary of the VetSource case. He stated that the purpose of this matter is to review this business model and similar business models and discuss potential regulation changes.

Ms. Platt provided an explanation of VetSource's business model

Mr. Boyd agreed with Ms. Platt's explanation. Mr. Boyd provided additional information on VetSource's business model.

Board discussion ensued regarding the chain of drug ownership in VetSource's business model. The Board discussed having Board Staff analyze VetSource's business model and confirm that each step of the model is authorized by the law.

Ms. Platt encouraged the Board to review the business model and to send any potential regulation changes to Mr. Edwards for review.

12 Personnel Review:

A. Personnel Evaluation

Mr. Wuest commended Board Staff commenting on their hard work and efficiency. He cited several attributes and accomplishments of each member of the staff.

Board Action:

Motion: Melissa Shake moved to approve salary adjustments for Board Staff.

Second: Darla Zarley

Action: Passed unanimously

B. Executive Secretary Evaluation

Mr. Wuest complimented Mr. Pinson's hard work and leadership.

13. Budget – Fiscal Year 2017-2018

Mr. Wuest provided a copy of the budget for the fiscal year 2017-2018 to the Board and reviewed it to the Board's satisfaction.

Mr. Wentworth provided additional information.

- 14. General Counsel Report
- 15. Executive Secretary Report:
 - A. Financial Report
 - B. Temporary Licenses

No temporary licenses issued since the last meeting.

- C. Staff Activities:
 - 1. Speaking Engagements:
 - a. CE – Fallon

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

- b. CE – Drug Abuse, JTNN, UNR & UMC

Mr. Wuest's and Ms. Long's presentations to these groups were well received.

- c. Numerous Invitations

Mr. Wuest and Ms. Long attended the Antibiotic Forum. This group discussed the issue of antibiotic resistance in the hospital and encouraged practitioners to prescribe according to guidelines.

- d. Meetings with Homeopathic Board; Veterinary Board; Nursing Board & Medical Board
 - D. Reports to Board:
 - 1. Legislative Update

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

Brett Kandt and Liz MacMenamin, RAN, provided additional information.

- 2. Alprazolam Battle in Alabama
 - E. Board Related News:
 - 1. Marguerite Kitts

Mr. Wuest presented an article recognizing Marguerite Kitts as the first fully licensed female pharmacist in Nevada.

- 2. Versa Update
 - F. Activities Report

Mr. Wuest introduced and congratulated Brett Kandt as the newest member of Board Staff. Mr. Wuest explained that Mr. Kandt will be acting as General Counsel for the Board along with Mr. Edwards.

Ms. Long explained that the Prescription Monitoring Program (PMP) has partnered with Roseman University in a project to evaluate the accuracy of the data reported to the PMP and to identify errors that occur in pharmacies and dispensing doctors' offices and how to correct them.

Ms. Zarley thanked the PMP Staff and the Board Investigators for their work on the project.
Public Comment May 31, 2017, 5:00 PM

There was no public comment.

Public Comment June 1, 2017, 9:00 AM

There was no public comment.

16. 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.

Amendment of Nevada Administrative Code NAC 453.530 **Schedule III Removal** of human chorionic gonadotropin for use in animals from schedule III.

Mr. Wuest explained that Board Staff was contacted by a veterinarian requesting that the Board consider removing human chorionic gonadotropin (HCG) for use in animals from Schedule III.

Chris Ferrari and Todd Bilbi, Merck, testified that they support the change to the regulation. Mr. Ferrari and Mr. Bilbi offered information regarding the uses of HCG in veterinary practice.

Board Action:

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

Second: Robert Sullivan

Action: Passed unanimously

17. Date and Location of Next Scheduled Board Meeting:

July 19 & 20, 2017 – Las Vegas, Nevada

18. Public Comment June 1, 2017, 10:30 AM

There was no public comment.