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# NEVADA STATE BOARD OF PHARMACY

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## MINUTES

January 15-16, 2020

### BOARD MEETING

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

#### Board Members Present:

Krystal Freitas	Jade Jacobo	Wayne Mitchell
Helen Park	Gener Tejero	Richard Tomasso

#### Board Staff Present:

Dave Wuest	Yenh Long	Brett Kandt	Shirley Hunting
Joe Dodge	Ken Scheuber	Luis Curras	Leo Basch
Dena McClish	Sophia Long	Mark Sedar	Kristopher Mangosing

President Park 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 Krystal Freitas, Helen Park and Richard Tomasso as Governor Sisolak's newest appointments to the Nevada State Board of Pharmacy for three year terms.

#### 1. Call to Order and Roll Call – Establishment of Quorum

President Park performed the roll call. All Board Members were present and a quorum was established.

#### 2. Public Comment January 15, 2019 9:00 AM

There was no public comment.

#### 3. Approval of December 4-5, 2019, Minutes

Mr. Wuest stated that Board Staff has corrected minor grammatical errors on p. 3.

Gener Tejero clarified that his motion for the December 2019 Board meeting was to approve the remaining items on the Consent Agenda.

Board Action:

Motion: Jade Jacobo moved to approve the December 2019 Meeting Minutes with corrections as discussed.

Second: Wayne Mitchell

Action: Passed unanimously

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

- A. AFA Pharmacy, LLC – Dallas, TX
- B. Chewy Pharmacy, LLC – Jeffersontown, KY
- C. Costco Pharmacy #1347 – Jeffersonville, IN
- D. Costco Pharmacy #1349 – Jeffersonville, IN
- E. Cura Pharmacy – Tustin, CA
- F. Hemophilia Preferred Care of Memphis, Inc. – Memphis, TN
- G. OptionOne, LLC – Oklahoma City, OK
- H. SMP Pharmacy Solutions #4 – Northridge, CA

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

- I. AdhereRx Incorporated – Cary, NC
- J. Crestview Pharmacy – Crestview, FL
- K. Dakota PrecisionRx, Inc. – Bismarck, ND
- L. Genesis Pharmacy Services – St. Louis, MO
- M. Professional Arts Pharmacy – Lafayette, LA
- N. Sterling Specialty Pharmacy – Mendota Heights, MN
- O. Trinity Compounding Experts LLC – Fort Myers, FL

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

- P. AB Sciex LLC – Framingham, MA
- Q. Allegro Enterprises, Inc. – Bolingbrook, IL
- R. BrightChoice Medical INC – Savannah, GA
- S. Drawbridge Health, Inc. – San Diego, CA
- T. Home Sleep Delivered, L.L.C. – Lafayette, LA
- U. Hospital Overstock LLC – Boca Raton, FL
- V. Medico International, LLC – Pembroke Pines, FL
- W. Midland Mobility & Surgical Supply, LLC – Thomasville, NC
- X. New Britain Medical Supplies – New Britain, CT
- Y. National Seating & Mobility, Inc. – Murray, UT

- Z. Onduo, LLC – Newton, MA
- AA. Optimal – Stafford, TX
- BB. Southeast Medical Services Inc. – Longwood, FL

Applications for Nevada Medical, Devices, Equipment and Gases – Non Appearance

- CC. National Seating & Mobility, Inc – Henderson, NV

Application for Nevada Pharmacy – Non Appearance

- DD. Albertsons Pharmacy #0155 – Elko, NV

Application for Ambulatory Surgery Center – Non Appearance

- EE. Smith Plastic Surgery Building, LLC – Las Vegas, NV

Applications for Out-of-State Wholesalers – Non-Appearance

**Background Check Not Required by Law.**

1. Distributor for Single Manufacturer (NAC 639.593(7)(e))  
None
2. Manufacturer (NAC 639.593(7)(d))  
None
3. Publicly Traded (NAC 639.593(7)(a))  
FF. Eton Pharmaceuticals, Inc. – Deer Park, IL
4. VAWD-Accredited (NAC 639.593(7)(c))  
None
5. Manufacturer and VAWD-Accredited (NAC 639.593(7)(c) and (d))  
None
6. Publicly Traded and Manufacturer (NAC 639.593(7)(a) and (d))  
GG. Rigel Pharmaceuticals Inc. – South San Francisco, CA
7. Publicly Traded and VAWD-Accredited (NAC 639.593(7)(a) and (c))  
None

**Background checks completed in compliance with NRS 639.500. No Disqualifying Events.**

- HH. Performance Health Supply, Inc. – Indianapolis, IN
- II. Pharmsource Animal Health, LLC – Brunswick, GA
- JJ. Eversana Life Science Services, LLC – Memphis, TN

KK. Numed – Springboro, OH  
 LL. Medical Supply Distribution, LLC – Zanesville, OH

Board Action:

Motion: Jade Jacobo moved to approve the January 2020 Consent Agenda.

Second: Wayne Mitchell

Action: Passed unanimously

5. Discipline

- |    |                           |                  |
|----|---------------------------|------------------|
| A. | Cathy Quach, R.Ph         | (17-121-RPH-A-S) |
| B. | Jennifer Englehaupt, R.Ph | (17-121-RPH-B-S) |
| C. | Walgreens #7032           | (17-121-PH-S)    |

Jennifer Englehaupt was not present.

Gener Tejero disclosed that he has a business relationship with Mr. Stilling but stated that he could participate in this matter fairly and without bias.

Cathy Quach appeared and was sworn by President Park prior to answering questions or offering testimony.

Bill Stilling was present as counsel representing Ms. Quach, Ms. Englehaupt and Walgreens.

Mr. Kandt summarized the facts of the case where an electronic prescription was sent to Walgreens Pharmacy #7032 for patient D.C. The prescription was for thirty Metolazone 2.5 mg tablets.

Mr. Kandt stated that the patient was given a partial fill of ten tablets properly labeled as Sandoz brand, and a separate fill of the remaining twenty were Mylan brand tablets. Both labels identified the tablet as "Oval Purple Tablet" when in fact the Mylan tablet is a "Small Round White Tablet."

Ms. Quach was the verifying pharmacist and failed to detect the misbranding error.

Mr. Kandt stated that Walgreen's computer system reflected that patient counseling was completed. Ms. Englehaupt was the counseling pharmacist of record, and her records reflect that counseling was denied. This prescription was a new prescription requiring mandatory counseling.

Mr. Kandt stated that patient D.C. was not present and requested that the Second Cause of Action regarding Ms. Englehaupt be dismissed.

Mr. Kandt presented a Stipulation and Order regarding Ms. Quach and Walgreens #7032 for the Board's consideration.

Ms. Quach shall pay a \$250 fine, pay a \$250 administrative fee and shall complete two additional CEU on error prevention.

Walgreens shall pay a \$3000 fine and pay a \$250 administrative fee.

Mr. Stilling had no objections to Mr. Kandt's summary of the case and the Stipulation and Order presented.

Board discussion ensued regarding the issue of misbranding prescriptions.

Board Action:

Motion: Jade Jacobo moved to accept the Stipulation and Order as presented by Board Staff.

Second: Wayne Mitchell

Aye: Freitas, Jacobo, Mitchell, Park, Tomasso

Nay: Tejero

Action: Motion carries

D. Diamond P. Stewart, PT

(17-077-PT-A-S)

E. Monet M. Young, PT

(17-077-PT-B-S)

Ms. Stewart and Ms. Young were not present.

Mr. Kandt summarized the facts of the case where an investigation by Walgreens loss prevention staff identified a total of 167 prescriptions sold between July 2016 to July 2017 by either Ms. Stewart or Ms. Young and confirmed to be fraudulent by nine prescribers. The fraudulent prescriptions were made from templates using a total of thirty-eight false patient identities and consisted of multiple controlled substances.

Mr. Kandt called Shirley Hunting, Board Coordinator Nevada State Board of Pharmacy, as a witness.

Shirley Hunting appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Hunting testified that she sent Ms. Stewart the Notice of Intended Action and Accusation by certified mail. Ms. Hunting reviewed documentation showing that Ms. Stewart was properly served at her address of record.

Mr. Kandt stated that Ms. Stewart did not submit an Answer and Notice of Defense.

Mr. Kandt moved to have Exhibit 1A and 2A admitted into the record.

President Park admitted Exhibit 1A and 2A into the record.

Mr. Kandt presented Exhibits 1A and 2A to the Board. Exhibit 1A was documentation that Board Staff properly noticed Ms. Stewart by certified mail to her address of record. Exhibit 2A was a copy of the Notice of Intended Action and Accusation.

Board Action:

Motion: Jade Jacobo moved that the Board has jurisdiction in this matter.

Second: Krystal Freitas

Action: Passed unanimously

Board Action:

Motion: Jade Jacobo moved that Board Staff properly noticed Diamond Stewart.

Second: Krystal Freitas

Action: Passed unanimously

Board Action:

Motion: Jade Jacobo moved that the Findings of Fact in paragraphs two through six have been proven true.

Second: Krystal Freitas

Action: Passed unanimously

Board Action:

Motion: Jade Jacobo moved that the Conclusions of Law in paragraphs seven through thirteen have been proven true.

Second: Wayne Mitchell

Action: Passed unanimously

Mr. Kandt stated that Board Staff recommends Diamond Stewart's pharmaceutical technician registration be revoked effective immediately for a minimum of one year. Ms. Stewart shall appear before the Board if she chooses to request the reinstatement of her registration.

Board Action:

Motion: Jade Jacobo moved to revoke Diamond Steward's pharmaceutical technician registration for a minimum of one year effective immediately. Ms. Stewart shall appear before the Board to request the reinstatement of her license.

Second: Wayne Mitchell

Action: Passed unanimously

Mr. Kandt called Dena McClish, Investigator Nevada State Board of Pharmacy, as a witness.

Dena McClish appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. McClish stated that she personally served Ms. Young her Notice of Intended Action and Accusation.

Mr. Kandt explained that Ms. Young did not submit an Answer and Notice of Defense on this matter.

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

President Park admitted Exhibits 1B and 2B into the record.

Mr. Kandt presented Exhibits 1B and 2B to the Board. Exhibit 1B was a Return of Service form completed by Ms. McClish when she served Ms. Young. Exhibit 2B was the Notice of Intended Action and Accusation.

Board Action:

Motion: Jade Jacobo moved that the Board has jurisdiction over this matter.

Second: Krystal Freitas

Action: Passed unanimously

Board Action:

Motion: Jade Jacobo moved that Board Staff properly served Monet Young.

Second: Krystal Freitas

Action: Passed unanimously

Board Action:

Motion: Jade Jacobo moved that the Findings of Fact in paragraphs two through six have been proven true.



Second: Krystal Freitas

Action: Passed unanimously

Board Action:

Motion: Jade Jacobo moved that the Conclusions of Law in paragraphs seven through thirteen have been proven true.

Second: Krystal Freitas

Action: Passed unanimously

Board Action:

Motion: Jade Jacobo moved to revoke Monet Young's pharmaceutical technician registration for a minimum of one year effective immediately. Ms. Young shall appear before the Board to request the reinstatement of her license.

Second: Krystal Freitas

Action: Passed unanimously

F. Armen E. Nikogosian, MD (19-229-CS-S)

Armen Nikogosian appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Kandt summarized the facts of the case where Dr. Nikogosian failed to renew his controlled substance registration which expired on October 31, 2018. Dr. Nikogosian wrote thirty-three prescriptions for controlled substances without proper licensure between November 1, 2018 and December 12, 2019.

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

Dr. Nikogosian shall receive a Letter of Reprimand, pay a fine \$5,000 and pay an administrative fee of \$950.

Dr. Nikogosian requested that he be allowed to pay his fine and fee in installments.

Mr. Kandt had no objections to Dr. Nikogosian's request for a payment plan.

Dr. Nikogosian apologized to the Board for his error and answered questions to the Board's satisfaction regarding the changes he has made in his practice to prevent this error in the future.

Board Action:

Motion: Wayne Mitchell moved to accept the Stipulation and Order with the modification to allow Dr. Nikogosian to pay his fine and fee by payment plan.

Second: Jade Jacobo

Action: Passed unanimously

G.	Shahn Sherafat, R.Ph	(17-093-RPH-S)
H.	Nellis Care Pharmacy	(17-093-PH-S)

Gener Tejero disclosed that he has a business relationship with Mr. Stilling, but stated that he could participate in this matter fairly and without bias.

Bill Stilling was present as counsel representing the Respondents.

Mr. Kandt presented an Answer and Notice of Defense regarding the Respondents.

Mr. Kandt summarized the facts of the case where Board of Pharmacy Inspectors and representatives of the Drug Enforcement Administration (DEA) conducted an inspection of Nellis Care Pharmacy. During the inspection, Board Inspectors reviewed Nellis Care Pharmacy's controlled substance prescription records and conducted a physical count of the pharmacy's inventory of Schedule II- controlled substances. The Respondents were unable to locate or produce inventory records that pre-dated July 2017. Also, Mr. Sherafat provided false information regarding the location of the inventory records. The inspection revealed significant variances between the controlled substances that were purportedly in stock compared to the physical count of those drugs.

Mr. Stilling requested that Board enter Closed Session to discuss Mr. Sherafat's health conditions.

After discussion, Mr. Stilling withdrew his request to go into Closed Session.

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

Mr. Sherafat shall voluntarily surrender his license. He shall pay a \$750 administrative fee, and if he reapplies for licensure he shall appear before the Board.

Nellis Care Pharmacy shall pay a total fine of \$3,000 and pay a \$750 administrative fee.

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

Mr. Stilling explained that Mr. Sherafat was not present due to his health conditions and stated that Mr. Sherafat has agreed not to practice pharmacy. Mr. Stilling also stated that Nellis Care Pharmacy is now closed.

Board Action:

Motion: Jade Jacobo moved to accept the Stipulation and Order regarding Shahn Sherafat and Nellis Care Pharmacy.

Second: Wayne Mitchell

Action: Passed unanimously

- I. Order to Show Cause: Donald Cowles (18-104-RPH-S)

The Board heard this matter in conjunction with Agenda Item 17 B.

Donald Cowles appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Kandt summarized the facts of the case in October 2017, Mr. Cowles signed and submitted a renewal application to renew his pharmacist registration. On that application, Mr. Cowles falsely attested that he had completed the required thirty CEUs between November 1, 2015 and October 31, 2017. Board Staff conducted a random audit of Mr. Cowles CEU for the biennium ending October 31, 2017. Mr. Cowles did not complete any CEUs for the time period November 1, 2015 to October 31, 2017.

Mr. Kandt stated that at the January 2019 Board Meeting, Mr. Cowles was Ordered to pay a fine and fee, complete an additional forty-five CEU , attend three of the next four Las Vegas Board Meetings and complete the Board's Nevada law examination with a passing score of at least 75%.

Mr. Kandt explained that Mr. Cowles has failed to attend three of the Board's next four Las Vegas Board Meetings, and did not pass the Nevada law examination with a score of at least 75%.

Mr. Kandt stated that Mr. Cowles also submitted a renewal application for his pharmacist registration. Mr. Kandt explained that Mr. Cowles did disclose these disciplinary issues on his renewal application.

Mr. Cowles explained to the Board that due to his health conditions he was unable to attend the Board Meetings.

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

Mr. Wuest described the procedures regarding the random CEU audit and answered questions regarding the Nevada law examination Mr. Cowles was required to take.

Mr. Cowles answered the Board's questions regarding his employment, continuing education and his health conditions.

After discussion, the Board expressed concern for public safety because Mr. Cowles was leaving the pharmacy and pharmaceutical technician unsupervised due to his health conditions.

Board Action:

Motion: Jade Jacobo moved that Donald Cowles failed to comply with all the conditions of his Order regarding Case# 18-104-RPH-S based on the evidence and testimony provided, and Donald Cowles' Renewal Application for Pharmacist Registration is denied.

Second: Gener Tejero

Action: Passed unanimously

J. Order to Show Cause: Westminster Pharmaceuticals, LLC (19-206-WH)

Ricardo Martinez, Westminster Pharmaceuticals, LLC, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Kant summarized the facts of the case where Board Staff contacted Westminster Pharmaceuticals, LLC to comply with the requirements of NRS 639.500 and submit a current list of officers/directors and a fingerprint card from each officer/director with written permission authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History.

Mr. Kant stated that in December 2019 the Board entered an Order directing Westminster Pharmaceuticals, LLC to comply with NRS 639.500 within twenty days and explained that to date Westminster Pharmaceuticals, LLC has failed to comply with the terms of the Order.

Mr. Martinez acknowledge that he did receive notice but to due staffing and travel plans he was unable to submit the required documentation within the deadline. Mr. Martinez explained that the documents were delivered to the Board Office the day before this hearing.

Mr. Martinez stated that he contacted Board Staff to request a continuance in this matter, and the request was denied.

Mr. Wuest stated that all members of Staff who are authorized to access this information are either present at the Board meeting or are out of the office.

Mr. Kant stated that Board Staff recommends that President Park rule on granting Westminster Pharmaceuticals, LLC a continuance in this matter or not.

President Park denied Westminster Pharmaceuticals, LLC's request for continuance.

Board Action:

Motion: Jade Jacobo moved that to date Westminster Pharmaceuticals, LLC has failed to comply with NRS 639.500.

Second: Krystal Freitas

Action: Passed unanimously

Board Action:

Motion: Jade Jacobo moved that Westminster Pharmaceuticals, LLC has failed to comply with the Board's Order regarding Case # 19-206-WH.

Second: Krystal Freitas

Action: Passed unanimously

Mr. Kandt stated that Board Staff recommends a motion to suspend Westminster Pharmaceuticals, LLC's wholesaler license, the suspension be stayed to allow the Executive Secretary to determine if Westminster Pharmaceuticals, LLC has submitted all the required materials to comply with NRS 639.500.

Board Action:

Motion: Jade Jacobo moved to suspend Westminster Pharmaceuticals, LLC's wholesaler license, WH02154, the suspension is stayed. Board Staff shall determine if Westminster Pharmaceuticals, LLC has provided all documentation to comply with NRS 639.500 and if so, Board Staff shall submit the information for background checks. The Executive Secretary is authorized to lift the suspension.

Second: Krystal Freitas

Action: Passed unanimously

6. Petition for Reinstatement of Controlled Substance Registration and Request to Appear Before the Board – Appearance

Craig Weingrow, MD

(17-066-CS-S)

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

Jeffrey Setness was present as counsel representing Dr. Weingrow.

Mr. Wuest stated that Dr. Weingrow is appearing to request reinstatement of his controlled substance registration.

Mr. Kandt summarized the facts of the case where Dr. Weingrow knowingly permitted his office staff to falsify his signature or initials on his prescriptions. Dr. Weingrow also allowed his office staff access to his inventory of controlled substances and dangerous drugs to dispense to patients when he was not present in the office.

Mr. Kandt stated that the Board revoked Dr. Weingrow's controlled substance registration, CS20272, and practitioner dispensing registration, PD00502, effective July 18, 2018.

Mr. Setness and Dr. Weingrow had no objections with Mr. Kandt's summary.

Mr. Setness described Dr. Weingrow's settlement agreement with the Nevada Board of Medical Examiners including his attendance and completion of the PACE program and UNR's Best Practices program.

Dr. Weingrow stated that he accept responsibility for his past errors.

Dr. Weingrow answered questions to the Board's satisfaction regarding the PACE program, UNR's Best Practices program, future business plans and the changes he will implement in all future practices to prevent this error from occurring again.

After discussion, the Board expressed concern regarding reinstating Dr. Weingrow's controlled substance registration without conditions.

President Park offered Dr. Weingrow the option to table this matter while Dr. Weingrow complies a list of controlled substances he intends to prescribe for his patients.

The Board tabled this matter at Dr. Weingrow's request.

7. Applications for Pharmaceutical Technician in Training - Appearance:

A. Ciara J. Johnson

Ciara Johnson appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Johnson disclosed a misdemeanor shoplifting charge from 2014 on her application for pharmaceutical technician in training.

Ms. Johnson answered questions to the Board's satisfaction regarding her past discipline.

Board Action:

Motion: Jade Jacobo moved to approve Ciara Johnson's Application for Pharmaceutical Technician in Training Registration.

Second: Wayne Mitchell

Action: Passed unanimously

B. Heidi S. Minson

Heidi Minson appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Minson disclosed past discipline on her application.

Ms. Minson answered questions to the Board's satisfaction regarding her past discipline, recovery, license status in California and work history.

Board Action:

Motion: Jade Jacobo moved to approve Heidi Minson's Application for Pharmaceutical Technician in Training.

Second: Gener Tejero

President Park offered a friendly amendment to approve Ms. Minson's application pending a positive evaluation by PRN-PRN.

Jade Jacobo accepted the friendly amendment.

Gener Tejero did not accept the friendly amendment.

Action: Motion failed

Board Action:

Motion: Jade Jacobo moved to approve Heidi Minson's Application for Pharmaceutical Technician in Training.

Second: Gener Tejero

Aye: Freitas, Jacobo, Mitchell, Tejero

Nay: Park, Tomasso

Action: Motion carries

8. Applications for Pharmaceutical Technician - Appearance:

A. Sergio J. Garcia

Sergio Garcia appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Garcia disclosed past discipline on his pharmaceutical technician application.

Mr. Garcia explained that he was charged driving under the influence in 2018.

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

Mr. Dodge questioned Mr. Garcia regarding 2 other DUI charges, his recovery program and negative results on his urinalysis.

After discussion, the Board expressed concern that Mr. Garcia did not disclose his full disciplinary history on his application and that Mr. Garcia had recently failed and/or did not appear at mandated urinalysis appointments.

Board Action:

Motion: Jade Jacobo moved to deny Sergio Garcia's Application for Pharmaceutical Technician Registration.

Second: Gener Tejero

Action: Passed unanimously

B. Courtney R. Lee

Ms. Lee was not present. Mr. Wuest stated that Board Staff would contact Ms. Lee and place her on the March Meeting Agenda.

C. Carmen S. Martinez

Carmen Martinez appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Martinez disclosed past discipline on her application.

Ms. Martinez explained that in 2010 she was arrested for driving under the influence. She stated that the charges were lowered to reckless driving and she was ordered to complete a course and pay fines. She stated that she has complied with all requirements on this matter.

Ms. Martinez answered questions to the Board's satisfaction regarding her past discipline and employment history.

Board Action:

Motion: Jade Jacobo moved to approve Carmen Martinez's Application for Pharmaceutical Technician Registration.

Second: Wayne Mitchell

Action: Passed unanimously



D. Britney McDermott

Britney McDermott appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. McDermott disclosed past discipline on her application.

Ms. McDermott explained that in 2016 she was charged for misdemeanor child endangerment. She stated that at the time she was a nanny and had left the children she was watching in a car.

Ms. McDermott explained that she no longer works as a nanny and completed court ordered courses and community service.

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

Board Action:

Motion: Jade Jacobo moved to approve Britney McDermott's Application for Pharmaceutical Technician Registration.

Second: Richard Tomasso

Action: Passed unanimously

9. Applications for Out-of-State Wholesalers – Appearance

A. Huvepharma, Inc. - St. Joseph, MO

Tonya Wilson, facility manager, appeared and was sworn by President Park prior to answering questions or offering testimony.

The Board questioned Ms. Wilson regarding products and services provided by Huvepharma, Inc. and past discipline.

Ms. Wilson explained that Huvepharma, Inc. had shipped medicated feeds into states where the company did not hold an active license.

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

Board Action:

Motion: Jade Jacobo moved to approve Huvepharma, Inc.'s Application for Out-of-State Wholesaler License pending receipt of a Letter of Authorization allowing Ms. Wilson to speak on behalf of the company.

Second: Krystal Freitas

Action: Passed unanimously

B. JAMS Rx - Deerfield Beach, FL

This matter was postponed to a future meeting.

C. Preferred Medical Supply – Waco, TX

The Board heard this matter in conjunction with Agenda Items 10D and 10E

Mr. Wuest provided background information and explained that Mr. Seitz was associated with Preferred Medical Supply, National Distribution & Contracting, Inc. and Wolf Medical Supply.

Mark Seitz, President and CEO National Distribution & Contracting, Inc., appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Seitz explained that National Distribution & Contracting, Inc. acquired both Preferred Medical Supply and Wolf Medical Supply.

Mr. Seitz stated that as part of the application process he submitted fingerprint cards and authorization for the Board to forward his documentation to the Central Repository for Nevada Records of Criminal History and that he had prior discipline that would appear on his background check.

Mr. Seitz disclosed that about 12 years ago he was pulled over for speeding. At that time, he refused to take the breathalyzer test.

Mr. Wuest stated that Mr. Seitz's disclosure is consistent with the results of his background check.

Mr. Seitz answered questions to the Board's satisfaction regarding his past discipline and the products and services provided by Preferred Medical Supply.

Board Action:

Motion: Jade Jacobo moved to approve Preferred Medical Supply's Application for Out-of-State Wholesaler License.

Second: Wayne Mitchell

Action: Passed unanimously

Board Action:

Motion: Jade Jacobo moved that National Distribution & Contracting, Inc. is in compliance with NRS 639.500.

Second: Wayne Mitchell

Action: Passed unanimously

Board Action:

Motion: Jade Jacobo moved that Wolf Medical Supply is in compliance with NRS 639.500.

Second: Krystal Freitas

Action: Passed unanimously

- D. Teleflex LLC – Olive Branch, MS
- E. Teleflex LLC – Plymouth, MN

Jay White, President Teleflex, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. White disclosed that 26 years ago he was arrested for misdemeanor theft.

Mr. Wuest stated that Mr. White's disclosure is consistent with the results of his background check.

Mr. White answered questions to the Board's satisfaction regarding his past discipline, Teleflex's products and services provided, ownership structure and staff.

Board Action:

Motion: Jade Jacobo moved to approve Teleflex LLC – Olive Branch, MS and Teleflex LLC - Plymouth, MN's Applications for Out-of-State Wholesaler Licenses and that Teleflex LLC is compliant with NRS 639.500.

Second: Gener Tejero

Action: Passed unanimously

10. Wholesalers Appearing Pursuant to NRS 639.500:

- A. Broughton Pharmaceuticals – Savannah, GA (Ownership Change)

This matter was postponed to a future meeting.

- B. Medical Purchasing Solutions - Hilliard, OH
- C. Medical Purchasing Solutions - Scottsdale, AZ

Denis McNicholl, facility manager, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. McNicholl disclosed that in July 1995 he was arrested and charged for driving with ability impaired in New York.

Mr. McNicholl explained that he was required to pay a fine and had a restricted driver's license for six months.

Mr. Wuest stated that Mr. McNicholl's disclosure was consisted with the results of his background check.

Board Action:

Motion: Jade Jacobo moved that Medical Purchasing Solutions – Hilliard, OH and Scottsdale, AZ are in compliance with NRS 639.500.

Second: Gener Tejero

Action: Passed unanimously

- D. National Distribution & Contracting, Inc. - Laverne, TN

This matter was heard in conjunction with Agenda Items 9C and 10E.

- E. Wolf Medical Supply - Sunrise, FL

This matter was heard in conjunction with Agenda Items 9C and 10D.

- F. X-Gen Pharmaceuticals, Inc. - Horseheads, NY

No representative from X-Gen Pharmaceuticals, Inc. was present.

11. Applications for Nevada Wholesaler – Appearance

- A. Crane Pharmaceuticals, Inc. – Las Vegas, NV

Siamak Adampour, CEO and facility manager, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Wuest stated that Crane Pharmaceuticals, Inc.'s has submitted the required background check documentation and that no disqualifying events were discovered.

Mr. Adampour answered questions regarding products and services provided, Mr. Adampour's work and education history and the facility layout.

After discussion, the Board expressed concern that Crane Pharmaceuticals, Inc. was sharing their facility with another business.

President Park offered Mr. Adampour the option to table this matter to clarify the company's location and business model.

The Board tabled Crane Pharmaceuticals, Inc.'s application at Mr. Adampour's request.

B. Hilco – North Las Vegas, NV

David Serrero, facility manager, and Joseph Vitalli, licensing consultant, appeared and were sworn by President Park prior to answering questions or offering testimony.

Mr. Wuest stated that Hilco has submitted the required background check documentation and that no disqualifying events were discovered.

Mr. Serrero and Mr. Vitalli answered questions to the Board's satisfaction regarding Hilco's products and services provided, business model, ownership structure and past discipline.

Board Action:

Motion: Jade Jacobo moved to approve Hilco's Application for Nevada Wholesaler License pending a positive inspection.

Second: Krystal Freitas

Action: Passed unanimously

12. Applications for Nevada Pharmacy – Appearance

- A. All City Pharmacy #2 – Las Vegas, NV
- B. All City Pharmacy #3 – Las Vegas, NV
- C. All City Pharmacy #4 – Henderson, NV

President Park disclosed that Mr. Kohn was a former student, but stated that she could participate in this matter fairly and without bias.

Garen Garakhanyan, owner, and Jared Kohn, managing pharmacist, appeared and were sworn by President Park prior to answering questions or offering testimony.

Mr. Garakhanyan and Mr. Kohn answered questions to the Board's satisfaction regarding products and services provided, past discipline and staffing.

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

Mr. Dodge testified that All City Pharmacy was ordered to have quarterly inspections and stated that the pharmacy has been compliant with the Board's Order.

The Board questioned Mr. Garakhanyan and Mr. Kohn regarding their qualifications to be the pharmacy's designated representative.

Board Action:

Motion: Jade Jacobo moved to approve All City Pharmacy #2's Application for Nevada Pharmacy License pending a positive inspection with the following conditions. All City Pharmacy #2 will have quarterly inspections at the company's expense (\$500 max). All City Pharmacy #2 shall notify the Board prior to providing sterile or non-sterile compounding services.

Second: Richard Tomasso

Action: Passed unanimously

Board discussion ensued regarding the qualifications of managing pharmacist.

Board Action:

Motion: Jade Jacobo moved that All City Pharmacy shall provide additional documentation showing the designated representatives qualifications are compliant with state law prior to licensure.

Second: Wayne Mitchell

Action: Passed unanimously

Mr. Garakhyan requested the Board table the applications for All City Pharmacy #3 and #4 due to issues with securing a physical location for each pharmacy.

The Board tabled applications for All City Pharmacy #3 and #4 at Mr. Garakhyan's request.

D. Atlantic Pharmacy – North Las Vegas, NV

Jade Jacobo disclosed that she has supervised Emmanuel Kodjoe in the past, but stated that she could participate in this matter fairly and without bias.

Emmanuel Kodjoe, owner and managing pharmacist, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Kodjoe stated that Atlantic Pharmacy is a retail pharmacy that will provide no compounding services.

Mr. Kodjoe answered questions to the Board's satisfaction regarding Atlantic Pharmacy's products and services provided and the sale of his old pharmacy.

Board Action:

Motion: Jade Jacobo moved to approve Atlantic Pharmacy's Application for Nevada Pharmacy License pending a positive inspection.

Second: Krystal Freitas

Action: Passed unanimously

E. Combined Wellness Pharmacy – Las Vegas, NV

Martin Chibueze, owner, appeared and was sworn by President Park prior to answering questions or offering testimony.

The Board questioned Mr. Chibueze regarding Combined Wellness Pharmacy's products and services provided, his past work history and past discipline.

After discussion, the Board expressed concern that Mr. Chibueze did not provide a complete disclosure of his legal issues and work history, and that the work experience missing from his applications were all from pharmacies that had either inspection issues or had complaints investigated.

Board Action:

Motion: Wayne Mitchell moved to deny Combined Wellness Pharmacy's Application for Nevada Pharmacy License.

Second: Richard Tomasso

Action: Passed unanimously

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

A. Catalent Pharmacy Services (PHL) – Philadelphia, PA

Michelle Giovannucci, managing pharmacist, and Robert Silar, Vice President and General Counsel, appeared and were sworn by President Park prior to answering questions or offering testimony.

Mr. Silar explained that Catalent Pharmacy Services is a closed door pharmacy that provides mail services. Mr. Silar stated that Catalent Pharmacy Services provides clinical trial kits based on drug studies.

Mr. Silar and Ms. Giovannucci answered questions to the Board's satisfaction regarding the products and services provided, business structure and past discipline.

Mr. Silar explained that Catalent Pharmacy Services' past discipline was from a separate facility that had shipped medications into another state without proper licensure. Mr. Silar summarized the changes the company has made to prevent this issue from happening in the future.

Board Action:

Motion: Wayne Mitchell moved to approve Catalent Pharmacy Services' Application for Out-of-State Pharmacy License.

Second: Gener Tejero

Action: Passed unanimously

B. DirectRx Pharmacy – Troy, MI

Jade Jacobo was not present for this agenda item.

Alban Ivezaj, Director of Legal Compliance, appeared and was sworn by President Park prior to answering questions or offering testimony.

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

Mr. Ivezaj explained that DirectRx Pharmacy is a mail order, specialty pharmacy that primarily provides products for electrolyte imbalance and COPD. Mr. Ivezaj stated that no compounding is performed by DirectRx Pharmacy.

Mr. Ivezaj disclosed past discipline with Alabama and Texas. He stated that DirectRx was not complying with reporting requirements in Alabama and that the company was later fined for not disclosing this issue to Texas.

Mr. Ivezaj answered questions to the Board's satisfaction regarding DirectRx Pharmacy's products and services provided, past discipline, business structure and advertising.

Board Action:

Motion: Gener Tejero moved to approve DirectRx Pharmacy's Application for Out-of-State Pharmacy License.

Second: Wayne Mitchell

Action: Passed unanimously

C. Home Rx Healthcare LLC – Lumberton, NC

Jade Jacobo was not present for this agenda item.

Jason Foil, owner and managing pharmacist, appeared and was sworn by President Park prior to answering questions or offering testimony.



Mr. Foil explained that Home Rx Healthcare LLC is a retail community pharmacy that provides non-sterile compounding services.

Mr. Foil disclosed that in 1999 Home Rx Healthcare LLC entered into a consent agreement with the North Carolina Board of Pharmacy for violations regarding patient counseling.

Mr. Foil answered questions to the Board's satisfaction regarding Home Rx Healthcare LLC's products and services provided, past discipline, and the changes the company has made to address the past counseling violations.

Board Action:

Motion: Gener Tejero moved to approve Home Rx Healthcare LLC's Application for Out-of-State Pharmacy License.

Second: Wayne Mitchell

Action: Passed unanimously

D. Promesa Health Pharmacy – Omaha, NE

Margie White, managing pharmacist, appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. White disclosed that Promesa Health Pharmacy had past discipline in Maine for not reporting a change of managing pharmacist within the allowed time.

Ms. White answered questions to the Board's satisfaction regarding Promesa Health Pharmacy's products and services provided, ownership structure and past discipline.

Board Action:

Motion: Krystal Freitas moved to approve Promesa Health Pharmacy's Application for Out-of-State Pharmacy License.

Second: Jade Jacobo

Action: Passed unanimously

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

Omnicare of Cerritos – Cerritos, CA

President Park recused from participation in this matter due to Roseman University's grant partnership with CVS Health.

Jade Jacobo was Acting President regarding this matter.

Katrina Nguyen, managing pharmacist, and Lauren Paul, Senior Director of Regulatory Affairs CVS, appeared and were sworn by Acting President Jacobo prior to answering questions or offering testimony.

Ms. Paul and Ms. Nguyen explained that Omnicare of Cerritos was acquired by CVS Health and would not be providing sterile compounding services to Nevada. They stated that this location would be helping to process prescriptions from other similarly owned locations, and would not be dispensing at all into Nevada.

Ms. Paul answered questions to the Board's satisfaction regarding past citations and fines involving pharmaceutical technician ratio violations, employee diversion and licensing issues.

Board Action:

Motion: Gener Tejero moved to approve Omnicare of Cerritos' Application for Out-of-State Pharmacy License pending receipt of a corrected application.

Second: Wayne Mitchell

Action: Passed unanimously

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

A. Central Admixture Pharmacy Services, Inc. – Phoenix, AZ

Krystal Freitas disclosed that her employer does business with Central Admixture Pharmacy Services, Inc. but stated that she could participate in this matter fairly and without bias.

William Jones, Regional Director, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Dodge questioned Mr. Jones regarding Central Admixture Pharmacy Services, Inc.'s products and services provided, and past FDA inspections.

Mr. Jones answered questions to the Board's satisfaction regarding Central Admixture Pharmacy Services, Inc.'s products and services provided, past inspections, and past discipline.

Board Action:

Motion: Wayne Mitchell moved to approve Central Admixture Pharmacy Services, Inc.'s Application for Out-of-State Outsourcing Facility License.

Second: Jade Jacobo

Action: Passed unanimously

B. Complete Pharmacy and Medical Solutions LLC – Miami Lakes, FL

This matter was postponed to a future meeting.

C. Leiter's – San Jose, CA

The Board heard this matter in conjunction with Agenda Item 17H.

Paul Yamamoto, supervising pharmacist, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Yamamoto presented a Letter of Authorization allowing him to speak on behalf of Leiter's.

Mr. Yamamoto disclosed discipline on both his renewal application for pharmacist registration and Leiter's out-of-state outsourcing facility license.

Mr. Yamamoto stated that he received a citation for failure to follow requirements to only use a multidose container for no more than 28 days after the first use.

Mr. Dodge questioned Mr. Yamamoto regarding the products and services provided by Leiter's and past FDA inspections.

Mr. Yamamoto reviewed the two observations listed on Leiter's most recent FDA inspection and summarized the changes the company has made to correct those issues.

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

Board Action:

Motion: Jade Jacobo moved to approve Leiter's Application for Out-of-State Outsourcing Facility License.

Second: Wayne Mitchell

Action: Passed unanimously

Board Action:

Motion: Jade Jacobo moved to approve Paul Yamamoto's Renewal Application for Pharmacist Registration.

Second: Wayne Mitchell

Action: Passed unanimously

D. Pine Pharmaceuticals LLC – Tonawanda, NY

Adam Lindell, supervising pharmacist, appeared and was sworn by President Park prior to answering questions or offering testimony.

The Board questioned Mr. Lindell regarding the company's past discipline.

Mr. Lindell was unable to answer questions regarding the company's past discipline

President Park offered Mr. Lindell the option to table this matter and appear at a future meeting with a representative who could answer the disciplinary history questions.

E. QuVa Pharma, Inc. – Bloomsbury, NJ

Krystal Freitas disclosed that her employer has a business relationship with QuVa Pharma, Inc., but stated that she could participate in this matter fairly and without bias.

Andrea Tremblay, managing pharmacist, and Travis Leah, Vice President, appeared and were sworn by President Park prior to answering questions or offering testimony.

Mr. Dodge questioned Ms. Tremblay and Mr. Leah regarding QuVa Pharma, Inc.'s products and services provided, shipping procedures and past FDA inspections.

Ms. Tremblay and Mr. Leah reviewed all observations listed on the FDA 483 Form and explained the changes QuVa Pharma, Inc. made to address each issue.

Ms. Tremblay testified that Scott Weiss is listed on the application as the Authorized Person. She explained that Mr. Weiss has left the company and agreed to complete a new application reflecting the correct Authorized Person.

Board discussion ensued regarding having QuVa Pharma, Inc. conducting temperature studies to make sure that products shipped to Nevada remain within the allowed temperature range.

Board Action:

Motion: Jade Jacobo moved to approve QuVa Pharma, Inc.'s Application for Out-of-State Outsourcing Facility License pending the completion and submission of a corrected application and a temperature study of products shipped to Nevada.

Second: Krystal Freitas

Action: Passed unanimously

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

A. AMG Medical Supplies LLC – Pahrump, NV

Donald Amador, owner, and Christina Guerrero, MDEG Administrator, appeared and were sworn by President Park prior to answering questions or offering testimony.

Mr. Amador explained that AMG Medical Supplies LLC will provide incontinence supplies, mobility products and bathroom equipment to patients in the Pahrump area.

The Board questioned Mr. Amador and Ms. Guerrero regarding their products and services provided, Mr. Amador's MDEG experience and Ms. Guerrero's work history.

After discussion, the Board expressed concern that Ms. Guerrero did not meet the requirements to be an MDEG Administrator.

President Park offered Mr. Amador the option to table the application to hire a qualified administrator for AMG Medical Supplies LLC.

The Board tabled AMG Medical Supplies LLC's Application for Nevada MDEG at Mr. Amador's request.

B. MDRX, LLC – Henderson, NV

No representative from MDRX, LLC was present.

17. Applications for Pharmacist Renewal - Appearance:

A. Kimberly B. Aksentijevic, R.Ph

Kimberly Aksentijevic appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Aksentijevic disclosed past discipline in another state on her Nevada pharmacist registration renewal application.

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

Ms. Aksentijevic explained that she entered into a Stipulated Agreement with the California Board of Pharmacy regarding a false statement she issued on a report.

Ms. Aksentijevic stated that she was consulting for a pharmacy that violated several laws regarding sterile compounding.

Ms. Aksentijevic stated that she is still practicing in California and no longer provides consulting services.

Board Action:

Motion: Jade Jacobo moved to approve Kimberly Aksentijevic's Renewal Application for Pharmacist Registration.

Second: Wayne Mitchell

Action: Passed unanimously

B. Donald Cowles, R.Ph

The Board heard this matter in conjunction with Agenda Item 5I.

C. Garret Garber, R.Ph

Garret Garber appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Garber disclosed multiple DUI charges on his application.

Mr. Garber answered questions to the Board's satisfaction regarding his past discipline, recovery and current license status in Oregon.

Board discussion ensued regarding Board Staff contacting Mr. Garber's recovery program for status reports on his recovery.

Board Action:

Motion: Jade Jacobo moved to approve Garret Garber's Renewal Application for Pharmacist Registration with conditions that Board Staff contact Mr. Garber's recovery program and request reports on his recovery. If any negative reports are reported to Board Staff, Mr. Garber shall reappear before the Board.

Second: Krystal Freitas

Action: Passed unanimously

D. Gregory G. Gaiser, R.Ph

This matter was postponed to a future meeting.

E. David Makhani, R.Ph

David Makhani appeared and was sworn by President Park prior to answering questions or offering testimony.

Bill Stilling was present as counsel representing Mr. Makhani.

Gener Tejero disclosed that he has a business relationship with Mr. Stilling, but stated that he could participate in this matter fairly and without bias.

Mr. Makhani disclosed two citation and fines from the California Board of Pharmacy.

Mr. Makhani explained that the first citation and fine was due to the results of an audit that revealed discrepancies in the pharmacies controlled substance inventory. The second citation and fine was due to his pharmacy's lack of product testing for a compounded prescription.

Mr. Makhani answered questions to the Board's satisfaction regarding his past discipline and the changes he has made to his practice to prevent future errors.

Board Action:

Motion: Wayne Mitchell moved to approve David Makhani's Renewal Application for Pharmacist Registration.

Second: Jade Jacobo

Action: Passed unanimously

F. Tung K. Nguyen, R.Ph

Tung Nguyen appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Nguyen disclosed past discipline with the Texas Board of Pharmacy on his renewal application.

Mr. Nguyen summarized the facts of his case that he did not provide proper counseling on multiple occasions.

Mr. Nguyen answered questions to the Board's satisfaction regarding his past discipline and the changes he has made in his practice to prevent this error in the future.

Board discussion ensued regarding having Mr. Nguyen complete additional CEU on counseling.

Board Action:

Motion: Jade Jacobo moved to approve Tung Nguyen's renewal application for Pharmacist Registration pending completion of two additional CEU on counselling.

Second: Richard Tomasso

Action: Passed unanimously

G. Mohammad Pourteymaur, R.Ph

Mohammad Pourteymaur appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Stilling was present as counsel representing Mr. Pourteymaur.

Gener Tejero disclosed that he has a business relationship with Mr. Stilling, but stated that he could participate in this matter fairly and without bias.

Mr. Pourteymaur disclosed past discipline with the Colorado Board of Pharmacy on his pharmacist renewal application.

Mr. Pourteymaur stated that the Colorado Board of Pharmacy took a parallel action on his license based on a past discipline in Nevada. He summarized the facts from his case with the Nevada State Board of Pharmacy where he submitted an application for renewal of his pharmacist registration without completing the required number of continuing education hours.

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

Board Action:

Motion: Jade Jacobo moved to approve Mohammad Pourteymaur's Renewal Application for Pharmacist Registration.

Second: Wayne Mitchell

Action: Passed unanimously

H. Paul Yamamoto, R.Ph

The Board heard this matter in conjunction with Agenda Item 15 C.

I. Massoud Zarkesh, R.Ph

Massoud Zarkesh appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Zarkesh disclosed on past discipline with the California Board of Pharmacy on his renewal application.

Mr. Zarkesh answered questions regarding his discipline in California.

Mr. Zarkesh presented additional documentation regarding his past discipline with the California Board of Pharmacy.

President Park offered Mr. Zarkesh the option to table this matter until Board Staff can review the additional documentation.

The Board tabled Mr. Zarkesh's Renewal Application for Pharmacist Registration at his request.



Public Comment December 4, 2019, 5:00 PM

There was no public comment.

18. Request for Pharmacist Applicant to Retake the Nevada MPJE Exam – Appearance:

Sathish Ariarra Cariappa

This matter was postponed to a future meeting.

19. Applications for Advanced Practice Registered Nurse - Appearance:

A. Lonny Krause, APRN

Mr. Krause was not present.

B. Jason Speaks, APRN

Jade Jacobo was not present for this agenda item.

Jason Speaks appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Speaks stated that he disclosed multiple DUI charges on his application.

Mr. Speaks answered questions to the Board's satisfaction regarding his past work history, current employment, discipline and recovery.

Board Action:

Motion: Wayne Mitchell moved to approve Jason Speaks' Application for Advanced Practice Nurse Prescribe Registration pending a positive evaluation by PRN-PRN.

Second: Gener Tejero

Action: Passed unanimously

20. Review and Approval of Annual Auditors Report for the Nevada State Board of Pharmacy pursuant to NRS 218G.400 – Appearance

Beth Farley - EiadeBailly

Beth Farley appeared and presented the Annual Auditors Report to the Board's satisfaction.

Ms. Farley answered questions regarding the report and made suggestions for the Board's consideration.

21. General Counsel Report

General Counsel had nothing further to report.

22. Executive Secretary Report:

A. Financial Report

Mr. Wuest presented the financials to the Board's satisfaction

B. Temporary Licenses

There were no temporary licenses issued since the last meeting.

C. Staff Activities:

1. Meetings with Other Health Care Boards
2. Open Beds Meeting
3. Legislative Committee on Regulations

D. Report to Board:

1. Licensing software update

E. Board Related News

Mr. Wuest introduced Mark Sedar and Christian Schonlau as the newest additions to Board Staff.

F. Licensing Activities Report

1. PMP Integration
2. Narcan Training for Medical Students

23. Discussion and determination on reactivation of the Advisory Committee on Continuing Education established pursuant to NAC 639.380 and .385.

Mr. Wuest and Mr. Kandt provided background information.

Mr. Kandt described NAC 639.385 that addresses who makes up the committee, criteria for evaluating continuing education and fees.

President Park opened the Public Comment.

There was no public comment.

After discussion, the Board determined that with the current options available to get continuing education there was no need to reactivate the Advisory Committee on Continuing Education.

Public Comment January 15, 2020 3:50 PM

There was no public comment.

Public Comment January 16, 2020 9:00 AM

There was no public comment.

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

- A. Amendment of Nevada Administrative Code (NAC) Chapter 639.** The proposed amendment will add a new regulation for the Board to consider a petition for review of criminal history pursuant to AB 319.

Mr. Kandt provided background information and reviewed the amendments to the proposed language.

President Park opened the Public Comment.

There was no public comment.

Board discussion ensued regarding adding “personally appear” to Section 3.

Board Action:

Motion: Jade Jacobo moved to adopt the proposed language and move forward to Public Hearing with revisions to Section 3 as discussed.

Second: Gener Tejero

Action: Passed unanimously

- B. Amendment of Nevada Administrative Code (NAC) Chapter 639.** The proposed amendment will authorize the treatment of partners for a shared communicable disease upon the diagnosis of one of the partners.

Mr. Wuest provided background information and read the proposed language into the record.

President Park opened the Public Comment.

Christina Madison, pharmacist, appeared and thanked the Board for their work on this issue. Ms. Madison discussed the current STD health crisis in Nevada and described the impact of this bill in other states that have adopted similar language.

Board Action:

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

Second: Wayne Mitchell

Action: Passed unanimously

**C. Amendment of Nevada Administrative Code (NAC) Chapter 639.** The proposed amendment will authorize the delivery of a prescription drug to a practitioner for administration to the ultimate user or patient if the FDA has made a determination that the drug is dangerous for the ultimate user or patient to possess.

Mr. Wuest provided background information.

President Park opened the Public Comment.

There was no public comment.

Mr. Wuest stated that Terrell Sweat, Johnson & Johnson, submitted a request to change the language “dangerous” to “there is a safety risk for the ultimate user.”

Board discussion ensued regarding current compounding standards and dispensing and administration.

Board Action:

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

Second: Richard Tomasso

Action: Passed unanimously

25. Petition for Declaratory Order or Advisory Opinion pursuant to NAC 639.150 - Submitted by the Nevada Association of Nurse Anesthetists on authority of CRNAs to possess and administer preanesthetic medications, intraoperative anesthesia and postanesthetic medications for surgical procedures.

Chelsea Adams and Richard Dreitzer appeared as counsel representing the Nevada Association of Nurse Anesthetists.

Ms. Adams and Mr. Dreitzer distributed a presentation for the Board’s consideration.

Ms. Adams and Mr. Dreitzer explained that the Nevada Association of Nurse Anesthetists (NVANA) is requesting confirmation that CRNAs do not need a registration from the Board or DEA to order anesthetic agents from a hospital pharmacy or medical facility, or administer anesthesia at that hospital or medical facility.

Ms. Adams and Mr. Dreitzer reviewed the duties a CNRA performs in the hospital or clinic.

Ms. Adams and Mr. Dreitzer explained that CNRAs are not seeking prescriptive authority.

Robert Erickson appeared and discussed the role of CRNAs and challenges CNRAs are facing in their practices.

Board discussion ensued regarding the Board's authority to vote on this matter, and possible actions to have this matter clarified.

After discussion, the Board directed Board Staff to bring this matter back at the next meeting and agendaize this matter appropriately to seek an Attorney General's Opinion.

26. Hearing pursuant to NRS 639.2895(2) on appeal of citation and fine for unlicensed operation of a pharmacy.

Deeflat Pharmacy – Bullhead City, AZ

Krystal Freitas disclosed that Ms. Vo was a former classmate, but stated that she could participate in this matter fairly and without bias.

Michelle Vo, pharmacist, and Mark Fomundam, pharmacist, appeared and were sworn by President Park prior to answering questions or offering testimony.

Mr. Kandt stated that Deeflat Pharmacy received a Cease and Desist and Citation and Fine from Board Staff for shipping products into Nevada without proper licensure.

Ms. Vo stated that Deeflat Pharmacy is located near the border of Arizona and Nevada and stated that the pharmacy was servicing a patient at the request of the patient's dental office.

Ms. Vo apologized for the error and stated that Deeflat Pharmacy stopped all unlicensed shipping of products, and has applied for licensure in Nevada.

Ms. Vo requested that the Board consider waiving the \$5000.00 fine on Deeflat Pharmacy.

Board Action:

Motion: Jade Jacobo moved to uphold the Citation and Fine for Deeflat Pharmacy with the amendment to allow the pharmacy to establish a payment plan with Board Staff.

Second: Krystal Freitas

Action: Passed unanimously

27. Applications for Pharmaceutical Technician in Training - Appearance:

Martine Silva

Martine Silva appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Wuest provided background information and stated that Ms. Silva disclosed that she had been charged, arrested or convicted of a felony or misdemeanor on her pharmaceutical technician in training application.

Ms. Silva answered questions to the Board's satisfaction regarding her past discipline, education and work history.

Danielle Smith, Instructor Northwest Career College, appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Smith spoke positively of Ms. Silva's performance in her class and encouraged the Board to grant Ms. Silva her pharmaceutical technician in training registration.

Board Action:

Motion: Jade Jacobo moved to approve Martine Silva's Application for Pharmaceutical Technician in Training Registration.

Second: Krystal Freitas

Action: Passed unanimously

28. Date and Location of Next Scheduled Board Meeting:

March 18-19, 2020 – Las Vegas, NV

29. Public Comment January 16, 2020 5:00 PM

There was no public comment.

30. Adjournment

President Park adjourned the meeting.