



# NEVADA STATE BOARD OF PHARMACY

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## MINUTES

December 5 & 6, 2018

### BOARD MEETING

Hyatt Place  
1790 E Plumb Ln  
Reno, Nevada

#### Board Members Present:

Leo Basch                      Kevin Desmond              Jade Jacobo                      Melissa Shake  
Robert Sullivan

#### Board Members Absent:

Wayne Mitchell              Jason Penrod

#### Board Staff Present:

Dave Wuest                      Paul Edwards                      Shirley Hunting                      Brett Kandt  
Yenh Long                      Joe Depczynski                      Kenneth Scheuber                      Kristopher Mangosing  
Sarah Bradley

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

Mr. Wuest introduced and congratulated Jade Jacobo as Governor Sandoval's newest appointment to the Nevada State Board of Pharmacy for a three-year term.

1.     Public Comment December 5, 2018 9:00 AM

There was no public comment.

2.     Approval of October 10-11, 2018, Minutes

Ms. Jacobo recused from participation in this matter due to her absence at the October 2018 Board Meeting.

Mr. Desmond requested a correction to his vote on p.7. Ms. Shake requested a correction on p.20 to correct the spelling of Lorri Walmsley's name.

Board Action:

Motion: Kevin Desmond moved to approve the October 2018 Meeting Minutes with corrections as discussed.

Second: Robert Sullivan

Action: Passed unanimously

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

- A. Acacia Pharma Inc. – Solano Beach, CA
- B. Amani Pharmacy – Brooklyn, NY
- C. Astro Rx – Spring, TX
- D. AvasaRx Pharmacy – Phoenix, AZ
- E. Benzer Pharmacy – Tampa, FL
- F. Blink Health Pharmacy, LLC – Chesterfield, MO
- G. Clarks Pharmacy – Caretree, AZ
- H. Diplomat Specialty Pharmacy – Chandler, AZ
- I. Everwell Specialty Pharmacy – Pensacola, FL
- J. Fast Access Specialty Therapeutics, LLC – Metairie, LA
- K. Good Day Pharmacy LLC – Middleburg, FL
- L. Hamilton Rx LLC – Hamilton, OH
- M. Kaiser Permanente Pharmacy #329 – San Francisco, CA
- N. Omnicare of Sacramento – Sacramento, CA
- O. OptumRx – Phoenix, AZ
- P. Phantastic Pharmacy – Sherman Oaks, CA
- Q. PillPack Phoenix – Phoenix, AZ
- R. Pro Script Solutions Pharmacy – Humble, TX
- S. Skip's Pharmacy – Deerfield Beach, FL
- T. TC Script LLC – Scottsdale, AZ
- U. V-Care Pharmacy and Surgical Supplies – Framingham, MA
- V. Walgreens Pharmacy #15987 – Sacramento, CA
- W. Westover Hills Pharmacy – San Antonio, TX

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

- X. Cypress Compounding Pharmacy – Houston, TX
- Y. Go Live Well Pharmacy – St. Louis, MO

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

- Z. A & K Distributors PR, LLC – Aguadilla, PR
- AA. Apetevo Biotherapeutics LLC – Seattle, WA

- BB. Braeburn Inc. – Plymouth Meeting, PA
- CC. CMP Pharma, Inc. – Farmville, NC
- DD. DC Dental, Inc. – Baltimore, MD
- EE. H.D. Smith, LLC – Louisville, KY
- FF. GC Morgan, Inc. – Fort Lee, NJ
- GG. Johnson & Johnson Health Care Systems, Inc. – Elk Grove Village, IL
- HH. Johnson & Johnson Health Care Systems, Inc. – Warsaw, IN
- II. Karyopharm Therapeutics Inc. – Newton, MA
- JJ. Lifeline Pharmaceuticals – Ocean Springs, MS
- KK. Medmax RX, Inc. – Hicksville, NY
- LL. MediNatura Inc. – Albuquerque, NM
- MM. Medisol Plus, LLC – Richardson, TX
- NN. MTS Health Supplies, Inc. – Chino, CA
- OO. Neurelis, Inc. – San Diego, CA
- PP. New American Therapeutics, Inc. – Parsippany, NJ
- QQ. Octapharma USA, Inc. – Hoboken, NJ
- RR. Patheon Pharmaceuticals Inc. – Cincinnati, OH
- SS. Prasco Laboratories – Mason, OH
- TT. Sharps Compliance, Inc. – Carthage, TX
- UU. Tanvex BioPharma USA, Inc. – San Diego, CA
- VV. X-GEN Pharmaceuticals, Inc. – Horseheads, NY

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

- WW. Belle Oak Bracing, Inc. – Largo, FL
- XX. Cintas Corporation No. 2 – Mason, OH
- YY. Cintas Corporation No. 2 #169 – Sacramento, CA
- ZZ. Durable Medical Supply, Inc. – Fayetteville, GA
- AAA. Electrical Geodesics, Inc. – Eugene, OR
- BBB. Essential HME – San Diego, CA
- CCC. Independence Medical – Kansas City, MO
- DDD. Integrated CareGroup – Overland Park, KS
- EEE. In-Step Mobility Products – Skokie, IL
- FFF. Lingraphicare America, Inc. – Princeton, NJ
- GGG. Onduo, LLC – Newton, MA
- HHH. OrthoPro of Twin Falls, Inc. – Twin Falls, ID
- III. WellDyneRx-FL – Lakeland, FL
- JJJ. Westside Medical Bracing, Inc. – Zephyrhills, FL

Applications for Nevada Pharmacy License – Non Appearance

- KKK. Costco Pharmacy #1320 – Henderson, NV
- LLL. Southwest Specialty Pharmacy LLC – Las Vegas, NV
- MMM. Well Care Pharmacy – Las Vegas, NV

Applications for Nevada Medical, Devices, Equipment and Gases License

Non Appearance

- NNN. Agiliti Health, Inc. – Las Vegas, NV
- OOO. Cintas Corporation No. 2 (#187) – Henderson, NV

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

Melissa Shake disclosed that she knows the managing pharmacist of Southwest Specialty Pharmacy, LLC (Item 3 LLL) and stated that she would be able to participate in this matter fairly and without bias.

Mr. Wuest requested the Board pull Item 3 D (AZBDBR, LLC dba AvasaRx Pharmacy) from the Consent Agenda. He explained that after reviewing the application, Board Staff had questions regarding the products and services provided.

Board Action:

Motion: Melissa Shake moved to approve the Consent Agenda except for Items 3 D and 3 V.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Kevin Desmond moved to approve Walgreens Pharmacy #15987 (Item 3 V)

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved to have AZBDBR, LLC dba AvasaRx Pharmacy appear at a future Board Meeting.

Second: Jade Jacobo

Action: Passed unanimously

4. Discipline

- A. Susan Blair, R.Ph (17-044-RPH-N)
- B. Walgreens Pharmacy #11227 (17-044-PH-N)

This matter was continued to a future Board meeting.

5. Applications for Nevada Pharmacy License – Appearance

A. Fidelis Specialty Pharmacy – Las Vegas, NV

Mr. Wuest explained that after further review of Fidelis Specialty Pharmacy’s Application, that this application should have been placed on the Consent Agenda.

Board Action:

Motion: Kevin Desmond moved to approve Fidelis Specialty Pharmacy’s Application for Nevada Pharmacy License.

Second: Melissa Shake

Action: Passed unanimously

B. Modern Rx – Las Vegas, NV

This matter was continued to a future Board meeting.

C. Perform Rx Pharmacy – Las Vegas, NV

This matter was continued to a future Board meeting.

D. Swift Pharmaceutical Inc. – Las Vegas, NV

Aurelia Hurtado-Sadowski, managing pharmacist, and Rob Gabiola, owner, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Gabiola explained that Swift Pharmaceutical Inc. is a retail community pharmacy.

Ms. Hurtado-Sadowski and Mr. Gabiola answered questions to the Board’s satisfaction regarding Ms. Hurtado-Sadowski’s pharmacy experience, Mr. Gabiola’s work history, pharmacy layout and marketing.

The Board expressed concern regarding Ms. Hurtado-Sadowski’s lack of experience in retail pharmacy and management experience.

Board Action:

Motion: Kevin Desmond moved to approve Swift Pharmaceutical Inc.’s Application for Nevada Pharmacy License pending a positive inspection. Swift Pharmaceutical Inc. shall have quarterly inspections for the first year at Swift Pharmaceutical Inc.’s expense.

Second: Jade Jacobo

Action: Passed unanimously

6. Applications for Out-of-State Pharmacy License – Appearance

A. Hopewell Pharmacy – Hopewell, NJ

Eric Jaderlund, part-owner, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Jaderlund presented a Letter of Authority allowing him to speak on behalf of the company.

Mr. Jaderlund stated that Hopewell Pharmacy is currently requesting Board approval for an ownership change.

Mr. Jaderlund explained that Hopewell Pharmacy provides sterile and non-sterile compounding services.

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

Ms. Long questioned Mr. Jaderlund regarding Hopewell Pharmacy's policies and procedures regarding sterile compounding and past inspections.

Mr. Jaderlund was unable to answer questions regarding sterile compounding procedures to the Board's satisfaction.

After discussion, the Board suggested Board Staff contact the managing pharmacist at Hopewell Pharmacy to question her regarding sterile compounding procedures.

Board Action:

Motion: Melissa Shake moved to approve Hopewell Pharmacy's Application for Out-of-State Pharmacy License pending correction to the application with the correct business name and positive interview with Hopewell Pharmacy's sterile compounding staff. If Board Staff has any concerns regarding Hopewell Pharmacy's sterile compounding procedures, Hopewell Pharmacy will reappear before the Board.

Second: Kevin Desmond

Action: Passed unanimously

B. NexGen Compounding Pharmacy – Weatherford, TX

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

Mr. Moreno presented a Letter of Authority allowing him to speak on behalf of the company.

Mr. Moreno stated that NexGen Compounding Pharmacy is a retail pharmacy that provides sterile and non-sterile compounding services. Mr. Moreno explained that NexGen Compounding Pharmacy provides primarily veterinary medications.

Ms. Long questioned Mr. Moreno regarding the company's sterile compounding procedures, sterilization techniques, staff training and product testing.

The Board questioned Mr. Moreno regarding NexGen Compounding Pharmacy's past discipline.

Mr. Moreno described the case where NexGen Compounding Pharmacy had misfilled a prescription that led to the death of an animal.

After discussion, the Board expressed concern regarding NexGen Compounding Pharmacy's procedures regarding beyond-use date products.

President Basch offered Mr. Moreno the option to table NexGen Compounding Pharmacy's application to provide the company time to address the Board's concerns.

The Board tabled NexGen Compounding Pharmacy's application at Mr. Moreno's request.

#### C. Pharmacy Solutions – Arlington, TX

James Miller, pharmacist, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Miller presented a Letter of Authority allowing him to speak on behalf of the company.

Mr. Miller stated that Pharmacy Solutions is a retail pharmacy that provides sterile and non-sterile compounding services.

Mr. Miller explained that Pharmacy Solutions primarily provides medications for hormone replacement therapy and veterinary medications.

Ms. Long questioned Mr. Miller regarding Pharmacy Solutions building layout, compounding policies and procedures, product testing, previous inspections and staff training.

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

After discussion, Mr. Miller explained that he is the managing pharmacist of record outside of Texas and that another pharmacist is listed as the managing pharmacist of record in Texas.

The Board informed Mr. Miller that the application would need to be corrected to show the actual managing pharmacist.

Board Action:

Motion: Kevin Desmond moved to approve Pharmacy Solutions' Application for Out-of-State Pharmacy License pending correction of the application to list the correct managing pharmacist. Pharmacy Solutions shall provide Board Staff with a copy of their PCAB inspection.

Second: Jade Jacobo

Action: Passed unanimously

D. SMP Pharmacy Solutions #2 – Miami, FL

This matter was continued to a future Board Meeting.

7. Applications for Out-of-State Outsourcing Facility License – Appearance

A. Asteria Health – Birmingham, AL

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

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

Mr. Fixler explained that Asteria Health is an FDA approved 503B outsourcing facility that provides sterile compounding services and ships products directly to clinics.

Ms. Long and Mr. Wuest questioned Mr. Fixler regarding Asteria Health's last FDA inspection.

Mr. Fixler answered questions regarding Asteria Health's compounding policies and procedures, clean room specifications, sterilization techniques, recall procedures and the company's response to the five observations noted on FDA's most recent inspection.

Board Action:

Motion: Kevin Desmond moved to approve Asteria Health's Application for Out-of-State Outsourcing Facility License.

Second: Melissa Shake

Action: Passed unanimously

B. Edge Pharmacy Service, LLC – Colchester, VT

William Chatoff, owner and pharmacist, appeared and was sworn by President Basch prior to answering questions or offering testimony.



Mr. Chatoff explained that Edge Pharmacy Service, LLC is an FDA approved 503B outsourcing facility.

Ms. Long and Mr. Wuest reviewed the observations noted on FDA's most recent inspection.

Mr. Chatoff provided background information on each observation and described Edge Pharmacy Service, LLC's response to each observation and how the company addressed each issue.

Mr. Chatoff answered questions regarding the products and services provided by Edge Pharmacy Service, LLC, compounding procedures, clean room specifications and product testing.

The Board expressed concern regarding the number of observations found by FDA.

Board discussion ensued regarding sending Board Staff to Edge Pharmacy Service, LLC to conduct a facility inspection.

Board Action:

Motion: Melissa Shake moved to approve Edge Pharmacy Service, LLC.'s Application for Out-of-State Outsourcing Facility License pending a positive inspection by Board Staff at the company's expense. Edge Pharmacy Service, LLC shall provide documentation at Staff's request.

Second: Jade Jacobo

Action: Passed unanimously

C. Leiter's – San Jose, CA

No representative from Leiter's was present.

8. Application for Nevada Wholesaler License – Appearance

Arnold Dental Supply Company, Inc. – Reno, NV

Leticia Guerrero, Denise Thompson and Ted Vucenich, Plant Manager, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Ms. Guerrero explained that Arnold Dental Supply Company provides dental supplies to dental practices.

Ms. Guerrero, Ms. Thompson and Mr. Vucenich answered questions to the Board's satisfaction regarding the facility layout, products provided, marketing and the company's business model.

Board Action:

Motion: Kevin Desmond moved to approve Arnold Dental Supply Company, Inc.'s Application for Nevada Wholesaler License pending a positive inspection.

Second: Melissa Shake

Action: Passed unanimously

9. Request for Renewal of Out-of-State Pharmacy License - Appearance

Theracom – Frisco, TX

Melissa Shake recused from participation due to her employment with Walgreens. Walgreens is part owner of Theracom.

Jack McGuire, managing pharmacist, and Nelly Strom, attorney representing Theracom, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Wuest stated that Theracom had disclosed past discipline on their license renewal.

Ms. Strom stated that Theracom was disciplined in two states for failing to notify the Board of Pharmacy of a change in managing pharmacist within the required timeframe.

Mr. McGuire described his past discipline. He explained that he had failed to disclose DUI and DWI charges and arrests on his pharmacist applications in other states. He explained that he voluntarily entered into Kentucky's PRN-PRN program and completed the contract in 2011.

Ms. Strom and Mr. McGuire answered questions to the Board's satisfaction.

Board Action:

Motion: Jade Jacobo moved to approve Theracom's Request for Renewal of Out-of-State Pharmacy License.

Second: Kevin Desmond

Action: Passed unanimously

10. Request for Reinstatement of Pharmacist Registration - Appearance

Justin Curnutt

Justin Curnutt appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Edwards provided a brief summary of the case where Mr. Curnutt was disciplined by the Board in January 2016 for prescription and insurance fraud. He explained that Mr. Curnutt's pharmacist license was revoked and was granted a pharmacist intern license with conditions.

Mr. Curnutt agreed with Mr. Edwards' summary of his past discipline.

Mr. Curnutt answered questions to the Board's satisfaction regarding his current employment and what changes he has made to prevent future issues.

Board discussion ensued regarding reinstating Mr. Curnutt's pharmacist registration with conditions.

Board Action:

Motion: Kevin Desmond moved to reinstate Justin Curnutt's Pharmacist Registration with conditions. Mr. Curnutt's Pharmacist Registration shall be on probation for no less than two years. Mr. Curnutt shall not work more than 40 hours per week. Mr. Curnutt shall not be the managing pharmacist. Mr. Curnutt must inform all current and future employers of his disciplinary action. Mr. Curnutt shall complete an additional 30 CEU for the 2019 renewal. At least 2 of the 30 CEU shall be on the topic of ethics. Mr. Curnutt shall not violate, attempt to violate, assist or abet anyone in the violation of or conspire to violate any state or federal law.

Second: Melissa Shake

Action: Passed unanimously

11. Requests for Renewal of Pharmacist Registration - Appearance

A. Gregory G. Gaiser

Mr. Gaiser was not present.

B. Lan T. Tran-Nguyen

Lan Tran-Nguyen appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Kandt explained that Ms. Tran-Nguyen disclosed past discipline in another state on her Nevada pharmacist renewal application.

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

The Board questioned Ms. Nguyen regarding her discipline and her employment history since she surrendered her California pharmacist license.

Ms. Nguyen stated that she wanted to renew her Nevada pharmacist license before she had to retake the NAPLEX exam. She explained that her intent was to use her Nevada license to re-apply for a California pharmacist license.

The Board expressed concern regarding the severity of Ms. Nguyen's errors.

Board Action:

Motion: Kevin Desmond moved to deny Lan Tran-Nguyen's Request for Renewal of Pharmacist Registration.

Second: Jade Jacobo

Action: Passed unanimously

12. Requests for a Pharmacist Registration by Reciprocity - Appearance

Samuel Eskenazi

Samuel Eskenazi appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Kandt stated that Mr. Eskenazi disclosed discipline in another state on his application for pharmacist registration.

Mr. Eskenazi summarized the facts of the case in 1986, where he had accepted drug samples from a pharmaceutical company and sold them to patients. Mr. Eskenazi's Georgia Pharmacist License was placed on probation for a period of four years with terms and conditions including the payment of a \$500.00 fine.

Mr. Eskenazi explained that he has complied with all terms of his discipline in Georgia and has not had any issues since then.

Mr. Eskenazi answered questions to the Board's satisfaction regarding his work history and current employment.

Board Action:

Motion: Kevin Desmond moved to approve Samuel Eskenazi's Application for Pharmacist Registration by Reciprocity.

Second: Jade Jacobo

Action: Passed unanimously

13. Request for Renewal of Pharmaceutical Technician in Training Registration - Appearance

Brittany R. Odegard

Brittany Odegard appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Edwards explained that in November 2018, Ms. Odegard disclosed discipline on her renewal application. Upon further review by Board Staff, it was discovered that Ms. Odegard did not disclose her disciplinary history on her initial application for pharmaceutical technician in training registration that she submitted in January 2018. Mr. Edwards explained that Ms. Odegard had numerous charges in her history including possession of alcohol by a minor, driving without a valid driver's license and other driving violations.

Ms. Odegard explained that she did not intend to hide her disciplinary history and stated that she was unaware the charges remained on her record.

Ms. Odegard explained that she has had no issues with law enforcement since the incidents she reported and has had no issues with alcohol or drugs since 2013.

Ms. Odegard answered questions to the Board's satisfaction regarding her work and education history.

Board Action:

Motion: Melissa Shake moved to approve Brittany Odegard's Request for Renewal of Pharmaceutical Technician in Training Registration.

Second: Jade Jacobo

Action: Passed unanimously

14. Request for a Pharmaceutical Technician Registration - Appearance

Tiffany C. Hall

Tiffany Hall appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Edwards explained that Ms. Hall appeared before the Board in October 2018 for failure to disclose past discipline on her application. The Board decided at that time to cancel Ms. Hall's registration and allow her to reapply and disclose her discipline. Mr. Edwards stated that Ms. Hall submitted a new application, but Board Staff discovered that there were additional charges in Carson City that were not disclosed at the October 2018 meeting.

Mr. Edwards moved to have Exhibits 1-9 admitted into the record.

Ms. Hall had no objections.

President Basch admitted Exhibits 1-9 into the record.

Mr. Edwards reviewed Exhibits 1-9 for the Board. Mr. Edwards presented emails between Ms. Hall and Board Staff regarding her arrest history in Nevada and Utah, her Notice of Intended Action and Accusation and Order regarding Case No. 18-057-PT-S, her original application submitted in May 2018, her recent application submitted in October 2018, court records from Wasatch County and court records from Carson City Justice and Municipal Court.

The Board questioned Ms. Hall regarding why she lied on her application twice.

Ms. Hall explained that she was ashamed of her actions.

Ms. Hall answered the Board's questions regarding her current employment and future plans.

The Board expressed concern regarding approving Ms. Hall's application. The Board discussed the importance of building trust not just with the Board, but also in regards to patient care.

Board Action:

Motion: Jade Jacobo moved to approve Tiffany Hall's Application for Pharmaceutical Technician Registration with conditions. Ms. Hall shall complete one additional CEU that is approved by Board Staff, on the topic of ethics. Ms. Hall shall attend three of the next four Las Vegas board meetings on the day of disciplinary hearings.

Second: Robert Sullivan

Aye: Jacobo, Sullivan

Nay: Desmond, Shake

In the case of a tie, the Board President can offer his vote.

President Basch offered an aye vote.

Action: Motion carries

15. Appeal of Citation for dispensing without a dispensing practitioner registration pursuant to NRS. 639.2895

Roger Estevez, MD

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

Mr. Edwards explained that Board Staff had received a complaint that Dr. Estevez was dispensing medications without proper licensure. He stated that Board Staff issued a citation

and fine to Dr. Estevez in August 2018. The citation and fine directed Dr. Estevez to apply for the dispensing practitioner license.

Dr. Estevez stated that he was unaware he needed a dispensing practitioner license in order to dispense drugs for clinical trial research. He explained that he submitted his application shortly after notification by Board Staff.

Mr. Edwards called Dr. Estevez as a witness.

Dr. Estevez answered Mr. Edwards' questions regarding clinical research and policies and procedures at his practice.

Dr. Estevez explained that he follows the protocols set by the sponsors. He added that the sponsor's protocols did not include instructions to obtain a dispensing practitioner license from the Board of Pharmacy.

Mr. Edwards called Dave Wuest as a witness.

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

Mr. Wuest presented a mail log, which showed that the Board Office received Dr. Estevez's application for dispensing practitioner on August 13, 2018.

Dr. Estevez explained that the delay in submitting his application was due to relocating to a new office.

Mr. Edwards moved to have the mail log (Exhibit A) admitted into the record.

Dr. Estevez had no objection.

President Basch admitted Exhibit A into the record.

Dr. Estevez asked Mr. Wuest if Board Staff has any record of phone calls from his office. Mr. Wuest explained that Board Staff does not have a log for phone calls.

Mr. Edwards called Ken Scheuber as a witness.

Ken Scheuber, Investigator Nevada State Board of Pharmacy appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Scheuber summarized his visits to Dr. Estevez's offices. Mr. Scheuber explained that he directed Dr. Estevez to apply for a dispensing practitioner license in person, by phone and in emails.

Board Action:

Motion: Jade Jacobo moved to uphold the citation and fine for Dr. Roger Estevez.

Second: Kevin Desmond

Action: Passed unanimously

16. Application for Authority to Dispense Drugs – Practitioner – Appearance

Roger Estevez, MD

Dr. Estevez answered questions to the Board's satisfaction regarding his research facility and research protocol procedures.

The Board modified Dr. Estevez's application to indicate that he would not dispense controlled substances at his request.

The Board discussed having Board Staff conduct additional inspections of Dr. Estevez's office for the first year.

Board Action:

Motion: Melissa Shake moved to approve Roger Estevez's Application for Authority to Dispense Drugs pending a positive inspection by Board Staff. Board Staff may conduct up to two additional inspections during the first year at Dr. Estevez's expense. Dr. Estevez must notify Board Staff prior to dispensing controlled substances.

Second: Robert Sullivan

Action: Passed unanimously

17. General Counsel Report

18. Executive Secretary Report:

- A. Financial Report
- B. Temporary Licenses

One temporary license was issued since the last Board meeting.

- C. Staff Activities:
  - a. Meetings with other health care boards
  - b. Governor's Opioid Accountable Meeting - Paul
  - c. Rural Health Clinic Physicians - Paul
  - d. ASPL Meeting – Paul
  - e. NASCSA Meeting – Dave and Yen



- f. Crime Lab Meeting – Paul
  - g. Nevada Dentist – Paul
  - h. Nevada Health Conference -Yenh
  - i. Idaho State Student Rotation - Kayla Wallentine
- D. Board Related News:
- a. Licensing software update
  - b. Retirement of Ray Seidlinger

Mr. Wuest announced that Mr. Seidlinger would be retiring in February 2019.

- E. Licensing Activities Report:
- a. NABP Member Forum November 28-29 2018 – Melissa
  - b. PMP Integration
  - c. Yenh has complete CPM classwork and Capstone Project

Public Comment December 5, 2018, 3:00 PM

Michael Pitkin described some difficulties he's faced as a patient who is prescribed pain medications. He requested the Board consider these factors as they move forward in adopting new regulations.

Public Comment December 6, 2018, 9:00 AM

There was no public comment.

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

**Amendment of Nevada Administrative Code Chapter 639 to add a new section thereto providing for the prescribing or dispensing of controlled substances for the treatment of pain in conformance with Assembly Bill 474 from the 2017 Nevada Legislative Session. (LCB File No. R144-18)**

The proposed amendments relate to controlled substances. They clarify the requirements a practitioner must follow when obtaining informed written consent to prescribe a controlled substance, entering into prescription medication agreements concerning a class of certain controlled substances and establishing a manner for obtaining an assessment of a patient's risk for abuse, dependency and addiction; and providing other matters properly relating thereto.

Mr. Wuest provided background information.

President Basch opened the Public Comment.

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

Ms. O'Mara expressed support of the proposed amendments as presented by Board Staff.

President Basch closed the Public Comment.

Board discussion ensued regarding clarification to Section 4 in regards to the prescription medication agreement.

Board Action:

Motion: Melissa Shake moved to adopt the proposed amendment with the modifications as discussed.

Second: Kevin Desmond

Action: Passed unanimously

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

- A. 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

Yenh Long explained that the proposed amendment would allow for an increase in the pharmaceutical technician to pharmacist ratio in non-dispensing pharmacy models.

President Basch opened the Public Comment.

Mr. Wuest presented written public comment from Lauren Paul, CVS Health, expressing support of the proposed amendments presented by Board Staff.

John McKigney, RPh, appeared and expressed concern that an increase in the pharmaceutical technician to pharmacist ratio could lead to an increase in errors.

President Basch closed the Public Comment.

Board discussion ensued regarding the pharmaceutical technician to pharmacist ratio in other states.

Board Action:

Motion: Robert Sullivan moved to adopt the proposed amendments and move forward to Public Hearing.

Second: Melissa Shake

Action: Passed unanimously

**B. Amendment of Nevada Administrative Code (NAC) 453.550: Schedule V.** The proposed amendment will add FDA approved cannabidiol to the controlled substances listed in Schedule V.

Kayla Wallentine presented information regarding the FDA approved cannabidiol, Epidiolex.

Board Action:

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

Second: Melissa Shake

Action: Passed unanimously

21. Date and Location of Next Scheduled Board Meeting:

January 16-17, 2019 – Las Vegas, Nevada

22. Public Comment December 6, 2018 1:00 PM

There was no public comment.