

2



NEVADA STATE BOARD OF PHARMACY

985 Damonte Ranch Pkwy, Ste 206, Reno, NV 89521
(775) 850-1440 • 1-800-364-2081 • FAX (775) 850-1444
• Web Page: bop.nv.gov

MINUTES

July 17 &18, 2019

BOARD MEETING

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

Board Members Present:

Jason Penrod	Kevin Desmond	Jade Jacobo	Wayne Mitchell
Melissa Shake	Robert Sullivan	Gener Tejero	

Board Staff Present:

Dave Wuest	Yenh Long	Paul Edwards	Brett Kandt
Shirley Hunting	Joe Dodge	Luis Curras	Dena McClish
Leo Basch	Sophia Long	Kristopher Mangosing	

President Penrod 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.

1. Public Comment July 17, 2019 9:00 AM

John Phoenix, APRN Huntridge Family Clinic, appeared and requested the Board consider developing regulations to make HIV treatment medication more available to patients.

2. Approval of June 5-6, 2019, Minutes

Ms. Shake requested Board Staff review the recording for Item 7 regarding One Choice Pharmacy. Ms. Shake requested Board Staff verify the products and services provided regarding compounding and correct the Minutes if necessary.

Board Action:

Motion: Melissa Shake moved to approve the June 2019 Meeting Minutes with corrections to Item 7 if appropriate.

Second: Jade Jacobo

Action: Passed unanimously

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

- A. AbleNet Inc. – Roseville, MN
- B. Alto Pharmacy – Irvine, CA
- C. Beauty Empower Rx LLC – Fairfax, VA
- D. Biologics by McKesson – Cary, NC
- E. Biologics by McKesson – Cary, NC
- F. Cure Pharmacy – Jacksonville, FL
- G. Delta Drugs – Glendale, CA
- H. Hollis Prescription Center, Inc. – Hollis, NY
- I. Lyons Pharmacy – Boca Raton, FL
- J. Natura Pharmacy Inc. – Naples, FL
- K. Rite Care Pharmacy IV – Dallas, TX
- L. RxCrossroads by McKesson – Irving, TX
- M. RxCrossroads by McKesson – Louisville, KY
- N. Simple Rx Pharmacy – Arlington, TX
- O. TPC Pharmacy – Fort Worth, TX
- P. US Vet Meds LLC – Novato, CA

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

- Q. Alphascript, Inc. – San Carlos, CA
- R. Covetrus Maine – Portland, ME
- S. PropacPayless Pharmacy – Vancouver, WA

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

- T. Aspen Medical Products – Irvine, CA
- U. Celularity, Inc. – Eden Prairie, MN
- V. HealthLink International, Incorporated – Memphis, TN
- W. Innovative Supply Group LLC – Lakewood, NJ
- X. Mini Pharmacy – Los Angeles, CA
- Y. Ortho Organizers, Inc. – Carlsbad, CA
- Z. Ortho Technology, Inc. – Lutz, FL
- AA. Pumps It, Inc. – Houston, TX
- BB. Quest Health Solutions, LLC – Coral Springs, FL
- CC. Spectrum Healthcare, Inc. – Eagleville, PA
- DD. St Joseph Medical Equipment Corporation – North Hollywood, CA
- EE. The Hibbert Group – New Castle, DE
- FF. Total Medical Supply, Inc. – Texarkana, TX
- GG. VMR Medical LLC – Lawndale, CA
- HH. Wound Care Concepts, Inc. – Bristol, PA

II. Xcel Med, LLC – Harwood Heights, IL

Application for Nevada Ambulatory Surgery Center – Non Appearance

JJ. Sunset Surgery Center – Las Vegas, NV

Application for Nevada Pharmacy – Non Appearance

KK. Community, A Walgreens Pharmacy #21237 – Reno, NV

Applications for Out-of-State Wholesaler – Non Appearance

LL. Abraxis BioScience, LLC – Summit, NJ

MM. Adapt Pharma Inc. – Radnor, PA

NN. AdvaGen Pharma Ltd. – Plainsboro, NJ

OO. Aimmune Therapeutics, Inc. – Brisbane, CA

PP. Alder Pharmaceuticals, Inc. – Bothell, WA

QQ. Alnylam Pharmaceuticals, Inc. – Cambridge, MA

RR. American Regent, Inc. – Shirley, NY

SS. AmerisourceBergen Drug Corporation – Louisville, KY

TT. Animal Health International, Inc. – Ceres, CA

UU. B. Braun Medical Inc. – Daytona Beach, FL

VV. Bayer HealthCare LLC – Berkeley, CA

WW. Bayer HealthCare LLC – Whippany, NJ

XX. Bayer HealthCare Pharmaceuticals, Inc. – Whippany, NJ

YY. BeiGene USA, Inc. – San Mateo, CA

ZZ. Bionpharma Inc. – Princeton, NJ

AAA. Blueprint Medicines Corporation – Cambridge, MA

BBB. Bound Tree Medical, Inc. – Visalia, CA

CCC. Brookfield Pharmaceuticals, LLC – Brookfield, WI

DDD. Canton Laboratories, LLC – Alpharetta, GA

EEE. Cerecor Inc. – Rockville, MD

FFF. Celgene Corporation – Summit, NJ

GGG. Centurion Medical Products – Howell, MI

HHH. Centurion Medical Products – Salisbury, NC

III. Chadwick Pharmaceuticals, Inc. – Madison, MS

JJJ. Cintex Services, Inc. – Suwanee, GA

KKK. Civica, Inc. – Lehi, UT

LLL. Cronus Pharma LLC – East Brunswick, NJ

MMM. Davol Inc., Subsidiary of C.R. Bard, Inc. – Warwick, RI

NNN. Elanco US Inc. – Greenfield, IN

OOO. Epizyme, Inc. – Cambridge, MA

PPP. Esperion Therapeutics, Inc. – Ann Arbor, MI

QQQ. E5 Pharma, LLC – Boca Raton, FL

RRR. Fosun Pharma USA, Inc. – Princeton, NJ

SSS. Glenmark Therapeutics Inc. USA – Mahwah, NJ

TTT. Intra-Cellular Therapies, Inc. – Towson, MD

UUU. Kindred Biosciences, Inc. Burlingame. CA

VVV. Leadiant Biosciences, Inc. – Gaithersburg, MD
 WWW. Leucadia Pharmaceuticals – Carlsbad, CA
 XXX. Macleods Pharma USA, Inc. – Plainsboro, NJ
 YYY. Medline Industries, Inc. – Moreno Valley, CA
 ZZZ. Meitheal Pharmaceuticals, Inc. – Chicago, IL
 AAAA. Nalpropion Pharmaceuticals, Inc. – San Diego, CA
 BBBB. Nivagen Pharmaceuticals, Inc. – Sacramento, CA
 CCCC. Novo Nordisk Inc. – Plainsboro, NJ
 DDDD. NX Development Corporation – Lexington, KY
 EEEE. Patheon Pharmaceuticals Inc. – Cincinnati, OH
 FFFF. Photocure, Inc. – Princeton, NJ
 GGGG. Rhodes Pharmaceuticals L.P. – Coventry, RI
 HHHH. Rockwell Medical Inc. – Wixom, MI
 IIII. Seqirus USA, Inc. – Summit, NJ
 JJJJ. Silvergate Pharmaceuticals, Inc. – Greenwood Village, CO
 KKKK. Slayback Pharma, LLC – Princeton, NJ
 LLLL. Smith Drug Company, Division of J M Smith Corporation – Paragould, AR
 MMMM. Snap Medical Industries, LLC – Dublin, OH
 NNNN. Sprout Pharmaceuticals, Inc. – Raleigh, NC
 OOOO. TESARO, Inc. – Waltham, MA
 PPPP. TherapeuticsMD, Inc. – Boca Raton, FL
 QQQQ. Trapollo LLC – Herndon, VA
 RRRR. Vyera Pharmaceuticals, LLC – New York, NY
 SSSS. West Therapeutic Development, LLC – Northbrook, IL

Melissa Shake recused from participation regarding Items 3 KK and 3 SS due to her employment with Walgreens.

Board Action:

Motion: Kevin Desmond moved to approve the Consent Agenda with the exception of Items 3 KK and 3 SS.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Jade Jacobo moved to approve Items 3 KK and 3 SS.

Second: Robert Sullivan

Action: Passed unanimously

4. Discipline

A. Tam Pham Nguyen, DDS (19-085-CS-S)

Tam Nguyen appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Kandt stated that Dr. Nguyen did not respond to his Notice of Intended Action and Accusation.

Mr. Kandt summarized the facts of the case where Dr. Nguyen entered into a Stipulation and Voluntary Surrender of License with Nevada State Board of Dental Examiners. Dr. Nguyen admitted to unprofessional and illegal conduct in creating fraudulent prescriptions for Oxycodone-Acetaminophen and Hydrocodone-Acetaminophen.

Mr. Kandt moved to have Exhibits 1-2 admitted into the record.

Dr. Nguyen had no objections to Exhibits 1-2.

President Penrod admitted Exhibits 1-2 into the record.

Mr. Kandt presented documentation that Dr. Nguyen was properly served his Notice of Intended Action and Accusation and a copy of his Stipulation and Voluntary Surrender of License with the Nevada State Board of Dental Examiners.

Dr. Nguyen stated that he would like to surrender his Nevada Controlled Substance Registration and explained that he has no intention of practicing again.

Mr. Kandt reviewed the Regulations regarding the voluntary surrender of a license.

Board Action:

Motion: Kevin Desmond moved to accept Tam Nguyen's voluntary surrender of his Controlled Substance Registration.

Second: Melissa Shake

Action: Passed unanimously

B. Michael S. Mall, MD (19-086-CS-S)

This matter was postponed to a future meeting at the Respondents request.

C. Marika Chunya, APRN (17-118-CS-A-S)

Marika Chunya appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Shirley Blazich was present as counsel representing Ms. Chunya.

Mr. Edwards summarized the facts of the case where Ms. Chunyk was employed by My Vitamin Therapy (MVT). MVT's staff provided on-site and off-site medical treatment to patients, including the administration of dangerous drugs through intravenous therapy and/or injections. MVT's staff protocols, standing orders, and policies and procedures allowed for treatment and administration of drugs without an exam or bona fide relationship with a practitioner. MVT's non-practitioner staff was allowed to obtain, access, possess and store dangerous drugs from MVT's inventory and the non-practitioner staff obtained, accessed and possessed dangerous drugs and administered dangerous drugs to patients, without a practitioner on site and without a practitioner's direct supervision.

Mr. Edwards presented a Stipulation and Order regarding Ms. Chunyk for the Board's consideration.

Ms. Chunyk shall receive a Letter of Reprimand, shall pay a fine of \$3,000.00 and an administrative fee of \$1,000.00. Ms. Chunyk agrees not to engage in any practice in which a substantial portion of the practice is providing injections and/or intravenous infusions of vitamins or fluids for rehydration. If Ms. Chunyk decides to engage in such a practice in the future she shall obtain written permission from Board Staff.

Ms. Chunyk explained that she no longer works at MVT and is currently employed at a family practice clinic.

Board Action:

Motion: Jade Jacobo moved to accept the Stipulation and Order regarding Marika Chunyk

Second: Kevin Desmond

Action: Passed unanimously

D. Tiffany W. Walker, APRN (17-118-CS-B-S)

Mr. Edwards explained that after further investigation Board Staff is dismissing this case regarding Tiffany Walker.

E. Shouping Li, MD (19-087-CS-S)

Dr. Li was not present.

Mr. Kandt summarized the facts of the case where Shouping Li executed a plea agreement with the United States Attorney's Office for the district of Nevada relating to unprofessional and illegal conduct in prescribing dosages and amounts of Oxycodone and Hydrocodone to patients outside the usual course of his professional practice and without legitimate medical purpose.

Mr. Kandt stated that Dr. Li has agreed to voluntarily surrender his Nevada Controlled Substance Registration and to pay \$500.00 in attorney's fees and costs.

Board Action:

Motion: Kevin Desmond moved to accept Shouping Li's Stipulated Agreement and voluntary surrender of his Nevada Controlled Substance Registration as discipline. Board Staff shall report this matter as discipline to the database.

Second: Jade Jacobo

Action: Passed unanimously

F. Douglas Ross, MD (17-100-CS-S)

This matter was postponed to a future meeting at the Respondents request

G. Roger Estevez, MD (19-072-CS-S)

Roger Estevez appeared and was sworn by President Penrod prior to answering questions or offering testimony.

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

Dr. Estevez had no objections to Exhibits 1-5.

President Penrod admitted Exhibits 1-5 into the record.

Mr. Kandt presented documentation showing that Dr. Estevez received proper notice for this hearing, a copy of his Cease and Desist Letter, Dr. Estevez's response to the Cease and Desist Letter and his response to the Notice of Intended Action and Accusation and documentation of reasonably and actually incurred attorney's fees and costs for this case.

Mr. Kandt summarized that Dr. Estevez has appeared before the Board at previous meetings regarding his dispensing license and controlled substance license.

Dr. Estevez apologized for his error and described the changes to his practices' policies and procedures to prevent this error from occurring in the future.

Board Action:

Motion: Melissa Shake moved that the Board has jurisdiction over this matter and that based on the evidence and testimony presented that the factual allegations in the Notice of Intended Action and Accusation are true.

Second: Wayne Mitchell

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved to find Roger Estevez guilty of the First through Fourth Causes of Action.

Second: Wayne Mitchell

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved to find that that Attorney's Fees and Costs were necessary, reasonable, and actually incurred.

Second: Jade Jacobo

Action: Passed unanimously

Board Action:

Motion: Wayne Mitchell moved that Roger Estevez shall pay a \$1,500.00 fine and an administrative fee of \$1404.52 due in 60 days.

Second: Melissa Shake

Action: Passed unanimously

H. Kiarash L. Mirkia, MD (19-090-CS-S-A)

This matter was postponed to a future meeting at the Respondents request

I. Roger Ly, R.Ph (16-043-RPH-S)

Mr. Ly was not present.

Mr. Kandt moved to have Exhibit 1 admitted into the record.

President Penrod admitted Exhibit 1 into the record.

Mr. Kandt presented a Memorandum of Agreement between Mr. Ly, DEA and the US Attorney's Office.

Mr. Kandt summarized the facts of the case where Roger Ly and VIP Pharmacy filled approximately 380 fraudulent prescriptions for Oxycodone and Hydrocodone written by Tam Nguyen, DDS. Mr. Ly admitted to Board investigators that he delivered the fraudulently prescribed drugs directly to Dr. Nguyen and continued to fill Dr. Nguyen's fraudulent prescriptions for approximately five months after patients alleged fraud.

Mr. Kandt explained that Mr. Ly has agreed to pay an administrative fee of \$750.00 and voluntarily surrender his Nevada Pharmacist Registration.

Board Action:

Motion: Melissa Shake moved to accept Roger Ly's voluntary surrender of his Nevada Pharmacist Registration.

Second: Kevin Desmond

Action: Passed unanimously

J.	Todd Spears, R.Ph	(18-005-RPH-S)
K.	CVS Pharmacy #5286	(18-005-PH-S)

Todd Spears appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Jeffrey Sinco was present representing the Respondents.

Mr. Kandt stated that pharmaceutical technician Lisa Morris was subpoenaed and present for her involvement in this case.

Mr. Kandt summarized the facts of the case where patient J.T. tendered a prescription to CVS Pharmacy where Ms. Morris performed data entry in CVS's computer system. Ms. Morris mistakenly selected Amlodipine Besylate 10 mg. tablets rather than Amitriptyline 10 mg. tablets as prescribed. Mr. Spears was the verifying pharmacist on record and failed to detect the medication error. J.T. ingested 19 tablets of the wrong medication before CVS notified him of the error.

Mr. Kandt presented a Stipulation and Order for the Board's consideration.

Mr. Spears shall receive a Letter of Reprimand and shall complete an additional four CEU on error prevention within 60 days and shall pay a fine of \$750.00.

CVS Pharmacy shall pay an administrative fee of \$750.00 and a fine of \$500.00.

Mr. Spears apologized for his error and explained the changes he has made to his practice to prevent future errors.

Mr. Sinco explained that CVS Pharmacy has added Amlodipine and Amitriptyline to the list of lookalike drugs.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order as presented

Second: Melissa Shake

Action: Passed unanimously

L. Joseph Jaffer, PT (19-078-PT-S)

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

Joseph Jaffer was not present.

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

President Penrod admitted Exhibits 1-3 into the record.

Mr. Edwards summarized the facts of the case where Walgreens Pharmacy notified Board Staff that Mr. Jaffer was terminated from his employment as a pharmaceutical technician at Walgreens Pharmacy #12539 for diversion of controlled substances. Mr. Jaffer confessed to diverting 32 Hydrocodone 10-325 mg tablets.

Mr. Edwards presented documentation showing Mr. Jaffer was properly sent his Notice of Intended Action and Accusation by certified mail, a copy of his licensing file showing Mr. Jaffer's last mailing address of record and a statement from Mr. Jaffer admitting to diversion.

Board Action:

Motion: Wayne Mitchell moved that the Board has jurisdiction over this matter and service was properly given.

Second: Jade Jacobo

Action: Passed unanimously

Board Action:

Motion: Jade Jacobo moved that the factual allegations have been proven and that Joseph Jaffer is guilty of the First through Fourth Causes of Action based on the evidence presented.

Second: Kevin Desmond

Action: Passed unanimously

Mr. Edwards stated that Board Staff recommends revocation of Mr. Jaffer's pharmaceutical technician registration for a minimum of 1 year. Mr. Jaffer shall pay a \$250.00 administrative fee if he decides to reapply

Board Action:

Motion: Wayne Mitchell moved to revoke Joseph Jaffer Pharmaceutical Technician Registration for a minimum of one year. If Mr. Jaffer decides to reapply he shall appear before the Board for approval and shall pay an administrative fee of \$250.00.

Second: Robert Sullivan

Action: Passed unanimously

M. Kelly Ann Trigleth, PT (19-055-PT-S)

Kelly Ann Trigleth was not present.

Mr. Edwards summarized the facts of the case where CVS Pharmacy notified Board Staff that Ms. Trigleth was terminated from her employment as a pharmaceutical technician at CVS Pharmacy #08784 for diversion of approximately 1,000 Tylenol with Codeine #4 for self-use.

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

President Penrod admitted Exhibits 1-3 into the record.

Mr. Edwards presented documentation that Board Staff sent Ms. Trigleth's Notice of Intended Action and Accusation by certified mail to the most current mailing address of record and a statement from Ms. Trigleth admitting to diverting controlled substances.

Board Action:

Motion: Kevin Desmond moved that the Board has jurisdiction over this matter and that service was properly given.

Second: Melissa Shake

Action: Passed unanimously

Board Action:

Motion: Jade Jacobo moved that the factual allegations have been proven and that Kelly Ann Trigleth is guilty of the First through Fourth Causes of Action based on the evidence presented.

Second: Kevin Desmond

Action: Passed unanimously

Mr. Edwards stated that Board Staff recommends revocation of Ms. Trigleth's pharmaceutical technician registration for a minimum of one year. Ms. Trigleth shall pay an administrative fee of \$250.00 and shall appear before the Board if she decided to reapply.

Board Action:

Motion: Kevin Desmond moved to revoke Kelly Ann Trigleth's Pharmaceutical Technician Registration for a minimum of one year. If Ms. Trigleth decides to reapply she shall appear before the Board for approval and shall pay a \$250.00 administrative fee.

Second: Melissa Shake

Action: Passed unanimously

5. Application for Practitioner Dispensing Registration - Appearance:

Kimberly Adams. MD

Melissa Shake and Jade Jacobo disclosed that they have filled prescriptions written by Dr. Adams at their pharmacies, but stated that they could participate in this matter fairly and without bias.

Kimberly Adams appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Kristopher Rath was present as counsel representing Dr. Adams.

Mr. Edwards explained that Board Staff received a complaint that Dr. Adams was dispensing medication without proper licensure. He stated that Board Staff sent Dr. Adams a Cease and Desist/Citation. He explained that Dr. Adams did not challenge the Cease and Desist and has paid the fine.

Mr. Rath stated that Dr. Adams was working with a consultant regarding her dispensing practice and received incorrect information.

Dr. Adam's stated that she accepts full responsibility for the error and is applying to correct the issue.

Dr. Adam's answered questions to the Board's satisfaction regarding her work history and practice.

Board Action:

Motion: Melissa Shake moved to approve Kimberly Adam's Application for Practitioner Dispensing Registration pending a positive inspection.

Second: Wayne Mitchell

Action: Passed unanimously

6. Hearing pursuant to NRS 639.2895(2) on appeal of citation and fine for unlicensed prescribing and dispensing.

Valorie Davidson (18-059-S)

Ms. Davidson contacted Board Staff to withdraw her request to appeal her citation and fine for unlicensed prescribing and dispensing.

7. Application for Out-of-State Pharmacy – Appearance

Golden Gate Veterinary Compounding Pharmacy, Inc. – Novato, CA

Paul Lofholm, Vice President, appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Yenh Long, Deputy Executive Secretary Nevada State Board of Pharmacy, appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Lofholm explained that Golden Gate Veterinary Compounding Pharmacy, Inc. (Golden Gate) provides non-sterile compounding services. Mr. Lofholm stated that Golden Gate only compounds veterinary products.

Ms. Long questioned Mr. Lofholm regarding Golden Gate's products and services provided, past inspections, past discipline, pharmacy staff and the company's policies and procedures.

Mr. Lofholm answered Ms. Long's questions to the Board's satisfaction. Mr. Lofholm described the updates Golden Gate implemented to increase security and internal controls of their medications.

Board Action:

Motion: Melissa Shake moved to approve Golden Gate Veterinary Compounding Pharmacy, Inc.'s Application for Out-of-State Pharmacy License with conditions. Golden Gate Veterinary Compounding Pharmacy, Inc shall report any medication loss within 10 days.

Second: Kevin Desmond

Action: Passed unanimously

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

A. All Time Health Care – Las Vegas, NV

No representative from All Time Health Care was present for the meeting.

B. MDRX, LLC – Henderson, NV

This matter was continued to a future meeting.

C. Providence Medical Supply – Las Vegas, NV

Melissa Shake disclosed that Modupe Irorobeje is an acquaintance, but stated that she could participate in this matter fairly and without bias.

Jade Jacobo disclosed that she was former coworkers with Modupe Irorobeje, but stated that she could participate in this matter fairly and without bias.

Modupe Irorobeje, owner and MDEG Administrator, appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Ms. Irorobeje explained that Providence Medical Supply will provide diabetic supplies and assistive equipment to patients and prescriber's offices. She stated that she plans to also provide orthotics in the future.

After discussion, the Board clarified that Providence Medical Supply would require an additional license to be able to sell products to prescriber's offices.

Ms. Irorobeje stated that she would only be selling directly to patients and would seek additional licensure prior to selling products to prescribers.

Ms. Irorobeje answered questions to the Board's satisfaction regarding the products and services provided and her work history.

Board Action:

Motion: Kevin Desmond moved to approve Providence Medical Supply's Application for Nevada MDEG License pending a positive inspection.

Second: Wayne Mitchell

Action: Passed unanimously

9. Presentation from CVS Health on the progress of modifications to CVS Pharmacy's computer system to limit record deletions and ensure compliance with requirements for readily retrievable records.

Jeff Sinco and Mark Johnstone appeared and provided an update regarding modification made to CVS Pharmacy's computer system to limit record deletions.

Mr. Sinco explained that pharmacy data goes into information warehouse that is accessible to CVS corporate. He stated that changes are being made to allow access to this data at the store level.

Mr. Sinco stated that training is ongoing and estimates the modifications will be completed in the first quarter of 2020.

10. Applications for Controlled Substance Registration - Appearance

A. Maryanne Phillips, MD (13-061-CS-S)

Maryanne Phillips appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Ken Hogan was present as counsel representing Dr. Phillips.

Mr. Edwards provided background information regarding Dr. Phillips past discipline.

Mr. Hogan stated that Dr. Phillips had entered into a Settlement Agreement with the Nevada State Board of Medical Examiners that would allow her to practice anesthesia.

Board discussion ensued regarding Dr. Phillips' past discipline and Settlement Agreement.

Board Staff expressed concern that Dr. Phillips' application had discipline questions answered incorrectly and that the supporting documentation for her past discipline was not complete.

After discussion, President Penrod offered Dr. Phillips the option to table her application in order to correct her application and provide adequate supporting documentation.

The Board tabled Dr. Phillips' application at her request.

B. Robert Toledo, DO (16-013-PD-S)

Dr. Toledo contacted Board Staff to withdraw his application.

11. Applications for Pharmaceutical Technician - Appearance:

A. Joanna L. Thompson (07-097-PT-S)

Joanna Thompson appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Kandt explained that Ms. Thompson disclosed past discipline on her application.

Mr. Kandt summarized the facts of the case where Ms. Thompson's pharmaceutical technician license was revoked for writing and attempting to have two fraudulent prescriptions filled for her father.

The Board questioned Ms. Thompson regarding her past discipline and what she has done to keep her pharmacy knowledge up to date.

Ms. Thompson explained that she attempted to have the fraudulent prescriptions filled so that she would be fired from her current employment.

After discussion, the Board expressed concern regarding Ms. Thompson attitude regarding the seriousness of her case.

Board Action:

Motion: Jade Jacobo moved to deny Joanna Thompson's Application for Pharmaceutical Technician License

Second: Gener Tejero

Aye: Desmond, Jacobo, Mitchell, Sullivan, Tejero

Nay: Shake

Action: Motion carries

B. Mychela B. Predium

Mychela Predium was not present.

Mr. Wuest stated that Board Staff would contact Ms. Predium to reschedule.

12. Applications for Pharmaceutical Technician in Training - Appearance: Note: The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of any of the below named parties.

A. Kolong P. Ongor

Kolong Ongor was not present.

B. Andrew L. Solis

Andrew Solis appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Edwards stated that Mr. Solis disclosed past discipline on his pharmaceutical technician in training application.

Mr. Solis stated that in 2016 he was arrested and charged for possession of marijuana and use/possession of drug-paraphernalia.

Mr. Solis answered questions to the Board's satisfaction regarding his discipline, drug use and recovery.

The Board discussed having Mr. Solis evaluated by PRN-PRN.

Board Action:

Motion: Melissa Shake moved to approve Andrew Solis' Application for Pharmaceutical Technician in Training Registration pending a positive evaluation from PRN-PRN and that Mr. Solis disclose all discipline to any future employer.

Second: Kevin Desmond

Action: Passed unanimously

13. Applications for Nevada Pharmacy – Appearance

A. Aaron Pharmacy, Inc. – North Las Vegas, NV

No representative from Aaron Pharmacy, Inc. was present.

B. Combined Wellness Pharmacy – Las Vegas, NV

No representative from Combined Wellness Pharmacy was present.

C. Credo Pharmacy LLC – Las Vegas, NV

Melissa Shake disclosed that she has worked with Olukunle Alabi in the past, but stated that she could participate in this matter fairly and without bias.

Olukunle Alabi, managing pharmacist, and Arman Martirosyan, owner, appeared and were sworn by President Penrod prior to answering questions or offering testimony.

Todd Lemonpole was present as counsel representing Credo Pharmacy LLC.

Mr. Alabi stated that Credo Pharmacy LLC is a retail pharmacy that will service long term care facilities.

The Board questioned Mr. Alabi regarding his work history and past discipline.

Mr. Alabi explained that he did not disclose his past discipline on the application because he did not know the year it happened. He stated that he was disciplined for not completing the required hours of CEU during his renewal and stated that he did comply with the Order at that time.

Mr. Alabi and Mr. Martirosyan answered questions to the Board's satisfaction.

Board Action:

Motion: Jade Jacobo moved to approve Credo Pharmacy LLC's Application for Nevada Pharmacy License pending a positive inspection and submission of a corrected application and managing pharmacist application. Credo Pharmacy LLC shall receive Staff approval before providing mail services.

Second: Melissa Shake

Action: Passed unanimously

D. Economy Drug – Eureka – Eureka, NV

Andrew Bath, managing pharmacist and part-owner, appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Bath explained that Economy Drug – Eureka would be a retail satellite pharmacy to service the town of Eureka.

Mr. Wuest stated that Eureka has no dispensing practitioners in the area, and that Eureka patients have to travel approximately 80 miles to the nearest pharmacy.

Mr. Dodge stated that Economy Drug in Ely has had positive past inspections and explained that Mr. Bath has been in contact with the satellite pharmacy in Alamo to discuss the pharmacy layout.

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

Board Action:

Motion: Kevin Desmond moved to approve Economy Drug – Eureka's Application for Nevada Pharmacy License pending a positive inspection

Second: Melissa Shake

Action: Passed unanimously

E. Old Fashioned Pharmacy LLC – Las Vegas, NV

Jaime Dorsett, managing pharmacist, and Carlos Echevarria, owner, appeared and were sworn by President Penrod.

Mr. Echevarria stated that Old Fashioned Pharmacy, LLC is a community pharmacy that plans to serve the underserved Spanish community.

Mr. Echevarria answered questions regarding his employment history, products and services provided, staff and pharmacy funding.

After discussion, the Board expressed concern regarding Mr. Echevarria's lack of experience and knowledge regarding pharmacy.

President Penrod offered Mr. Echevarria the option to table Old Fashioned Pharmacy LLC.'s application to allow him time to become familiar with pharmacy law and to discuss the pharmacy's business model.

The Board tabled Old Fashion Pharmacy LLC's application at Mr. Echevarria's request.

F. Sunrise Pharmacy – Las Vegas, NV

Christopher Goodman, managing pharmacist, Mike Peters, current owner, and Robert Seik, new owner, appeared and were sworn by President Penrod prior to answering questions or offering testimony.

Kristopher Rath was present as counsel representing Sunrise Pharmacy.

Jade Jacobo disclosed that Mr. Goodman was a past coworker, but stated that she could participate in this matter fairly and without bias.

Mr. Seik and Mr. Peters stated that the purpose of the ownership change is because the current ownership is unable to make the changes to make Sunrise Pharmacy USP 800 compliant.

Mr. Seik stated that his intention is to potentially consolidate Sunrise Pharmacy and Partell Pharmacy.

Mr. Seik and Mr. Peters answered the Board's questions regarding, Sunrise Pharmacy's products and services provided and staff.

Board Action:

Motion: Kevin Desmond moved to approve Sunrise Pharmacy's Ownership Change Application for Nevada Pharmacy License.

Second: Melissa Shake

Action: Passed unanimously

G. Vegas Pharma LLC – Las Vegas, NV

Ashley Isom, managing pharmacist, and Blake McCloud, pharmacist, appeared and were sworn by President Penrod prior to answering questions or offering testimony.

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

Mr. Wuest stated that Ms. Isom and Mr. Delk, owner, appeared at a previous meeting. At that meeting, the Board tabled Vegas Pharma LLC's application to allow Ms. Isom to receive more training regarding compounding.

Ms. Isom explained that she went to Kentucky to participate in the company's compounding training.

Mr. Dodge appeared and questioned Ms. Isom and Mr. McCloud regarding sterile compounding, products and services provided, Vegas Pharma LLC's policies and procedures and drug formulations.

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

Board Action:

Motion: Jade Jacobo moved to approve Vegas Pharma LLC's Application for Nevada Pharmacy License pending a positive inspection. Vegas Pharma LLC shall have quarterly inspections at the company's expense.

Second: Wayne Mitchell

Action: Passed unanimously

14. Applications for Out-of-State Compounding Pharmacy – Appearance

A. Miller's of Wyckoff – Wyckoff, NJ

David Miller, managing pharmacist, appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Miller stated that Miller's of Wyckoff is retail pharmacy that provides sterile and non-sterile compounding services.

Mr. Dodge questioned Mr. Miller regarding Miller's of Wyckoff's product and services provided, policies and procedures, past inspections, shipping procedures and staff.

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

Board Action:

Motion: Melissa Shake moved to approve Miller's of Wyckoff's Ownership Change Application for Out-of-State Compounding Pharmacy

Second: Jade Jacobo

Action: Passed unanimously

B. OSRX, Inc. – Missoula, MT

Brian Wolwarth, Chief Compounding pharmacist, appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Wolwarth stated that OSRX, Inc. is a retail pharmacy that provides sterile and non-sterile compounded products. He explained that OSRX, Inc. compounds high risk ophthalmic medication.

Mr. Dodge questioned Mr. Wolwarth regarding OSRX, Inc.'s past FDA inspections, OSRX Inc.'s policies and procedures and product testing.

Mr. Wolwart explained each of FDA's observations and described what OSRX, Inc. changed in order to correct each issue.

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

Board Action:

Motion: Kevin Desmond moved to approve OSRX, Inc.'s Ownership Change Application for Out-of-State Pharmacy License.

Second: Jade Jacobo

Action: Passed unanimously

C. Rite Away Pharmacy & Medical Supply – San Antonio, TX

Carlos Tami, consulting pharmacist, appeared and was sworn by President Penrod prior to answering questions or offering testimony.

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

Mr. Tami stated that Rite Away Pharmacy & Medical Supply is a community pharmacy that provides sterile and non-sterile compounded products. He explained that Rite Away Pharmacy will send HCG and testosterone products directly to patients.

The Board removed Rite Away Pharmacy & Medical Supply's affidavit not to send sterile compounded products from the record at Mr. Tami's request.

Mr. Tami was unable to answer the Board's questions regarding Rite Away Pharmacy & Medical Supply's policies and procedures regarding sterile compounding.

After discussion, President Penrod offered Mr. Tami the option to table Rite Away Pharmacy & Medical Supply's application to allow the compounding pharmacist to appear and answer the Board's questions.

The Board tabled Rite Away Pharmacy & Medical Supply's application at Mr. Tami's request.

D. Premier Specialty Infusion LLC – Hoffman Estates, IL

This matter was postponed to a future Board Meeting.

15. Applications for Nevada Wholesaler – Appearance

A. 1 Click Logistics – Sparks, NV

James Applebach appeared and was sworn by President Penrod prior to answering questions or offering testimony.

The Board questioned Mr. Applebach regarding 1 Click Logistics products and services provided and his work experience and past discipline.

Mr. Applebach answered questions to the Board's satisfaction regarding past discipline and 1 Click Logistics products and services provided. He explained that 1 Click Logistics is a third-party logistics company that sells primarily micro catheters and guidewires.

Board Action:

Motion: Kevin Desmond moved to approve 1 Click Logistics' Application for Nevada Wholesaler pending a positive inspection. 1 Click Logistics shall notify Board Staff prior to shipping any sterile products.

Second: Jade Jacobo

Action: Passed unanimously

B. Secura Bio, Inc. – Las Vegas, NV

Hector Tamburini, Senior Director, Mark Spring, CFO, Joseph Limber, President/CEO and Brett Lunch, Chief Legal Officer, appeared and were sworn by President Penrod prior to answering questions or offering testimony.

Mr. Limber presented information regarding Secura Bio, Inc. Mr. Limber explained that Secura Bio, Inc. plans to provide Farydak which is a FDA approved drug for myeloma treatment.

Mr. Limber stated that no manufacturing will take place at the Nevada location.

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

Mr. Limber answered Mr. Dodge's questions to the Board's satisfaction regarding Secura Bio, Inc.'s past FDA inspection.

Board Action:

Motion: Kevin Desmond moved to approve Secura Bio, Inc.'s Application for Nevada Wholesaler License.

Second: Melissa Shake

Action: Passed unanimously

16. Hearing pursuant to NRS 233B.121 to contest ACRX Specialty Pharmacy's involuntary closure pursuant to NAC 639.570 – 19-044-PH-S NOTE: The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of any of the below named parties.

This matter was continued to a future Board Meeting.

17. Request for Removal of Probation on Pharmacist License - Appearance:

Stephanie Ng

(13-053-RPH-O)

Stephanie Ng appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Wuest explained that Ms. Ng's pharmacist license was placed on probation as a part of a parallel action that occurred with the California State Board of Pharmacy.

Ms. Ng stated that she has successfully completed her probation in California and is requesting to have her Nevada pharmacist license restored.

Ms. Ng answered questions to the Board's satisfaction regarding her discipline in California.

Board Action:

Motion: Melissa Shake moved to approve Stephanie Ng's Request for Removal of Probation on Pharmacist License with the condition that Ms. Ng notify Board Staff prior to practicing in Nevada.

Second: Kevin Desmond

Action: Passed unanimously

18. Personnel Review

A. Personnel Evaluation

Mr. Wuest and Ms. Long commended Board Staff for their hard work.

B. Executive Secretary Evaluation

The Board commended Mr. Wuest for his hard work and leadership as the Executive Secretary.

19. General Counsel Report

20. Executive Secretary Report:

A. Financial Report

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

B. Temporary Licenses

Three temporary licenses were issued since the last Board meeting.

C. Staff Activities:

1. Meetings with other health care boards
2. Presentation to UNLV School of Medicine
3. Grant Presentation - Washington DC
4. Walgreen's Order update

D. Report to Board:

1. Licensing software update

E. Board Related News:

1. Legislative Update

F. Licensing Activities Report:

1. PMP Integration
2. Inspection update
3. Online CE activity

Public Comment July 17, 2019 3:00 PM

There was no public comment.

Public Comment July 18, 2019 9:00 AM

There was no public comment.

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

1. **Amendment of Nevada Administrative Code (NAC) 639.250: Restrictions on supervision.** The proposed amendment to NAC 639.250 will allow for an increase in pharmaceutical technician to pharmacist ratio in certain pharmacy settings.

Mr. Wuest provided background information and presented a summary of the past workshops regarding the pharmaceutical technician to pharmacist ratio.

Mr. Wuest presented the results from the last pharmacist survey regarding the pharmaceutical technician to pharmacist ratio.

Mr. Edwards and Ms. Long read written public comment into the record.

Adam Porath submitted written public comment against the proposed regulation changes.

Margot Leland submitted written public comment against the proposed regulation changes.

Kelsey Maxim submitted written public comment against the proposed regulation changes.

David Simsek submitted written public comment against the proposed regulation changes.

President Penrod opened the Public Comment.

Linh McIntire, pharmacist, appeared and expressed concerns that the proposed regulation changes could create an unsafe work environment.

Lauren Paul, CVS Health, appeared and expressed support of the proposed language.

Liz MacMenamin, RAN, appeared and apologized for making someone feel uncomfortable at the last Board meeting. Ms. MacMenamin expressed support of the proposed language.

Mary Staple, National Association of Chain Drug Stores, appeared and presented documentation regarding other states with an increased pharmaceutical technician to pharmacist ratio. Ms. Staple expressed support for the proposed language and discussed the benefits of increasing the ratio.

Mary Greer, pharmacist, appeared and stated that an increase in the ratio would not allow for more patient to pharmacist interaction.

Karen Rosani, pharmacist, appeared and stated that the increased ratio would create more pressure and work for the pharmacist.

President Penrod closed the Public Comment.

Board discussion ensued regarding different pharmacy models and the benefits and dangers of increasing the ratio.

After discussion, the Board agreed to modify the proposed language with 4:1 pharmaceutical technician to pharmacist ratio.

Board Action:

Motion: Wayne Mitchell moved to adopt the proposed language with modifications to bring the pharmaceutical technician to pharmacist ratio to 4:1

Second: Gener Tejero

Aye: Desmond, Mitchell, Shake, Sullivan, Tejero
Nay: Jacobo

Action: Motion carries

2. **Amendment of Nevada Administrative Code Chapter 453 to add new sections thereto and to amend NAC 453.070 and NAC 453.074 relating to access to the database of the program established pursuant to NRS 453.162 by pharmacy personnel, practitioners, delegates of practitioners, and hospitals.**

Mr. Kandt stated that the proposed language would codify the current procedures of the Prescription Monitoring Program (PMP) regarding PMP use by pharmacist, pharmacy technicians, interns, practitioners, hospitals and delegates.

President Penrod opened the Public Comment.

There was no public comment.

Board Action:

Motion: Melissa Shake moved to adopt the proposed language and move forward to Public Hearing.

Second: Kevin Desmond

Action: Passed unanimously

3. **Amendment of Nevada Administrative Code (NAC) 639.220: Schedule of fees.** The proposed amendments to NAC 639.220 will increase the fees for the application for an initial registration, and the biennial renewal of a registration, as a registered pharmacist, pharmaceutical technician or pharmaceutical technician in training, or for authorization to prescribe or possess controlled substances, to cover the cost of maintaining the computerized program developed pursuant to NRS 453.162.

Mr. Wuest provided background information.

President Penrod opened the Public Comment.

There was no public comment.

After discussion, the Board agreed that the proposed increase in fees were fair and necessary to address current budgetary concerns.

Board Action:

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

Second: Melissa Shake

Action: Passed unanimously

4. **Amendment of Nevada Administrative Code (NAC) Chapter 639 to add a new section thereto and to amend NAC 453.190 regarding the payment of fees for initial registration, the biennial renewal of a registration, or any other fees charged by the Board.** The proposed amendments will require that payment to the Board be made by credit card, debit card or electronic transfer of money, or by personal, certified or cashier's check or money order payable to the State Board of Pharmacy.

Mr. Kandt provided background information.

President Penrod opened the Public Comment.

There was no public comment.

Board Action:

Motion: Jade Jacobo moved to adopt the proposed language and move forward to Public Hearing.

Second: Melissa Shake

Action: Passed unanimously

22. Date and Location of Next Scheduled Board Meeting:

September 4-5, 2019 - Reno, Nevada

23. Public Comment July 18, 2019 3:00 PM

There was no public comment.