



# NEVADA STATE BOARD OF PHARMACY

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## MINUTES

July 18 & 19, 2018

## BOARD MEETING

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

### Board Members Present:

Leo Basch	Kevin Desmond	Wayne Mitchell	Jason Penrod
Melissa Shake	Robert Sullivan	Kirk Wentworth	

### Board Staff Present:

Larry Pinson	Dave Wuest	Paul Edwards	Shirley Hunting
Brett Kandt	Ray Seidlinger	Joe Dodge	Kenneth Scheuber
Luis Curras	Dena McClish	Kristopher Mangosing	

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

Mr. Pinson introduced and congratulated Wayne Mitchell as Governor Sandoval's newest appointment to the Nevada State Board of Pharmacy for the completion of a three-year term.

#### 1. Public Comment July 18, 2018, 9:00 AM

There was no public comment.

#### 2. Approval of June 6-7, 2018, Minutes

Kevin Desmond recused from participation in this matter due to his absence at the June 2018 Board Meeting.

President Basch requested a modification to p.1 regarding Wayne Mitchell's introduction.

President Basch requested a correction to p.12 that Farmakeio would be shipping sterile compounded products into Nevada.

Board Action:

Motion: Kirk Wentworth moved to approve the June 2018 Board Meeting Minutes with corrections as discussed.

Second: Melissa Shake

Action: Passed unanimously

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

- A. East Ridge Rx LLC – Draper, UT
- B. Haltom Pharmacy – Haltom City, TX
- C. LegacyRx Pharmacy – Addison, TX
- D. MP Pharmacy II – Los Alamitos, CA
- E. Preferred Pharmacy Inc. – Costa Mesa, CA
- F. Roman Health Pharmacy LLC – New York, NY

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

- G. Fresh Rx – Ignacio, CO
- H. Total Care Rx, Inc. – Flushing, NY

Applications for Out-of-State Wholesaler – Non Appearance

- I. Animal Health International, Inc. – Roanoke, TX
- J. Animal Health International, Inc. – Spanish Fork, UT
- K. Johnson & Johnson Health Care Systems Inc. – Monument, CO
- L. Jubilant HollisterStier LLC – Spokane, WA
- M. Novadoz Pharmaceuticals, LLC – Piscataway, NJ
- N. Remedy Rx Wholesale – Richardson, TX
- O. Sage Therapeutics, Inc. – Cambridge, MA
- P. Top Quality Manufacturing, Inc. – Santa Fe Springs, CA

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

- Q. CP Bracing Supply, Inc. – Largo, FL
- R. Custom Milling Center – Golden, CO
- S. Devotion Medical Supply, Inc. – Fayetteville, GA
- T. Elite Medical Supply – San Diego, CA
- U. FedEx Supply Chain, Inc. – Edwardsville, IL
- V. First Stop Medical Supply, Inc. – Pinellas Park, FL
- W. Halo Wound Solutions – Sussex, WI
- X. Healogics Wound Care Supply, LLC – Jacksonville, FL

- Y. Jackson Medical Supply, Inc. – Largo, FL
- Z. Layne Medical Supply, Inc. – Zephyrhills, FL
- AA. LJH Medical Solutions, Inc. – Largo, FL
- BB. Lucky Medical Supply, Inc. – Clearwater, FL
- CC. Medical Rehab Supply, Inc. – San Diego, CA
- DD. Tesla Medical LLC – Tampa, FL

Applications for Nevada Pharmacy – Non Appearance

- EE. CVS/pharmacy #8806 – Reno, NV
- FF. Medical and Dental Center of Nevada – Las Vegas, NV
- GG. Safe Pharmacy Corporation – Las Vegas, NV
- HH. Spring Valley Surgery Center – Las Vegas, NV

Board Action:

Motion: Melissa Shake moved to approve the Consent Agenda as presented.

Second: Kirk Wentworth

Action: Passed unanimously

4. Discipline

- A. Richard Anderson, R.Ph (16-077-RPH-A-S)
- B. Ned Monje Quadra, R.Ph (16-077-RPH-B-S)
- C. Walmart Pharmacy #10-1560 (16-077-PH-S)

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

Ned Quadra, Wes Campbell, Chad Leubke and Debbie Mack, Walmart representatives, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Hal Taylor was present as counsel representing Mr. Quadra and Walmart Pharmacy.

Mr. Pinson explained that pharmaceutical technician Brenda Alferos was present in the audience. Ms. Alferos was subpoenaed for her involvement in this case.

Mr. Edwards explained that Mr. Anderson was not present.

Mr. Edwards summarized the facts of the case where patient N.P. tendered seven prescriptions for herself and her daughters to Walmart Pharmacy. During data entry, all seven prescriptions were mistakenly entered under N.P.'s name and patient profile. The erred medication dispensed to N.P. was Naproxen 375 mg. with instructions to take one tablet by mouth every twelve hours as needed. N.P. ingested the medication for approximately two days. Mr. Anderson was the verifying and counseling pharmacist and

failed to detect the error. Mr. Quadra was the managing pharmacist of Walmart Pharmacy #10-1560.

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

Mr. Edwards explained that Mr. Anderson has retired and moved out of the state and has agreed to surrender his Nevada Pharmacist License.

Board Action:

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

Second: Melissa Shake

Action: Passed unanimously

Mr. Edwards stated that the same set of facts apply regarding Mr. Quadra and Walmart Pharmacy.

Mr. Edwards presented a Stipulation and Order regarding Mr. Quadra and Walmart Pharmacy #10-1560 for the Board's consideration.

Mr. Quadra shall receive a Letter of Reprimand, complete an additional 4 CEU on the topics of managing pharmacist responsibility and patient counseling. Mr. Quadra shall retrain all employees at Walmart Pharmacy #10-1650 using Walmart training modules on error prevention and patient counseling within 30 days.

Walmart Pharmacy #10-1560 shall pay an administrative fee of \$1,000.00.

Board Action:

Motion: Wayne Mitchell moved to approve the Stipulation and Order regarding Mr. Quadra and Walmart Pharmacy #10-1560 as presented by Board Staff.

Second: Kevin Desmond

Action: Passed unanimously

D. Ivan Goldsmith, MD (17-101-CS-S)

Mr. Kandt presented a letter from Dr. Goldsmith requesting a motion for continuance.

President Basch granted Dr. Goldsmith's motion for continuance.

E. David J. Adams, DO (17-095-CS-S)

Brigitte Kelly was present as counsel representing Dr. Adams.

Mr. Kandt stated that Dr. Adams is requesting a motion for continuance to allow for his pending criminal case to be resolved.

President Basch granted Dr. Adams' motion for continuance until the October 2018 Board meeting.

F. Robert Toledo, DO

(16-013-PD-S)

Robert Toledo appeared and was sworn by President Basch prior to answering questions or offering testimony.

John Cotton was present as counsel representing Dr. Toledo.

Mr. Kandt summarized the facts of the case where the Nevada State Board of Pharmacy and the Nevada State Board of Osteopathic Medicine conducted a joint investigation of Dr. Toledo's office. During the investigation it was discovered that Dr. Toledo's staff created prescriptions for patients when he was not present in the office. It was also discovered that his staff had accessed the inventory of controlled substances and dangerous drugs and dispensed Phentermine 37.5 mg. to patients without Dr. Toledo being present. Dr. Toledo established a system where he directed his staff to routinely possess, prescribe and dispense medication to patients on his behalf and in his absence without a bona fide relationship between Dr. Toledo and the patient.

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

Mr. Cotton had no objections.

President Basch admitted Exhibits 1-3 into the record.

Mr. Kandt presented Exhibits 1-3. Exhibit 1 was Dr. Toledo's Settlement Agreement and Order with the Nevada State Board of Osteopathic Medicine. Exhibit 2 was a Memorandum of Agreement between Dr. Toledo and the DEA. Exhibit 3 was an email between Mr. Cotton and Board Staff explaining how each issue was allowed to happen and how each issue will be corrected.

Mr. Cotton moved to have Exhibit A admitted to the record.

President Basch admitted Exhibit A into the record.

Mr. Cotton presented a policy and procedures manual. He explained that the manual was developed in response to the joint investigation.

Mr. Cotton called Dr. Toledo as a witness.

Dr. Toledo explained that he does not contest the factual allegations in this case and agrees that his behavior was inappropriate. He testified that has complied with both the settlement agreement with the Nevada State Board of Osteopathic Medicine and with the DEA.

Mr. Kandt questioned Dr. Toledo regarding his Settlement Agreements with the Nevada State Board of Osteopathic Medicine and the DEA and his practices.

Dr. Toledo acknowledged that allowing his staff to prescribe and dispense medications to patients without his presence could cause harm to the public.

The Board expressed concern that Dr. Toledo established a system to allow for the prescribing and dispensing of medication when he was not present in the office and that he was unable to account for discrepancies in his drug inventory.

Board Action:

Motion: Jason Penrod moved that the Board make findings of fact that the evidence and testimony provided support the factual allegations in the Notice of Intended Action and Accusation.

Second: Melissa Shake

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved that as a matter of law the Board has jurisdiction over this matter.

Second: Melissa Shake

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to find Robert Toledo guilty of the 1-14 Causes of Action.

Second: Kevin Desmond

Action: Passed unanimously

Mr. Kandt stated that Board Staff recommends revocation of Dr. Toledo's Controlled Substance Registrations for one year effective immediately.

Mr. Cotton requested the Board consider placing Dr. Toledo's Controlled Substance Registrations on probation to allow him to continue practicing. Mr. Cotton explained that Dr. Toledo has surrendered his two practitioner dispensing registrations, but still maintains four controlled substance registrations.

Board Action:

Motion: Jason Penrod moved to revoke Robert Toledo's Controlled Substance Registrations for one year effective immediately. Dr. Toledo shall reappear before the Board if he ever applies for a Practitioner Dispensing Registration.

Second: Kevin Desmond

Action: Passed unanimously

G. Craig Weingrow, MD

(17-066-CS-S)

Craig Weingrow appeared and was sworn by President Basch prior to answering questions or offering testimony.

Jason Weiner was present as counsel representing Dr. Weingrow.

Mr. Edwards stated that dispensing technicians Teresa Jaffer and Marecxy Rubio-Veronica were subpoenaed and present for their involvement in this case.

Mr. Edwards moved to have Exhibits 1, 3-19 admitted into the record.

Mr. Weiner had no objections.

President Basch admitted Exhibits 1, 3-19 into the record.

Mr. Edwards described the facts of the case where investigators from the Nevada State Board of Pharmacy, Nevada State Board of Medical Examiners and the DEA conducted a joint investigation at Dr. Weingrow's office. He explained that investigators found evidence of misconduct and violations involving prescription records and unlawful dispensing of controlled substances.

Mr. Weiner described Dr. Weingrow's practice and explained that since the investigation, Dr. Weingrow has surrendered his practitioner dispensing registration

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

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

Mr. Kandt read that on November 1, 2017, investigators from the Nevada State Board of Pharmacy, Nevada State Board of Medical Examiners and the DEA conducted a joint investigation and inspection at Dr. Weingrow's office. Investigators obtained approximately 580 computer-generated unsigned prescriptions for controlled substances and dangerous drugs written from October 14, 2017 to October 31, 2017. Dr. Weingrow's office had dispensed the medications in the 580 unsigned prescriptions at the time of inspection and were unable to provide signed copies of those 580 unsigned prescriptions at the time of the

inspection. Dr. Weingrow's office reported to the Nevada Prescription Monitoring Program that it dispensed approximately 248 controlled substance prescriptions between October 14, 2017 and October 31, 2017. Dr. Weingrow and Ms. Jaffer dispensed controlled substances and dangerous drugs by mail to patients who live out-of-town. Dr. Weingrow's staff had dispensed to patients while Dr. Weingrow vacationed outside of the country in October 2016 and July 2017.

Mr. Kandt read that Dr. Weingrow and Ms. Jaffer signed statements admitting that Ms. Jaffer and Ms. Rubio-Veronica and office staff, signed Dr. Weingrow's name on prescriptions for controlled substances and dangerous drugs, falsely documented patient initials on consent forms, dispensed controlled substances and dangerous drugs to patients by U.S. Mail and Federal Express, and dispensed medications for controlled substances and dangerous drugs without Dr. Weingrow's signature or initial prescriptions.

Mr. Weiner had no objections to the Stipulated Facts.

Mr. Edwards presented Exhibits 1, 3-19 to the Board.

Exhibit 1 was a letter from the Nevada State Board of Medical Examiners referring a complaint for investigation regarding Dr. Weingrow. Exhibit 3 was a statement signed by Ms. Jaffer and Dr. Weingrow. Exhibit 4 was a letter from Mr. Weiner's firm to the Board of Medical Examiners. Exhibit 5 was a separate statement signed by Dr. Weingrow and Ms. Jaffer. Exhibits 6 and 7 were copies of prescriptions from Dr. Weingrow's office. Exhibit 8 was an inventory form from Dr. Weingrow's office. Exhibit 9 and 10 were Board of Pharmacy Inspection Notices. Exhibit 11 was copies of blank patient consent slips. Exhibits 12 and 13 were reports from the Prescription Monitoring Program. Exhibit 14 was shipping logs from Dr. Weingrow's office. Exhibit 15 was a letter from Mr. Weiner's firm to the Board of Medical Examiners. Exhibit 16 was copies of unsigned prescriptions. Exhibit 17 was a report from the Prescription Monitoring Program. Exhibits 18 and 19 were logs of dispensed prescriptions reported to the Prescription Monitoring Program.

Mr. Edwards called Teresa Jaffer as a witness.

Teresa Jaffer appeared and was sworn by President Basch prior to answering questions or offering testimony.

Ms. Jaffer answered questions regarding her work history at Dr. Weingrow's office and the joint investigation. Ms. Jaffer described her role at Dr. Weingrow's office and explained the office procedure for dispensing medications to patients.

Ms. Jaffer testified that she and Ms. Rubio-Veronica have surrendered the dispensing technician registrations.

Mr. Weiner had no questions for Ms. Jaffer.

Mr. Edwards called Joe Dodge, Inspector Nevada State Board of Pharmacy, as a witness.



Joe Dodge appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Dodge described his role during the joint investigation.

Mr. Dodge answered Mr. Weiner's questions regarding the information Mr. Dodge obtained from Dr. Weingrow's staff.

Mr. Edwards called Dr. Weingrow as a witness.

Dr. Weingrow answered Mr. Edwards' questions regarding his practice, the joint investigation and his responsibilities as a licensed prescriber and dispensing practitioner. Dr. Weingrow stated that he was unaware that prescriptions needed to have his signature before being dispensed.

Dr. Weingrow answered Mr. Weiner's questions regarding the joint investigation. Dr. Weingrow testified that he is no longer dispensing medications, and stated that he has switched to a new electronic medical records system.

Board Action:

Motion: Jason Penrod moved that as a matter of law the Board has jurisdiction over this matter.

Second: Melissa Shake

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved that the Board make findings of fact that the Stipulated Facts, evidence and testimony provided support the factual allegations in the Notice of Intended Action and Accusation.

Second: Melissa Shake

Aye: Desmond, Mitchell, Penrod, Sullivan, Wentworth

Nay: Shake

Action: Motion carries

Board Action:

Motion: Melissa Shake moved the applicable laws were adequately stated in the Notice of Intended Action and Accusation.

Second: Robert Sullivan

Action: Passed unanimously

Mr. Edwards moved to have Causes of Action 7 and 9 dismissed.

Board Action:

Motion: Melissa Shake moved to find Craig Weingrow guilty of the 1, 2, 3, 4, 5, 6, 8 and 10 Causes of Action.

Second: Jason Penrod

Action: Passed unanimously

Mr. Edwards stated that Board Staff recommends revocation of Dr. Weingrow's controlled substance and practitioner dispensing registrations.

Mr. Weiner request the Board consider having Dr. Weingrow complete continuing education programs and probation instead of revocation.

Board Action:

Motion: Kirk Wentworth moved to revoke Craig Weingrow's Controlled Substance Registration and Practitioner Dispensing Registration for a minimum of one year effective immediately.

Second: Jason Penrod

Action: Passed unanimously

5. Request for Denied Pharmaceutical Technician in Training License:

Chelsea R. Flores

Mr. Pinson explained that Ms. Flores contacted Board Staff to withdraw her request to appear before the Board.

6. Request for Dispensing Technician in Training License:

Eugene T. Miller

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

Mr. Kandt read a statement written by Mr. Miller regarding his past discipline.

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

Mr. Miller described events where he had discharged a firearm into a structure. He apologized to the Board for his actions.

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

Board Action:

Motion: Jason Penrod moved to approve Eugene T. Miller's Application for Dispensing Technician in Training License pending Mr. Miller's completion of the correct application.

Second: Melissa Shake

Action: Passed unanimously

7. Request for Renewal of Pharmacist License:

Phi Lim

Phil Lim appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Edwards provided background information. He explained that Mr. Lim disclosed discipline in California on his Nevada Pharmacist License renewal application. Mr. Edwards stated that Mr. Lim's California Pharmacist License was revoked, the revocation stayed and placed on probation for three years with conditions.

The Board questioned Mr. Lim regarding his discipline in California.

Mr. Lim provided documentation regarding his cases in California and stated that the cases involved excessive dispensing of controlled substances without due diligence and insurance fraud. He informed the Board that these cases are still pending in California.

After discussion, President Basch offered Mr. Lim the option to table his request while Board Staff reviews the new documentation provided at this meeting.

The Board table Mr. Lim's request at his request.

Public Comment July 18, 2018 5:00 PM

There was no public comment.

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

A. Axtells Rite Value Pharmacy Inc. – Whitesboro, TX

James Axtell and Patrick Hagan appeared and were sworn by President Basch prior to answering questions or offering testimony.

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 explained that the Board had approved Axtell's Rite Value Pharmacy Inc.'s (Axtell's) Out-of-State Compounding Pharmacy License with conditions at a prior meeting. Mr. Wuest explained that Board Staff had concerns regarding Axtell's' most recent inspection by the Texas State Board of Pharmacy (Texas Board).

Mr. Axtell and Mr. Hagan answered Mr. Wuest's questions to the Board's satisfaction regarding the findings from the Texas Board's inspection.

Board discussion ensued regarding sending inspectors from the Nevada State Board of Pharmacy to inspect Axtell Pharmacy.

Board Action:

Motion: Jason Penrod moved to approve Axtell's Rite Value Pharmacy Inc.'s Application for Out-of-State Compounding Pharmacy License pending a positive inspection by Board Staff at Axtell's expense. If Board Staff has any concerns Axtell's will reappear before the Board.

Second: Melissa Shake

Action: Passed unanimously

Public Comment July 19, 2018 9:00 AM

There was no public comment.

B. Braun Pharma, LLC – Chicago, IL

Brett Pine, co-owner, and Joe Dodge, Inspector Nevada State Board of Pharmacy, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Pine explained that Braun Pharma, LLC is seeking the Board's approval for an ownership change. He stated that Braun Pharma, LLC is a sterile and non-sterile compounding pharmacy that provides specialty fertility medications for veterinary use.

Mr. Dodge questioned Mr. Pine regarding Braun Pharma, LLC's sterile compounding procedures, product testing, staff training and shipping procedures.

Mr. Pine answered Mr. Dodge's questions to the Board's satisfaction.

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

Board Action:

Motion: Jason Penrod moved to approve Braun Pharma, LLC's Application for Out-of-State Pharmacy License pending receipt by Board Staff of Braun Pharma, LLC's most recent NABP inspection. Board Staff is authorized to review and evaluate inspection results.

Second: Melissa Shake

Action: Passed unanimously

C. Diamondback Drugs – Scottsdale, AZ

Jason Penrod disclosed that he knows Michael Blair, Diamondback Drugs original owner, but stated that he could participate in this matter fairly and without bias.

Kory Muto, managing pharmacist, Anthony Grzib, President of Pharmacy Compliance, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Rachel Pontikes was present as counsel representing Diamondback Drugs.

Mr. Grzib and Ms. Muto presented a letter of authority allowing them to speak on behalf of the company.

Mr. Grzib stated that Diamondback Drugs is requesting the Board's approval for an ownership change.

Ms. Muto explained that Diamondback Drugs is a compounding pharmacy that will provide high-risk, medium-risk and non-sterile compounded products for veterinary use.

Mr. Dodge questioned Mr. Grzib and Ms. Muto regarding Diamondback Drugs high-risk sterile compounding procedures, product testing, sterilization techniques, clean room specification, staff training and past inspections.

Ms. Muto and Mr. Grzib answered Mr. Dodge's questions to the Board's satisfaction.

Ms. Pontikes answered questions to the Board's satisfaction regarding Diamondback Drug past discipline. She explained that Diamondback Drugs doesn't have any past discipline, but another pharmacy with the same ownership was disciplined for performing wholesaler activities without a proper license in other states.

Board Action:

Motion: Kevin Desmond moved to approve Diamondback Drugs' Ownership Change Application.

Second: Wayne Mitchell

Action: Passed unanimously

D. Premier Infusion Care – Torrance, CA

John Rice, managing pharmacist, and Sina Refua, pharmacist and part-owner, appeared and were sworn by President Basch prior to answering questions or offering testimony.

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

Mr. Rice and Mr. Refua explained that Premier Infusion Care is a home infusion specialty pharmacy. Premier Infusion Care will provide TPN, pain management and injectable antibiotic medications to patients in Nevada.

Mr. Rice and Mr. Refua answered Mr. Wuest and Mr. Dodge's questions to the Board's satisfaction regarding Premier Infusion Care's past inspection, shipping procedures, product testing and marketing.

Mr. Dodge requested a copy of Premier Infusion Care's latest ACHC accreditation inspection.

Board Action:

Motion: Kevin Desmond moved to approve Premier Infusion Care's Application for Out-of-State Compounding Pharmacy License pending Board Staff's receipt of Premier Infusion Care's latest ACHC inspection. Board Staff is authorized to review and evaluate inspection results.

Second: Wayne Mitchell

Action: Passed unanimously

9. Applications for Out-of-State Outsourcing Facility – Appearance

A. JCB Laboratories, LLC – Wichita, KS

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

Ms. Flinkman presented a letter of authority allowing her to speak on behalf of the company.

Ms. Flinkman explained that JCB Laboratories, LLC is an outsourcing facility that provides sterile compounded medications.

Mr. Dodge questioned Ms. Flinkman regarding JCB Laboratories, LLC's policies and procedures, last FDA inspection and product recalls.

Ms. Flinkman described JCB Laboratory's responses to the FDA's inspection observations and answered questions to the Board's satisfaction.

Board Action:

Motion: Jason Penrod moved to approve JCB Laboratories, LLC's Application for Out-of-State Outsourcing Facility License. JCB Laboratories, LLC shall provide Board Staff with the results of their next FDA inspection and their response. Board Staff is authorized to evaluate the inspection documents. JCB Laboratories, LLC shall reappear before the Board if Board Staff has any concerns.

Second: Melissa Shake

Action: Passed unanimously

B. Wells Pharmacy Network, LLC – Dyersburg, TN

Melissa Sdefko, Quality Assurance, and Kris Fishman appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Dodge stated that Wells Pharmacy Network, LLC appeared before the Board at the last meeting. This matter was tabled at that time to allow Board Staff to review documentation regarding past FDA inspection observations, product recalls and Wells Pharmacy Network, LLC's policies and procedures.

The Board expressed concern regarding the number of observations the FDA discovered during their inspection.

Ms. Sdefko and Mr. Fishman described the FDA inspection and explained the changes Wells Pharmacy Network, LLC has made to address each observation from the inspection.

Ms. Sdefko and Mr. Fishman described the changes made to Wells Pharmacy Network, LLC's policies and procedures to improve quality assurance and answered the Board's questions regarding the company's past disciplinary history.

Ms. Sdefko and Mr. Fishman answered questions to the Board's satisfaction.

Board Action:

Motion: Jason Penrod moved to approve Wells Pharmacy Network, LLC's Application for Out-of-State Outsourcing Facility License pending Board Staff's receipt of Wells Pharmacy Network, LLC's most recent FDA inspection and response. Board Staff is authorized review and evaluate the inspection documentation.

Second: Kevin Desmond

Aye: Desmond, Mitchell, Penrod, Sullivan, Wentworth  
Nay: Shake

Action: Motion carries

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

TruMobility Inc. – Las Vegas, NV

Danny Lumpkin, part owner, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Lumpkin explained that TruMobility Inc. provides custom wheelchair accessories to patients.

Mr. Lumpkin answered questions to the Board's satisfaction regarding TruMobility Inc.'s products and services provided and business hours.

Board Action:

Motion: Jason Penrod moved to approve TruMobility Inc.'s Application for Nevada MDEG License pending a positive inspection by Board Staff and that the company hires a full time MDEG Administrator.

Second: Wayne Mitchell

Action: Passed unanimously

11. Applications for Nevada Pharmacy – Appearance

A. Ken's Professional Compounding Pharmacy – Las Vegas, NV

Kenneth Heaton, current owner, Eileen Kennedy, new owner, and Christopher Kennedy, new owner, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Kennedy and Ms. Kennedy explained that Ken's Professional Compounding Pharmacy is seeking Board approval for an ownership change. They explained that Ken's Professional Compounding Pharmacy services assisted care living facilities and provides non-sterile compounded products.

Mr. Kennedy stated that there are no plans to change the current business model.

Mr. Heaton, Mr. Kennedy and Ms. Kennedy answered questions to the Board's satisfaction regarding past inspections, employment history, compounding procedures, and pharmacy staff training.

Board Action:



Motion: Melissa Shake moved to approve Ken's Professional Compounding Pharmacy's Ownership Change Application pending a positive inspection by Board Staff.

Second: Jason Penrod

Jason Penrod offered a friendly amendment to have Ken's Professional Compounding Pharmacy notify Board Staff when the current compounding staff technician leaves. Board Staff is authorized to evaluate if the remaining staff at Ken's Professional Compounding Pharmacy has adequate compounding knowledge.

Melissa Shake accepted the friendly amendment.

Action: Passed unanimously

B. Vitality Pharmacy – Henderson, NV

Khoi Ha, owner and managing pharmacist, appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Ha explained that Vitality Pharmacy is an independent community pharmacy.

Mr. Ha answered questions to the Board's satisfaction regarding his past discipline, work history and pharmacy experience.

Board Action:

Motion: Jason Penrod moved to approve Vitality Pharmacy's Application for Nevada Pharmacy License pending a positive inspection by Board Staff.

Second: Melissa Shake

Action: Passed unanimously

12. Request to Engage in the Practice of Pharmacy at a Site Other Than a Licensed Pharmacy – Appearance:

Juliana Zschoche, R.Ph

Juliana Zschoche appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Wuest stated that Ms. Zschoche contacted Board Staff regarding her request to provide pharmacy services during Burning Man located in Nevada.

Mr. Pinson presented a handout provided by Ms. Zschoche describing CrowdRx, the company Ms. Zschoche is working for that provides medical services during events.

The Board questioned Ms. Zschoche regarding her past work history and information regarding CrowdRx.

Board Action:

Motion: Jason Penrod moved to approve Juliana Zschoche's request to engage in the practice of pharmacy at Burning Man for CrowdRx. Ms. Zschoche shall notify Board Staff if she intends to practice at other events in Nevada other than Burning Man. Board Staff is authorized to evaluate and approve future events.

Second: Kevin Desmond

Action: Passed unanimously

13. Request for Reinstatement of Nevada Pharmacist License:

Lisa Harris Baker

Lisa Baker appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Kandt provided background information regarding Ms. Baker's disciplinary history. Mr. Kandt explained that part of the conditions for Ms. Baker to request reinstatement of her Nevada Pharmacist License is that she must pass NABP's PARE exam. He explained that Ms. Baker has not successfully passed the PARE exam at this time.

Mr. Pinson stated that NABP has discontinued the PARE exam.

Ms. Baker answered the Board's questions regarding her employment history.

After discussion, the Board directed Ms. Baker to submit a new application for a Nevada Pharmacist License and to retake the NAPLEX exam.

14. Request for Pharmaceutical Technician in Training License:

Maurice R. Lewis

Maurice Lewis appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Kandt explained that Board Staff received notice that Mr. Lewis was placed on a leave of absence from Northwest Career College due to his drug screening test result being positive for THC.

Mr. Lewis answered the Board's questions regarding his marijuana use. Mr. Lewis explained that he is willing to stop using marijuana.

Board discussion ensued regarding having Mr. Lewis evaluated by PRN-PRN.

Board Action:

Motion: Jason Penrod moved to approve Maurice Lewis' Application for Nevada Pharmaceutical Technician in Training License pending Mr. Lewis obtains a positive evaluation from PRN-PRN. If Mr. Lewis does not receive a positive evaluation he must reappear before the Board.

Second: Melissa Shake

Aye: Desmond, Mitchell, Penrod, Shake, Sullivan

Nay: Wentworth

Action: Motion carries

15. Discussion and possible action on request from CVS Health to amend NAC 639.250 regarding the permitted ratio of pharmaceutical technicians to pharmacists.

Lauren Paul, CVS Health Senior Director of Pharmacy Affairs, appeared on behalf of CVS Health. She stated that CVS Health is requesting the Board consider increasing the number of pharmaceutical technicians a pharmacist may supervise at one time in a pharmacy that only performs prescription, patient, and prescriber data entry.

Board discussion ensued regarding the types of pharmacies that this proposed amendment would effect, and the option of modifying the permitted ratio of pharmaceutical technicians to pharmacists in other business models.

Board Action:

Motion: Jason Penrod motioned to have Board Staff move the proposed amendments to NAC 639.250 to Workshop.

Second: Melissa Shake

Action: Passed unanimously

16. Discussion and possible action on settlement in the matters of *Spring Valley Pharmacy, LLC, a Nevada limited liability company; and Jessica Nguyen, an individual vs. Nevada State Board of Pharmacy*, 8<sup>th</sup> J.D. Case No. A-17-763456-C, and *Nevada State Board of Pharmacy vs. Spring Valley Pharmacy, LLC, a Nevada limited liability company; and Jessica Nguyen, an individual*, Nevada Supreme Court Case No. 74974, including entry of an order amending findings of fact and conclusions of law in Case Nos. 16-015-RPH-A-S, 16-015-PH-S, 16-022-RPH-S, 16-022-PH-S, and dismissing Case No. 17-115-PH-S.

Wayne Mitchell recused from participation in the matter due to his absence during the cases involving Spring Valley Pharmacy and Ms. Nguyen.

Mr. Kandt provided background information regarding the past hearings and civil litigation regarding Spring Valley Pharmacy and Ms. Nguyen. Mr. Kandt explained that Spring Valley Pharmacy has closed and that Ms. Nguyen has surrendered her Nevada Pharmacist Registration.

Mr. Kandt read the proposed amended order regarding Spring Valley Pharmacy and Ms. Nguyen into the record for the Board's consideration.

Board Action:

Motion: Melissa Shake moved to approve the amended order with corrections as presented by Board Staff.

Second: Robert Sullivan

Action: Passed unanimously

17. Discussion and possible action on election of President and Treasurer pursuant to NRS 639.040(1).

Board Action:

Motion: Wayne Mitchell moved to nominate Robert Sullivan as Treasurer.

Second: Jason Penrod

Action: Passed unanimously

Leo Basch was elected to serve as the Board President.

Board Action:

Motion: Kirk Wentworth moved that Leo Basch would remain as President. If Leo Basch is not reappointed to the Board then Jason Penrod will become President for the remainder of the term.

Second: Robert Sullivan

Action: Passed unanimously

18. Discussion and possible action on approval of Nevada State Board of Pharmacy budget for FY18, including cost of living increase for Board employees based upon Consumer Price Index for All Urban Consumers (CPI-U) for the West Region.

Board Staff reviewed the budget for FY18 to the Board's satisfaction at the last Board Meeting.

Board Action:

Motion: Jason Penrod moved to approve the budget for the fiscal year 2018 to 2019 as presented.

Second: Kevin Desmond

Action: Passed unanimously

19. Discussion and possible action on authorization for Executive Secretary to enact a merit increase for Board employees not to exceed 4% per employee.

The Board conducted Board Staff's evaluations at the last Board meeting.

Board Action:

Motion: Kevin Desmond moved to approve a merit increase for Board employees not to exceed 4% per employee at the Executive Secretary's discretion.

Second: Jason Penrod

Action: Passed unanimously

20. General Counsel Report –  
Litigation Update: *Ivan Goldsmith, M.D., an individual vs. Nevada State Board of Pharmacy*,  
8<sup>th</sup> J.D. Case No. Case No. A-17-762877-W

There was no update on this matter.

21. Discussion and possible action on approval of new Policy Manual.

Mr. Kandt presented a handout regarding disciplinary hearings to be added to the new Policy Manual.

Mr. Kandt reviewed the revisions and new sections of the Policy Manual to the Board's satisfaction.

Board Action:

Motion: Jason Penrod moved to approve the new Policy Manual with corrections as discussed.

Second: Melissa Shake

Action: Passed unanimously

22. Executive Secretary Report:

A. Financial Report:

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

B. Temporary Licenses

Four temporary licenses were issued since the last meeting.

C. Staff Activities:

1. AG's Substance Abuse Committee

Mr. Pinson commended members of the industry on their efforts in combating opiate abuse issues.

2. Interim Health Committee

3. Legislative Commission on Regulations

4. Nevada Health Care Roundtable

D. Report to Board:

Mr. Wuest explained that Farmakeio has appeared at the last Board meeting. He explained that Board Staff had concerns regarding their inspection by the Texas Board of Pharmacy and will have them reappear at a future meeting.

E. Board Related News

F. Licensing Activities Report

23. Date and Location of Next Scheduled Board Meeting:

September 5-6, 2018 – Reno, Nevada

24. Public Comment July 19, 2018 3:00 PM

There was no public comment.