



# NEVADA STATE BOARD OF PHARMACY

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## MINUTES

March 6 & 7, 2019

## BOARD MEETING

Hyatt Place  
1790 E Plumb Ln  
Reno, NV

### 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	Joe Depczynski	Kristopher Mangosing
Sarah Bradley			

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 March 6, 2019 9:00 AM

There was no public comment.

2. Approval of January 16-17, 2019, Minutes

### Board Action:

Motion: Kevin Desmond moved to approve the January 16-17, 2019 Meeting minutes as presented.

Second: Wayne Mitchell

Action: Passed unanimously

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

- A. Advanced Diabetes Supply – Carlsbad, CA
- B. Alto Pharmacy – Denver, CO
- C. BriovaRx Specialty – Shavano Park, TX
- D. Chewy Pharmacy, LLC – Goodyear, AZ
- E. Clinical Solutions Pharmacy – Franklin, TN
- F. Exact Care Pharmacy – Louisville, TX
- G. Integrity Rx Specialty Pharmacy LLC – Scottsdale, AZ
- H. Kaiser Permanente WA Mail Order Pharmacy – Renton, WA
- I. Lemonaid Pharmacy, LLC – St. Louis, MO
- J. LibraSun Pharmacy – Oakland Park, FL
- K. Milton Medical & Drug Co Inc. – Miami Beach, FL
- L. OptumRx – Costa Mesa, CA
- M. OptumRx – Sugar Land, TX
- N. Professional Pharmacy Solutions – New Castle, PA

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

- O. ARX, Accurate RX Specialty Pharmacy – Kew Gardens, NY
- P. Coastal Care Pharmacy – Panama City Beach, FL
- Q. Covetrux NE – Omaha, NE
- R. Covetrux TX – Houston, TX
- S. NDC Pharmacy – Plano, TX
- T. PureScience Rx – Poway, CA

Applications for Out-of-State Wholesaler – Non Appearance

- U. AcelRx Pharmaceuticals, Inc. – Redwood City, CA
- V. Aclaris Therapeutics, Inc. – Wayne, PA
- W. ACP Nimble Buyer, Inc. – South Plainfield, NJ
- X. AMAG Pharmaceuticals, Inc. – Waltham, MA
- Y. Amazon.com Services, Inc. – Plainfield, IN
- Z. Amring Pharmaceuticals Inc. – Berwyn, PA
- AA. Asegua Therapeutics LLC – Foster City, CA
- BB. Aquestive Therapeutics, Inc. – Warren, NJ
- CC. Boehringer Ingelheim Animal Health USA Inc. – St Joseph, MO
- DD. Clinigen, Inc. – Yardley, PA
- EE. CSL Behring LLC – King of Prussia, PA
- FF. Eagle Pharmaceuticals, Inc. – Woodcliff Lake, NJ
- GG. Evolus, Inc. – Newport Beach, CA
- HH. Eywa Pharma Inc. – Princeton, NJ
- II. Ferring Pharmaceuticals Inc. – Parsippany, NJ
- JJ. Greenhill Trading Inc. – Brooklyn, NY
- KK. Genzyme Corporation – Cambridge, MA
- LL. Hospira, Inc. – McPherson, KS

- MM. Immunomedics, Inc. – Morris Plains, NJ
- NN. Kyowa Kirin, Inc. – Bedminster, NJ
- OO. Leo Pharma Inc. – Madison, NJ
- PP. Lundbeck LLC – Deerfield, IL
- QQ. Neopharma Inc. – Princeton, NJ
- RR. NeoTract, Inc. – Livermore, CA
- SS. Neurocrine Biosciences, Inc. – San Diego, CA
- TT. Novartis Pharmaceuticals Corporation – East Hanover, NJ
- UU. Paratek Pharmaceuticals, Inc. – Boston, MA
- VV. Progenics Pharmaceuticals, Inc. – New York, NY
- WW. Regeneron Healthcare Solutions, Inc. – Tarrytown, NY
- XX. Sunovion Pharmaceuticals Inc. – Marlborough, MA
- YY. Vyaire Medical, Inc. – Mettawa, IL
- ZZ. Xeris Pharmaceuticals, Inc. – Chicago, IL

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

- AAA. DME Healthcare Partners – Chandler, AZ
- BBB. Homestead Orthotics LLC – Peoria, AZ
- CCC. Livongo Health, Inc. – Mountain View, CA
- DDD. Locost Medical Supply, LLC – Duluth, GA
- EEE. Therapoint Medical LLC – Conshohocken, PA

Applications for Nevada Pharmacy – Non Appearance

- FFF. IngeioRx Specialty or CVS Specialty – Las Vegas, NV
- GGG. Nevada Health Center Pharmacy – MLK – Las Vegas, NV
- HHH. Sunset Pain Surgery Center – Las Vegas, NV
- III. Well Care Pharmacy 1, LLC – Las Vegas, NV

Board Action:

Motion: Wayne Mitchell moved to approve the Consent Agenda.

Second: Melissa Shake

Action: Passed unanimously

4. Discipline

- A. Nuttavat Rojprasitporn, R.Ph (17-089-RPH-A-N)
- B. Jeffrey Arbogast, R.Ph (17-089-RPH-B-N)
- C. Mui Ching Lee, R.Ph (17-089-RPH-C-N)
- D. Lydia Pasero, PT (17-089-PT-N)
- E. CVS/pharmacy #4691 (17-089-PH-N)

Nuttavat Rojprasitporn appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Kandt summarized the facts of the case where patients P.C. and R.D. tendered their prescriptions to CVS the same day. During the pre-data entry scan pharmaceutical technician Gisela Ochoa mistakenly entered R.D.'s chlordiazepoxide prescriptions under P.C.'s name and patient profile. P.C. ingested approximately three to five doses of the wrong medication before discovering the error.

Mr. Kandt explained that Mr. Rojprasitporn failed to detect the error during data entry verification.

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

Mr. Rojprasitporn shall receive a Letter of Reprimand, shall pay a \$2,750.00 fine due within 30 days and shall complete two additional CEU on the topic of error prevention.

Mr. Rojprasitporn had no objections to the Stipulation and Order presented by Board Staff.

Mr. Rojprasitporn answered questions to the Board's satisfaction regarding his pharmacy experience and changes he has made to improve his practice.

Board Action:

Motion: Kevin Desmond moved to approve the Stipulation and Order regarding Nuttavat Rojprasitporn as presented by Board Staff.

Second: Wayne Mitchell

Aye: Desmond, Jacobo, Mitchell, Sullivan, Tejero

Nay: Shake

Action: Motion carries

Jeffrey Arbogast appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Jason Penrod disclosed that he knows Mr. Arbogast from pharmacy school, but stated that he could participate in this matter fairly and without bias.

Mr. Kandt explained that Mr. Arbogast is on record as the counseling pharmacist. Mr. Kandt explained that Mr. Arbogast did not counsel P.C., nor did he offer counseling to P.C.

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

Mr. Arbogast shall receive a Letter of Reprimand, shall pay a \$750.00 fine due within 30 days and shall complete an additional two CEU on the topic of patient counseling.

Mr. Arbogast had no objections to the Stipulation and Order presented by Board Staff.

Mr. Arbogast answered questions to the Board's satisfaction regarding changes he has made to his practice and documentation of counseling.

Board Action:

Motion: Kevin Desmond moved to accept the Stipulation and Order regarding Jeffrey Arbogast as presented by Board Staff.

Second: Robert Sullivan

Action: Passed unanimously

Lydia Pasero appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Kandt explained that approximately seventeen days after P.C. discovered CVS's dispensing error, Ms. Pasero deleted records regarding P.C.'s prescription from CVS's computer system.

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

Ms. Pasero's pharmaceutical technician registration PT08989 shall be revoked, the revocation stayed and the registration placed on probation for one year. Ms. Pasero shall pay a \$500.00 fine, pay a \$1,000.00 administrative fee and shall attend three of the next four Board meetings in Reno on the day of the discipline hearings.

Ms. Pasero had no objections to the Stipulation and Order presented by Board Staff.

Board Action:

Motion: Kevin Desmond moved to accept the Stipulation and Order regarding Lydia Pasero as presented by Board Staff.

Second: Jade Jacobo

Action: Passed unanimously

Mui Ching Lee appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mike Dyer was present as counsel representing Ms. Lee and CVS Pharmacy.

Mr. Kandt explained that Ms. Lee was the managing pharmacist at CVS Pharmacy #4691 on the date of this incident. He stated that Ms. Lee was not present in the pharmacy on that date.

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

Ms. Lee shall receive a Letter of Reprimand and shall complete an additional four CEU on pharmacy management.

Mr. Dyer explained that Ms. Lee was not directly involved in the errors, but accepts responsibility as the managing pharmacist. Mr. Dyer stated that Ms. Lee has retired from practice, but is keeping her license active.

Ms. Lee answered questions to the Board's satisfaction regarding her work history.

Board discussion ensued regarding the penalties outlined in the Stipulation and Order.

Board Action:

Motion: Melissa Shake moved to deny the Stipulation and Order presented by Board Staff.

Second: Gener Tejero

Aye: Jacobo, Mitchell, Shake, Tejero

Nay: Desmond, Sullivan

Action: Motion carries

After discussion, Mr. Kandt presented a revised Stipulation and Order regarding Ms. Lee.

Ms. Lee shall complete an additional four CEU on the topic of pharmacy management.

Board Action:

Motion: Jade Jacobo moved to accept the revised Stipulation and Order regarding Ms. Lee.

Second: Wayne Mitchell

Aye: Desmond, Jacobo, Mitchell, Shake, Tejero

Nay: Sullivan

Action: Motion carries

Mark Johnston, CVS Health, and Brian Convery, Senior Legal Counsel CVS Health, appeared and were sworn by President Penrod prior to answering questions or offering testimony.

Mr. Kandt presented a Stipulation and Order regarding CVS Pharmacy #4691 for the Board's consideration.

CVS Pharmacy #4691 shall pay a \$1,000.00 fine, pay a \$1,500.00 administrative fee. Mr. Kandt stated that Respondent CVS represents and warrants that CVS Pharmacy has taken all necessary corrective action in conformance with Paragraph 11(C) of the Stipulation and Order entered in Case No. 16-036.

Mr. Dyer stated that CVS Pharmacy has no objections to the Stipulation and Order presented. He explained that CVS Pharmacy has complied with the Stipulation and Order for Case No. 16-036.

Mr. Convery stated that CVS Pharmacy is still determining how the prescription data was deleted.

Board Action:

Motion: Melissa Shake moved to accept the Stipulation and Order regarding CVS Pharmacy #4691 as presented.

Second: Wayne Mitchell

Action: Passed unanimously

F.	Susan Blair, R.Ph	(17-044-RPH-N)
G.	Walgreens #11227	(17-044-PH-N)

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

Susan Blair, Derek Engebretson, pharmacist, Tom Bui, Healthcare Supervisor Walgreens, appeared and were sworn by President Penrod prior to answering questions or offering testimony.

Bill Stilling was present as counsel representing Walgreens.

Gener Tejero disclosed that Mr. Stilling is his attorney, but stated that he could participate in this matter fairly and without bias.

Mr. Edwards summarized the facts of the case where patient T.B. went to Walgreens to refill a prescription for clopidogrel 75 mg. At the same time T.B.'s physician had prescribed an additional prescription for Eliquis 5 mg. tablets as part of T.B.'s ongoing anti-platelet anticoagulation therapy. When patient T.B. returned the next month to refill his prescription for clopidogrel 75 mg. Ms. Blair refused to refill the prescription and informed T.B. that the

combination of clopidogrel and Eliquis posed a risk of increased bleeding. Ms. Blair advised T.B. to discontinue Eliquis and clopidogrel until T.B. consulted his physician. Ms. Blair then closed the clopidogrel prescription “pending response from the provider.” Mr. Edwards explained that Ms. Blair did not speak with T.B.’s physician to discuss and resolve her concerns. As a result, T.B. went without anticoagulant therapy for approximately 5 days.

Mr. Edwards stated that during the course of the investigation Board Staff sought to obtain prescription records to substantiate the report he received from Walgreens that Blair closed. Walgreens provided inconsistent and conflicting information and documents regarding the status and origin of the closed prescription.

Mr. Edwards presented a Stipulation and Order regarding Walgreens Pharmacy #11227 for the Board’s consideration.

Walgreens shall pay a fine of \$1,000.00 and pay an administrative fee of \$2,000.00. Representatives from Walgreens shall meet with Board Staff to discuss changes to their policies and procedures regarding readily retrievable prescription records. Walgreens’ employees shall be trained on the new policies and procedures based on the results of these meetings.

Mr. Stilling stated that Walgreens’ agrees to the Stipulation and Order presented by Board Staff.

Board Action:

Motion: Kevin Desmond moved to accept the Stipulation and Order regarding Walgreens Pharmacy #11227 as presented.

Second: Jade Jacobo

Action: Passed unanimously

Mr. Edwards moved to have Exhibits 1 through 10 admitted into the record.

Mr. Stilling had no objections.

President Penrod admitted Exhibits 1 through 10 into the records.

Mr. Stilling moved to have Exhibits A through C admitted into the record.

Mr. Edwards had no objections.

President Penrod admitted Exhibits A through C into the record.

Mr. Edwards called Joe Depczynski as a witness.

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



Mr. Edwards presented a copy of the complaint, prescription records from Walgreens' computer system, Walgreens audit reports, copies of T.B.'s prescriptions for Eliquis and clopidogrel, statements from Derek Engebretson and employee schedules during the dates of the error.

Mr. Depczynski answered questions from Mr. Edwards and Mr. Stilling regarding his investigation.

Mr. Edwards called Susan Blair as a witness.

Mr. Edwards questioned Ms. Blair regarding her reasons for not refilling T.B.'s prescription.

Ms. Blair testified that she was concerned for the patient and that she advised T.B. to discuss the medications with his physician at their upcoming appointment. Ms. Blair admitted that she did not have documentation indicating what occurred.

Mr. Stilling called Tom Bui as a witness.

Mr. Bui answered questions regarding prescription records and audit reports in Walgreens' computer system.

After discussion, both parties agreed to continue this matter to the following day.

The following day, Mr. Edwards explained that during the recess the parties reached an agreement to settle this matter and presented the terms of the agreement for the Board's consideration.

Mr. Edwards presented the proposed penalty for Ms. Blair.

Ms. Blair shall pay a fine of \$500.00, pay an administrative fee of \$1,000.00 and shall complete an additional four CEU on the topic of cardiology or cardiac drugs.

Ms. Blair stated no objection to the proposed Stipulation and Order.

Board Action:

Motion: Wayne Mitchell moved to approve the proposed Stipulation and Order regarding Susan Blair.

Second: Jade Jacobo

Action: Passed unanimously

H. Heather Weismann, PT (19-001-PT-S)

Heather Weismann was not present.

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

President Penrod admitted Exhibits 1-4 into the record.

Mr. Edwards summarized the facts of the case where Ms. Weismann was terminated from her employment as a pharmaceutical technician at Smith's Pharmacy #371 for diversion of controlled substances.

Mr. Edwards presented documentation of Ms. Weismann's address of record, documentation that Board Staff mailed her Notice of Intended Action and Accusation by certified mail, a tracking report from USPS and a letter from Board Staff notifying her of the date and time of her hearing (Exhibits 1-4).

Mr. Edwards stated that Ms. Weissman admitted to diverting approximately sixty Zolpidem 10 mg. tablets from Smith's both verbally and in writing during an interview conducted by the district pharmacy practice coordinator and a representative from Smith's asset protection department.

Board Action:

Motion: Jade Jacobo moved that the Board has jurisdiction over this matter, that Board Staff properly attempted service by mailing the Notice of Intended Action and Accusation to Ms. Weismann and that based on default the factual allegations in the Notice of Intended Action and Accusation are true.

Second: Gener Tejero

Action: Passed unanimously

Board Action:

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

Second: Gener Tejero

Action: Passed unanimously

Mr. Edwards stated that Board Staff recommends revocation of Ms. Weissman's pharmaceutical technician registration.

Board Action:

Motion: Melissa Shake moved to revoke Heather Weissman's pharmaceutical technician registration.

Second: Jade Jacobo

Action: Passed unanimously

I. Ranaan Pokroy, MD

(17-098-S)

Ranaan Pokroy and Johnny Parvani, business partner, appeared and were sworn by President Penrod prior to answering questions or offering testimony.

Leann Sanders was present as counsel representing Dr. Pokroy.

Mr. Edwards stated that Dr. Pokroy is the owner and Medical Director of Reviv, which provides concierge/mobile intravenous hydration and injections services at its locations in the MGM and Palazzo hotel in Las Vegas.

Mr. Edwards summarized the facts of the case where Reviv's staff was allowed to use Dr. Pokroy's authority to obtain, access and/or possess an inventory of dangerous drugs when he was not onsite and without his direct supervision. Reviv's staff was also authorized to determine that a dangerous drug was medically appropriate and to administer a dangerous drug to Reviv's patients, even with patients with whom Dr. Pokroy did not have a bona fide therapeutic relationship. Mr. Edwards explained that Reviv also purchased compounded dangerous drugs from a pharmacy not licensed with the Board.

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

Dr. Pokroy shall receive a Letter of Reprimand, his controlled substance registration CS25754 shall be placed on probation for twelve months effective immediately. Dr. Pokroy shall pay a total fine of \$5,000.00 and shall pay an administrative fee of \$2,500.00. Dr. Pokroy shall establish and put into practice new policies and procedures to ensure that a bona fide relationship between the patient and practitioner exists before any medication is ordered or administered, to ensure proper possession of medication and to ensure Dr. Pokroy and his offices will purchase medications only from Nevada-licensed and federally registered outsourcing facilities. Dr. Pokroy may be subject to quarterly inspections by Board Staff for one year at Dr. Pokroy's expense.

Ms. Sanders had no objection to the Stipulation and Order presented.

Ms. Sanders stated that Dr. Pokroy acknowledges his error and provided the Board with a summary of his work history.

Board Action:

Motion: Melissa Shake moved to accept the Stipulation and Order regarding Ranaan Pokroy.

Second: Wayne Mitchell

Action: Passed unanimously

5. Reconsideration of denial of application pursuant to NRS 639.139

Lan Thi Tran Nguyen

Lan Thi Tran Nguyen was not present.

Mr. Edwards explained that Ms. Nguyen had appeared at a previous Board meeting to request the Board to approve her Nevada Pharmacist Registration renewal application. After questioning Ms. Nguyen regarding her error and discipline in California, the Board decided to deny her request for renewal of pharmacist registration.

Mr. Edwards summarized the facts of Ms. Nguyen's case where she surrendered her California pharmacist license for unprofessional conduct involving the sale of pseudoephedrine.

The Board discussed the purpose of reconsideration is to allow an applicant to present new information that the Board may not have to review had at a previous appearance.

Board Action:

Motion: Kevin Desmond moved to deny Lan Thi Tran Nguyen's request for reconsideration of denial of application.

Second: Jade Jacobo

Action: Passed unanimously

6. Applications for Nevada Pharmacy – Appearance

A. Eternity Care Infusion Pharmacy – Las Vegas, NV

Melissa Shake disclosed that Clare Macaraeg was an intern at Walgreens, but stated that she could participate in this matter fairly and without bias.

Laylani Macaraeg, pharmacist, and Clare-Lanie Macaraeg, managing pharmacist, appeared and were sworn by President Penrod prior to answering questions or offering testimony.

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

Mr. Dodge questioned Ms. Clare Macaraeg regarding the pharmacy's products and services provided, her work history and her knowledge of USP 797 and USP 800.

The Board expressed concern regarding Ms. Clare Macaraeg's lack of experience and knowledge of USP 797 and USP 800.

The Board discussed having additional inspections for Eternity Care Infusion Pharmacy.

Board Action:

Motion: Kevin Desmond moved to approve Eternity Care Infusion Pharmacy's Application for Nevada Pharmacy License pending a positive inspection. Eternity Care Infusion Pharmacy shall have up to quarterly inspections by Board Staff for the first year at the company's expense. Eternity Care Infusion Pharmacy shall only perform low-risk sterile compounding. Eternity Care Infusion Pharmacy shall request Board approval before performing medium or high-risk compounding.

Second: Melissa Shake

Action: Passed unanimously

B. Hemostasis and Thrombosis Center of NV Pharmacy – Las Vegas, NV

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

Mr. Dodge stated that Hemostasis and Thrombosis Center of NV Pharmacy is appearing to request a restroom waiver.

Ms. Bartko stated that the company has decided to change their building plans to include a restroom in the pharmacy.

Ms. Bartko answered questions to the Board's satisfaction regarding her work history, staff and the services provided by Hemostasis and Thrombosis Center of NV Pharmacy.

Board Action:

Motion: Wayne Mitchell moved to approve Hemostasis and Thrombosis Center of NV Pharmacy's Application for Nevada Pharmacy License.

Second: Gener Tejero

Action: Passed unanimously

C. PharmaScript, Inc. – Las Vegas, NV

Michael Green, Director of Pharmacy Operations, and Gregory Blackburn, managing pharmacist, appeared and were sworn by President Penrod prior to answering questions or offering testimony.

Mr. Green explained that PharmaScript, Inc. is opening a clinic pharmacy to service their infusion center.

Mr. Green answered questions to the Board's satisfaction regarding the products and services provided.

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

Board Action:

Motion: Kevin Desmond moved to approve PharmaScript, Inc.'s Application for Nevada Pharmacy License pending receipt of a Letter of Authorization allowing Mr. Green and Mr. Blackburn to speak on behalf of the company and a positive inspection.

Second: Jade Jacobo

Action: Passed unanimously

D. Preferred Pharmacy – Las Vegas, NV

Melissa Shake disclosed that she has worked with Lalbhai Patel at Walgreens but stated that she can participate in the matter fairly and without bias.

Jade Jacobo disclosed that she has worked with Lalbhai Patel at Wal-Mart but stated that she can participate in the matter fairly and without bias.

Lalbhai Patel, pharmacist and owner, and Ken Heaton, pharmacist and previous owner, appeared and were sworn by President Penrod prior to answering questions or offering testimony.

Mr. Patel answered questions to the Board's satisfaction regarding the products and services provided by Preferred Pharmacy.

Mr. Patel requested the Board modify Preferred Pharmacy's application to indicate that the company would not be performing any non-sterile compounding services.

The Board modified Preferred Pharmacy's Application for Nevada Pharmacy License to reflect that the company would not be performing any non-sterile compounding services.

Board Action:

Motion: Melissa Shake moved to approve Preferred Pharmacy's Application for Nevada Pharmacy License.

Second: Jade Jacobo

Action: Passed unanimously

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

Novocol Pharmaceutical of Canada, Inc. – Cambridge, Ontario

Eric Penrose, Vice President of Corporate Quality Compliance Novocol Pharmaceutical of Canada, Inc., appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Mr. Wuest provided background information regarding licensing companies that are outside the country.

Mr. Penrose explained that Novocol Pharmaceutical of Canada, Inc. makes FDA approved dental anesthetic products.

Mr. Penrose answered questions to the Board's satisfaction regarding the products provided and past FDA inspections.

The Board discussed having Board Staff inspect Novocol Pharmaceutical of Canada, Inc. during their FDA inspection in June 2019.

Board Action:

Motion: Wayne Mitchell moved to approve Novocol Pharmaceutical of Canada, Inc.'s Application for Out-of-State Wholesaler License pending a positive inspection by Board Staff and the FDA. The inspection will be at Novocol Pharmaceutical of Canada, Inc.'s expense. Board Staff is authorized to allow Novocol Pharmaceutical of Canada, Inc. to ship into Nevada.

Second: Melissa Shake

Action: Passed unanimously

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

A. Henry Schein, Inc. – Reno, NV

Mitchell Cobb, facility manager, and William Powell, Director of Operations, appeared and were sworn by President Penrod prior to answering questions or offering testimony.

Mr. Cobb and Mr. Powell answered questions to the Board's satisfaction regarding Henry Schein, Inc.'s products and services provided.

After discussion, it was determined that the company would be performing wholesaler activities and that the wrong application had been submitted.

Board Action:

Motion: Melissa Shake moved to approve Henry Schein, Inc.'s Application for Nevada Wholesaler License pending receipt of a corrected application and a positive inspection.

Second: Kevin Desmond

Action: Passed unanimously

B. Rider Mobility Inc. – Las Vegas, NV

Kirsten Wender, COO and administrator, and Kyle Wender, CEO, appeared and were sworn by President Penrod prior to answering questions or offering testimony.

Mr. Wender and Ms. Wender explained that Rider Mobility Inc. provides mobility equipment for patients with spinal injuries or neurological injuries.

Mr. Wender and Ms. Wender answered questions to the Board's satisfaction regarding Rider Mobility Inc.'s products and services provided, business model, and their education and work history.

Board Action:

Motion: Kevin Desmond moved to approve Rider Mobility Inc.'s Application for Nevada MDEG License a positive inspection.

Second: Jade Jacobo

Action: Passed unanimously

9. Annual Auditors Report for the Nevada State Board of Pharmacy – Appearance

Beth Kohn – Kohn & Company

Beth Kohn presented the audit results and answered questions to the Board's satisfaction.

10. Applications for Outsourcing Facility – Appearance

A. Atlas Pharmaceuticals, LLC – Phoenix, AZ

Nancy Costlow, Director of Operations, appeared and was sworn by President Penrod prior to answering questions or offering testimony.

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

Mr. Dodge questioned Ms. Costlow regarding the observations and deficiencies noted by the FDA during their last inspection.

Ms. Costlow answered Mr. Dodge's questions regarding Atlas Pharmaceuticals, LLC's policies and procedures regarding sterilization, documentation and training of the company's staff.



The Board discussed sending Board Staff to inspect Atlas Pharmaceuticals, LLC's facility in Arizona.

Board Action:

Motion: Gener Tejero moved to approve Atlas Pharmaceuticals, LLC's Application for Out-of-State Outsourcing Facility License pending receipt of the company's response letter to FDA 483 and a successful inspection by Board Staff. The inspection will be at Atlas Pharmaceuticals, LLC's expense for up to two inspectors.

Second: Kevin Desmond

Action: Passed unanimously

B. Belmar Select Outsourcing – Lakewood, CO

Samuel Eskenazi, supervising pharmacist, appeared and was sworn by President Penrod prior to answering questions or offering testimony.

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

Mr. Eskenazi explained that Belmar Select Outsourcing is an FDA 503B Outsourcing Facility that provides sterile compounding services. He explained that Belmar Select Outsourcing primarily provides medications for hormone replacement therapy.

Mr. Eskenazi answered Mr. Dodge's questions to the Board's satisfaction regarding the company's past inspections, products and services provided, sterilization techniques and policies and procedures.

Board Action:

Motion: Kevin Desmond moved to approve Belmar Select Outsourcing's Application for Out-of-State Outsourcing Facility License pending receipt of Belmar Select Outsourcing's Florida Inspection report and the updated policies and procedures based on FDA's observations.

Second: Jade Jacobo

Action: Passed unanimously

C. Central Admixture Pharmacy Services, Inc. – San Diego, CA

Lauren Sylvia, Director of Pharmacy, and John Brandon, Vice President of Regulatory Affairs, appeared and was sworn by President Penrod prior to answering questions or offering testimony.

Ms. Sylvia presented a Letter of Authorization allowing them to speak on behalf of the company.

Mr. Dodge questioned Ms. Sylvia regarding past FDA inspections.

Ms. Sylvia summarized each FDA observation and how Central Admixture Pharmacy Services, Inc. addressed each issue.

Ms. Sylvia answered questions to the Board's satisfaction regarding Central Admixture Pharmacy Services, Inc.'s policies and procedures, clean room specifications and products and services provided.

Board Action:

Motion: Kevin Desmond moved to approve Central Admixture Pharmacy Services, Inc.'s Application for Out-of-State Outsourcing Facility License pending receipt of the company's California Inspection report.

Second: Melissa Shake

Action: Passed unanimously

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

A. MedRx Infusion Clinical Pharmacy – Inglewood, CA

This matter was postponed to a future meeting at the applicant's request.

B. Miller's of Wyckoff – Wyckoff, NJ

This matter was postponed to a future meeting at the applicant's request.

C. PETNET Solutions, Inc. – Hayward, CA

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

Mr. Kwan explained that PETNET Solutions, Inc. is a nuclear pharmacy that provides sterile compounding services. He stated that PETNET Solutions, Inc. primarily provides medications for cancer imaging.

Mr. Kwan answered questions to the Board's satisfaction regarding his work history, PETNET Solutions, Inc.'s products and services provided, past inspections and past discipline.

Board Action:

Motion: Jade Jacobo moved to approve PETNET Solutions, Inc. Application for Out-of-State Compounding Pharmacy License pending receipt of a Letter of Authorization allowing Mr. Kwan to speak on behalf of the company.

Second: Kevin Desmond

Action: Passed unanimously

- D. Vasco Rx – Phoenix, AZ

This matter was postponed to a future meeting at the applicant's request.

12. Applications for Out-of-State Pharmacy – Appearance

- A. AvasaRx Pharmacy – Phoenix, AZ

This matter was postponed to a future meeting at the applicant's request.

- B. Premier Specialty Infusion, LLC – Hoffman Estates, IL

This matter was postponed to a future meeting at the applicant's request.

- C. Soleo Health Inc. – Woodridge, IL

This matter was postponed to a future meeting at the applicant's request.

13. Discussion of Board staff providing continuing education opportunities for licensees.

Mr. Wuest explained that Board Staff is requesting direction regarding providing a Nevada Law CE for licensees. He stated that the video on Power Pak has expired and the video from Pharmacist Technician's Letter is now requiring a subscription.

After discussion the Board directed Board Staff to research hosting the CE.

14. General Counsel Report

15. Executive Secretary Report:

- A. Financial Report

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

- B. Temporary Licenses

No temporary licenses have been issued since the last meeting.

- C. Staff Activities:

1. Meetings with other health care boards
  2. Nevada Dental Meeting
  3. Nevada Osteopathic Association
  4. Western Society of Criminology Meeting
  5. Federal Association of Regulatory Boards
  6. Roseman Student Rotation –Grace Field
- D. Report to Board:
1. Licensing software update
- E. Board Related News:
1. Legislative Update
- F. Licensing Activities Report:
1. PMP Integration

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 topic that may be addressed in the proposed regulation:

**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. Edwards and Ms. Long provided background information.

President Penrod opened the Public Comment.

Liz MacMenamin, RAN, appeared and expressed support of the proposed language.

Dave Vasenden, pharmacist, appeared and requested the Board consider increasing the pharmaceutical technician to pharmacist ratio to 10:1.

Mark Johnston, CVS Health, appeared and expressed support of the proposed amendment. Mr. Johnston discussed his experience in other states with increased pharmaceutical technician to pharmacist ratio.

Paul Osterman, pharmacist, appeared and expressed concern that increasing the ratio could cause additional distractions to the pharmacist.

Linh Mcintire, pharmacist, appeared and discussed her experience in hospital pharmacy. Ms. Mcintire expressed concern that increasing the ratio in the hospital setting could negatively impact patient safety.

The Board discussed pharmaceutical technician to pharmacist ratios in other states and the possibility of having different ratios for various pharmacy business models.

After discussion, the Board directed Board Staff to review similar regulations in other states and bring this matter back to Workshop.

17. Notice of Proposed Regulation Public Hearing Pursuant to NRS 233B.061(2):

**Amendment of Nevada Administrative Code Chapter 453 to add certain products to the controlled substances listed in schedule V in conformity with federal regulations.** (LCB File No. R198-18) The Drug Enforcement Administration (DEA) has added certain drug products which are approved by the U.S. Food and Drug Administration (FDA) and contain cannabidiol to the list of controlled substances in schedule V of the Federal Controlled Substances Act. The proposed amendment adds such drug products to the list of controlled substances in schedule V in conformity with federal regulations of the Uniform Controlled Substances Act.

Mr. Wuest provided background information.

President Penrod opened the Public Comment.

Kurt Stembridge, Representative from Greenwich Biosciences, appeared and expressed support of the proposed amendments. Mr. Stembridge provided background information on Epidiolex.

President Penrod closed the Public Comment.

Board Action:

Motion: Melissa Shake moved to adopt the proposed amendment as presented.

Second: Kevin Desmond

Action: Passed unanimously

18. Date and Location of Next Scheduled Board Meeting:

April 10-11, 2019 – Las Vegas, NV

19. Public Comment March 7, 2019 5:00 PM

There was no public comment.