



NEVADA STATE BOARD OF PHARMACY

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MINUTES

October 9-10, 2019

BOARD MEETING

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

Board Members Present:

| | | |
|---------------|-----------------|----------------|
| Kevin Desmond | Jade Jacobo | Wayne Mitchell |
| Melissa Shake | Robert Sullivan | Gener Tejero |

Board Staff Present:

| | | | |
|--------------|----------------------|--------------|-----------------|
| Dave Wuest | Paul Edwards | Brett Kandt | Shirley Hunting |
| Ken Scheuber | Luis Curras | Dena McClish | Leo Basch |
| Justin Taruc | Kristopher Mangosing | | |

Presiding Officer Desmond 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 announced that Jason Penrod has resigned from his position as President of the Nevada State Board of Pharmacy and stated that Kevin Desmond would be acting as the Presiding Officer.

1. Public Comment October 9, 2019 9:00 AM

There was no public comment.

2. Approval of September 4-5, 2019, Minutes

Board Action:

Motion: Robert Sullivan moved to approve the September 4-5, 2019 Meeting Minutes as presented.

Second: Melissa Shake

Action: Passed unanimously

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

- A. 866 East Tremont Pharmacy LLC/Boca Pharmacy – Bronx, NY
- B. AHF Pharmacy – Fort Lauderdale, FL
- C. Berkley Pharmacy LLC – Warren, MI
- D. CVS/pharmacy #11340 – Plantation, FL
- E. CVS/specialty #48640 – Boise, ID
- F. KnippeRx Inc. – Charlestown, IN
- G. Millennium Pharmacy – Mt. Juliet, TN
- H. OptumRx – Oklahoma City, OK
- I. Rochester Health Mart Pharmacy – Rochester, PA
- J. Xpresso Pharmacy Inc. – Miramar, FL

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

- K. Community, A Walgreens Pharmacy #21213 – Glendale, AZ
- L. Crestview Pharmacy – Crestview, FL
- M. Family Pharmacy – Sarasota, FL
- N. Gem Drugs – Reserve, LA

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

- O. APM Medical Supplies – Rockwall, TX
- P. Bridgewater Health Supplies LLC – Oyster Bay, NY
- Q. Cala Health, Inc. – Burlingame, CA
- R. Care Concepts, Inc. – Van Nuys, CA
- S. Energy Workers Medical Services, LLC – Fork, UT
- T. Good Night Medical – Columbus, OH
- U. Prolenium US Inc. – Raleigh, NC
- V. Sawtooth Orthotics & Prosthetics, Inc. – Boise, ID
- W. TLC Medical Supplies – Los Angeles, CA

Application for Nevada Ambulatory Surgery Center – Non Appearance

- X. Visionary Surgery Center of Nevada – Reno, NV

Application for Nevada Pharmacy – Non Appearance

- Y. CVS Specialty – Las Vegas, NV

Melissa Shake recused from participation regarding Item 3K due to her employment.

Jade Jacobo recused from participation regarding Item 3H due to her employment.

Board discussion ensued regarding Item 3L's products and services provided specifically if 3L would be shipping vaccines and immunization products into Nevada.

Board Action:

Motion: Jade Jacobo moved to approve the Consent Agenda except for Items 3K, 3H and 3L.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved to approve Item 3H.

Second: Gener Tejero

Action: Passed unanimously

Board Action:

Motion: Jade Jacobo moved to approve Item 3K.

Second: Robert Sullivan

Action: Passed unanimously

Leo Basch, Inspector Nevada State Board of Pharmacy, appeared and was sworn by Presiding Officer Desmond prior to offering testimony or answering questions.

Mr. Basch explained that he contacted Item 3L (Crestview Pharmacy). He stated that he was unable to determine if Crestview Pharmacy was shipping vaccines and immunization products into Nevada.

Board Action:

Motion: Jade Jacobo moved to have Board Staff contact Crestview Pharmacy and determine if they are shipping vaccine and immunization products into Nevada. Board Staff is authorized to determine if Crestview Pharmacy can be brought before the Board on the Consent Agenda or for appearance.

Second: Melissa Shake

Action: Passed unanimously

4. Discipline

- | | | |
|----|----------------------------|---------------|
| A. | Ravi Ramanathan, MD | 15-047-CS-A-S |
| B. | Beraldo Vazquez-Correa, MD | 15-047-CS-B-S |
| C. | Joshua Smith, PA | 15-047-CS-C-S |
| D. | Yaakov Dovid Kotlarsky, PA | 15-047-CS-D-S |
| E. | Jennifer Lauren Relph, PA | 15-047-CS-E-S |

Ravi Ramanathan, Beraldo Vazquez-Correa, Joshua Smith, Yaakov Kotlarsky and Jennifer Relph were not present.

Kathleen Janssen was present as counsel for Jennifer Relph.

Mr. Edwards summarized the facts of the case where in July and August 2015, Dr. Ramanathan owned and/or operated a medical clinic called Family Doctors of Green Valley. Dr. Ramanathan held a controlled substance registration and dispensing practitioner registration at that time. Dr. Vazquez-Correa and physician's assistants Smith, Kotlarsky and Relph were licensed practitioners who worked at the clinic. Vazquez-Correa, Smith, Kotlarsky and Relph each held a controlled substance registration, but none of them held a dispensing practitioner registration at the time.

Mr. Edwards explained that Dr. Ramanathan instructed and allowed Vazquez-Correa, Smith, Kotlarsky and Relph to each write prescriptions using their own name, and then fill their patients' prescriptions using Dr. Ramanathan's dispensing practitioner registration and using prescription drugs from Dr. Ramanathan's prescription drug inventory.

Mr. Edwards stated that between July 24, 2015, and August 10, 2015, Vazquez-Correa, Smith, Kotlarsky, and Relph wrote a total of 213 prescriptions for controlled substances. They dispensed prescription drugs to fill those 213 prescriptions from Dr. Ramanathan's inventory in his absence.

Mr. Edwards stated that Vazquez-Correa, Smith, Kotlarsky and Relph reported to the Prescription Monitoring Program that Dr. Ramanathan wrote and dispensed each of those 213 prescriptions.

Mr. Edwards stated that Dr. Ramanathan failed to keep record of his opening inventory of controlled substances, and could not produce that record when requested during and inspection in August 2014.

Mr. Edwards explained that during an audit of Dr. Ramanathan's controlled substance inventory by the Drug Enforcement Agency (DEA) in 2015, the DEA found a variance of 83,241 tablets/capsules between the inventory that Dr. Ramanathan purchased, and the inventory that he could account for at the time of the audit.

Mr. Edwards requested the Board withdraw the Second Cause of Action regarding Dr. Ramanathan and withdraw paragraph 7 of the Accusation.

Mr. Edwards presented a Stipulation and Order regarding Dr. Ramanathan.

Dr. Ramanathan's controlled substance registration shall be revoked for one year and the revocation stayed effective immediately. Dr. Ramanathan shall receive a Letter of Reprimand and shall dismiss any cases against the Nevada State Board of Pharmacy. Dr. Ramanathan shall pay a \$3,000 fine and a \$1,500 administrative fee. Dr. Ramanathan shall establish and put into practice policies and procedures to ensure the proper licensure of all persons employed by him or working under his supervision, to ensure that all controlled substances and dangerous drugs in his possession or control are properly stored and accessed, and to ensure that he and his staff comply with all state and federal laws. Dr Ramanathan shall provide a copy of his policies and procedures to Board Staff within 30 days.

Board Action:

Motion: Jade Jacobo moved to accept the Stipulation and Order regarding Dr. Ramanathan with the withdrawal of the Second Cause of Action and paragraph 7.

Second: Gener Tejero

Action: Passed unanimously

Mr. Edwards presented a Stipulation and Order regarding Jennifer Relph.

Ms. Relph shall receive a Letter of Reprimand, pay a \$500 fine, pay a \$500 administrative fee, and shall dismiss any cases against the Nevada State Board of Pharmacy.

Ms. Janssen had no objections to the Stipulation and Order presented and thanked the Board and Board Staff for their time.

Board Action:

Motion: Jade Jacobo moved to accept the Stipulation and Order regarding Jennifer Relph.

Second: Melissa Shake

Action: Passed unanimously

Mr. Edwards presented a Stipulation and Order regarding Dr. Vazquez-Correa.

Dr. Vazquez-Correa shall receive a Letter of Reprimand, pay a \$500 fine, pay a \$500 administrative fee, and shall dismiss any cases against the Nevada State Board of Pharmacy.

Board Action:

Motion: Jade Jacobo moved to accept the Stipulation and Order regarding Beraldo Vazquez-Correa.

Second: Melissa Shake

Action: Passed unanimously

Mr. Edwards presented a Stipulation and Order regarding Joshua Smith.

Mr. Smith shall receive a Letter of Reprimand, pay a \$500 fine, pay a \$500 administrative fee, and shall dismiss any cases against the Nevada State Board of Pharmacy.

Board Action:

Motion: Melissa Shake moved to accept the Stipulation and Order regarding Joshua Smith.

Second: Robert Sullivan

Action: Passed unanimously

Mr. Edwards presented a Stipulation and Order regarding Yaakov Kotlarsky.

Mr. Kotlarsky shall receive a Letter of Reprimand, pay a \$500 fine, pay a \$500 administrative fee, and shall dismiss any cases against the Nevada State Board of Pharmacy.

Board Action:

Motion: Melissa Shake moved to accept the Stipulation and Order regarding Yaakov Kotlarsky.

Second: Robert Sullivan

Action: Passed unanimously

F. Orlandis L. Wells, MD

19-211-CS-S

Gener Tejero recused from participation in this matter due to his employment. Orlandis Wells is the Medical Director at Las Vegas Infusion Pharmacy.

Dr. Wells was not present.

Mr. Edwards summarized the facts of the case where Dr. Wells had surrendered his DEA Registration for cause.

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

Dr. Wells agrees to surrender his Controlled Substance Registration.

Board Action:

Motion: Jade Jacobo moved to accept Dr. Well's voluntary surrender of his Controlled Substance Registration.

Second: Wayne Mitchell

Action: Passed unanimously

G. Allied 100, LLC

19-150-WH

Bridgette Kelly was present as counsel representing Allied 100, LLC.

Mr. Kandt summarized the facts of the case where Board Staff contacted Allied 100, LLC in May 2019 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 Allied 100, LLC again in July 2019, but still has not received the current list of officers/directors and fingerprint cards.

Ms. Kelly explained that Allied 100, LLC was VAWD accredited in 2016 and started the process of re-accrediting in May 2019. Ms. Kelly stated that Allied 100, LLC did not receive the first notice, but did receive the second notice.

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

Presiding Officer Desmond admitted Exhibit 1 into the record.

Mr. Kandt presented Exhibit 1 which was an email from Allied 100, LLC to Board Staff.

Board Action:

Motion: Jade Jacobo moved that the Board has jurisdiction over this matter and that the Findings of Fact (Paragraphs 1-4) are true.

Second: Melissa Shake

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved to find that the Findings of Fact (Paragraphs 1,6 and 7) are true.

Second: Jade Jacobo

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: Melissa Shake moved that Allied 100, LLC 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: Jade Jacobo

Action: Passed unanimously

H. Americares Foundation, Inc.

19-151-WH

Bridgette Kelly was present as counsel representing Americares Foundation, Inc.

Mr. Kandt summarized the facts of the case where Board Staff contacted Americares Foundation, Inc in May 2019 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 Americares Foundation, again in July 2019, but still has not received the current list of officers/directors and fingerprint cards.

Ms. Kelly stated that Americares Foundation, Inc received an email from Carolyn Cramer, past Board General Counsel, stating that the company was exempt from providing the list of officers/directors and fingerprint cards.

After discussion, Mr. Wuest stated that Ms. Cramer did not have authorization to exempt Americares Foundation, Inc from complying with the requirements.

Board Action:

Motion: Melissa Shake moved that the Findings of Fact (Paragraphs 1-4) are true.

Second: Wayne Mitchell

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved that the Board has jurisdiction over this matter and that Findings of Fact (Paragraphs 1,6 and 7) are true.

Second: Jade Jacobo

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.

Ms. Kelly stated that Americares Foundation Inc has 22 directors and 9 officers, and requested the Board allow for more than twenty days to comply with the Order.

Board Action:

Motion: Jade Jacobo moved that Americares Foundation Inc. 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: Gener Tejero

Aye: Jacobo, Mitchell, Sullivan, Tejero

Nay: Shake

Action: Motion carries

I. Bio Comp Pharma, Inc.

19-154-WH

No representative from Bio Comp Pharma, Inc. was present.

Mr. Kandt summarized the facts of the case where Board Staff contacted Bio Comp Pharma, Inc. in May 2019 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 Bio Comp Pharma, Inc., again in July 2019, but still has not received the current list of officers/directors and fingerprint cards.

Mr. Kandt called Shirley Hunting as a witness.

Shirley Hunting, Board Coordinator Nevada State Board of Pharmacy, appeared and was sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

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

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

Mr. Kandt presented Exhibit 1, documentation that Board Staff properly served Bio Comp Pharma, Inc.

Board Action:

Motion: Melissa Shake moved that Board Staff properly served Bio Comp Pharma, Inc. and that the Findings of Fact (Paragraphs 1-4) are true.

Second: Jade Jacobo

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved that Findings of Fact (Paragraphs 6-7) are true.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved that Bio Comp Pharma, Inc. 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: Robert Sullivan

Action: Passed unanimously

J. Breg, Inc.

19-155-WH

No representative from Breg, Inc. was present.

Mr. Wuest stated that Breg, Inc. has submitted fingerprints to Board Staff, and Board Staff has forwarded the fingerprints to the Central Repository for Nevada Records of Criminal History.

Mr. Kandt requested the Board continue this matter to a future meeting.

Board Action:

Motion: Melissa Shake moved that this matter be continued to the December 2019 Board meeting.

Second: Gener Tejero

Action: Passed unanimously

K. Clinician's Choice Dental Products Inc.

19-158-WH

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

Mr. Kandt summarized the facts of the case where Board Staff contacted Clinician's Choice Dental Products Inc. in May 2019 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 Clinician's Choice Dental Products Inc., again in July 2019, but still has not received the current list of officers/directors and fingerprint cards.

Mr. Kandt called Shirley Hunting as a witness.

Ms. Hunting testified that she sent Clinician's Choice Dental Products Inc. the Notice of Intended Action and Accusation by certified mail. Ms. Hunting reviewed documentation showing that Clinician's Choice Dental Products Inc. was properly served at their address of record.

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

Mr. Kandt presented Exhibit 1, documentation that Board Staff properly served Clinician's Choice Dental Products Inc.

Board Action:

Motion: Melissa Shake moved that Board Staff properly served Clinician's Choice Dental Products Inc. and that the Findings of Fact (Paragraphs 1-4) are true.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved that Findings of Fact (Paragraphs 6-7) are true.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved that Clinician's Choice Dental Products Inc. 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: Robert Sullivan

Action: Passed unanimously

L. Dental City 19-162-WH

No representative from Dental City was present.

Mr. Kandt stated that Dental City submitted fingerprints to Board Staff, and Board Staff has forwarded the fingerprints to the Central Repository for Nevada Records of Criminal History.

Mr. Kandt requested the Board continue this matter to a future meeting.

Board Action:

Motion: Melissa Shake moved that this matter be continued to the December 2019 Board meeting.

Second: Gener Tejero

Action: Passed unanimously

M. GC Mogam, Inc. 19-166-WH

No representative from GC Mogam, Inc. was present.

Mr. Kandt summarized the facts of the case where Board Staff contacted GC Mogam, Inc. in May 2019 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 GC Mogam, Inc., again in July 2019, but still has not received the current list of officers/directors and fingerprint cards.

Mr. Kandt called Shirley Hunting as a witness.

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

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

Mr. Kandt presented Exhibit 1, documentation that Board Staff properly served GC Mogam, Inc.

Board Action:

Motion: Melissa Shake moved that Board Staff properly served GC Mogam, Inc. and that the Findings of Fact (Paragraphs 1-4) are true.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved that Findings of Fact (Paragraphs 6-7) are true.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved that GC Mogam, Inc. 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: Robert Sullivan

Action: Passed unanimously

N. Halyard Sales, LLC

19-170-WH

No representative from Halyard Sales, LLC was present.

Mr. Kandt summarized the facts of the case where Board Staff contacted Halyard Sales, LLC in May 2019 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 Halyard Sales, LLC, again in July 2019, but still has not received the current list of officers/directors and fingerprint cards.

Mr. Kandt called Shirley Hunting as a witness.

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

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

Mr. Kandt presented Exhibit 1, documentation that Board Staff properly served Halyard Sales, LLC.

Board Action:

Motion: Melissa Shake moved that Board Staff properly served Halyard Sales, LLC and that the Findings of Fact (Paragraphs 1-4) are true.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved that Findings of Fact (Paragraphs 6-7) are true.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved that Halyard Sales, 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: Robert Sullivan

Action: Passed unanimously

O. Integrated Medical Systems, Inc. 19-175-WH

No representative from Integrated Medical Systems, Inc. was present.

Mr. Kandt summarized the facts of the case where Board Staff contacted Integrated Medical Systems, Inc. in May 2019 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 Integrated Medical Systems, Inc., again in July 2019, but still has not received the current list of officers/directors and fingerprint cards.

Mr. Kandt called Shirley Hunting as a witness.

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

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

Mr. Kandt presented Exhibit 1, documentation that Board Staff properly served Integrated Medical Systems, Inc.

Board Action:

Motion: Melissa Shake moved that Board Staff properly served Integrated Medical Systems, Inc. and that the Findings of Fact (Paragraphs 1-4) are true.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved that Findings of Fact (Paragraphs 6-7) are true.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved that Integrated Medical Systems, Inc. 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: Robert Sullivan

Action: Passed unanimously

P. National Cornerstone Healthcare Services Inc. (NCHS) 19-146-WH

No representative from NCHS was present.

Mr. Kandt summarized the facts of the case where Board Staff contacted NCHS in May 2019 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

NCHS, again in July 2019, but still has not received the current list of officers/directors and fingerprint cards.

Mr. Kandt called Shirley Hunting as a witness.

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

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

Mr. Kandt presented Exhibit 1, documentation that Board Staff properly served NCHS.

Board Action:

Motion: Melissa Shake moved that Board Staff properly served NCHS and that the Findings of Fact (Paragraphs 1-4) are true.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved that Findings of Fact (Paragraphs 6-7) are true.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved that NCHS 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: Robert Sullivan

Action: Passed unanimously

Q. Pharmaco Technology LLC

19-188-WH

No representative from Pharmaco Technology LLC was present.

Mr. Kandt summarized the facts of the case where Board Staff contacted Pharmaco Technology LLC in May 2019 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 Pharmaco Technology LLC, again in July 2019, but still has not received the current list of officers/directors and fingerprint cards.

Mr. Kandt called Shirley Hunting as a witness.

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

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

Mr. Kandt presented Exhibit 1, documentation that Board Staff properly served Pharmaco Technology LLC.

Board Action:

Motion: Melissa Shake moved that Board Staff properly served Pharmaco Technology LLC and that the Findings of Fact (Paragraphs 1-4) are true.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved that Findings of Fact (Paragraphs 6-7) are true.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved that Pharmaco Technology 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: Robert Sullivan

Action: Passed unanimously

R. RLC Labs, Inc.

19-194-WH

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

No representative from RLC Labs, Inc. was present.

Mr. Kandt summarized the facts of the case where Board Staff contacted RLC Labs, Inc. in May 2019 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 RLC Labs, Inc., again in July 2019, but still has not received the current list of officers/directors and fingerprint cards.

Mr. Kandt called Shirley Hunting as a witness.

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

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

Mr. Kandt presented Exhibit 1, documentation that Board Staff properly served RLC Labs, Inc.

Board Action:

Motion: Melissa Shake moved that Board Staff properly served RLC Labs, Inc. and that the Findings of Fact (Paragraphs 1-4) are true.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved that Findings of Fact (Paragraphs 6-7) are true.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved that RLC Labs, Inc. 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: Robert Sullivan

Action: Passed unanimously

S. Virbac AH Inc.

19-202-WH

No representative from Virbac AH Inc. was present.

Mr. Kandt summarized the facts of the case where Board Staff contacted Virbac AH Inc. in May 2019 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 Virbac AH Inc., again in July 2019, but still has not received the current list of officers/directors and fingerprint cards.

Mr. Kandt called Shirley Hunting as a witness.

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

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

Mr. Kandt presented Exhibit 1, documentation that Board Staff properly served RLC Labs, Inc.

Board Action:

Motion: Melissa Shake moved that Board Staff properly served Virbac AH Inc. and that the Findings of Fact (Paragraphs 1-4) are true.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved that Findings of Fact (Paragraphs 6-7) are true.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved that Virbac AH Inc. 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: Robert Sullivan

Action: Passed unanimously

T. WBC Group., LLC

19-204-WH

No representative from WBC Group., LLC was present.

Mr. Kandt summarized the facts of the case where Board Staff contacted WBC Group., LLC in May 2019 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 WBC Group., LLC, again in July 2019, but still has not received the current list of officers/directors and fingerprint cards.

Mr. Kandt called Shirley Hunting as a witness.

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

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

Mr. Kandt presented Exhibit 1, documentation that Board Staff properly served WBC Group., LLC.

Board Action:

Motion: Melissa Shake moved that Board Staff properly served WBC Group., LLC and that the Findings of Fact (Paragraphs 1-4) are true.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved that Findings of Fact (Paragraphs 6-7) are true.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved that WBC Group., 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: Robert Sullivan

Action: Passed unanimously

U. 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 in May 2019 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 stated that Westminster Pharmaceutical, LLC provided an Answer and Notice of Defense on October 3, 2019 stating that the company provided a Notice of Intent to Voluntarily Surrender Certificate of Registration Number WH02154 on May 1, 2019.

Mr. Kandt requested the Board continue this matter to a future Board meeting to allow Board Staff to investigate Westminster Pharmaceutical, LLC's voluntary surrender.

Board Action:

Motion: Melissa Shake moved to continue this matter to the December 2019 Board meeting.

Second: Robert Sullivan

Action: Passed unanimously

V. X-GEN Pharmaceuticals, Inc. 19-209-WH

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

Mr. Kandt summarized the facts of the case where Board Staff contacted X-GEN Pharmaceuticals, Inc in May 2019 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 X-GEN Pharmaceuticals, Inc, again in July 2019, but still has not received the current list of officers/directors and fingerprint cards.

Mr. Kandt called Shirley Hunting as a witness.

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

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

Mr. Kandt presented Exhibit 1, documentation that Board Staff properly served X-GEN Pharmaceuticals, Inc.

Board Action:

Motion: Melissa Shake moved that Board Staff properly served X-GEN Pharmaceuticals, Inc and that the Findings of Fact (Paragraphs 1-4) are true.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved that Findings of Fact (Paragraphs 6-7) are true.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved that X-GEN Pharmaceuticals, Inc. 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: Robert Sullivan

Action: Passed unanimously

5. Applications for Nevada Pharmacy – Appearance

A. Aaron Pharmacy Inc. – North Las Vegas, NV

Felix Egbase, managing pharmacist, appeared and was sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Mr. Kandt explained that this matter was noticed to appear the following day on October 10, 2019.

Mr. Egbase waived his Right to Notice and requested the Board hear this matter on October 9, 2019.

Mr. Egbase stated that Aaron Pharmacy Inc. is a retail pharmacy that provides non-sterile compounding and delivery services.

Mr. Egbase answered questions to the Board's satisfaction regarding the company's products and services provided, pharmacy layout, marketing and Mr. Egbase's pharmacy experience.

Board Action:

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

Second: Gener Tejero

Action: Passed unanimously

B. Evergreen Pharmacy – Las Vegas, NV

Ali Molokhia, owner, and Tae Yi, managing pharmacist, appeared and were sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Mr. Yi stated that Evergreen Pharmacy is a retail community pharmacy located near the University of Nevada Las Vegas.

Mr. Yi answered questions to the Board's satisfaction regarding Evergreen Pharmacy's products and services provided, policies and procedures, and his pharmacy experience.

Mr. Yi clarified that Evergreen Pharmacy does not provide non-sterile compounding services and requested that the Board update their application.

Board Action:

Motion: Melissa Shake moved to approve Evergreen Pharmacy's Application for Nevada Pharmacy pending a positive inspection and the modification to their application to remove non-sterile compounding services.

Second: Jade Jacobo

Action: Passed unanimously

C. Pahrump Wellness Pharmacy and Nutrition Center – Pahrump, NV

Justin Curnutt, part-owner, and Thomas Rogaski, managing pharmacist, appeared and were sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Mr. Wuest explained that Mr. Curnutt and Mr. Rogaski had appeared at a previous meeting regarding Pahrump Wellness Pharmacy and Nutrition Center. At that meeting, the Board tabled the application at Mr. Curnutt's request to allow time for Mr. Curnutt to meet with Board Staff to discuss the pharmacy layout, policies and procedures, services provided and ownership structure.

Mr. Curnutt stated that Pahrump Wellness Pharmacy and Nutrition Center will not be providing any compounding services and presented documentation regarding the pharmacy's services provided, Mr. Rogaski's pharmacy experience and his work history and pharmacy experience.

Anna Cadigan, part-owner, appeared and was sworn by Presiding Officer Desmond prior to answering questions and offering testimony.

The Board questioned Ms. Cadigan regarding her work history and past discipline.

Ms. Cadigan, Mr. Curnutt and Mr. Rogaski answered questions to the Board's satisfaction.

After discussion, the Board discussed having Board Staff inspect the pharmacy quarterly at the company's expense.

Board Action:

Motion: Jade Jacobo moved to approve Pahrump Wellness Pharmacy and Nutrition Center pending a positive inspection. Board Staff may inspect the pharmacy quarterly at the company's expense. Pahrump Wellness Pharmacy and Nutrition Center will have to appear before the Board if they choose to provide sterile or non-sterile compounding services.

Second: Melissa Shake

Action: Passed unanimously

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

A. Althea Pharmacy – Fort Mohave, AZ

Abdikadir Moalim, owner, appeared and was sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Brian Morris was present as counsel representing Althea Pharmacy.

Mr. Wuest stated that Althea Pharmacy is applying for an Out-of-State Pharmacy License.

Mr. Morris moved to have Exhibits 1A, 1B, 1C and 1D admitted into the record.

Presiding Officer Desmond admitted Exhibits 1A, 1B, 1C and 1D into the record.

Mr. Morris presented documentation that Althea Pharmacy self-reported that the company delivered prescriptions into Nevada without proper licensure. Mr. Morris stated that Althea Pharmacy has voluntarily ceased all deliveries into Nevada when they discovered the error.

Mr. Morris stated that Althea Pharmacy provides pharmacy services to Laughlin, Nevada which is an under-served location.

Mr. Morris presented letters of support from patients requesting the Board approve Althea Pharmacy's application.

Board discussion ensued regarding the importance of providing service to the rural areas in Nevada.

Board Action:

Motion: Melissa Shake moved to approve Althea Pharmacy's Application for Out-of-State Pharmacy License.

Second: Wayne Mitchell

Action: Passed unanimously

B. Edgepark Medical Supplies – Twinsburg, OH

William Crates, VP Quality Management, appeared and was sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Mr. Crates explained that Edgepark Medical Supplies will provide mail service to Nevada patients.

Mr. Crates answered questions to the Board's satisfaction regarding the company's prior discipline.

Mr. Crates summarized the facts of the case where Edgepark Medical Supplies failed to report a change of managing pharmacist in a timely manner.

Board Action:

Motion: Jade Jacobo moved to approve Edgepark Medical Supplies' Application for Out-of-State Pharmacy License.

Second: Melissa Shake

Action: Passed unanimously

C. Premier Specialty Infusion, LLC – Hoffman Estates, IL

Jennifer Otto, pharmacist, appeared and was sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Leo Basch, Inspector Nevada State Board of Pharmacy, appeared and was sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Mr. Basch questioned Ms. Otto regarding Premier Specialty Infusion, LLC's products and services provided, sterile compounding procedures and shipping procedures.

Ms. Otto explained that Premier Specialty Pharmacy does offer sterile compounded products, but will not be sending sterile products into Nevada.

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

Board Action:

Motion: Gener Tejero moved to approve Premier Specialty Infusion, LLC's Application for Out-of-State Pharmacy License pending receipt of a Letter of Authorization allowing Ms. Otto to speak on behalf of the company.

Second: Jade Jacobo

Action: Passed unanimously

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

Custom Compounding Pharmacy (DBA) – Weatherford, TX

Kendra Wright, managing pharmacist, appeared and was sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Luis Curras, Inspector Nevada State Board of Pharmacy, appeared and was sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Ms. Wright presented a Letter of Authorization allowing her to speak on behalf of the company.

Ms. Wright explained that Custom Compounding Pharmacy provides sterile and non-sterile compounded equine products. She stated that the pharmacy does not compound any human use products.

Mr. Curras questioned Ms. Wright regarding Custom Compounding Pharmacy's products and services, clean room specifications, product testing and staff training.

Mr. Curras requested Ms. Wright provide the Board with a copy of the company's cleaning and shipping procedure policy and a list of their BUD sterile products and validations.

Board Action:

Motion: Gener Tejero moved to approve Custom Compounding Pharmacy's Application for Out-of-State Compounding Pharmacy License pending receipt of the company's cleaning and shipping procedure policy and list of their BUD sterile products and validations.

Second: Jade Jacobo

Action: Passed unanimously

8. Request for Reinstatement of Pharmaceutical Technician Registration - Appearance

Ian Knickerbocker

Jade Jacobo disclosed that she has worked with Mr. Knickerbocker, but stated that she could participate in this matter fairly and without bias.

Ian Knickerbocker appeared and was sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Mr. Knickerbocker stated that his license was revoked in March 2018. He summarized the facts of a case where he knowingly and willfully participated in fraudulent transactions by receiving and purchasing prescriptions without a lawful prescription.

The Board questioned Mr. Knickerbocker regarding why he did not appear at his hearing in March 2018 and what his work history has been since then.

Mr. Knickerbocker stated that he moved to Florida to deal with family matters during the hearing. He explained that he did not respond to Board staff because he acknowledged his mistake and knew he would likely have his license revoked.

Mr. Knickerbocker answered questions to Board's satisfaction regarding his employment history in Florida, and explained that he would like to work in pharmacy again.

Board Action:

Motion: Jade Jacobo moved to reinstate Ian Knickerbocker's Pharmaceutical Technician Registration with conditions. Mr. Knickerbocker provide a new application and fee. Mr. Knickerbocker complete 4 additional CEU on ethics. Mr. Knickerbocker shall seek Board approval prior to working in Nevada. Mr. Knickerbocker shall pay restitution to Walmart and the insurance company

billed for the fraudulent prescription, and shall disclose this matter to all employers.

Second: Melissa Shake

Action: Passed unanimously

9. Applications for Controlled Substance Registration - Appearance:

A. Alex K. Curtis, MD

Alex Curtis appeared and was sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Dr. Curtis disclosed on his application he suffered an injury 25 years ago and had developed an addiction to opiates.

The Board questioned Dr. Curtis regarding his addiction, recovery and work history.

Dr. Curtis answered questions to the Board's satisfaction. He explained that due to child care issues he may not be able to move to Nevada at this time, but he wanted to appear to resolve this matter.

Board Action:

Motion: Jade Jacobo moved to approve Alex Curtis' Application for Controlled Substance Registration pending a positive evaluation with PRN-PRN.

Second: Melissa Shake

Action: Passed unanimously

B. Rafael Mirchou, MD

Melissa Shake disclosed that she fills prescriptions written by Dr. Mirchou at her pharmacy, but stated that she can participate in this matter fairly and without bias.

Rafael Mirchou appeared and was sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Michael Bohn was present as counsel representing Dr. Mirchou.

Dr. Mirchou stated that he disclosed on his application that he accidentally allowed his controlled substance registration to expire in October 2018. He stated that he did prescribe both testosterone and diet medications without a valid registration.

Mr. Bohn explained that Dr. Mirchou currently has a pending Order to Show Cause with the DEA.

The Board expressed concern regarding Dr. Mirchou's pending case with DEA.

Presiding Officer Desmond offered Dr. Mirchou the option to table his application while he addresses his case with DEA.

The Board tabled Rafael Mirchou's Application for Controlled Substance Registration at his request.

C. Robert Toledo, DO (16-013-PD-S)

Gener Tejero disclosed that he has a professional relationship with Dr. Toledo, but stated that could participate in this matter fairly and without bias.

Robert Toledo appeared and was sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Bridgette Kelly was present as counsel representing Dr. Toledo.

Dr. Toledo summarized the facts of the case where both his controlled substance and practitioner dispensing registrations were revoked for allowing his unlicensed staff to use his authority to obtain, access, and possess controlled substances and dangerous drugs. He also allowed his staff to prescribe controlled substances and dangerous drugs to patients using pre-signed, copied, or stamped prescriptions without a valid handwritten signature.

Dr. Toledo apologized to the Board for his errors and explained that is in compliance with his Order. He explained that he has no intention of practicing outside of his OBGYN practice.

The Board questioned Dr. Toledo regarding his restrictions with the Nevada State Board of Osteopathic Medicine and future business plans.

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

Board Action:

Motion: Jade Jacobo moved to approve Robert Toledo's Application for Controlled Substance Registration.

Second: Wayne Mitchell

Action: Passed unanimously

D. Michael Wassef, DDS

Michael Wassef appeared and was sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Dr. Wassef disclosed past discipline in Arizona on his application.

Dr. Wassef explained that in 2002, he developed a dependency to hydrocodone.

Dr. Wassef answered questions to the Board's satisfaction regarding his addiction, recovery, past discipline and the status and conditions on his license in Arizona and Nevada.

Board Action:

Motion: Wayne Mitchell moved to approve Michael Wassef's Application for Controlled Substance Registration pending a positive evaluation from PRN-PRN. Dr. Wassef shall comply with his Stipulation and Order with the Nevada State Board of Dental Examiners and shall not prescribe controlled substances for more than a seven day supply.

Second: Gener Tejero

Action: Passed unanimously

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

A. Complete Pharmacy and Medical Solutions, LLC – Miami Lake, FL

This matter was continued to a future meeting.

B. SterRx, LLC – Plattsburg, NY

Sue Martin, supervising pharmacist, appeared and was sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Ms. Martin stated that she would provide a Letter of Authorization allowing her to speak on behalf of the company.

Ms. Martin stated that SterRx, LLC is an FDA registered outsourcing facility that provides sterile compounded products.

Mr. Curras questioned Ms. Martin regarding SterRx, LLC's past FDA inspection, and how the company addressed the observations noted by the FDA.

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

Board Action:

Motion: Melissa Shake moved to approve SterRx, LLC's Application for Out-of-State Outsourcing Facility pending receipt of a Letter of Authorization allowing Ms. Martin to speak on behalf of the company.

Second: Jade Jacobo

Action: Passed unanimously

11. Application for Pharmacist Renewal - Appearance:

Gregory G. Gaiser

This matter was continued to a future meeting.

12. Applications for Nevada Medical, Devices, Equipment and Gases – Appearance

A. All Time Health Care – Las Vegas, NV

Dailin Carmenate-Rivas, owner, and Borlive Briones, MDEG Administrator, appeared and were sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Mr. Wuest stated that All Time Health Care appeared at a previous Board meeting. He explained that the application was tabled at the company's request to address the Board's concerns regarding their MDEG Administrators qualifications.

Ms. Briones stated that Angelica Gutierrez is no longer the MDEG Administrator and answered questions to the Board's satisfaction regarding her work history and experience in the MDEG business.

Board Action:

Motion: Jade Jacobo moved to approve All Time Health Care's Application for Nevada MDEG License pending the company update their application with the current administrator information and a positive inspection. All Time Health Care shall have quarterly inspections at the company's expense (\$500 max).

Second: Melissa Shake

Action: Passed unanimously

B. MDRX, LLC – Henderson, NV

Marc Casal, pharmacist, and Becky Zawacki, MDEG Administrator, appeared and were sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Mr. Casal stated that MDRX, LLC will be providing service to the patients of Wellcare Pharmacy.

The Board questioned Mr. Casal and Ms. Zawacki regarding the products and services provided and Ms. Zawacki's work history.

After discussion, the Board expressed concern regarding Ms. Zawacki's qualifications to be an MDEG administrator.

The Board explained that staff at MDRX would need to be certified in all products they plan to provide.

Presiding Officer Desmond offered Mr. Casal and Ms. Zawacki the option to table MDRX, LLC's application to provide time for them to address the Board's concerns.

The Board tabled MDRX, LLC's Application at Mr. Casal's request.

13. Applications for Intern Registration - Appearance:

A. David A. Bacani

David Bacani appeared and was sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Mr. Bacani stated that he disclosed discipline in another state on his intern pharmacist application.

Mr. Bacani answered questions to the Board's satisfaction regarding his reckless driving charge. Mr. Bacani stated that he has paid his fines has complied with all the penalties regarding this case.

Board Action:

Motion: Melissa Shake moved to approve David Bacani's Application for Intern Pharmacist License pending a positive review by PRN-PRN.

Second: Jade Jacobo

Action: Passed unanimously

B. Austin R. Bladen

Austin Bladen appeared and was sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Mr. Bladen disclosed discipline in Utah on his intern pharmacist application.

Mr. Bladen explained that he received a ticket for minor alcohol consumption when he was 19 years old.

Mr. Bladen answered questions to the Board's satisfaction regarding his past discipline.

Board Action:

Motion: Wayne Mitchell moved to approve Austin Bladen's Application for Intern Pharmacist License.

Second: Jade Jacobo

Aye: Jacobo, Mitchell, Sullivan, Tejero

Nay: Shake

Action: Motion carries

C. Madison J. Phuong

Madison Phuong appeared and was sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Ms. Phuong disclosed discipline in California on her intern pharmacist application.

Ms. Phuong stated that she was charged with two DUI charges in 2015.

Ms. Phuong presented letters of support, grades and court documents for the Board's consideration.

Ms. Phuong answered questions to the Board's satisfaction regarding her past discipline and recovery.

Board Action:

Motion: Melissa Shake moved to approve Madison Phuong's Application for Intern Pharmacist License pending a positive evaluation by PRN-PRN.

Second: Wayne Mitchell

Action: Passed unanimously

D. Analeah A. Presbitero

Melissa Shake recused from participation in this matter. She stated that depending on the outcome of this matter, Ms. Presbitero may be an intern at her pharmacy.

Analeah Presbitero appeared and was sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Ms. Presbitero disclosed discipline in California on her intern pharmacist application.

Ms. Presbitero stated that she was charged with driving under the influence in 2019.

Ms. Presbitero answered questions to the Board's satisfaction regarding her discipline, terms of her probation and recovery.

Board Action:

Motion: Jade Jacobo moved to approve Analeah Presbitero's Application for Intern Pharmacist License pending a positive evaluation by PRN-PRN and that Ms. Presbitero shall comply with all terms of her probation. Ms. Presbitero shall notify the Board of any changes to her probation status.

Second: Wayne Mitchell

Action: Passed unanimously

E. Jaimie L. Tran

Jaimie Tran appeared and was sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Ms. Tran disclosed discipline on her intern pharmacist application.

Ms. Tran stated that she was arrested for recklessly endangering another person and harassment. She explained that case was dismissed.

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

Board Action:

Motion: Melissa Shake moved to approve Jaime Tran's Application for Intern Pharmacist License.

Second: Jade Jacobo

Action: Passed unanimously

14. Applications for Pharmaceutical Technician in Training - Appearance: Note: The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of any of the below named parties.

A. Miss K. Dailey

Miss Dailey and Shirleen Rotella, Cardinal Health, appeared and were sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Ms. Dailey disclosed multiple arrests on her application.

Ms. Dailey answered the Board's questions regarding her multiple arrests including traffic violations and domestic violence charges. Ms. Dailey stated that she has learned from her mistakes and requested the Board approve her registration.

Ms. Rotella spoke positively of Ms. Dailey's work performance over the last year and stated that Cardinal Health approached Ms. Dailey for the pharmaceutical technician position.

The Board expressed concern with Ms. Dailey's past law enforcement issues.

Presiding Officer Desmond offered Ms. Dailey the option to table her application while she continues to work to improve her work history and law enforcement issues.

The Board tabled Ms. Dailey's application at her request.

B. Joseph D. Repetti

Melissa Shake recused from participation in this matter due to Mr. Repetti applying to work at Walgreens.

Joseph Repetti appeared and was sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Mr. Repetti disclosed past issues with law enforcement on his application.

Mr. Repetti summarized the facts of the case where he had stolen an item from his ex and pawned the item.

Mr. Repetti stated that he also attended meetings with Narcotics Anonymous for one year and still meets with his sponsor.

The Board questioned Mr. Repetti regarding his addiction, recovery, work history and his relationship with the managing pharmacist at Walgreens.

After discussion, Presiding Officer Desmond offered Mr. Repetti the option to table his application while he provides Board Staff with documentation regarding his conviction and receives an evaluation by PRN-PRN.

The Board tabled Mr. Repetti's application at his request.

C. Michelle M. Shadley

Michelle Shadley appeared and was sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Ms. Shadley disclosed past law enforcement issues on her application.

Ms. Shadley explained that in August 2004, she had stolen clothing from Target. She explained that this matter was heard and she was ordered to do community services.

The Board questioned Ms. Shadley regarding her case and work history.

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

Board Action:

Motion: Melissa Shake moved to approve Michelle Shadley's Application for Pharmaceutical Technician in Training Registration.

Second: Wayne Mitchell

Action: Passed unanimously

15. Applications for Pharmaceutical Technician – Appearance:

A. Deborah A. Furlong

Deborah Furlong appeared and was sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Ms. Furlong disclosed past issues with law enforcement on her application.

Ms. Furlong stated that in July 2003, she was arrested for driving under the influence. She explained that she has paid all fines and has taken the required courses to comply with her Order regarding this matter.

Ms. Furlong explained that she was also arrested in February 2006, on a warrant for a check she wrote in 2003 that did not clear. She explained that she has attended all classes and paid all fines regarding this matter as well.

Ms. Furlong stated that she has been a pharmaceutical technician in Arizona and would like to be licensed in Nevada.

Ms. Furlong answered questions to the Board's satisfaction regarding her past cases and work history.

Board Action:

Motion: Jade Jacobo move to approve Deborah Furlong's Application for Pharmaceutical Technician.

Second: Melissa Shake

Action: Passed unanimously

B. Danny H. Ramos

Danny Ramos appeared and was sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Mr. Ramos disclosed on his application that he was charged for driving under the influence in 2013. Mr. Ramos summarized the facts of a case in 2015 that resulted in a five year probation on his pharmaceutical technician registration in California.

The Board questioned Mr. Ramos regarding his work history and the conditions on his pharmaceutical technician registration in California.

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

Board Action:

Motion: Jade Jacobo moved to approve Danny Ramos' Application for Pharmaceutical Technician Registration pending a positive evaluation by PRN-PRN. Mr. Ramos' Pharmaceutical Technician Registration shall be placed on probation to match the California State Board of Pharmacy's Order until July 2020.

Second: Melissa Shake

Action: Passed unanimously

16. Application for Dispensing Technician in Training - Appearance:

Cassandra Sheffey

Cassandra Sheffey appeared and was sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Mr. Wuest provided background information that Ms. Sheffey had disclosed past law enforcement issues on her application for dispensing technician in training, but did not disclose this information on her previously completed pharmaceutical technician registration renewal application.

Ms. Sheffey answered questions to the Board's satisfaction regarding her 2016 DUI charge, recovery and work history.

After discussion, Ms. Sheffey disclosed that she had completed the wrong form regarding this matter.

The Board tabled this matter to allow Ms. Sheffey to complete the correct forms and to properly notice this matter for a future Board meeting.

17. Application for Pharmacist Registration by Reciprocity - Appearance:

Sheila D. Colon

Sheila Colon appeared and was sworn by Presiding Officer Desmond prior to answering questions or offering testimony.

Ms. Colon disclosed discipline in California on her application.

Ms. Colon answered questions to the Board's satisfaction regarding two cases with the California Board of Pharmacy.

Board Action:

Motion: Jade Jacobo moved to approve Sheila Colon's Application for Pharmacist Registration by Reciprocity.

Second: Wayne Mitchell

Action: Passed unanimously

18. Appearance Request: Rob Geddes, Albertsons-Safeway
Discussion of whether, under existing law, a pharmacist may administer medications, including injectables, in a pharmacy pursuant to a valid prescription under NRS 639.0124, NRS 639.0065 or other provision(s) of Nevada law.

Mr. Wuest provided background information.

Rob Geddes, Albertsons-Safeway, appeared and discussed with the Board if pharmacists are allowed to administer medications, including injectables, in a pharmacy pursuant to a valid prescription.

Presiding Officer Desmond opened the Public Comment.

Liz MacMenamin, RAN, appeared and expressed support of pharmacists administering medications in a pharmacy pursuant to a valid prescription.

Cat O'Mara, NSMA, appeared and requested that the Board provide information to the public to clarify if pharmacists may provide this service.

Board discussion ensued regarding current practices in pharmacy regarding collaborative practice and administration of medications.

Board Action:

Motion: Gener Tejero moved to bring this matter back to Workshop with language allowing a pharmacist to administer medications in a pharmacy pursuant to a valid prescription.

Second: Jade Jacobo

Action: Passed unanimously

19. Discussion and Determination Presentation: Joint Petition for Rulemaking pursuant to NAC 639.140 from MedAvail Technologies, Inc. and CareMore Health, requesting the Board

to initiate the rulemaking process to amend its regulations, including NAC 639.715 *et al.*, to allow for dispensing from automated dispensing systems at the point of care, including in clinics and other places where healthcare services are provided.

Mr. Wuest explained that Board Staff is currently going through a financial audit and that the report would be available at the next meeting.

Ed Rickert, Seema Siddiqui, and Saeed Akhtar appeared and requested the Board consider amending the regulations to allow for dispensing from automated dispensing systems at clinics and other places where healthcare services are provided.

Ms. Siddiqui presented information regarding MedAvail Technologies, Inc.'s dispensing machine and discussed how the system is working in other states.

Board discussion ensued regarding the current regulations and statutes and how this business model relates to Nevada Law.

Ms. Siddiqui and Dr. Akhtar answered questions to the Board's satisfaction regarding the medications provided in the dispensing machine, pharmacist supervision and security.

The Board requested that Board Staff draft proposed language and bring this matter back to Workshop.

20. General Counsel Report

General Counsel had nothing further to report.

21. Executive Secretary Report:

- A. Financial Report
- B. Temporary Licenses
- C. Staff Activities:
 - 1. Meetings with Other Health Care Boards
 - 2. Nevada Physician Society - Dave
 - 3. Nevada Physician Society - Darla
 - 4. FDA Compounding Meeting
 - 5. Open Beds Meeting
- D. Report to Board:
 - 1. Licensing software update
- E. Board Related News:
 - 1. NABP District Meeting – Boise
 - 2. Student Megan Flandro

Mr. Wuest introduced Megan Flandro. Ms. Flandro is a pharmacy student at Idaho State University and is doing a six week rotation with the Nevada State Board of Pharmacy.

- F. Licensing Activities Report:
 - 1. PMP Integration

2. Renewals

Public Comment October 9, 2019 5:20 PM

There was no public comment.

Public Comment October 10, 2019 9:00 AM

There was no public comment.

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

- 1. Amendment of Nevada Administrative Code (NAC) 453.510: Schedule 1.** The proposed amendment to NAC 453.510 will add Etizolam, which is a thienodiazepine and is chemically related to benzodiazepines, to the controlled substances listed in Schedule 1.

Megan Flandro provided background information.

Ms. Flandro stated that the proposed language would add Etizolam to the list of Schedule 1 drugs.

Ms. Flandro summarized the side effects of Etizolam and the uses of Etizolam in other countries.

Presiding Officer Desmond opened the Public Comment.

There was no public comment.

Board Action:

Motion: Melissa Shake moved to adopt the proposed language and move forward to Public Hearing.

Second: Jade Jacobo

Action: Passed unanimously

- 2. Amendment of Nevada Administrative Code (NAC) Chapter 639.** The proposed amendment will add a new regulation authorizing the State Board of Pharmacy to require the holder of any certificate, license or permit issued by the Board to report a conviction of any crime, and to report any administrative action, whether completed or pending, against the holder by any professional licensing board or agency of this state or another state, to the Executive Secretary of the Board within 30 days. The proposed amendment will also authorize the Executive Secretary of the Board on behalf of the Board to require the holder of any certificate, license or permit issued by the Board who reports a conviction or an administrative action to appear personally before the Board prior to the renewal of the certificate, license or permit.

Mr. Kandt provided background information.

Presiding Officer Desmond opened the Public Comment.

Liz MacMenamin, RAN, appeared and expressed concern regarding requiring licensees to report pending administrative actions.

Board discussion ensued regarding the benefits and risks of requiring licensees to report pending administrative actions.

Ms. Shake requested a modification to Section 2, to add Federal Agencies to the list, and to remove the requirement to report pending administrative actions.

Board Action:

Motion: Melissa Shake moved to adopt the proposed language with modifications to add Federal Agencies to Section 2 and to remove the requirement to report pending administrative actions.

Second: Wayne Mitchell

Aye: Mitchell, Shake, Tejero

Nay: Jacobo, Sullivan

Presiding Officer Desmond offered an aye vote.

Action: Motion carries

23. Date and Location of Next Scheduled Board Meeting:

December 4-5, 2019 – Reno, Nevada

Gener Tejero and Jade Jacobo were not present for this matter.

24. Public Comment October 10, 2019 3:00 PM

There was no public comment.