



NEVADA STATE BOARD OF PHARMACY

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MINUTES

December 4-5, 2019

BOARD MEETING

Hyatt Place
1790 E Plumb Lane
Reno, 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 Depczynski	Henna Rasul	Darla Zarley	Kristopher Mangosing

Presiding Officer 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.

Mr. Wuest performed the roll call. All Board Members were present and a quorum was established.

1. Public Comment December 4, 2019 9:00 AM

There was no public comment.

2. Election of President and Treasurer pursuant to NRS 639.040.

Board Action:

Motion: Richard Tomasso moved to nominate Helen Park as President

Second: Wayne Mitchell

Action: Passed unanimously

Board Action:

Motion: Richard Tomasso moved to nominate Wayne Mitchell as Treasurer

Second: Gener Tejero

Action: Passed unanimously

3. Discussion and possible action on criteria for placement of items on agenda, including without limitation, placement of action items on consent agenda.

Board discussion ensued regarding how and why items are placed on the agenda.

Mr. Wuest described Board Staff's procedures including investigation of complaints, processing applications, requests for appearance and petitions for proposed regulation changes.

4. Approval of October 9-10, 2019, Minutes

Mr. Wuest stated that Board Staff has corrected the Minutes to indicate that Melissa Shake recused from participation regarding Item 13D.

Board Action:

Motion: Wayne Mitchell moved to approve the October 9-10, 2019 Minutes with the corrections discussed.

Second: Gener Tejero

Action: Passed unanimously

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

- A. Cottrill's Pharmacy – Orchard Park, NY
- B. CVS/specialty #48023 – Tampa, FL
- C. CVS/specialty #48036 – Milford, MA
- D. CVS/specialty #48040 – Troy, MI
- E. CVS/specialty #48045 – Raleigh, NC
- F. Deeflat Pharmacy – Bullhead City, AZ
- G. F&M Specialty Pharmacy – Flowood, MS
- H. Gordon's Hometown Pharmacy – Pooler, GA
- I. Publix Pharmacy #3213 – Orlando, FL
- J. Tarrytown Expocare, LLC – Austin, TX

- K. vitaCare Prescription Services, Inc. – Boca Raton, FL
- L. Zeus Rx – Forney, TX

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

- M. Core Pharmacy – Valley View, OH
- N. Gibson’s Pharmacy – Murray, UT
- O. Sincerus Florida LLC – Pompano, FL
- P. Walgreens #16569 – Lone Tree, CO

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

- Q. Cardinal Health 200, LLC – Riverside, CA
- R. Choice Medical Healthcare Inc. – Salt Lake City, UT
- S. MedSupply – Fresno, CA
- T. Northland AAC – Tempe, AZ
- U. Numotion – Sandy, UT
- V. SRW Industries Inc. – Lake Zurich, IL

Applications for Out-of-State Wholesaler – Non Appearance

Fingerprint Background Check Not Required by Law

Applicants that are italicized must submit a \$25,000 bond prior to licensure.

Distributor for Single Manufacturer

EEE. Novadoz Pharmaceuticals, LLC – Piscataway, NJ

Manufacturer

- W. Acotech Biopharma LLC – East Windsor, NJ*
- BB. Array BioPharma Inc. – Boulder, CO*
- CC. AuroMedics Pharma LLC – East Windsor, NJ*
- DD. Avanir Pharmaceuticals, Inc. – Aliso Viejo, CA*
- EE. Avion Pharmaceuticals, LLC – Alpharetta, GA*
- FF. BE Pharmaceuticals, Inc. – Cary, NC*
- GG. Becton, Dickinson and Company – Franklin Lakes, NJ*
- JJ. Breckenridge Pharmaceutical, Inc. – Berlin, CT*
- MM. Compass Health Brands Corp – Brookpark, OH*
- NN. Collegium Pharmaceutical, Inc. – Stoughton, MA*
- OO. Cypress, Macoven, Hawthorn – Morristown, NJ*
- UU. Foamix Pharmaceuticals Inc. – Bridgewater, NJ*
- AAA. Lohxa, LLC – Worcester, WA*
- CCC. Medline Industries, Inc. – Glen Falls, NY*
- DDD. Micro Labs USA, Inc. – Basking Ridge, NJ*

GGG. *Novo Nordisk Pharma Inc. – Plainsboro, NJ*
III. *Patheon Manufacturing Service LLC – Greenville, NC*
JJJ. *PARI Respiratory Equipment, Inc. – Midlothian, VA*
KKK. *Perrigo Pharmaceuticals Company – Allegan, MI*
LLL. *Persion Pharmaceuticals LLC – Morristown, NJ*
PPP. *Progenics Pharmaceuticals, Inc. – Somerset, NJ*
RRR. *QOL Medical – Vero Beach, FL*
TTT. *Retrophin, Inc. – San Diego, CA*
AAAA. *Seattle Genetics, Inc. – Bothwell, WA*
BBBB. *Spectrum Pharmaceuticals, Inc. – Irvine, CA*
CCCC. *Strides Pharma, Inc. – East Brunswick, NJ*
EEEE. *Tusker Medical Inc. – Menlo Park, CA*
FFFF. *UroGen Pharma Inc. – New York, NY*

Publicly Traded

X. *Adhera Therapeutics, Inc. – Durham, NC*
HH. *Bluebird Bio, Inc. – Cambridge, MA*
SS. *Expeditors International of Washington, Inc. – Surprise, AZ*
XX. *Global Blood Therapeutics Inc. – South San Francisco, CA*
HHH. *O&M Halyard, Inc. – Southaven, MS*
DDDD. *Tricida, Inc. – South San Francisco, CA*
GGGG. *Viela Bio, Inc. – Gaithersburg, MD*

VAWD Accredited

SSS. *Republic Pharmaceuticals – Ann Arbor, MI*
VVV. *RxCrossroads 3PL LLC – Fairdale, KY*
WWW. *RxCrossroads 3PL LLC – Louisville, KY*
XXX. *Safco Dental Supply LLC – Buffalo Grove, IL*
YYY. *Safeway Distributors Inc. – Davie, FL*

Manufacturer and VAWD Accredited

MMM. *Pharmaceutical Associates, Inc. – Greenville, SC*

Publicly Traded & Manufacturer

AA. *Anika Therapeutics, Inc. – Bedford, MA*

Publicly Traded & VAWD Accredited

BBB. *McKesson Medical-Surgical Inc. – Bethlehem, PA*

Fingerprint Background Checks Required by Law. Background Check Completed. No Disqualifying Event.

Y. Advanced Pharmaceuticals, LLC – Ocean Springs, MS
Z. Amneal Pharmaceuticals LLC – Glasgow, NY
II. Bonita Pharmaceuticals LLC – Westland, MI
KK. Chewy Wholesale LLC – Louisville, KY
LL. Cochran Wholesale Pharmaceuticals LLC – Monroe, GA
PP. DHL Supply Chain (USA) – Export, PA
QQ. DHL Supply Chain (USA) – Manchester, PA
RR. Durbin USA – Ocean Springs, MS
TT. Fisher BioServices, Inc. – Frederick, MD
VV. Focus Laboratories, Inc. – North Little Rock, AR
WW. GHR Second Source Rx and OR 2SRX – Earth City, MO
YY. Invicta Wholesale Supplies, LLC – Tukwila, WA
ZZ. Kenco Logistic Services, LLC – Roswell, GA
FFF. Norbrook Inc. – Lenexa, KS
NNN. Pharmsource, LLC – Brunswick, GA
OOO. PI Services, LLC – Erie, PA
QQQ. Quantum Rx – Redford, MI
UUU. Rising Pharma Holdings, Inc. – Somerset, NJ
ZZZ. Scott's Dental Supply, LLC – Fife, WA

Application for Nevada Pharmacy – Non Appearance

HHHH. Rx2U, LLC – Las Vegas, NV

Krystal Freitas disclosed that she was classmates with employees listed on applications for Items 5 F and 5 HHHH, but stated that she could participate in these matters fairly and without bias.

Board Action:

Motion: Gener Tejero moved to approve the Consent Agenda with the exceptions of Items 5 W to 5 GGGG.

Second: Jade Jacobo

Action: Passed unanimously

Mr. Wuest presented documentation describing the business type of each applicant for Out-of-State Wholesaler License and if a background check or bond was required by the applicant.

Mr. Wuest read the names of the Consent Agenda applicants who require a surety bond prior to being approved for licensure.

Board Action:

Motion: Gener Tejero moved to approve Items 5X 5HH, 5SS, 5XX, 5HHH, 5DDDD, 5GGGG, 5AA, 5BBB. The remaining Consent Agenda Wholesalers are approved pending each company complies with the surety bond requirements.

Second: Wayne Mitchell

Action: Passed unanimously

6. Discipline

A. Markey Wilson, PA

(19-032-CS-S)

Markey Wilson appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Kandt summarized the facts of the case where Ms. Wilson had written approximately 3175 prescriptions without a valid controlled substance registration.

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

Ms. Wilson had no objections.

President Park admitted Exhibit A into the record.

Mr. Kandt presented Ms. Wilson's Answer and Notice of Defense as Exhibit A.

Ms. Wilson accepted responsibility for her error. She explained that she stopped writing prescriptions as soon as she was notified by the Board.

Ms. Wilson acknowledged her responsibility to ensure that her licenses are renewed on time.

Board Action:

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

Second: Wayne Mitchell

Action: Passed unanimously

Board Action:

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

Second: Wayne Mitchell

Action: Passed

Board Action:

Motion: Jade Jacobo moved that Markey Wilson is guilty of the First through Fourth Causes of Action.

Second: Wayne Mitchell

Action: Passed unanimously

Mr. Kandt stated that Board Staff recommends that Ms. Wilson receive a Letter of Reprimand and pay a \$5,000 fine within 60 days.

Board Action:

Motion: Jade Jacobo moved that Ms. Wilson shall receive a Letter of Reprimand and pay a \$5,000 fine within 60 days.

Second: Gener Tejero

Action: Passed unanimously

B. Simplot Western Stockmens (19-216-WH)

Greg Brower was present as counsel representing Simplot Western Stockmens.

Mr. Kandt summarized the facts of the case where Simplot Western Stockmens failed to provide a list of directors/employees, fingerprints and authorization to process fingerprints.

Mr. Brower explained that Simplot Western Stockmens provided fingerprints and authorization for two employees at the time they submitted their application, but agreed that no fingerprints or authorization were provided for the directors at that time.

Mr. Brower stated that Simplot Western Stockmens is going through the process of obtaining VAWD certification.

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

Mr. Brower had no objections.

Mr. Kandt presented the Answer and Notice of Defense submitted by Simplot Western Stockmens.

Board discussion ensued regarding the option to continue this matter while Simplot Western Stockmens either obtains VAWD certification or provides fingerprints and authorization for all required directors and employees.

Board Action:

Motion: Gener Tejero moved to continue this matter. Simplot Western Stockmens shall provide a written attestation within two weeks to suspend all business in Nevada until the company is either VAWD certified or the company modifies their business structure.

Second: Jade Jacobo

Action: Passed unanimously

C. Westminster Pharmaceuticals, LLC (19-206-WH)

No representative from Westminster Pharmaceuticals, LLC was present.

Mr. Kandt summarized the facts of the case where Board Staff contacted Westminster Pharmaceuticals, LLC requesting the company to comply with 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. Kandt stated that Board Staff attempted to contact Westminster Pharmaceuticals, LLC again in July 2019, but still has not received the current list of officers/directors and fingerprint cards.

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.

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

President Park admitted Exhibit A into the record.

Ms. Hunting testified that she sent Westminster Pharmaceuticals, LLC the Notice of Intended Action and Accusation by certified mail. Ms. Hunting reviewed documentation showing that Westminster Pharmaceuticals, LLC was properly served at their address of record.

Mr. Kandt called David Wuest, Executive Secretary Nevada State Board of Pharmacy, as a witness.

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

President Park admitted Exhibit B into the record.

Mr. Wuest explained that Westminster Pharmaceuticals, LLC contacted Board Staff to surrender their wholesaler license. He stated that Westminster Pharmaceuticals, LLC contracted with a 3PL company to deliver products into Nevada. Mr. Wuest explained that Westminster Pharmaceuticals, LLC was still required to hold a Nevada wholesaler license even if they utilize a 3PL company to deliver products into Nevada.

Mr. Kandt presented a letter from Board Staff to Westminster Pharmaceuticals, LLC explaining the requirements for the company to maintain licensure pursuant to NRS 639.233.

Board Action:

Motion: Wayne Mitchell moved that the Board has jurisdiction over this matter.

Second: Jade Jacobo

Action: Passed unanimously

Board Action:

Motion: Jade Jacobo moved that Board Staff properly noticed Westminster Pharmaceuticals, LLC and that the Findings of Fact (Paragraphs 2-4) are true.

Second: Richard Tomasso

Action: Passed unanimously

Board Action:

Motion: Jade Jacobo moved that the Conclusions of Law (Paragraph 7) are proven true.

Second: Richard Tomasso

Action: Passed unanimously

Mr. Kandt stated that Board Staff recommends an Order, not considered as discipline, directing the Respondent to provide a current list of officers/directors, fingerprint cards and authorization within twenty days.

Board Action:

Motion: Jade Jacobo moved that Westminster Pharmaceuticals, LLC shall provide Board Staff with a list of current officers/directors, fingerprint cards and authorization allowing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History within twenty days. This Order is not considered discipline.

Second: Richard Tomasso

Action: Passed unanimously

D: Order to Show Cause: Jaime Cordoba-Hernandez (17-070-RPH-S)

Jade Jacobo disclosed that she has interviewed Mr. Cordoba-Hernandez in the past, but stated that she can participate in this matter fairly and without bias.

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

Jaime Cordoba-Hernandez appeared and was sworn by President Park prior to answering questions or offering testimony.

Bill Stilling was present as counsel representing Mr. Cordoba-Hernandez.

Mr. Kandt summarized the facts of the case where Mr. Cordoba-Hernandez engaged in unprofessional conduct by attempting to fill and dispense a prescription without the necessary knowledge and proper training, by accepting verbal prescriptions from non-practitioners who were not agents of the prescribing physicians, failing to follow the written prescription by the prescribing physician and failing to consult the prescribing physician.

Mr. Kandt explained that at that time Mr. Cordoba-Hernandez's pharmacist registration was revoked, the revocation was stayed and his registration was placed on probation. He was ordered to take and pass the NAPLEX exam and MPJE exam within six months as well as pay a fine and administrative fee. Mr. Kandt explained that Mr. Cordoba-Hernandez has failed to pass the NAPLEX examination within the six month time frame.

Mr. Stilling stated Mr. Cordoba-Hernandez has paid his administrative fee and fine and has completed the MPJE exam. Mr. Stilling asked the Board if Mr. Cordoba-Hernandez could be allowed to retake the NAPLEX exam or if there were other alternatives to prove Mr. Cordoba-Hernandez's competence.

Mr. Cordoba-Hernandez answered the Board's questions regarding the NAPLEX exam.

Board discussion ensued regarding allowing Mr. Cordoba-Hernandez to retake the NAPLEX exam.

Board Action:

Motion: Jade Jacobo moved to stay the suspension on Jaime Cordoba-Hernandez's Pharmacist Registration and allow him one attempt to take and pass the NAPLEX exam within six months.

Second: Krystal Freitas

Aye: Freitas, Jacobo

Nay: Mitchell, Tejero, Tomasso

Action: Motion fails

Board Action:

Motion: Wayne Mitchell moved that Jaime Cordoba-Hernandez be allowed to take and pass the NAPLEX exam with as many attempts as he can within six months.

Second: Gener Tejero

Aye: Mitchell, Tejero, Tomasso

Nay: Freitas, Jacobo, Park

Action: Motion fails

Board Action:

Motion: Jade Jacobo moved that Jaime Cordoba-Hernandez be allowed two attempts to take and pass the NAPLEX exam within six months

Second: Wayne Mitchell

Action: Passed unanimously

E. Order to Show Cause: Clinician's Choice Dental Products Inc. (19-158-WH)

No representative from Clinician's Choice Dental Products Inc. was present.

Mr. Kandt explained that at the last meeting the Board entered an Order directing the Respondent to comply with NRS 639.500 within twenty days. Mr. Kandt stated that the Respondent has failed to comply with the terms of the Order.

Mr. Kandt called Shirley Hunting as a witness.

Ms. Hunting testified that she sent the Order to Show Cause to Clinician's Choice Dental Products Inc. by certified mail and Order to Show Cause was received by the Respondent on November 7, 2019.

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

President Park admitted Exhibit A and B into the record.

Mr. Kandt presented documentation that Board Staff properly sent the Order to Show Cause to the Respondent by certified mail and the Order to Show Cause was received.

Mr. Kandt called Darla Zarley, Grant Analyst, as a witness.

Darla Zarley appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Zarley testified that she received notification from Clinician's Choice Dental Products Inc. stating that they mailed the current list of officers/directors, fingerprint cards and authorizations this week.

Board discussion ensued regarding the option to continue this matter to review what the Respondent submitted to the Board.

Board Action:

Motion: Jade Jacobo moved to continue this matter pending receipt of Clinician's Choice Dental Products Inc.'s fingerprint cards, authorization and list of officers/directors within two weeks.

Second: Gener Tejero

Action: Passed unanimously

F. Order to Show Cause: Halyard Sales, LLC (19-170-WH)

No representative from Halyard Sales, LLC was present.

Mr. Kandt explained that at the last meeting the Board entered an Order directing the Respondent to comply with NRS 639.500 within twenty days. Mr. Kandt stated that the Respondent has failed to comply with the terms of the Order.

Mr. Kandt called Shirley Hunting as a witness.

Ms. Hunting testified that she sent the Order to Show Cause to Halyard Sales, LLC. by certified mail and Order to Show Cause was received by the Respondent on November 4, 2019.

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

President Park admitted Exhibits A and B into the record.

Mr. Kandt presented the Order to Show Cause and documentation that Board Staff properly sent Halyard Sales, LLC the Order by certified mail which was received on November 4, 2019.

Mr. Kandt called Darla Zarley as a witness.

Ms. Zarley testified that she has received no communication from Halyard Sales, LLC.

Board Action:

Motion: Jade Jacobo moved that Board Staff properly served Halyard Sales, LLC with the Order to Show Cause and that Halyard Sales has failed to comply with the Order.

Second: Gener Tejero

Action: Passed unanimously

Mr. Kandt stated that Board Staff recommends revocation of Halyard Sales, LLC's Out-of-State Wholesaler License.

Board Action:

Motion: Jade Jacobo moved to revoke Halyard Sales, LLC's Out-of-State Wholesaler License effective immediately.

Second: Gener Tejero

Action: Passed unanimously

G. Order to Show Cause: Pharmaco Technology LLC (19-188-WH)

No representative from Pharmaco Technology LLC was present.

Mr. Kandt explained that at the last meeting the Board entered an Order directing the Respondent to comply with NRS 639.500 within twenty days. Mr. Kandt stated that the Respondent has failed to comply with the terms of the Order.

Mr. Kandt called Shirley Hunting as a witness.

Ms. Hunting testified that she sent the Order to Show Cause to Pharmaco Technology LLC by certified mail and Order to Show Cause was received by the Respondent on November 11, 2019.

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

President Park admitted Exhibits A and B into the record.

Mr. Kandt called Darla Zarley as a witness.

Ms. Zarley read into the record a letter from Mark Kim, Owner Pharmaco Technology, voluntarily surrendering their Wholesaler License.

Mr. Kandt moved to have the letter from Mr. Kim admitted into the record as Exhibit C.

President Park admitted Exhibit C into the record.

Mr. Kandt explained that the Respondent's voluntary surrender of its Wholesaler License while this case is pending shall constitute and be reported as discipline.

Board Action:

Motion: Jade Jacobo moved that Board Staff properly served Pharmaco Technology with the Order to Show Cause and Notice of Hearing.

Second: Krystal Freitas

Action: Passed unanimously

Board Action:

Motion: Jade Jacobo moved that this case was pending during the time that Pharmaco Technology voluntarily surrendered their Wholesaler License.

Second: Krystal Freitas

Action: Passed unanimously

Board Action:

Motion: Jade Jacobo moved that the Board accepts Pharmaco Technology's voluntary surrender of their Wholesaler License and this matter shall be reported as discipline.

Second: Krystal Freitas

Action: Passed unanimously

H. Order to Show Cause: RLC Labs, Inc.

(19-194-WH)

Gener Tejero disclosed that his pharmacy has contracted with RLC Labs, Inc. but stated that he can participate in this matter fairly and without bias.

Dai Jinn, RLC Labs, Inc. appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Kandt explained that at the last meeting the Board entered an Order directing the Respondent to comply with NRS 639.500 within twenty days. Mr. Kandt stated that the Respondent has failed to comply with the terms of the Order.

Mr. Jinn accepted responsibility for the error and explained that due to staffing changes and company infrastructure changes he was not able to provide the fingerprint cards, authorization and list of officers/directors on time.

Mr. Jinn stated that he contacted Board Staff to discuss the company changes in October 2019. He explained that he does have the fingerprint cards with him to submit today.

Mr. Kandt called Darla Zarley as a witness.

Ms. Zarley confirmed that she had a phone conversation with a representative from RLC Labs, Inc. in October.

The Board directed Mr. Jinn to submit the fingerprint cards, authorization and list of directors/officers to the Board Office for review.

Board Action:

Motion: Jade Jacobo moved to continue this matter pending Board Staff's receipt and review of RLC Labs, Inc.'s fingerprint cards, authorization and list of directors/officers within two weeks.

Second: Gener Tejero

Action: Passed unanimously

7. Application for Nevada Wholesaler – Appearance

Hilco – North Las Vegas, NV

David Serrano, manager, and Megan Rooney, licensing, appeared and were sworn by President Park prior to answering questions or offering testimony.

Mr. Serrano and Ms. Rooney answered questions regarding Hilco's products and services provided, shipping procedures and advertising.

After discussion, Mr. Serrano and Ms. Rooney disclosed that Hilco is going through an ownership change and that the application that was submitted did not reflect the new ownership.

The Board directed Mr. Serrano and Ms. Rooney to provide Board Staff with a new application including the updated ownership information and appear at a future meeting.

8. Applications for Nevada Pharmacy – Appearance

A. Atlantic Pharmacy – North Las Vegas, NV

No representative from Atlantic Pharmacy was present.

B. PAM Specialty Hospital of Las Vegas – Las Vegas, NV

C. PAM Specialty Hospital of Sparks – Sparks, NV

Lane Cheramie, managing pharmacist PAM Specialty Hospital of Las Vegas, Paul Osterman, managing pharmacist PAM Specialty Hospital of Sparks, Gary Brooks, CEO PAM Specialty

Hospital of Sparks, Sean Guillory, Account Manager Cardinal Health appeared and were sworn by President Park prior to answering questions or offering testimony.

President Park disclosed that Paul Osterman was a former coworker, but stated that she could participate in this matter fairly and without bias.

Ms. Long stated that both locations are requesting Board approval for an ownership change.

Mr. Cheramie answered questions to the Board's satisfaction regarding past inspections and his experience as a managing pharmacist.

Mr. Osterman answered questions to the Board's satisfaction regarding past inspections, facility layout and policies and procedures.

The Board modified PAM Specialty Hospital of Las Vegas and PAM Specialty Hospital of Sparks' application to indicate that the corporation, any owner, shareholder, or partner with any interest has not ever surrendered a license, permit of certificate of registration voluntarily or otherwise at Mr. Brooks' request. Mr. Brooks stated that he has confirmed that this was marked in error.

Board Action:

Motion: Jade Jacobo moved to approve PAM Specialty Hospital of Las Vegas and PAM Specialty Hospital of Sparks' Ownership Change Applications for Nevada Pharmacy.

Second: Wayne Mitchell

Action: Passed unanimously

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

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

This matter was postponed to a future meeting.

B. DirectRx Pharmacy – Troy, MI

This matter was postponed to a future meeting.

C. Empower Pharmacy – Houston, TX

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

Ms. Long questioned Mr. Noorian regarding Empower Pharmacy's services provided, staff and licensure and discipline in other states.

Mr. Noorian answered Ms. Long's questions to the Board's satisfaction. He explained that Empower Pharmacy provides order processing services and testified that no drugs or shipping would be taking place at this facility.

Board Action:

Motion: Jade Jacobo moved to approve Empower Pharmacy's Application for Out-of-State Pharmacy.

Second: Wayne Mitchell

Action: Passed unanimously

D. Golden Gate Pharmacy Services – Novato, CA

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

Ms. Clausen stated that Golden Gate Pharmacy Services is a closed door long term care pharmacy with an emphasis on mental health. Ms. Clausen explained that Golden Gate Pharmacy Services plans on providing a new FDA approved point of care testing device.

Ms. Clausen answered questions regarding Golden Gate Pharmacy Services past disciplinary history.

Ms. Clausen explained that during a DEA inspection in 2014, the DEA found violations including record keeping issues and manufacturing violations.

Ms. Clausen stated that Golden Gate Pharmacy Services no longer compounds controlled substances and explained that the company has no plans to ship other products into Nevada except the point of care testing device.

Board Action:

Motion: Jade Jacobo moved to approve Golden Gate Pharmacy Services' Application for Out-of-State Pharmacy License with conditions not to send any controlled substances into Nevada.

Second: Krystal Freitas

Action: Passed unanimously

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

A. Advanced Infusion Solutions – Dallas, TX

Jonathan Hamer, managing pharmacist and Director of Pharmacy, appeared and was sworn by President Park prior to answering questions or offering testimony.

Lynn Beggs was present as counsel representing Advanced Infusion Solutions.

Mr. Hamer answered questions to the Board's satisfaction regarding Advanced Infusion Solutions products and services provided, staff training, past discipline, past inspections and product testing.

Board Action:

Motion: Jade Jacobo moved to approve Advanced Infusion Solutions' Application for Out-of-State Compounding Pharmacy pending receipt of their most recent Texas State Board of Pharmacy inspections and FDA 483 form.

Second: Wayne Mitchell

Action: Passed unanimously

- B. Omnicare of Cerritos – Cerritos, CA

This matter was postponed to a future meeting.

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

- A. Pine Pharmaceuticals, Inc. – Tonawanda, NY

This matter was postponed to a future meeting.

- B. QuVa Pharma, Inc. – Bloomsbury, NJ

This matter was postponed to a future meeting.

- C. RXQ Compounding LLC – Albany, OH

Edward Zatta, CEO RXQ Compounding LLC, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Wuest and Ms. Long questioned Mr. Zatta regarding RXQ Compounding LLC's products and services provided and past inspections FDA inspections.

Mr. Zatta answered questions regarding how RXQ Compounding LLC addressed the observations listed by the FDA during their past inspections.

Mr. Zatta explained that the Albany facility opens January 2020 and has not yet been inspected.

The Board expressed concern regarding approving an Outsourcing Facility License before the facility has been inspected.

Board discussion ensued regarding sending Board Inspectors to inspect RXQ Compounding LLC's Albany facility.

Board Action:

Motion: Jade Jacobo moved to approve RXQ Compounding LLC's Application for Out-of-State Outsourcing Facility pending receipt of the company's most recent FDA 483 and a positive inspection by Board Staff. The cost of inspection shall be at the company's expense.

Second: Gener Tejero

Action: Passed unanimously

12. Applications for Controlled Substance Registration – Appearance:

A. Kristin Hestdalen, MD

Kristin Hestdalen appeared and was sworn by President Park prior to answering questions or offering testimony.

Lynn Beggs was present as counsel representing Dr. Hestdalen.

Mr. Kandt stated that Dr. Hestdalen previously held a controlled substance registration which she let expire. He explained that Dr. Hestdalen disclosed discipline on her new application for controlled substance registration.

Ms. Beggs explained that Dr. Hestdalen disclosed a misdemeanor DUI charge that occurred in November 2018.

Ms. Beggs requested the Board go into Closed Session to discuss the specifics of Dr. Hestdalen's recovery.

Board Action:

Motion: Jade Jacobo moved to go into closed session to discuss Dr. Hestdalen's treatment.

Second: Richard Tomasso

Action: Passed unanimously

The Board entered closed session.

Board Action:

Motion: Jade Jacobo moved to go back into open session

Second: Krystal Freitas

Action: Passed unanimously

The Board questioned Dr. Hestdalen regarding her current employment and what medications she plans on prescribing to patients.

The Board expressed concern regarding approving Dr. Hestdalen's controlled substance registration without conditions.

Board discussion ensued regarding having Dr. Hestdalen evaluated and approving her registration with limitations to what medications she could prescribe.

Board Action:

Motion: Jade Jacobo moved to approve Kristin Hestdalen's Application for Controlled Substance Registration pending Dr. Hestdalen receive a positive evaluation from Mr. Brooks. Dr. Hestdalen shall comply with her contract with Mr. Brooks and shall have quarterly reports sent from Mr. Brooks sent to Board Staff. Dr. Hestdalen shall only be allowed to prescribe Schedule 2 (Stimulants only), 3 and 4 drugs.

Second: Richard Tomasso

Action: Passed unanimously

B. Maryanne Phillips, MD

Maryanne Phillips appeared and was sworn by President Park prior to answering questions or offering testimony.

Allen Miller was present as counsel representing Dr. Phillips.

Mr. Wuest summarized Dr. Phillips past discipline with the California Board of Medical Examiners, the Nevada State Board of Medical Examiners and the Nevada State Board of Pharmacy.

Mr. Wuest explained that Dr. Phillips appeared before the Board in July 2019 regarding this matter. At that time, the Board tabled this matter to allow Dr. Phillips to correct her application and provide adequate supporting documentation regarding her past discipline.

Dr. Phillips read a statement into the record petitioning the Board to reissue her controlled substance registration specifically for practicing anesthesia.

The Board questioned Dr. Phillips regarding her past disciplinary history, her current license statuses with the Nevada and California Medical Boards.

After discussion, the Board expressed concern regarding Dr. Phillips past disciplinary history, issues disclosing her past disciplinary history and her pattern of behavior and attitude regarding her discipline.

Board Action:

Motion: Jade Jacobo moved to deny Maryanne Phillips' Application for Controlled Substance Registration.

Second: Wayne Mitchel

Aye: Freitas, Jacobo, Mitchell, Park, Tomasso

Nay: Tejero

Action: Motion carries

13. Application for Pharmacist Registration by Examination – Appearance:

James R. Dexter

James Dexter appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Wuest stated that Mr. Dexter disclosed multiple DUI charges on his application.

The Board questioned Mr. Dexter regarding DUI charges, treatment and recovery and education and work history.

Mr. Dexter described to the Board his treatment schedule and stated that he should have sought out treatment much sooner.

Mr. Dexter presented a Letter of Recommendation to the Board.

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

Board Action:

Motion: Jade Jacobo moved to approve James Dexter's Application for Pharmacist Registration by Examination with conditions. Mr. Dexter shall enroll into a three year contract with PRN-PRN. Mr. Dexter must pass all random drug screens, he shall disclose all past issues to all employers and must submit a quarterly report to the Board. Mr. Dexter shall not be a managing pharmacist and shall not work more than 40 hours per week or 80 hours per pay period. Mr. Dexter shall reappear before the Board if he requests to have any of the conditions removed from his license before three years. After three years the conditions will be automatically lifted.

Second: Gener Tejero

Action: Passed unanimously

14. Requests for Pharmacist Applicant to Retake the NAPLEX Exam - Appearance:

Jimmy Nguyen

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

Helen Park disclosed that Mr. Nguyen was a former student, but stated that they could participate in this matter fairly and without bias.

Gener Tejero and Krystal Freitas disclosed that Mr. Nguyen was a pharmacy intern who did a rotation at their pharmacies, but stated that they could participate in this matter fairly and without bias.

Mr. Wuest stated that Mr. Nguyen has attempted and failed the NAPLEX Exam five times and is appearing to request the Board's permission for a sixth attempt.

Mr. Nguyen answered questions to the Board's satisfaction regarding his past study habits and test taking strategies.

Board discussion, ensued regarding allowing Mr. Nguyen one attempt to pass the NAPLEX Exam.

Board Action:

Motion: Jade Jacobo moved to approve Jimmy Nguyen's Request for Pharmacist Applicant to Retake the NAPLEX Exam for one attempt within six months. If Mr. Nguyen fails the exam he shall appear before the Board to request any additional attempts.

Second: Krystal Freitas

Action: Passed unanimously

15. Applications for Pharmacist Renewal - Appearance:

A. Carl Black

Jade Jacobo disclosed that Mr. Black and her work at the same company, but stated that she could participate in this matter fairly and without bias.

Carl Black appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Wuest stated that Mr. Black disclosed past discipline in another state on his renewal application.

Mr. Black explained that he failed to disclose a prior DUI charge on his application with the Oregon State Board of Pharmacy. He stated that he did not contest this issue in Oregon and has complied with all requirements regarding this issue. Mr. Black explained that this matter was then reported to the 19 other states he is licensed in.

Mr. Black answered questions to the Board's satisfaction regarding his past discipline, work history and employment status.

After discussion, Mr. Black agreed to provide Board Staff with the original complaint from Oregon for review.

Board Action:

Motion: Gener Tejero moved to approve Carl Black's Renewal Application for Pharmacist License pending receipt and review of the complaint documentation.

Second: Jade Jacobo

Action: Passed unanimously

B. J. Patrick Kim

Patrick Kim appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Wuest stated that Mr. Kim disclosed a misdemeanor domestic battery charge on his renewal application.

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

Mr. Kim presented to the Board his Court Order and documentation that he has complied with his Order.

Board Action:

Motion: Jade Jacobo moved to approve Patrick Kim's Renewal Application for Pharmacist Registration.

Second: Wayne Mitchell

Action: Passed unanimously

C. Nayan K. Patel

Nayan Patel appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Wuest explained that Mr. Patel disclosed past discipline on his pharmacist renewal application.

Mr. Patel described for the Board two cases. The first, Mr. Patel was the pharmacist-in-charge at Central Drugs Pharmacy and allowed an unlicensed individual to practice pharmacy. The second, Mr. Patel was the pharmacist-in-charge at Central Drugs Pharmacy and the pharmacy failed to perform testing for sterility and pyrogen for batch compounded drug products.

Mr. Patel answered questions to the Board's satisfaction regarding his past discipline, and the changes he has made to his practice to correct these issues.

Board Action:

Motion: Jade Jacobo moved to approve Nayan Patel's Renewal Application for Pharmacist Registration.

Second: Wayne Mitchell

Action: Passed unanimously

16. Applications for Pharmaceutical Technician in Training - Appearance:

A. Michael A. Brand

Michael Brand was not present.

Board Action:

Motion: Jade Jacobo moved to deny Michael Brand's Application for Pharmaceutical Technician in Training Registration based on his absence from the meeting.

Second: Wayne Mitchell

Action: Passed unanimously

B. Justin R. Ross

Justin Ross appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Ross disclosed on his application that he was charged with driving under the influence in September 2017.

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

Board Action:

Motion: Jade Jacobo moved to approve Justin Ross' Application for Pharmaceutical Technician in Training Registration pending a positive evaluation by PRN-PRN or its equivalent.

Second: Wayne Mitchell

Action: Passed unanimously

17. Presentation regarding continuing medical education program "Best Practices and Tools for Prescribing Controlled Substances" presented by Melissa O'Brien and Paul Snyder from UNR

Paul Snyder and Melissa O'Brien appeared and discussed a continuing education program regarding prescribing controlled substances and practitioners dealing with stress in the workplace.

Board discussion ensued regarding providing a similar course for pharmacists and possible reformation of the Continuing Education Committee.

After discussion, the Board directed Board Staff to bring this matter back in the January 2020 meeting.

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

KayLynn Bowman, R.Ph

KayLynn Bowman appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Bowman stated that she was requesting the Board's permission to provide Medication Therapy Management services to patients as part of Dignity Health, Quality Technical and Assistance Center initiative to incorporate pharmacists into patient-centered team-based care.

Ms. Bowman answered questions to the Board's satisfaction regarding her potential patients and services she plans to provide.

Board Action:

Motion: Wayne Mitchell moved to approve KayLynn Bowman's request to engage in the practice of pharmacy at a site other than a licensed pharmacy.

Second: Jade Jacobo

Action: Passed unanimously

Public Comment December 4, 2019, 5:00 PM

There was no public comment.

19. General Counsel Report

General Counsel had nothing further to report.

20. Executive Secretary Report:

A. Financial Report

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

B. Temporary Licenses

There was one temporary license issued since the last meeting.

C. Staff Activities

D. Report to Board

E. Board Related News

F. Licensing Activities Report

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

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.

Mr. Kandt explained that the proposed language would allow applicants to request the Board to review their past administrative and criminal history prior to submitting an application.

The Board discussed modifications to the proposed language to add a \$50 fee, add a 90 day limit for the Board to make a determination and require the person requesting to appear before the Board to answer questions.

President Park opened the Public Comment.

There was no public comment.

Board Action:

Motion: Jade Jacobo moved to bring back the proposed language to Workshop with changes as discussed.

Second: Wayne Mitchell

Action: Passed unanimously

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

A. Amendment of Nevada Administrative Code (NAC) 453.550: Schedule V. The proposed amendment will add FDA approved Brivaracetam to the controlled substances listed in Schedule V. (LCB File No. R149-16)

Ms. Long provided background information.

President Park opened the Public Comment.

There was no public comment.

Board Action:

Motion: Jade Jacobo moved to adopt R149-16.

Second: Wayne Mitchell

Action: Passed unanimously

B. Amendment of Nevada Administrative Code (NAC) 453.540: Schedule IV. The proposed amendment will add FDA approved Eluxadoline to the controlled substances listed in Schedule IV. (LCB File No. R150-16)

Ms. Long provided background information.

President Park opened the Public Comment.

There was no public comment.

Board Action:

Motion: Jade Jacobo moved to adopt R150-16.

Second: Wayne Mitchell

Action: Passed unanimously

C. Amendment of Nevada Administrative Code (NAC) 639: Dispensing Practitioner. The proposed amendment would permit dispensing practitioners employed by a Federally Qualified Health Center to dispense dangerous drugs for qualified patients at a certain site other than the Health Center. (LCB File No. R004-19)

Mr. Wuest provided background information.

President Park opened the Public Comment.

Todd Rich, Vice President Nevada Health Centers, appeared and expressed support of the proposed language.

Board discussion ensued regarding the storage and security of medications in the mobile units.

Board Action:

Motion: Jade Jacobo moved to adopt R004-19.

Second: Wayne Mitchell

Action: Passed unanimously

- D. Amendment of Nevada Administrative Code (NAC) Chapter 639 to add a new section thereto and to amend NAC 453.190 regarding the payment of fees for initial registration, the biennial renewal of a registration, or any other fees charged by the Board. (LCB File No. R033-19)**

Mr. Kandt provided background information.

President Park opened the Public Comment.

There was no public comment.

Board Action:

Motion: Jade Jacobo moved to adopt R033-19.

Second: Wayne Mitchell

Action: Passed unanimously

- E. Amendment of Nevada Administrative Code (NAC) Chapter 453 to add new sections thereto and to amend NAC 453.070 and NAC 453.074 relating to access to the database of the program established pursuant to NRS 453.162 by pharmacy personnel, practitioners, delegates of practitioners, and hospitals. (LCB File No. R035-19)**

Ms. Long read the proposed amendments into the record and provided background information.

President Park opened the Public Comment.

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

Mr. Wuest presented a letter from Mary Staples, NACDS, expressing support of the proposed amendments.

Board Action:

Motion: Jade Jacobo moved to adopt R035-19.

Second: Wayne Mitchell

Action: Passed unanimously

F. Amendment of Nevada Administrative Code (NAC) Chapter 639. Inactive Status

The proposed amendments will add a new regulation requiring that the Executive Secretary, upon notice that an occupational licensing board that licenses a practitioner has placed that license on inactive status, place any certificate of registration issued by the Board to that practitioner pursuant to NRS 453.226 on inactive status, providing for notice to the practitioner of placement on inactive status, providing for a process to petition for reinstatement of a registration to active status, and providing a process for a registrant to request a hearing before the Board to contest or appeal the placement of a registration on inactive status or the denial of a petition for reinstatement of the registration to active status. (LCB File No. R071-19)

Mr. Kandt provided background information.

President Park opened the Public Comment.

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

Ms. MacMenamin stated that she spoke with Mary Staples, NACDS, regarding this matter and Ms. MacMenamin explained that Ms. Staples expressed support of the proposed amendments.

Board Action:

Motion: Jade Jacobo moved to adopt R071-19.

Second: Wayne Mitchell

Action: Passed unanimously

G. Amendment of Nevada Administrative Code (NAC) 639.240 (Requirements for registration of pharmaceutical technicians), 639.242 (Registration of pharmaceutical technician in training) and 639.7425 (Registration of dispensing

technician). The proposed amendment will amend existing requirement regarding applicants with prior criminal convictions. (LCB File No. R072-19)

Mr. Kandt provided background information.

President Park opened the Public Comment.

There was no public comment.

Board Action:

Motion: Jade Jacobo moved to adopt R072-19.

Second: Wayne Mitchell

Action: Passed unanimously

H. Amendment of Nevada Administrative Code (NAC) 639. The proposed amendment will add a new regulation with requirements for forwarding of information between pharmacies: New prescriptions. (LCB File No. R008-19)

Mr. Wuest and Ms. Long provided background information.

President Park opened the Public Comment.

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

Board Action:

Motion: Jade Jacobo moved to adopt R008-19

Second: Wayne Mitchell

Action: Passed unanimously

I. Amendment of Nevada Administrative Code (NAC) Chapter 639. The proposed amendment will add a new regulation requiring the reporting of certain matters relating to discipline and practice without the appropriate license, certificate or permit to the National Practitioner Data Bank (LCB File No. R070-19)

Mr. Kandt provided background information.

President Park opened the Public Comment.

There was no public comment.

Board Action:

Motion: Jade Jacobo moved to adopt R070-19

Second: Wayne Mitchell

Action: Passed unanimously

23. Date and Location of Next Scheduled Board Meeting:

January 15-16, 2020 – Las Vegas, NV

24. Public Comment December 5, 2019 12:15 PM

There was no public comment.