



NEVADA STATE BOARD OF PHARMACY

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MINUTES

October 10 & 11, 2018

BOARD MEETING

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

Board Members Present:

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

Board Staff Present:

Dave Wuest	Paul Edwards	Shirley Hunting	
Brett Kandt	Ray Seidlinger	Joe Dodge	Kenneth Scheuber
Luis Curras	Dena McClish	Yenh Long	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.

1. Public Comment October 10, 2018 9:00 AM

There was no public comment.

2. Approval of September 5-6, 2018, Minutes

The Board requested corrections on p.1 to show Mr. Pinson as absent from the September 2018 Board Meeting, on p. 17 to show "Exhibits 1 through 8," p. 28 to change the word ensure to review and on p. 17 to change the word role to rule.

Board Action:

Motion: Jason Penrod moved to approve the September 5-6, 2018, Minutes with corrections as discussed.

Second: Melissa Shake

Action: Passed unanimously

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

- A. Advanced Pharmacy Solutions – Laguna Hills, CA
- B. Aviva Care Pharmacy – Sunrise, FL
- C. CareMetx Health, LLC – Gaithersburg, MD
- D. Chesterfield Pharmacy – Garland, TX
- E. Comprehensive Care Pharmacy – Clinton, TN
- F. Concentrix CVG – Tucson, AZ
- G. Fresenius Medical Care North America – Lake Bluff, IL
- H. Lakeside Pharmacy – Monterey, LA
- I. Med 4 Home – Kansas City, MO
- J. PharMerica – Louisville, KY
- K. PillPack LLC – Manchester, NH
- L. Pineland Pharmacy – Richardson, TX
- M. Preveon Specialty Pharmacy – Highland, CA

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

- N. Professional Pharmacy Resources – Pace, FL
- O. St. Joseph’s McAuley Pharmacy – Phoenix, AZ

Applications for Out-of-State Wholesaler – Non Appearance

- P. Amneal Pharmaceuticals LLC – Glasgow, KY
- Q. Amneal Pharmaceuticals LLC – Glasgow, KY
- R. Aprecia Pharmaceuticals, LLC – Blue Ash, OH
- S. Arnold Dental Supply Company, Inc. – Lynnwood, WA
- T. Burke Therapeutics, LLC – Hot Springs, AR
- U. DSC Logistics, LLC – Rancho Cucamonga, CA
- V. DSC Logistics, LLC – Jefferson, GA
- W. Eyevance Pharmaceuticals LLC – Fort Worth, TX
- X. Humco Holding Group, Inc. – Texarkana, TX
- Y. JAMS Wholesale Distribution Services LLC – Coconut Creek, FL
- Z. NDC Homecare LLC – LaVerge, TN
- AA. Shire Rare Disease U.S. Biotech, Inc. – Lexington, MA
- BB. Spectra Medical Devices, Inc. – Wilmington, MA
- CC. Triad Isotopes – Memphis, TN
- DD. Wolf Medical Supply – Sunrise, FL

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

- EE. Angelini Pharma Inc. – Gaithersburg, MD

- FF. Crown Medical Solutions, LLC – Lemon Grove, CA
- GG. Mainlands Medical Inc. – Pinellas Park, FL

Applications for Nevada Pharmacy – Non Appearance

- HH. LVS Surgery Center LLC – Las Vegas, NV
- II. Preferred Pharmacy – Las Vegas, NV

Melissa Shake recused from participation regarding Item 3J (PharMerica) due to her employment with Walgreens. Walgreens is a parent company of PharMerica.

Board Action:

Motion: Jason Penrod moved to approve the Consent Agenda except Item 3J.

Second: Kevin Desmond

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to approve Item 3J.

Second: Kevin Desmond

Action: Passed unanimously

4. Discipline

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

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

Maria Nutile and Russell Marsh were present as counsel representing Dr. Adams.

Mr. Kandt summarized the facts of the case where Dr. Adams was disciplined by the Nevada Board of Osteopathic Medicine for providing pre-signed prescriptions for Dr. Foote to give to patients. Dr. Foote would prescribe prescriptions for dangerous drugs and Dr. Adams would prescribe any controlled substance prescription. Dr. Foote did not have a DEA registration or a controlled substance registration and was prohibited from prescribing, administering, possessing, or distributing controlled substance to his patients.

Ms. Nutile requested the Board hold a closed session to discuss details of this case.

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

Ms. Nutile had no objections.

Mr. Kandt presented the Nevada Board of Osteopathic Medicine's complaint against Dr. Adam's, Dr. Adam's Settlement Agreement and Dr. Adam's Answer and Notice of Defense.

Board Action:

Motion: Kirk Wentworth moved to hold a closed session to discuss Dr. Adams case.

Second: Jason Penrod

Action: Passed unanimously

The Board entered closed session.

Board Action:

Motion: Kirk Wentworth moved to go back into open session.

Second: Jason Penrod

Action: Passed unanimously

Mr. Kandt stated that the evidence and testimony provided prove the factual allegations.

Ms. Nutile stated that Dr. Adams is no longer prescribing in an outpatient setting and requested the Board refrain from suspending or revoking his registration so that he may continue his practice.

Board Action:

Motion: Jason Penrod moved that the Board has jurisdiction over this matter and that the evidence and testimony provided prove the factual allegations.

Second: Melissa Shake

Action: Passed unanimously

Board discussion ensued regarding each Cause of Action.

Board Action:

Motion: Jason Penrod moved to find David Adams guilty of the First through Seventh Causes of Action with modifications to the Sixth Cause of Action to remove NRS 453.331(1)(a).

Second: Kevin Desmond

Action: Passed unanimously

The Board discussed possible penalties for Dr. Adams.

Board Action:

Motion: Melissa Shake moved to revoke David Adams' Controlled Substance Registration. The revocation is stayed and his registration placed on probation for five years. Dr. Adams shall pay a fine of \$10,000 and an administrative fee of \$15,000 within 60 days. Dr. Adams shall comply with all terms of his agreement with the Nevada State Board of Osteopathic Medicine. Dr. Adams shall notify Board Staff of any change in his status with the Nevada State Board of Osteopathic Medicine within one business day.

Second: Kirk Wentworth

Action: Passed unanimously

B. Robert Gaimaro, PA (17-103-CS-S)

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

Mr. Kandt summarized the facts of the case where Mr. Gaimaro or a member of his staff had accessed the Prescription Monitoring Program (PMP) report for a patient with whom Mr. Gaimaro did not have a bona fide relationship with.

Mr. Gaimaro stated that he did not personally access or direct his staff to access the patient's PMP report. He explained that the office computers may have had the PMP log in information saved on the computer. He stated that since the discovery of this error the company IT department has removed the log in information from the computers in the office.

Mr. Kandt called Yenh Long as a witness.

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

Mr. Kandt questioned Ms. Long regarding her role as the PMP Administrator and the procedure that occurred while deactivating and reactivating Mr. Gaimaro's PMP access during the investigation of this case.

Ms. Long testified that Mr. Gaimaro currently has no delegates registered to search the PMP on his behalf.

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

Mr. Gaimaro had no objections.

President Basch admitted Exhibits 1 through 5 into the record.

Ms. Long described Exhibits 1 through 5. She stated that Exhibits 1 through 5 were screenshots from the PMP of Mr. Gaimaro's PMP account, a certification statement signed by Mr. Gaimaro, an acknowledgement from the PMP that is clicked each time a search is performed, and correspondence from Erica Zambrano, Mr. Gaimaro's staff, to the PMP requesting Mr. Gaimaro's PMP access be reactivated.

Ms. Long answered questions to the Board's satisfaction regarding the PMP.

Mr. Kandt called Paul Edwards as a witness.

Mr. Edwards testified that Erica Zambrano does not currently have a controlled substance license with the Board of Pharmacy.

Mr. Gaimaro moved to have Exhibit A admitted into the record.

Mr. Kandt had no objection.

President Basch admitted Exhibit A into the record.

Mr. Gaimaro reviewed Exhibit A for the Board. He presented documentation showing that the company IT had updated the office computers so the PMP log in information could not be saved on any office computer except the practitioners'. Mr. Gaimaro presented documentation that showed he was with a patient during the time of the PMP search.

Mr. Gaimaro admitted that his account was used to query the patient's PMP report. He explained that Ms. Zambrano is a staff member who oversees office administration, insurance billing and quality assurance.

Board discussion ensued regarding the importance of protection of patient health information.

Mr. Kandt stated that the testimony and evidence provided proves the facts listed in the Accusation and Notice of Intended Action.

Board Action:

Motion: Jason Penrod moved that the Board has jurisdiction over this matter and that the testimony and evidence provided proves each of the factual allegations.

Second: Wayne Mitchell

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to find Robert Gaimaro guilty of the First through Fourth Causes of Action.

Second: Kevin Desmond

Action: Passed unanimously

Mr. Kandt moved to have Exhibit 6 admitted into the record.

Mr. Gaimaro had no objection.

President Basch admitted Exhibit 6 into the record.

Mr. Kandt presented documentation of reasonable attorney's fees and costs accrued during the investigation of this case.

Board Action:

Motion: Jason Penrod moved that the fees and costs were reasonable and actually incurred.

Second: Kevin Desmond

Action: Passed unanimously

Mr. Kandt stated that Board Staff recommends Mr. Gaimaro's PMP account be deactivated until he submits updated policies and procedures that will protect his PMP account from improper use. Mr. Gaimaro shall pay a fine of \$1,250 for each violation totaling \$5,000 and shall pay an administrative fee of \$5,000 within 60 days.

Board discussion ensued regarding deactivating Mr. Gaimaro's PMP account.

Board Action:

Motion: Melissa Shake moved that Robert Gaimaro shall pay a fine of \$2,000 and an administrative fee of \$5,000 within 60 days. Mr. Gaimaro shall submit updated policies and procedures to Board staff within 30 days. Board Staff is authorized to review and approve the updated policies and procedures. Board Staff will visit Mr. Gaimaro's clinic to ensure the PMP cannot be improperly accessed by Mr. Gaimaro's staff.

Second: Kirk Wentworth

Aye: Desmond, Shake, Sullivan, Wentworth

Nay: Mitchell, Penrod

Action: Motion carries

- C. Lucas Meyers, R.Ph (16-089-RPH-A-S)
- D. Thy Thai Nguyen, R.Ph (16-089-RPH-B-S)

- E. Walgreens #03922 (16-089-PH-A-S)
- F. Walgreens Co. (16-089-PH-B-S)

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

Mr. Wuest stated that two pharmaceutical technicians were subpoenaed and present for their involvement in the case.

Brenda Facunla, pharmaceutical technician, Ava Ghayour, pharmaceutical technician, Thy Nguyen and Lucas Meyers appeared and were sworn by President Basch prior to answering questions or offering testimony.

Bill Stilling was present as counsel representing the Respondents.

Mr. Edwards summarized the facts of the case where Walgreens #03922 had dispensed two 100 ml bottles of Amoxicillin 125mg/ml suspension for patient M.B. At the point of sale, Ms. Facunla reconstituted both 100 ml bottles of Amoxicillin 125mg/5ml suspension constituting a total dosage for 30 days and dispensed them to the patient's mother A.C. There was no expiration date indicated on the label of either Amoxicillin bottle. Mr. Meyers was the pharmacist of record and did not verify the final product before sale and dispensing to the patient. Mr. Meyers was also the counseling pharmacist of record and failed to offer or provide counseling to A.C. Patient M.B ingested the expired Amoxicillin for approximately 9 days. Ms. Nguyen was the managing pharmacist of Walgreens #03922 during the time of the error. Walgreens failed to produce a duplicate label or any documentation of the expiration date for the prescription upon request from the Board's investigator.

Mr. Edwards presented a Stipulation and Order regarding the Respondents.

Mr. Meyers shall pay a fine of \$1,000 and an administrative fee of \$1,000 and shall complete two additional CEU on supervising pharmacist responsibilities.

Mr. Meyers shall pay a fine of \$500 and shall complete two additional CEU on proper prescription record keeping.

Mr. Meyers shall pay a fine of \$1,000 on proper counseling.

Ms. Nguyen shall pay a fine of \$500 and an administrative fee of \$500 and shall complete two additional CEU on managing pharmacist responsibilities.

Walgreens #03922 and Walgreens Co. shall pay a total fine of \$2,000 and an administrative fee of \$500. Walgreens shall create new policies and procedures regarding readily retrievable records and proper posting of expiration dates and shall retrain all Nevada employees.

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

Mr. Stilling explained that the Respondents take these errors seriously.

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

President Basch admitted Exhibit A through C into the record.

Mr. Stilling presented documentation on proper expiration date placement on prescription labels and another example from a Walgreens test system.

Mr. Stilling stated that Ms. Nguyen was not directly involved in this case, but explained that she understands her responsibility as the managing pharmacist.

Mr. Meyers apologized to the mother and patient for his error.

The Board stressed the importance of patient counseling.

Board Action:

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

Second: Jason Penrod.

Action: Passed unanimously

G. Tiffany C. Hall, PT (18-057-PT-S)

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

Mr. Edwards summarized the facts of the case where Ms. Hall did not disclose her arrest record on her pharmaceutical technician application. Ms. Hall was arrested in March 2018 for driving under the influence of alcohol/drugs.

Ms. Hall answered questions regarding her current employment with Walgreens and her arrest.

Melissa Shake disclosed that she is employed by Walgreens and stated that she would be able to participate in this matter fairly and without bias.

Mr. Edwards stated that Ms. Hall's testimony supports the factual allegations.

Board Action:

Motion: Jason Penrod moved that the Board has jurisdiction over this matter and that the factual allegations have been proven based on the testimony provided.

Second: Melissa Shake

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to find Tiffany Hall guilty of the First Cause of Action and not guilty of the Second Cause of Action.

Second: Wayne Mitchell

Action: Passed unanimously

After discussion the Board agreed that Ms. Hall's current pharmaceutical technician registration be cancelled, but she could reapply and disclose her disciplinary information on the new application.

Board Action:

Motion: Jason Penrod moved to cancel Tiffany Hall's pharmaceutical technician registration. Ms. Hall can reapply immediately.

Second: Wayne Mitchell

Action: Passed unanimously

H. Veronica S. Ashworth, PT (18-064-PT-S)

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

Veronica Ashworth was not present.

Mr. Edwards summarized the facts of the case where Ms. Ashworth was terminated from her employment as a pharmaceutical technician at Walgreens for diverting 800 Oxycodone 15 mg tablets, 800 Percocet 10/325 mg tablets and 2,000 Oxycodone 30 mg. tablets over approximately a one-year period.

Mr. Edwards moved to have Exhibits 1 through 7 admitted into the records.

President Basch admitted Exhibits 1 through 7 into the record.

Mr. Edwards presented documentation showing Board Staff had sent Ms. Ashworth her Notice of Intended Action and Accusation by certified mail.

Board Action:

Motion: Jason Penrod moved that service was properly given.

Second: Kevin Desmond

Action: Passed unanimously

Mr. Edwards presented an email from Walgreen Co. Asset Protection Manager stating that Ms. Ashworth admitted verbally and in a written statement that she had been diverting controlled substances both for personal use and to sell.

Board Action:

Motion: Jason Penrod moved that the Board has jurisdiction over this matter and that the factual allegations have been proven based on the evidence provided.

Second: Kevin Desmond

Action: Passed unanimously

Board Action:

Motion: Jason Penrod moved to find Veronica Ashworth guilty of the First through Fifth Causes of Action.

Second: Kevin Desmond

Action: Passed unanimously

Mr. Edwards stated that Board Staff recommends revocation of Ms. Ashworth's pharmaceutical technician registration and an administrative fee of \$500 if she chooses to request reinstatement.

Board Action:

Motion: Jason Penrod moved to revoke Veronica Ashworth's pharmaceutical technician registration. If Ms. Ashworth applies for reinstatement she shall pay an administrative fee of \$500.

Second: Kevin Desmond

Action: Passed unanimously

I. Michael Bell, DDS (17-102-CS-S)

Michael Bell appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Kandt summarized the facts of the case where Dr. Bell had attempted to access Las Vegas shooter Stephen Paddock's PMP record without having a lawful purpose in doing so.

Mr. Kandt explained that Dr. Bell was unable to access Mr. Paddock's report because it had already been blocked by PMP Staff.

Mr. Kandt presented a Stipulation and Order regarding Dr. Bell.

Dr. Bell shall provide Board Staff with updated policies and procedures regarding the proper use of the PMP.

Dr. Bell shall pay a fine of \$2,000 and an administrative fee of \$2,000.

Dr. Bell explained that he personally ran the queries for Mr. Paddock's PMP report out of curiosity and expressed no objections to the Stipulation and Order presented.

Board Action:

Motion: Jason Penrod moved to approve the Stipulation and Order as presented.

Second: Kirk Wentworth

Action: Passed unanimously

J. Venus Vedadi, R.Ph

(17-112-RPH-S)

Venus Vedadi appeared and was sworn by President Basch prior to answering questions or offering testimony.

Lynn Beggs was present as counsel representing Ms. Vedadi.

Mr. Kandt summarized the facts of the case where Ms. Vedadi's PMP account was used to query the PMP database two times to access Stephen Paddock's confidential patient information. Ms. Vedadi had no pharmacist/patient relationship with Mr. Paddock and had no lawful purpose for accessing the patient utilization report.

Mr. Kandt presented a Stipulation and Order regarding Ms. Vedadi.

Ms. Vedadi shall pay a fine of \$5,000 and pay an administrative fee of \$5,000.

Ms. Beggs requested the Board accept the Stipulation and Order as presented. She explained that Ms. Vedadi has taken responsibility for her actions and did not share any of the information she obtained from the search.

Board discussion ensued regarding the importance of protecting the PMP data.

Board Action:

Motion: Melissa Shake moved to accept the Stipulation and Order as presented.

Second: Robert Sullivan

Action: Passed unanimously

K. Joyce Chang, MD

(18-029-CS-S)

Joyce Chang appeared and was sworn by President Basch prior to answering questions or offering testimony.

Christopher Rath was present as counsel representing Dr. Chang.

Mr. Kandt summarized the facts of the case where during a joint investigation from the Nevada State Board of Medical Examiners and the Nevada State Board of Pharmacy, it was discovered that Dr. Chang had established a procedure where she had authorized her medical assistant to create, sign and issue prescriptions on her behalf.

Mr. Kandt presented a Stipulation and Order regarding Dr. Chang.

Dr. Chang's controlled substance registration and practitioner dispensing registration shall be revoked for a minimum of 1 year.

Dr. Chang shall pay an administrative fee of \$3,000 due within 30 days.

Mr. Rath had no objections.

Mr. Rath stated that Dr. Chang has voluntarily surrendered her DEA registration and currently has no pending criminal or civil cases.

Board Action:

Motion: Kevin Desmond moved to approve the Stipulation and Order as presented.

Second: Jason Penrod

Action: Passed unanimously

5. Application for Nevada Pharmacy – Appearance

Genoa Healthcare, LLC – Las Vegas, NV

Craig Pivo, managing pharmacist, and Tasha Hennessy, Regional Vice President, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Ms. Hennessy stated that Genoa Healthcare, LLC is a community pharmacy that services mental healthcare facilities.

The Board modified Genoa Healthcare, LLC's application to remove closed door pharmacy from the application and to add mail service to the list of services provided at Ms. Hennessy's request.

Mr. Pivo answered questions to the Board's satisfaction regarding his pharmacy experience and past discipline and recovery.

Ms. Hennessy answered questions to the Board's satisfaction regarding Optum, Genoa Healthcare, LLC's parent company, disciplinary history.

Board Action:

Motion: Jason Penrod moved to approve Genoa Healthcare, LLC's Application for Nevada Pharmacy pending a positive inspection and receipt of a Letter of Authorization allowing Ms. Hennessy and Mr. Pivo to speak on behalf of the company.

Second: Kirk Wentworth

Action: Passed unanimously

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

A. Advanced InfusionCare – Valdosta, GA

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

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

Mr. Hicks stated that Advanced InfusionCare is a home infusion pharmacy that provides sterile compounding services. He stated that Advanced InfusionCare will primarily provide IVIG products to patients in Nevada.

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

Mr. Dodge questioned Mr. Hicks regarding Advanced InfusionCare's sterile compounding policies and procedures, clean room specifications, product testing and shipping methods.

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

Board Action:

Motion: Jason Penrod moved to approve Advanced InfusionCare's Application for Out-of-State Pharmacy License. Advanced InfusionCare shall notify Board Staff prior to providing any products other than IVIG products to patients in Nevada.

Second: Kevin Desmond

Action: Passed unanimously

B. Marian Pharmaceuticals – Daphne, AL

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

Jeff Whitehead was present as counsel representing Marian Pharmaceuticals.

Ms. Bond presented a Letter of Authority allowing her to speak on behalf of the company.

Mr. Whitehead explained that Marian Pharmaceuticals is requesting the Board's approval for an ownership change.

Ms. Bond explained that Marian Pharmaceuticals primarily provides commercially available topical products. She stated that there are no plans to change their services provided with the new ownership.

Mr. Whitehead answered questions regarding Marian Pharmaceuticals past inspections and previous ownership's discipline.

Mr. Edwards questioned Mr. Whitehead and Ms. Bond regarding open complaints and investigations in other states.

After discussion Mr. Edwards disclosed that Board Staff currently has an open investigation regarding Marian Pharmaceuticals.

President Basch offered Ms. Bond and Mr. Whitehead the option to table this application while the investigation takes place.

The Board tabled Marian Pharmaceutical's Application for Out-of-State Pharmacy License at Ms. Bond's request.

The Board reminded Ms. Bond and Mr. Whitehead that Marion Pharmaceuticals cannot ship medications into Nevada until this application is approved.

B. NexGen Compounding Pharmacy – Weatherford, TX

This matter was continued to a future meeting.

D. SMP Pharmacy Solutions #2 – Miami, FL

This matter was continued to the December 2018 Board meeting at the company's request.

7. Application for Out-of-State Outsourcing Facility – Appearance

Athenex Pharma Solutions, LLC – Clarence, NY

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

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

Mr. Keem stated that Athenex Pharma Solutions, LLC is an FDA approved 503B Outsourcing Facility.

Mr. Dodge appeared and questioned Mr. Keem regarding Athenex Pharma Solutions, LLC's most recent FDA inspection.

Mr. Keem answered questions to the Board's satisfaction regarding each observation regarding the pharmacy's aseptic area and recall process from FDA's inspection

The Board recommended that Athenex Pharma Solutions, LLC test their updated recall procedure.

Board Action:

Motion: Kevin Desmond moved to approve Athenex Pharma Solutions, LLC's Application for Out-of-State Outsourcing Facility.

Second: Jason Penrod

Action: Passed unanimously

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

iSleep, LLC – Reno, NV

Charles Smart and John Hickok, part owners, appeared and were sworn by President Basch prior to answering questions or offering testimony.

Mr. Smart and Mr. Hickok stated that iSleep, LLC provides affordable sleep apnea testing for patients.

Mr. Hickok and Mr. Smart answered questions regarding their work history and iSleep, LLC's policies and procedures and business model.

The Board expressed concern that iSleep, LLC has a prescriber on Staff that could potentially refer patients to the company.

After discussion, the Board directed Board Staff to review iSleep, LLC's business model is in compliance with Nevada law.

Board Action:

Motion: Kirk Wentworth moved to approve iSleep, LLC's Application for Nevada MDEG License pending a positive inspection and review and approval of iSleep, LLC's business model. Board Staff is authorized to review and approve iSleep, LLC's business model.

Second: Wayne Mitchell

Action: Passed unanimously

9. Request for Removal of Restriction from Working as a Managing Pharmacist – Appearance

Ronald H. Engberson

Ronald Engberson appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Engberson requested that the Board consider modifying the restriction on his license that he work with supervision for 6 weeks. He stated that he was having difficulty getting employment with this restriction.

Mr. Edwards provided background information regarding Mr. Engberson's past Board appearances.

Mr. Engberson answered questions to the Board's satisfaction regarding his PRN-PRN contract, recovery and employment.

Board Action:

Motion: Jason Penrod moved to allow the Executive Secretary to remove any and all restrictions regarding Ronald Engberson's Nevada Pharmacist License based on professional discretion.

Second: Melissa Shake

Action: Passed unanimously

10. Requests for Renewal of Pharmacist License - Appearance

A. Moshe Lalehzari

Moshe Lalehzari appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Edwards summarized the facts of the case where Mr. Lalehzari's California Pharmacist License was revoked and the revocation stayed. Mr. Lalehzari was the managing pharmacist at a pharmacy that had engaged in sterile compounding without proper training, the pharmacy also failed to maintain a written master formula with the procedure on how the drug was prepared.

Mr. Lalehzari answered questions to the Board's satisfaction regarding his license status in California, his compliance with the California Order and current employment.

Board Action:

Motion: Jason Penrod moved to approve Moshe Lalehzari's Request for Renewal of his Pharmacist License with conditions. Mr. Lalehzari's Nevada Pharmacist license is placed on probation to match his California Order. Mr. Lalehzari shall comply with the California State Board of Pharmacy's Order. Mr. Lalehzari shall notify Board Staff of any changes to his status in California including when his probation in California ends. The Executive Secretary is authorized to end Mr. Lalehzari's probation. Mr. Lalehzari shall notify Board Staff before working in Nevada.

Second: Kirk Wentworth

Action: Passed unanimously

B. Phic Kaing Lim

This matter was continued to a future meeting.

11. Request for an Intern License –

Thomas Ely

Thomas Ely appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Ely explained that he had disclosed that he was disciplined for possession of marijuana on his intern pharmacist application.

Mr. Ely informed the Board that he no longer uses marijuana and apologized for his mistake.

Mr. Ely answered questions to the Board's satisfaction regarding his discipline and educational background.

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

Board Action:

Motion: Jason Penrod moved to approve Thomas Ely's Application for Intern Pharmacist License pending a positive evaluation from PRN-PRN. Board Staff is authorized to review and approve Mr. Ely's PRN-PRN evaluation.

Second: Kirk Wentworth

Action: Passed unanimously

12. General Counsel Report

13. Approval of 2019 Board Meeting Dates

Mr. Wuest presented the 2019 Board Meeting Dates to the Board's satisfaction.

14. Executive Secretary Report:

- A. Financial Report
- B. Temporary Licenses

One temporary license was issued since the last Board meeting.

- C. Staff Activities
- D. Report to Board

Mr. Wuest updated the Board regarding the licensing software changes.

- E. Board Related News

Mr. Wuest reported to the Board regarding the Sunset Committee Meeting.

- F. Licensing Activities Report

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

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

Ms. Long provided background information regarding the proposed amendment.

President Basch opened the Public comment.

Lauren Paul, CVS, requested a modification to Section 4 to either specify the ratio increase in non-dispensing pharmacies, or to add counselling to the list of pharmacy functions.

Lorri Walmsley, Walgreens, expressed support of expanding the pharmaceutical technician to pharmacist ratio in traditional pharmacy business models. Ms. Walmsley provided examples of other states that currently have higher pharmaceutical technician to pharmacist ratios than 3:1.

Liz MacMenamin, RAN, expressed support of expanding the pharmaceutical technician to pharmacist ratio.

Gener Tejero, Las Vegas Infusion Pharmacy, expressed support of increasing the pharmaceutical technician to pharmacist ratio in a traditional pharmacy, but expressed concern with increasing the ratio in a compounding pharmacy setting.

Rich Palermo, Express Scripts, expressed support of increasing the pharmaceutical technician to pharmacist ratio in non-dispensing pharmacy models.

President Basch closed the Public Comment.

Board discussion ensued regarding modifying the pharmaceutical technician to pharmacist ratio in different pharmacy business models. The Board directed Board Staff to survey Nevada pharmacists to get more feedback and to bring this matter back to workshop.

16. Date and Location of Next Scheduled Board Meeting:

December 5-6, 2018 – Reno, Nevada

17. Public Comment October 11, 2018 5:00 PM

There was no public comment.