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NEVADA STATE BOARD OF PHARMACY

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September 2nd & 3rd, 2020
 Minutes

Pursuant to Governor Steve Sisolak's Emergency Directive 006, there will be no physical location for this meeting. The meeting can be listened to or viewed live over Zoom.

Via Videoconference at Zoom:

<https://zoom.us/j/5886256671>

or

Via Teleconference at 1 (669) 900-6833
 Meeting ID: 588 625 6671

Board Members Present:

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

Board Staff Present:

David Wuest	Yenh Long	Shirley Hunting	Kristopher Mangosing
Brett Kandt	Courtney Lee	Joe Dodge	Dena McClish
Luis Curras	Leo Basch	Ken Scheuber	Sophia Long
Monica Segedy	Shannon Reichman		

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.

Dave Wuest announced that this meeting is being held virtually and discussed social distancing protocols.

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 September 02, 2020 9:00 AM

There was no Public Comment.

◆ CONSENT AGENDA ◆

3. Approval of July 15-16, 2020, Minutes

President Park noted corrections on page 8 to Dr. Charles Kamen's name and page 23 with Steven McBride's name.

Board Action:

Motion: Krystal Freitas moved to approve the July 15-16, 2020 minutes pending corrections as discussed above.

Second: Wayne Mitchell

Action: Passed unanimously.

4. 4.1 Applications for Out-of-State Pharmacy License – Non-appearance

- A. AdhereRx, Inc. – Gilbert, AZ
- B. Blink Pharmacy Plus – Pittsburgh, PA
- C. Epic Pharmacy – Oklahoma City, OK
- D. First Choice Home Infusion LLC – Hendersonville, TN
- E. LeMed Pharmacy III, LLC
- F. Preferred Pharmacy Inc – Costa Mesa, CA
- G. Solara Medical Supplies LLC – Chula Vista, CA
- H. Stoneview Pharmacy – Gilbert, AZ
- I. Vet Perfect, Inc. – Boca Raton, FL
- J. Vivo Health Pharmacy at Home – Great Neck, NY
- K. Zoetis US LLC – Lee's Summit, MO

4.2 Application for Out-of-State Compounding Pharmacy License – Non-appearance

- L. Burt's Pharmacy, LLC – Newbury Park, CA
- M. Cheveux LLC – Phoenix, AZ

- N. Express Veterinary Pharmacy – Gilbert, AZ
- O. Jungle Jim’s Pharmacy – Fairfield, OH

4.3 Applications for Out-of-State Medical, Devices, Equipment and Gases License – Non-appearance

- P. A Better Choice Medical Supply, LLC – Waterford, MI
- Q. BioTel INR, LLC – Indianapolis, IN
- R. Control Bionics Inc. – Milford, OH
- S. First Nation Group, LLC – Denver, CO
- T. Icon Medical Solutions Corp. – Leominster, MA
- U. Linde Gas North America, LLC – Livingston, TN
- V. Nephron Pharmacy LLC – West Columbia, SC
- W. Nitrous Oxide Corp – Tooele, UT
- X. Nitrous Oxide Corp – Yazoo City, MS
- Y. Recovery DME, Inc. – San Diego, CA
- Z. RGH Enterprises, Inc. – Jacksonville, FL
- AA. Secure Medical Products, Inc. – Deerfield Beach, FL
- BB. Sleep Data Holdings, LLC – San Diego, CA

4.4 Applications for Nevada Medical, Devices, Equipment and Gases License – Non-appearance None

4.5 Applications for Out-of-State Wholesaler License – Non-appearance

Background Check Not Required by Law.

4.5.1 Distributor for Single Manufacturer (NAC 639.593(7)(e)) None

4.5.2 Manufacturer (NAC 639.593(7)(d))

- CC. Acertis Pharmaceuticals, LLC – Langhorne, PA
- DD. Bayshore Pharmaceuticals LLC – Short Hills, NJ
- EE. Estreno Pharmaceuticals, LLC – Sunrise, FL
- FF. Nestle HealthCare Nutrition, Inc. – Bridgewater, NJ
- GG. PCI of Illinois – Rockford, IL
- HH. Praxair Distribution, Inc. – Bethlehem, PA
- II. Profounda, Inc. – Orlando, FL
- JJ. Sovereign Pharmaceuticals, LLC – Forth Worth, TX
- KK. Tusker Medical, Inc. – Menlo Park, CA
- LL. Zealand Pharma US, Inc. – Marlborough, MA

4.5.3 Publicly Traded (NAC 639.593(7)(a))

- MM. BioCryst Pharmaceuticals, Inc. – Durham, NC

- NN. RGH Enterprises, Inc. – Jacksonville, FL
- 4.5.4 VAWD-Accredited (NAC 639.593(7)(c))
- OO. NDC Distributors LLC – Brooklyn, NY
- 4.5.5 Manufacturer and VAWD-Accredited (NAC 639.593(7)(c) and (d))
None
- 4.5.5 Publicly Traded and Manufacturer (NAC 639.593(7)(a) and (d))
- PP. Apellis Pharmaceuticals, Inc. – Waltham, MA
 QQ. AVEO Pharmaceuticals, Inc. – Boston, MA
 RR. Dermira, Inc. – Menlo Park, CA
 SS. Gamida Cell Inc – Boston, MA
 TT. TG Therapeutics, Inc. – Edison, NJ
- 4.5.6 Publicly Traded and VAWD-Accredited (NAC 639.593(7)(a) and (c))
None
- 4.5.7 **Background checks completed in compliance with NRS 639.500. No Disqualifying Events.**
- UU. Puragraft – Kingwood, TX
 VV. Takeda Pharmaceuticals America, Inc. – Florence, KY
- 4.6 Application for Nevada Pharmacy License – Non-appearance **(FOR POSSIBLE ACTION)**
None

Krystal Freitas disclosed that she has a business relationship with Consent Agenda Item 4.3P but is able to participate fairly and without bias.

Rolf Zackariassen disclosed that his father had a business relationship with Consent Agenda Item 4FF, that he himself had worked for 4FF, but he is able to participate fairly and without bias.

Board Action:

Motion: Jade Jacobo moved to approve the Consent Agenda.

Second: Wayne Mitchell

Action: Passed unanimously.

5. Discipline

A. Kirash Mirkia, MD

(19-090-CS-S-A)

Brett Kandt prosecuted the case on behalf of the State. Keith Weaver appeared as counsel representing Respondent Kirash Mirkia.

The Board heard oral argument on Respondent's Motion to Dismiss. Mr. Weaver argued that the Nevada statutes are not clear on the authority of APRN's to possess and administer, as demonstrated by the fact that a competitor asking for clarification in the form of an advisory opinion from the Board, and subsequently filed a complaint against Dr. Mirkia that provided the basis for administrative charges, making the action therefor invalid. Mr. Weaver argued that there were no dangerous drugs involved and that the pharmacy from which Dr. Mirkia bought drugs from does not need to be licensed by the Board.

Mr. Kandt responded to the arguments by pointing out that the standard on a motion to dismiss required the Board to accept all factual allegations in the Accusation as true. Mr. Kandt argued that the facts alleged supported the charges, and referenced the specific language of NRS 454.213(1)(c), NRS 454.201 and NAC 639.6915.

Board members ask questions of both attorneys and discussion ensued.

Sophia Long, Deputy Attorney General sitting as Board counsel, advised the Board on the standard for a motion to dismiss.

President Park asked the Board members to consider denying the Motion to Dismiss.

Board Action:

Motion: Richard Tomasso moved to deny the Motion to Dismiss.

Second: Wayne Mitchell

Action: Passed unanimously.

Mr. Kandt and Mr. Weaver stipulated on the record to continue this matter to a future meeting.

B. Victoria Wall, MD

(20-067-CS-S)

Brett Kandt prosecuted the case on behalf of the State. Baron Harmon appeared as counsel representing Respondent Victoria Wall.

Dr. Wall appeared and was sworn by President Park prior to answering questions or offering testimony.

The Board heard oral argument on the prosecution's Motion to Deem the Allegations Admitted and on Respondent's Motion for Continuance. Mr. Kandt argued that the facts were

uncontroverted that on or about May 13, 2009, and during subsequent renewal periods, Dr. Wall requested that her License No. 12154 issued by the Nevada State Board of Medical Examiners (NSBME) be placed on inactive status with an explanation or attestation showing that “you are not practicing or have not practiced medicine in Nevada.” Dr. Wall’s NSBME License No. 12154 to practice in Nevada has been inactive since 2009.

On each renewal application for her Certificate of Registration No. CS15026 for the years 2010, 2012, 2014, 2016, and 2018, Dr. Wall certified to the Board that she held an active and current Nevada license with the NSBME.

Dr. Wall wrote multiple prescriptions for controlled substances from June 2009 to the present while her NSBME License No. 12154 to practice medicine in Nevada was inactive.

On or about June 5, 2020, Board staff served Dr. Wall with an order pursuant to NRS 639.2895(1) to immediately cease and desist prescribing controlled substances for Nevada patients.

On June 14, 2020 Dr. Wall surrendered her DEA Certificate of Registration No. BW8998025 to the U.S. Drug Enforcement Administration by executing a DEA form 104, entitled “Surrender for Cause” (DEA Surrender for Cause).

By executing the DEA Surrender for Cause, Dr. Wall acknowledged in pertinent part the following:

In view of my alleged failure to comply with Federal requirements pertaining to controlled substances or list 1 chemicals, and as an indication of my good faith in desiring to remedy any incorrect or unlawful practices on my part, I hereby surrender for cause my Drug Enforcement Administration (DEA) Certification of Registration.

Ms. Wall’s surrender of her DEA Certificate of Registration No. BW8998025 for cause operated as an immediate suspension of her Certificate of Registration No. CS15026 with the Board pursuant to NRS 639.2107

Mr. Harmon argued that Dr. Wall did not try to willfully deceive the Board. Dr. Wall has completed her continuing education credits for her license. Had she changed her status to active she would have been in compliance with Nevada Law. Mr. Harmon also stated that Dr. Wall was licensed to practice medicine in California during the period in question and that license was in good standing.

Mr. Kandt argued that Dr. Wall had, through counsel, voluntarily surrendered her Certificate of Registration No. CS15026 and is subject to discipline pursuant to NRS 233B.121(6).

Sophia Long stated that should the Board grant the prosecution’s Motion and deem the allegations admitted, Respondent’s Motion for Continuance should be denied.

Mr. Kandt moved to admit Dr. Wall’s Surrender of Cause of her DEA be admitted into the record as Exhibit A. Mr. Harmon had no objection.

President Park admitted into the record Exhibit A.

Mr. Kandt moved to admit into the record Ms. Wall's Notice of Surrender of Controlled Substance Registration with the Nevada Board of Pharmacy as Exhibit B. Mr. Harmon had no objection.

President Park admitted into the record Exhibit B.

Mr. Harmon moved to admit into the record Ms. Wall's Evidence of Good Standing Licensure with the Medical Board of California as Exhibit C. Mr. Kandt had no objection.

President Park admitted Exhibit C into the record.

Mr. Harmon moved to admit into the record Ms. Wall's good standing with the American Board of Ophthalmology as Exhibit D. Mr. Kandt had no objection.

President Park admitted into the record Exhibit D.

Mr. Harmon moved to admit into the record an email from Mr. Harmon to Mr. Kandt dated September 1, 2020, which contains a statement from Dr. Wall as Exhibit E. Mr. Kandt had no objection.

President Park admitted into the record Exhibit E.

Mr. Kandt reiterated in closing that based upon Dr. Wall's responses and judicial admissions, her surrender for cause of her DEA registration and her voluntary surrender of her controlled substance registration, there are no material issues of fact or affirmative defenses, and no basis for a continuance.

Board Action:

Motion: Jade Jacobo moved to grant the prosecution's motion to deem the allegations set forth in paragraphs two through eight of the Accusation as admitted.

Second: Wayne Mitchell

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to deny the Respondent's Motion for Continuance.

Second: Krystal Freitas

Action: Passed unanimously.

Board Action

Motion: Richard Tomasso moved to making findings of fact consistent with paragraphs 1-8 of the Accusation together with a finding that on August 24, 2020, through her legal counsel, Dr. Wall voluntarily surrendered her Certificate of Registration No. CS15026.

Second: Krystal Freitas

Action: Passed unanimously.

Board Action

Motion: Richard Tomasso moved to make conclusions of law consistent with paragraphs 9-29 of the Accusation, including the eight causes of action, and to also conclude as a matter of law that by voluntarily surrendering her Certificate of Registration No. CS15026 while this administrative action was pending, Dr. Wall is subject to discipline pursuant to NRS 233B.121(6).

Second: Rolf Zakariassen

Action: Passed unanimously.

Board Action

Motion: Richard Tomasso moved to fine Dr. Wall \$2,000 for each of the first seven causes of action, for a total of \$14,000 dollars to be paid to the State of Nevada.

Second: Wayne Mitchell

Action: Passed unanimously.

On the basis of that discipline Mr. Kandt moved to admit into the record documentation of \$1,962.87 in attorney's fees and costs incurred in investigating and prosecuting this matter as Exhibit F. Mr. Harmon had no objection.

President Park admitted into the record Exhibit F.

Board Action:

Motion: Richard Tomasso moved that Dr. Wall pay \$1,962.87 to partially reimburse the Board for documented attorney's fees and costs incurred in investigating and prosecuting this matter, the Board finding that these expenses were reasonable, necessary, and actually incurred.

Second: Rolf Zakariassen

Action: Passed unanimously.

C. Katherine Kuehl (19-035-RPH-B-S)

This item was continued.

D. Walmart Pharmacy #10-3728 (18-096-PH-S)

Ms. Freitas recused herself from participation in this matter due to a friend who is involved in this matter.

Ms. Jacobo disclosed that this case has respondents who were past employers and co-workers, but she is able to participate fairly and without bias.

Brett Kandt prosecuted the case on behalf of the State. Shelley Tustison, Health and Wellness Compliance for Walmart, John Castro, pharmaceutical technician subpoenaed to appear, and Hal Taylor, legal counsel for Walmart, appeared before the Board.

President Park swore in Ms. Tustison and Mr. Castro prior to answering questions or offering testimony.

Mr. Kandt summarized the facts of the case where a data entry error by a pharmaceutical technician resulted in the dispensing of two unauthorized refills of a prescription. Registered pharmacist Jessica Huey verified as correct the two unauthorized refills. Pursuant to NRS 6393230(5), NAC 639.702, and NAC 639.945(2), Walmart #10-3728 is responsible for each of the above stated allegations. Mr. Kandt reported that the First Cause of Action against Respondent Gloria Remley had been dismissed and Remley was cited and fined \$1000 pursuant to NRS 639.2895(2) for violating NAC 639.252(2). Remley has paid her fine in full. The Second Cause of Action against Respondent Jessica Huey had been dismissed as well.

Mr. Taylor stated that Mr. Kandt's summary is accurate.

Mr. Kandt presented a proposed Stipulation and Order for the Board's consideration, that Walmart #10-3728 pay a fine of \$1000, and pay \$1000 to partially reimburse the Board for recoverable attorney fees and costs

Board Action:

Motion: Wayne Mitchell moved to approve the Stipulation and Order as presented to the Board.

Second: Rolf Zakariassen

Action: Passed unanimously.

E. Paul Luke (19-066-PH-S)

Courtney Lee prosecuted the case on behalf of the State. Paul Luke appeared and was sworn by President Park.

Ms. Lee summarized the facts of the case that Mr. Luke was employed by St. Rose Dominican Hospital-San Martin Campus (St. Rose), located in Las Vegas.

In April of 2019, Pharmacist John Glick, Director of Pharmacy for St. Rose, reported Mr. Luke to the Nevada Board of Pharmacy alleging concealment of drugs and pharmacy supply items in a bag from St. Rose with intent to divert.

A subsequent investigation by St. Rose's staff identified a total of at least twenty tablets diverted by Mr. Luke. During the investigation, Mr. Luke admitted to the unlawful diversion activity, and submitted a statement regarding the same. Mr. Luke was terminated on April 5, 2019.

Ms. Lee questioned Mr. Luke about receiving the Notice of Intended Action and Accusation together with the Statement to Respondent and Notice of Hearing mailed to him by the Board. Mr. Luke acknowledged receipt of the accusation.

Ms. Lee stated that the Board does have jurisdiction over this matter as Mr. Luke is a registered pharmacist with the Board and he did receive the accusation.

Ms. Lee questioned Mr. Luke regarding his employment at St. Rose, and asked if he was aware of the investigation by the pharmacist and the Hospital. Mr. Luke stated that he was aware of the investigation. Mr. Luke admitted diversion of medications.

Mr. Luke read into the record an apology letter. Ms. Lee moved to admit into the record Mr. Luke's apology letter as Exhibit 1.

President Park admitted into the record Exhibit 1.

Board Action:

Motion: Jade Jacobo moved to make findings of fact consistent with paragraphs 1-6 of the Accusation.

Second: Wayne Mitchell

Action: Passed unanimously.

Board action

Motion: Jade Jacobo moved to make conclusions of law consistent with paragraphs 7-12 of the Accusation.

Second: Wayne Mitchell

Action: Passed unanimously.

Board Action:

Motion: Wayne Mitchell moved to revoke Paul Luke’s Certificate of Registration No. 15314, and stay the revocation, and be placed on probation for five years with following conditions; cannot be managing pharmacist, supervising pharmacist must submit a yearly evaluation to the Board, must report the discipline to potential employers.

Second: Rolf Zakariassen

After Board discussion, Wayne Mitchell rescinded the motion, and Rolf Zakariassen agreed.

Board Action:

Motion: Jade Jacobo moved to revoke Paul Luke’s Certificate of Registration No. 15314 and that Mr. Luke may not petition for reinstatement for one year.

Second: Richard Tomasso

Aye: Park, Tomasso, Freitas, Jacobo, Zakariassen

Nay: Mitchell, Tejero

Action: Motion carries.

F. Theodore Herrera (19-079-IN-S)

These items were continued.

G. Jerald Clyde, RPH (19-061-RPH-S)
H. Smith’s Pharmacy #336 (19-061-PH-S)

These items were continued.

I. Abdel M. Khalek, MD (19-003-CS-A-S)
J. Robert Chancellor, MD (19-003-CS-B-S)
K. Lindsay Hoffman, PA-C (19-003-CS-C-S)

This matter was heard in conjunction with Agenda Item 6A.

Brett Kandt prosecuted the case on behalf of the State. Lindsay Hoffman, Robert Chancellor and Vinay Bararia appeared and were sworn by President Park prior to answering questions or offering testimony.

E. Brent Bryson appeared as counsel representing Ms. Hoffman, Mr. Chancellor, and Mr. Bararia.

Mr. Kandt requested authorization to pursue injunctive relief against the respondents should it be deemed necessary. Mr. Bryson objected, arguing that the requirements for issuing an injunction were not present. Mr. Kandt rebutted that the Board staff would be required to make the necessary showing to a court when seeking injunctive relief. Board counsel Sophia Long concurred with Mr. Kandt.

Board Action:

Motion: Richard Tomasso moved to authorize Board staff to seek injunctive relief if necessary.

Second: Wayne Mitchell.

Action: Passed unanimously.

Mr. Bryson represented that respondents Bararia, Chancellor, and Hoffman had executed written waivers for joint representation. Mr. Kandt canvassed respondents Bararia, Chancellor, and Hoffman individually on the record regarding their joint representation by Mr. Bryson. Bararia knowingly and voluntarily waived any potential conflict and consented to joint representation. Chancellor knowingly and voluntarily waived any potential conflict and consented to joint representation. Hoffman knowingly and voluntarily waived any potential conflict and consented to joint representation.

The parties stipulated on the record to continue this matter.

- L. Bernard Kofi Addo-Quaye, MD (19-242-CS-A-S)
- M. Mukwel Aiyuk, APRN (19-242-CS-B-S)
- N. Solomon Joshua, APRN (19-242-CS-C-S)

This matter was heard in conjunction with Agenda Item 6B.

Courtney Lee prosecuted the case on behalf of the State. John Hunt appeared as counsel representing respondent Victor Bruce. Maria Nutile appeared as counsel representing respondent Bernard Kofi Addo-Quaye. Ms. Lee stated that Lyn Beggs is representing respondent Mukwel Aiyuk. David Krawczyk appeared as counsel representing Mr. Joshua. Solomon Joshua appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Lee provided background on the case regarding Solomon Joshua, who was an independent contractor and/or employed by TrimCare during the relevant timeframes in question. Mr. Joshua is alleged to have unlawfully prescribed controlled substances/dangerous drugs under Dr. Addo-Quaye’s name and credentials for at least three patients from October 30, 2018 to December 19, 2018.

Ms. Lee presented a proposed Stipulation and Order for the Board's consideration, that Mr. Joshua shall receive a public reprimand, pay a \$1000 fine to the State of Nevada, pay \$950 to partially reimburse the Board for recoverable attorney's fees and costs, that Mr. Joshua not work with Dr. Bruce, and comply with all State and Federal Laws.

Board Action:

Motion: Krystal Freitas moved to accept the Stipulation and Order regarding Soloman Joshua as presented.

Second: Wayne Mitchell

Action: Passed unanimously.

Courtney Lee requested authorization to pursue injunctive relief against the remaining respondents should it be deemed necessary.

Board Action:

Motion: Richard Tomasso moved to authorize Board Staff to seek injunctive relief if necessary.

Second: Krystal Freitas

Action: Passed unanimously.

The parties stipulated on the record to continue this matter.

6. Appeal hearings for citation and fine pursuant to NRS 639.2895(2).

A. Vinay Kumar Bararia, MD (19-003-CS-D-S)

This Agenda Item was heard in conjunction with Item 5I, 5J, and 5K.

B. Victor Bruce, MD (19-242-CS-D-S)

This Agenda Item was heard in conjunction with Item 5L, 5M, and 5N.

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

Joyce P. Chang, MD (18-029-CS-S)

Courtney Lee recused herself from participation in this matter.

Joyce P. Chang appeared and was sworn by President Park prior to answering questions or offering testimony. The Board previously entered an Order on October 10, 2018, revoking Dr.

Chang's controlled substance registration, Certificate of Registration No. CS15881, and dispensing practitioner registration, Certificate of Registration No. PD00340. Dr. Chang answered questions and gave testimony regarding her petition for reinstatement of her controlled substance registration. Dr. Chang does not currently have a DEA registration.

Board Action:

Motion: Gener Tejero moved to reinstate Dr. Chang's controlled substance registration without restrictions.

Second: Jade Jacobo

Action: Passed unanimously.

8. Applications for Controlled Substance Registration – Appearance.

A. Roger Belcourt

Roger Belcourt appeared and was sworn by President Park prior to answering questions or offering testimony.

Dr. Belcourt stated that he is here to make disclosures on his application for a Controlled Substance registration.

Ms. Long provided background information on the disclosure for the application; in 1988 he was arrested for self-prescribing controlled substances and discipline ensued. In 1993 he finished a counseling program and has been in additional programs since then. In 2008 Dr. Belcourt had a relapse and self-reported his dependence on a controlled substance.

Dr. Belcourt stated that he had a DEA in California to prescribe controlled substances and has not had issues.

Dr. Belcourt answered questions to the Board's satisfaction.

Board Action:

Motion: Krystal Freitas moved to approve the Controlled Substance Registration application for Roger Belcourt.

Second: Rolf Zackariassen

Action: Passed unanimously.

B. Andrew Podley

Andrew Podley appeared and was sworn by President Park prior to answering questions or offering testimony.

Dr. Podley stated that he is here to make disclosures on his application for Controlled Substance Registration.

Dr. Podley disclosed that he was arrested for a DUI in 2018. He was acquitted and charges were dropped. In 2012, Dr. Podley was charged with a misdemeanor- a small amount of cannabis and paraphernalia was in the car when he was pulled over. He stated that he has not been convicted of any felonies or misdemeanors since.

Dr. Podley answered questions to the Board's satisfaction.

Board Action:

Motion: Wayne Mitchell moved to approve the Controlled Substance Registration application for Andrew Podley.

Second: Rolf Zakariassen

Action: Passed unanimously.

9. Applications for Pharmacist Registration by Examination – Appearance.

A. Tosin A. Adelakun

Tosin Adelakun appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Long provided background information, that in April 2014 he was a passenger in a vehicle that contained marijuana, but the case was later dismissed.

Mr. Adelakun stated that Ms. Long's summary is accurate and the incident occurred before he was considering pharmacy school. Mr. Adelakun stated that he has made significant changes in his personal life to avoid this type of situation in the future.

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

Board Action:

Motion: Jade Jacobo moved to approve the Application for Pharmacist Registration by Examination for Tosin Adelakun.

Second: Wayne Mitchell

Action: Passed unanimously.

B. Mark Harward

Mark Harward appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Long provided background that Mr. Harward in 2012 took money from the cash register. He pled guilty to the accusation. In 2013 he was forced to retire his Florida license and then later reapplied. There were restrictions on his license in Utah but those restrictions have since been lifted.

Mr. Harward stated that he has the opportunity to work at a pharmacy in Nevada and would like the opportunity to be licensed in Nevada.

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

Board Action:

Motion: Jade Jacobo moves to approve the Application for Pharmacist Registration by Examination for Mr. Harward.

Second: Wayne Mitchell

Action: Passed unanimously.

C. Michael Shimoide

This matter has been continued.

10. Applications for Pharmacist Registration by Reciprocity – Appearance.

Gabriel Castaneda

Gabriel Castaneda appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Long provided background information that Mr. Castaneda in 2008 practiced outside his scope of licensure as a pharmaceutical technician in Texas which resulted in discipline.

Mr. Castaneda stated that Ms. Long's summary is accurate and there have been no issues since then.

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

Board Action:

Motion: Jade Jacobo moved to approve the application for Pharmacist Registration by Reciprocation for Mr. Castaneda.

Second: Wayne Mitchell

Action: Passed unanimously.

11. Application for Advanced Practice Registered Nurse Prescribe Registration – Appearance.

A. Patrick Smith, APRN

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

Mr. Smith disclosed an arrest in 1997 for inhaling fumes, in 2002 he was charged with a misdemeanor for possession of marijuana which was later dismissed, and then in 2005 he was charged with reckless driving which was later dismissed. For the last 15 years he has abstained from alcohol or other substances, and has made changes to avoid encounters with the law in the future.

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

Board Action:

Motion: Krystal Freitas moved to approve the application for Advanced Practice Registered Nurse Prescribe Registration for Patrick Smith.

Second: Jade Jacobo

Action: Passed unanimously.

B. Natalie Wynn, APRN

Natalie Wynn appeared and was sworn by President Park prior to answering questions or offering testimony.

Bridget Kelly appeared as counsel representing Ms. Wynn.

Ms. Long provided background on the matter, that Ms. Wynn was arrested on suspicion of driving under the influence, possession of a dangerous drug without a prescription, which was later dropped. In July of 2019 she was charged with a misdemeanor driving under the influence and failing to maintain a travel lane. This case is currently pending.

Ms. Wynn stated that she is a recent graduate and working at a few different locations and provided insight into the events of the arrests and what is being done to rectify the past.

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

Board Action:

Motion: Wayne Mitchell moved to approve the Controlled Substance Registration application for Ms. Wynn pending a positive PRN-PRN evaluation.

Second: Jade Jacobo

Action: Passed unanimously.

12. Application for Physician's Assistant Prescribe Registration – Appearance.

Tammy Hankins, PA

Tammy Hankins appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Hankins disclosed her past criminal history and interactions with law enforcement and other state licensing boards.

Mr. Kandt recommended that full documentation of the various criminal prosecutions and their dispositions, and all administrative charges and dispositions, be provided to the Board for review of application.

President Park offered Ms. Hankins the option to table the application to provide the Board with all legal and administrative documentation from her disclosures.

Ms. Hankins accepted the offer to table the application.

The Board tabled this matter at Ms. Hankins request.

13. Application for Pharmacist Registration Renewal – Appearance.

Mark Robertson

Mark Roberston appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Long provided background, that in November 2017 the Arizona Board of Pharmacy received a complaint about a pharmacy and Mr. Robertson was the pharmacist in charge at the time. After investigation the Arizona Board imposed discipline on Mr. Robertson's license.

Mr. Robertson provided insight into the Arizona discipline charges. The pharmacy was expecting to extend their lease which did not happen and they were forced to find a new location. Due to the rush in change of location, the pharmacy did not provide notice of change of address to the Arizona Board of Pharmacy in the required time.

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

Board Action:

Motion: Krystal Freitas moved to approve the Pharmacist Registration Renewal for Mark Robertson.

Second: Wayne Mitchell

Action: Passed unanimously.

14. Applications for Pharmaceutical Technician Registration Renewal – Appearance.

Eyosias Bekele

Eyosias Bekele appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Long provided background information, that in 2018 Mr. Bekele received a DUI.

Mr. Bekele disclosed that he was pulled over for driving under the influence, and provided insight into the incident. Community service was completed as well as additional driving classes.

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

Board Action:

Motion: Wayne Mitchell moved to approve the Pharmaceutical Technician Registration Renewal for Eyosias Bekele pending a positive evaluation from PRN-PRN.

Second: Jade Jacobo

Action: Passed unanimously.

15. Application for Advanced Practice Registered Nurse Dispensing Registration – Appearance.

John Phoenix, APRN

John Phoenix appeared and was sworn by President Park prior to answering questions or offering testimony.

Tracy Singh appeared as counsel representing Mr. Phoenix.

Mr. Kandt provided background on the matter. On March 5, 2020, Mr. Phoenix was served with a notice to cease and desist dispensing dangerous drugs, specifically clinical trial medications, for Nevada patients without a valid registration, and was issued a citation and \$5000 fine. He paid the fine and submitted a new application for a dispensing registration. Mr. Phoenix currently holds a limited temporary registration which expires September 3rd, 2020.

Ms. Singh stated that there is no criminal history, there is no substance abuse history, and Mr. Phoenix has been involved in medication research and trials for many years. Mr. Phoenix has tried to stay in compliance with Nevada law and licensure. As his trial medications are related to HIV, the license to dispense is necessary for the clinical trials and clinical studies.

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

Board Action:

Motion: Wayne Mitchell moved to approve the APRN Dispensing Registration application for John Phoenix.

Second: Krystal Freitas

Action: Passed unanimously.

16. Application for Intern Registration – Appearance.

Dustin Godoy

President Park recused herself from this matter due to her employer's relationship with the respondent.

Dustin Godoy appeared and was sworn by Acting President Wayne Mitchell prior to answering questions or offering testimony.

Mr. Godoy disclosed a DUI that happened in April of 2020. This is the first incident with the law and Mr. Godoy stated that he no longer drinks and will not drink in the future.

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

Board Action:

Motion: Richard Tomasso moved to approve the Pharmacy Intern Application for Dustin Godoy with no restrictions.

Second: Gener Tejero

Action: Passed unanimously.

17. Applications for Out-of-State Compounding Pharmacy License – Appearance

A. APS Pharmacy – Palm Harbor, FL

Dave Hill, Chief Executive Officer, and George Chrysakis, managing pharmacist, appeared and were sworn by President Park prior to answering questions or offering testimony.

Joe Dodge, Inspector, questioned APS Pharmacy, about but not limited to, products to be shipped into Nevada, specifically sterile compounded medications.

Mr. Dodge questioned Mr. Chrysakis regarding the policies of APS Pharmacy for testing of compounded medications, reporting, consultations, filters, and failed tests. Mr. Chrysakis answered to the best of his ability and suggested that some of these questions be directed to the Quality Assurance department.

Mr. Dodge stated to the Board that some questions have not been answered to his satisfaction.

President Park offered to table this application to a date that the QA Pharmacist is able to attend and present before the Board. The offer was accepted.

The Board tabled this matter at Mr. Hill's request.

B. Sisu Healthcare Solutions, Inc. – Tempe, AZ

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

Mr. Smith stated that he emailed a letter of authorization to the Board to appear and speak on behalf of Sisu Health Care Solutions.

Mr. Smith provided the Board with his employment and pharmacy history.

Mr. Dodge questioned Mr. Smith about products to be shipped into the state of Nevada. Mr. Smith stated that IV medications will be the most common sterile compounded medications shipped into Nevada. Mr. Smith provided insight into procedures about safe shipping of sterile compounded medications.

Mr. Dodge questioned Mr. Smith about the operations and intensions of Sisu Health Care Solutions.

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

Board Action:

Motion: Krystal Freitas moved to approve the Out-of-State Compounding Pharmacy License application for Sisu Health Care Solutions.

Second: Richard Tomasso

Action: Passed unanimously.

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

A. Carepharm Pharmacy, LTC – Houston, TX

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

Christopher Miller, attorney, appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Long provided background that in 2019 the pharmacy was operating without a managing pharmacist, and that Carepharm Pharmacy was later placed on probation for 2 years, required to pay a fee, and required to follow all State and Federal Laws.

In August of 2020 there was a request to repeal the discipline. The repeal was granted and Carepharm Pharmacy was granted an early release on probation.

Mr. Miller disclosed the reason behind not having a managing pharmacist and what has been done to fix the issue.

Mr. Miller answered questions regarding the services that will be provided to patients in Nevada.

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

Board Action:

Motion: Krystal Freitas moved to approve the Out-of-State Pharmacy License application for Carepharm Pharmacy, LTC.

Second: Richard Tomasso

Action: Passed unanimously.

B. Script2U LLC – Memphis, TN

C. ScriptHero Pharmacy LLC – Columbus, OH

Roger Morris, attorney representing McKesson, Nick Meza, attorney representing McKesson, Kyle Dresbach, managing pharmacist, and Therese Twomey, managing pharmacist appeared.

Mr. Wuest provided background for these two Agenda Items, that they are part of a large pharmacy company. Because of this there is discipline that needs to be disclosed.

Mr. Morris disclosed the DEA Settlement from 2017 that occurred due to failure to report suspicious ordering. Mr. Morris talked about how future situations will be rectified, such as not filling suspicious orders and working more closely with the DEA when suspicions do arise.

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

Board Action:

Motion: Jade Jacobo moved to approve the Out-of-State Pharmacy License applications for Script2U LLC and ScriptHero Pharmacy LLC.

Second: Wayne Mitchell

Action: Passed unanimously.

19. Application for Out-of-State Medical, Devices, Equipment and Gases License – Appearance.

Medical Action Industries, Inc. – Arden, NC

President Park swore in Sarah Golas in conjunction with Agenda Item 22E, prior to answering questions or offering testimony.

Mr. Wuest clarified to the Board that the application is not the correct application for this entity.

This item has been continued upon receipt of the correct application.

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

Nevada Prime Healthcare LLC – Reno, NV

Jared Koler, owner, appeared and was sworn by President Park, prior to answering questions and offering testimony.

Ms. Long provided background information, that Mr. Koler has personal history disclosures that need to be made and the application amended to reflect these disclosures.

Mr. Koler stated that he is happy to amend the application to reflect the arrest in 2000 for possession of marijuana in Utah.

Mr. Koler answered questions regarding services to be provided by Nevada Prime Healthcare, as well as products provided, and his personal work history.

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

Board Action:

Motion: Jade Jacobo moved to approve the application for Nevada Medical, Devices, Equipment and Gases License for Nevada Prime Healthcare LLC.

Second: Wayne Mitchell

Action: Passed unanimously.

21. Application for Nevada Wholesaler License – Appearance

MD Logistics, LLC – Reno, NV

Robert Grange, Director of Quality and Regulatory Affairs, and Roland Rock, Vice President of the Midwest Region, appeared and were sworn by President Park prior to answering questions or offering testimony.

Ms. Long provided background that MD Logistics, LLC is here for approval of an application for ownership and name change. MD Logistics is VAWD certified.

Mr. Grange stated that a smaller company is being bought out by Nippon Express to better meet the demands of the public.

Mr. Rock stated to the Board that MD Logistics will continue as a wholesale business.

Mr. Grange and Mr. Rock answered questions to the Board's satisfaction. A letter of authorization from Dirk Clark will be provided to the Board of Pharmacy prior to MD Logistics being licensed.

Board Action:

Motion: Krystal Freitas moved to approve the Nevada Wholesaler License application for Ownership and Name change, for MD Logistics, LLC.

Second: Jade Jacobo

Action: Passed unanimously.

22. Applications for Out-of-State Wholesaler License – Appearance

Background Check Not Required by Law.

22.1 Distributor for Single Manufacturer (NAC 639.593(7)(e))
None

22.2 Manufacturer (NAC 639.593(7)(d))

A. Aurolife Pharma LLC – Dayton, NJ

Jennifer Schneider, State Licensing Service, appeared and was sworn by President Park prior to answering questions or offering testimony.

A letter of Limited Power of Attorney was sent to Courtney Lee, allowing Ms. Schneider to represent and answer for Aurolife Pharma LLC.

Ms. Schneider disclosed discipline for the owner AuroBindo.

Ms. Schneider answered questions regarding products and controlled substances to be provided to patients in Nevada.

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

Board Action:

Motion: Jade Jacobo moved to approve the Out-of-State Wholesaler License for Aurolife Pharma LLC.

Second: Krystal Freitas

Action: Passed unanimously.

B. Clinical Solutions Wholesale, LLC – Franklin, TN

Jami Scannell, Regulatory Specialist, and Christi Throneberry, CEO, appeared and were sworn by President Park prior to answering questions or offering testimony.

Mr. Wuest stated to the Board that Clinical Solutions Wholesale LLC is here to disclose discipline on their application.

Ms. Throneberry stated that in 2014 they had a late renewal on their license which they self-reported. During the time their license was expired, they did ship some medications.

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

Board Action:

Motion: Gener Tejero moved to approve the Out-of-State Wholesaler License application for Clinical Solutions Wholesale, LLC.

Second: Jade Jacobo

Action: Passed unanimously.

C. Exelan Pharmaceuticals, Inc. – Boca Raton, FL

Jennifer Schneider, State Licensing Services, and Terri Arndt, Facility Manager, appeared and were sworn by President Park prior to answering questions or offering testimony.

Mr. Wuest stated to the Board that Exelan Pharmaceuticals, Inc. is appearing to disclose disciplinary action on their application.

Ms. Schneider disclosed that Exelan Pharmaceuticals, Inc, received administrative action on their license for improper record keeping in Florida, as well as late notification of change of address. There was also an administrative fine of \$500 for the New Hampshire Board of Pharmacy due to untimely notice of location change.

Ms. Schneider stated that she does have a letter for Limited Power of Attorney to speak on behalf of Exelan Pharmaceuticals which will be sent to Courtney Lee.

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

Jade Jacobo was excused from the meeting September 3rd, 2020 at 1:30pm.

Board Action:

Motion: Jade Jacobo moved to approve the Out-of-State Wholesaler License application for Exelan Pharmaceuticals, Inc.

Second: Krystal Freitas

Action: Passed unanimously.

D. Mizner BioScience, LLC – Boca Raton, FL

Joseph Anzalone, Chief Operating Officer, and Laura Koman, legal counsel, appeared and were sworn by President Park prior to answering questions or offering testimony.

Mr. Wuest noted to the Board that Mizner BioScience has disclosures to make on their application.

Mr. Anzalone provided the Board with a history of the company and made the appropriate disclosures regarding discipline on licensure in other states. Mr. Anzalone discussed changes made to resolve the issues regarding the past discipline.

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

Board Action:

Motion: Gener Tejero moved to approve the Out-of-State Wholesaler License application for Mizner BioScience, LLC.

Second: Wayne Mitchell

Action: Passed unanimously.

22.3 Publicly Traded (NAC 639.593(7)(a))
None

22.4 VAWD-Accredited (NAC 639.593(7)(c))

E. Owens & Minor Distribution, Inc. – Hebron, KY

Sarah Golas, Manager of Licensing, appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Golas stated that there is discipline action dating from 2002 to present. Discipline is related to tardiness on reporting change of Designated Representative in a timely matter. To address the issue Ms. Golas stated that a biannual training for designated representatives has been instituted, as well as policy regarding the reading and signing off Prescription Monitoring Program reports.

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

Board Action:

Motion: Jade Jacobo moved to approve the Out-of-State Wholesaler License application for Owens & Minor Distribution Inc.

Second: Wayne Mitchell

Action: Passed unanimously.

22.5 Manufacturer and VAWD-Accredited (NAC 639.593(7)(c) and (d))
None

22.6 Publicly Traded and Manufacturer (NAC 639.593(7)(a) and (d))
None

22.7 Publicly Traded and VAWD-Accredited (NAC 639.593(7)(a) and (c))

F. Covetrus North America – Aurora, CO

Hilary Wilson, from the Regulatory and Quality Affairs Department, appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Wilson disclosed the administrative action taken on Covetrus North America and discussed the changes made to rectify the situation.

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

Board Action:

Motion: Richard Tomasso moved to approve the Agenda Items 22F and 22G.

Second: Gener Tejero

Action: Passed unanimously.

G. Covetrus North America – Southaven, MS

This item was heard with Agenda Item 22F.

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

H. Aleracare Wholesale, LLC – Phoenix, AZ

Paul Vasiliauskas, CEO of Aleracare Wholesale, LLC, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Vasiliauskas disclosed an arrest from 1999 for a DUI charge that has since been closed.

Mr. Wuest stated that this disclosure was consistent with the results of the background check.

Board Action:

Motion: Krystal Freitas moved to approve the application for Aleracare Wholesale, LLC.

Second: Richard Tomasso

Action: Passed unanimously.

I. Janus Trade Group LLC – Eatontown, NJ

Stewart Husney, Eli Abisror, and Michael Antar, co-owners, appeared and were sworn by President Park prior to answering questions or offering testimony.

Mr. Wuest provided background, that Janus Trade Group LLC has some pending litigations and past discipline that needs to be disclosed to the Board.

Mr. Husney disclosed to the Board that one of the litigations involves some money that was lent out and not returned. In 2016 there was a purchase from a company that was not licensed in the State. Discipline occurred.

Mr. Antar and Mr. Abisror answered questions about products sold by Janus Trade Group to the Board's satisfaction.

Board Action:

Motion: Gener Tejero moved to approve the Out-of-State Wholesaler License application for Janus Trade Group LLC.

Second: Krystal Freitas

Action: Passed unanimously.

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

Farmakeio Outsourcing – Southlake, TX

Justin Graves, Quality Director, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Dodge questioned Mr. Graves regarding products and services provided by Farmakeio and the FDA Inspection that was completed in October of 2019.

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

Board Action:

Motion: Gener Tejero moved to approve the Out-of-State Outsourcing Facility License application for Farmakeio Outsourcing Facility. They are to send the Board correspondence between the facility and DEA.

Second: Wayne Mitchell

Action: Passed unanimously.

24. Application for Nevada Pharmacy License – Appearance

Off-Site Rampart Pharmacy – Winnemucca, NV

Tiffany Love, Chief Operating Officer, and David Simsek, Director of Pharmacy, appeared and were sworn by President Park prior to answering questions or offering testimony.

Mr. Simsek stated that this license would be for emergency purposes only, to allow the hospital and hospital pharmacy to be extended if need be.

Ms. Love and Mr. Simsek answered questions to the Board's satisfaction.

Board Action:

Motion: Krystal Freitas moved to approve the Nevada Pharmacy License application for Off-Site Rampart Pharmacy.

Second: Richard Tomasso

Action: Passed unanimously.

25. Rehearing of Order in Case No. 20-008-PT-S on Application of Jevons Wang pursuant to NRS 639.252

This item has been continued.

26. Discussion and possible action on Bill Draft Request for 2021 Nevada Legislative Session to amend NRS Chapter 639 regarding the licensing and regulation of the practice of pharmacy, including increasing fees for initial licensure and biennial renewal of a wholesaler license, and requiring criminal background checks for initial registration as a pharmacist or pharmaceutical technician.

Mr. Kandt provided overview of the bill draft request, explaining that the Legislature's Sunset Subcommittee recommended that the Board analyze its fee structure and revise fees to the extent necessary to support its operations. Based upon this recommendation the BDR amends NRS 639.170 to increase the maximum statutory fee for the licensure of wholesalers from \$500 to \$1000. Kandt explained that the Governor's Division of Internal Audits in Audit No. 20-05 recommended that criminal background checks for be required for pharmacists, pharmaceutical technicians and pharmaceutical technicians in training. This would require statutory authorization and the BDR provides this. The BDR also makes various conforming changes and clarifies existing statutory provisions.

Board Action:

Motion: Richard Tomasso moved to approve the language of the bill draft request.

Second: Krystal Freitas

Action: Passed unanimously.

Rolf Zakariassen and Wayne Mitchell were excused from the meeting, September 3, 2020 at 3:30pm.

27. Discussion and Possible Action on Advisory Opinion pursuant to NAC 639.150 in response to petition submitted by the Nevada Association of Nurse Anesthetists on authority of CRNAs to possess and administer anesthetic agents to patients.

Mr. Kandt reminded the Board that earlier this year the Nevada Association of Nurse Anesthetists submitted a petition for an advisory opinion pursuant to NAC 639.150 on the authority of CRNAs to possess and administer anesthetic agents to patients. The Board at the January meeting directed that he draft a proposed advisory opinion.

Mr. Kandt presented a proposed advisory opinion, that concluded that CRNAs may only possess and administer anesthetic agents to patients “at the direction” of a practitioner or “pursuant to a chart order” and the Board lacks the statutory authority to license CRNAs to select and order anesthetic agents from a licensed institutional pharmacy in order to possess and administer these agents to patients of the medical facility in any manner that conflicts with NRS 453.375(1)(b) and NRS 454.213(1)(c).

Chelsea Adams, from the Nevada Association of Nurse Anesthetists, commented that they are still petitioning for legislative clarification on particular aspects of the law in question.

Board Action:

Motion: Krystal Freitas moved to approve the advisory opinion as offered by legal counsel.

Second: Gener Tejero

Action: Passed unanimously.

28. Discussion and possible action on medical interns and residents’ controlled substance registration fee

Mr. Wuest provided the Board with background that in October of 2019 there was a fee increase for the Controlled Substances Registration for practitioners. The medical schools were unaware of the fee changes and did not budget for this increase for the medical interns and medical residents. Board staff maintained the \$80 fee.

Megan Courtney, UNLV Medical School, stated that Mr. Wuest’s summary is correct and accurate. Ms. Courtney provided the Board with the financial implications to the State if interns and residents were to be required to pay the increased fee of \$200 for a Controlled Substance Registration.

Angela Shaw, representing UNR Medical School, agrees with Ms. Courtney's statement about the implications of a fee increase to the state of Nevada as well as future doctors coming into the state.

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

Board Action:

Motion: Richard Tomasso moved to keep the Intern and Resident fees for Controlled Substance Registration at \$80 and not increase them to \$200.

Second: Krystal Freitas

Action: Passed unanimously.

29. Annual review to consider and suggest amendments to and deletions from the provisions of NAC 639.501-.5019

Leo Basch, Board Investigator, provided background on the regulations regarding the annual review of NAC 639.501-.5019. He recommended discontinuing the Workplace Assessment Form.

Mr. Wuest agreed with Mr. Basch.

30. Discussion and possible action on approval of Immunize Nevada - Nevada Immunization Learning Exchange - CE Programs

Breanne Van Dyne, Education Manager, appeared and presented potential CE opportunities for pharmaceutical technicians. Immunize Nevada is the only immunizing organization to provide specific immunizing CE's.

Ms. Van Dyne is seeking approval of the CE's in order to secure trainers to provide the in-person training and hands on experience in immunization for the state of Nevada.

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

Board Action:

Motion: Richard Tomasso moved to approve the CE program for three years.

Second: Rolf Zakarriassen

Action: Passed unanimously.

31. Approval of Revised Wholesaler Application

This matter has been continued.

32. Petition for Exemption from the requirement of a lavatory with toilet and washbasin within or adjoining the pharmacy. NAC 639.530(4).

Rx2U, LLC. – Las Vegas, NV

Krystal Freitas disclosed that the owner is a former classmate, but she is able to participate fairly and without bias.

Mr. Wuest provided background information that the Board had previously approved a license but upon inspection, the location did not meet the law requirements. The law does present the option to waive the particular issue on the Petition for Exemption of a lavatory with toilet and washbasin within or adjoining the pharmacy.

Maryam Rastkerdar, Pharmacist, appeared to answer questions regarding the petition.

Board discussed the regulation and conferred with Board counsel on the extent of the Board's authority to grant a waiver under NAC 639.530(4).

The Board determined that the variance request cannot be considered as Rx2U, LLC is not a remodeled pharmacy eligible to make the request.

33. General Counsel Report. Note: The Board may exclude the public for a report on potential or existing litigation pursuant to NRS 241.015(3)(b)(2).

34. Executive Secretary Report:

A. Financial Report

Mr. Wuest presented the Financial Report to the Board's satisfaction.

B. Issuance of Temporary Licenses and Registrations

There were four temporary licenses and registrations issued since the last meeting.

- C. Meetings with Other Health Care Regulatory Boards
 D. COVID-19 Response
 - Emergency Regulation Update

Mr. Wuest reported to the Board that Board Staff has supported the State efforts with Remdesavir. Board staff meets weekly with FEMA and HHS and Amerisource to help allocate the medication to the facilities that are most in need. These efforts will continue through September 2020.

- E. Presentation to GME UNLV
 F. Licensing Software Update

Mr. Wuest presented to the Board updates to the Licensing Software.

G. Licensing Activities Report

Mr. Wuest stated to the Board that license renewals have begun.

H. PMP Integration

President Park thanked the Board staff for their efforts in assisting the state, as well as their efforts in moving the regulation along to allow pharmaceutical technicians the authority to immunize under the supervision of the pharmacist.

◆ PUBLIC HEARING ◆

Thursday September 3, 2020 – 9:00 am

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

- A. **Amendment of Nevada Administrative Code (NAC) 453.520 Schedule II.** The proposed amendment adds such drug products to the list of controlled substances in schedule II in conformity with the federal regulations of the Uniform Controlled Substances Act. (LCB File No. R084-20)

Mr. Wuest stated that the proposed amendments were requested by the State's crime labs based upon new derivatives of drugs and compounds. Mr. Wuest reminded the Board that this language has already been through workshop.

President Park opened the Public Comment.

There was no Public Comment.

Board Action:

Motion: Jade Jacobo moved to adopt LCB File No. R084-20.

Second: Wayne Mitchell

Action: Passed unanimously.

- B. **Amendment of Nevada Administrative Code (NAC) 639: Pharmaceutical Technician Ability to Administer Immunizations.** The proposed amendment will authorize a pharmaceutical technician with appropriate training to administer immunizations under the direct supervision of a pharmacist. (LCB File No. R142-20)

Ms. Long stated that LCB reverted the routes of administration back to the original draft

language.

President Park opened the floor for Public Comment.

Ms. Long stated that there were some written comments that are available on the Board Website.

Lauren Paul, CVS Health, stated that she is in support of the proposed language.

Mary Staples, National Association of Chain Drug Stores, stated that she is also in favor of the language and to not delay this amendment.

Jessica Langley, Coalition for the Advancement of Pharmacy Technician Practitioners, stated that she is in favor of this amendment and the benefit it will be to the public.

Liz MacMenamin, RAN, stated that she is in favor of the amendment and is in support of allowing technicians to administer immunizations.

Ademola Are, National Community Pharmacist Association, stated that he is in support of the language and thanked the Board for their effort in this amendment.

President Park closed Public Comment.

Mr. Tomasso read into the record a public comment that was against allowing pharmaceutical technicians the authority to administer immunizations.

The Board discussed current policies on direct supervision, and future plans on pharmaceutical technician training as well as continued direct supervision.

Board Action:

Motion: Krystal Freitas moved to adopt LCB File No. R142-20

Second: Richard Tomasso

Action: Passed unanimously.

◆ WORKSHOP ◆

Thursday September 3, 2020 – 9:00 am

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

Amendment of Nevada Administrative Code (NAC) 639.742, 639.743, 639.744, and 639.745: Dispensing Practitioners. The proposed amendments will modify the supervision of dispensing technician by dispensing practitioners. These amendments

will authorize dispensing practitioners in group practices to share inventory of certain medications and centralize activities. The proposed amendments will increase the fees for the application for an initial registration, and the biennial renewal of a registration, as a registered dispensing technician.

Mr. Wuest presented background on the requested regulation.

President Park opened the floor to Public Comment.

Rupesh Parikh, Comprehensive Cancer Centers, read a prepared statement into the record regarding the ability of group practices to streamline patient care by having one central location of drugs to be dispensed, available to all dispensing doctors listed on the application for the site.

Liz MacMenamin, RAN, commented to the Board that she was present in 2003 when this law was first enacted and the reasoning behind it. By allowing more freedom in dispensing by doctors, they are in essence practicing pharmacy which is out of their scope.

Rachel Dobbs, Vice President of Operations with Activate Healthcare, stated that she is in support of the proposed changes and the potential benefit of efficiency in patient care.

Brad Raghasin, Pharmacist, stated that medications will only be dispensed by licensed practitioners.

The Board discussed the potential benefits of change in patient care and public wellbeing.

The Board directed staff to notice a public workshop.

37. Request for Approval of Change of Managing pharmacist pursuant to NRS 639.220
ACRx Specialty Pharmacy

This matter has been continued.

38. Adoption of Emergency Regulation pursuant to NRS233B.0613

Amendment of Nevada Administrative Code (NAC) 639: Pharmaceutical technician Ability to Administer Immunizations. The proposed emergency amendment in response to COVID-19 will authorize a pharmaceutical technician with appropriate training to administer immunizations under the direct supervision of a pharmacist. (LCB File No. R142-20)

President Park opened the floor to Public Comment.

Dave Wuest provided insight into the emergency regulation.

Liz MacMenamin, RAN, thanked the Board for moving this emergency regulation through quickly to prepare the State for the upcoming flu season and potential COVID-19 vaccine expected to arrive soon.

Mary Staples, National Association for Chain Drug Stores, thanked the Board for their cooperation in pushing the emergency regulation through as quickly as they have.

The Board discussed when this regulation would go into effect and if this regulation will still be in effect during the peak of the flu season.

President Park closed the floor to Public Comment.

Board Action

Motion: Jade Jacobo moved to adopt this emergency regulation.

Second: Rolf Zakariassen.

Action: Passed unanimously.

39. Date and Location of Next Scheduled Board Meeting:

October 14-15, 2020 – Las Vegas, NV

40. Public Comment 4:15 PM

There was no Public Comment.

41. Date and location of Next Scheduled Board Meeting

October 14-15, 2020- Las Vegas, NV

42. Adjournment