



NEVADA STATE BOARD OF PHARMACY

985 Damonte Ranch Pkwy, Ste 206, Reno, NV 89521

(775) 850-1440 • 1-800-364-2081 • FAX (775) 850-1444

• Web Page: bop.nv.gov

MINUTES

June 5 & 6, 2019

BOARD MEETING

Hyatt Place
1790 E Plumb Ln
Reno, NV

Board Members Present:

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

Board Members Absent:

Jason Penrod

Board Staff Present:

Dave Wuest	Yenh Long	Paul Edwards	Brett Kandt
Shirley Hunting	Joe Depczynski	Kristopher Mangosing	
Sarah Bradley			

Acting President 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.

1. Public Comment June 5, 2019 9:00 AM

There was no public comment.

2. Approval of April 10-11, 2019, Minutes

Mr. Wuest explained that Board Staff identified and corrected grammatical errors in the Minutes.

Board Action:

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

Second: Melissa Shake

Action: Passed unanimously

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

- A. Alto Pharmacy – San Francisco, CA
- B. America's Pharmacy Source – Akron, OH
- C. ARx Patient Solutions Pharmacy – Overland Park, KS
- D. Community Specialty Pharmacy, LLC – Tampa, FL
- E. Columbus Pharmacy – Gahanna, OH
- F. CVS/specialty #48050 – Bartlett, TN
- G. DCE Pharmacy – Spring, TX
- H. Deliver My Meds Corp. – Hauppauge, NY
- I. Desert Rx Pharmacy – Palm City, CA
- J. Discount Plus Pharmacy – Missouri City, TX
- K. Freedom Pharmacy, LLC – Richland Hills, TX
- L. Gokul Rx LLC – Winter Garden, FL
- M. Marco Island Pharmacy 2, LLC – Naples, FL
- N. PantherRx Specialty Pharmacy – Coraopolis, PA
- O. Premier Pharmacy LLC – Salem, NH
- P. Riverside Community Pharmacy, Inc. – Miami, FL
- Q. River's Edge Specialty Pharmacy – Irvine, CA
- R. Roman Health Pharmacy, LLC – Boynton Beach, FL
- S. SinfoniaRx, Inc. – Austin, TX
- T. SinfoniaRx, Inc. – Gainesville, FL
- U. Valustar Pharmacy – Houston, TX
- V. Your Choice Pharmacy – Landrum, SC

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

- W. Apostrophe Pharmacy – Gilbert, AZ
- X. King's Pharmacy & Compounding Center – Irvine, CA
- Y. Skin Specialty Solutions, Inc. – Fenton, MO
- Z. SNF Holdings LLC – Novi, MI
- AA. Solara Medical Supplies – Chula Vista, CA
- BB. ZIPHEALTH INC – Jupiter, FL

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

- CC. Bluewater Healthcare PA LLC – West Monroe, LA
- DD. Campbell Medical Supply Inc. – Largo, FL
- EE. FedEx Supply Chain, Inc. – Columbus, OH
- FF. FedEx Supply Chain, Inc. – Moreno Valley, CA

- GG. Frontier Medical LLC – South Weber, UT
- HH. Full Range Rehab, LLC – Cincinnati, OH
- II. Handi Medical Supply – St. Paul, MN
- JJ. Healthcare DME LLC – Ann Arbor, MI
- KK. Performance Plus Medical Equipment, LLC – Springfield, MO
- LL. Preferred Homecare – Phoenix, AZ
- MM. Rapid Reboot Recovery Products LLC – Linden, UT
- NN. Sego’s Home Medical Equipment – Casselberry, FL
- OO. Sego’s Home Medical Equipment – Titusville, FL
- PP. United Medical Providers, Inc. – New Orleans, LA

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

- QQ. Pulmonary Solutions, LLC – Sparks, NV

Applications for Nevada Ambulatory Surgery Center – Non Appearance

- RR. Azura Surgery Center Las Vegas – Las Vegas, NV
- SS. Comprehensive Digestive Surgery Center – Las Vegas, NV

Applications for Out-of-State Wholesaler – Non Appearance

- TT. Aratana Therapeutics, Inc. – Leawood, KS
- UU. Athenex Pharmaceutical Division, LLC – Schaumburg, IL
- VV. Biocon Pharma, Inc. – Iselin, NJ
- WW. Bluepax Pharmaceuticals, LLC – Edison, NJ
- XX. Casper Pharma LLC – East Brunswick, NJ
- YY. Gilead Sciences, Inc. – La Verne, CA
- ZZ. Ironwood Pharmaceuticals, Inc. – Cambridge, MA
- AAA. La Jolla Pharma, LLC – San Diego, CA
- BBB. Laser Pharmaceuticals, LLC – Alpharetta, GA
- CCC. MannKind Corporation – Danbury, CT
- DDD. Provell Pharmaceuticals, LLC – Jersey City, NJ
- EEE. Sagent Pharmaceuticals, Inc. – Schaumburg, IL
- FFF. Sentiss Pharmaceuticals, LLC – San Clemente, CA
- GGG. UPS Supply Chain Solutions, Inc. – Carol Stream, IL
- HHH. Vertex Pharmaceuticals Incorporated – Boston, MA

After discussion, the Board directed Board Staff to verify the respiratory therapists listed for Items 3 GG and 3 JJ meet the requirements of Nevada Law.

Board Action:

Motion: Melissa Shake moved to approve the Consent Agenda except Items 3 GG and 3 JJ.

Second: Robert Sullivan

Action: Passed unanimously

Board Action:

Motion: Melissa Shake moved to approve Items 3 GG and 3 JJ pending Board Staffs verification that the respiratory therapist for each company meets the requirements of Nevada Law.

Second: Jade Jacobo

Action: Passed unanimously

4. Discipline

A. Steven D. Devin, R.Ph (17-008-RPH-A-N)

Mr. Devin was not present.

Mr. Edwards explained that this case shares the same facts as the case regarding Melanie Kelly and Safeway Pharmacy #2656. He stated Mr. Devin contacted Board Staff to surrender his pharmacist license during the investigation of this case.

Mr. Edwards stated that the voluntary surrender of a license in a contested case shall be deemed to constitute disciplinary action against the licensee.

Mr. Edwards moved to have Exhibits 1-5 admitted into the record.

Acting President Desmond admitted Exhibits 1-5 into the record.

Mr. Edwards presented Exhibits 1-5. Exhibit 1 was the Notice of Intended Action and Accusation regarding Mr. Devin. Exhibit 2 was Mr. Devin's Answer and Notice of Defense. Exhibit 3 was a letter from Mr. Devin surrendering his Nevada Pharmacist License. Exhibit 4 was a letter from Board Staff indicating that Board Staff received his letter of surrender. Exhibit 5 was documentation of the costs accrued by Board Staff during the investigation of this matter.

Board Action:

Motion: Melissa Shake moved that the Board has jurisdiction over this matter.

Second: Gener Tejero

Action: Passed unanimously

Board Action:

Motion: Jade Jacobo moved that based on the evidence presented that the factual allegations in the Notice of Intended Action and Accusation are true.

Second: Wayne Mitchell

Action: Passed unanimously

Board Action:

Motion: Jade Jacobo moved that the surrender of Steven Devin's Nevada Pharmacist License shall be considered a disciplinary action against him. Mr. Devin shall not be able to reapply for licensure for a minimum of one year from the Order date. Ms. Devin shall pay an administrative fee of \$600.00 within 60 days. The \$600.00 administrative fee is found to be reasonable, necessary and actually incurred.

Second: Melissa Shake

Action: Passed unanimously

- B. Melanie Kelly, R.Ph (17-008-RPH-B-N)
- C. Safeway Pharmacy #2656 (17-008-PH-N)

Melanie Kelly and Anthony Provenzano, Vice President Albertson's, appeared and were sworn by Acting President Desmond prior to answering questions or offering testimony.

Mr. Edwards summarized the facts of the case where in December 2016, a Safeway Pharmacy Services Manager submitted a Report of Theft or Loss of Controlled Substances DEA 106 Form. The report documented a theft or loss of 1,095 Tramadol 50 mg. tablets. Mr. Devin was indicated as a person of interest and was terminated for policy violations related to the theft or loss.

Mr. Edwards explained that Mr. Devin was terminated from his employment as a staff pharmacist for making numerous negative adjustments to the store's Tramadol inventory count in the store's computer system. Mr. Devin admitted to recording negative adjustments to match the actual number of tablets in the store's inventory. Mr. Devin did not file a DEA 106 form to correspond to each negative adjustment he made, nor did he report the shortages to Safeway Pharmacy management.

Mr. Edwards stated that Ms. Kelly was the pharmacy manager at Safeway Pharmacy #2656 at this time, and Ms. Kelly did not regularly review the weekly reports that were available to her. Ms. Kelly allowed Mr. Devin to review and sign the weekly adjustment reports on her behalf.

Mr. Edwards presented a Stipulation and Order regarding Ms. Kelly and Safeway Pharmacy #2656.

Ms. Kelly shall receive a Letter of Reprimand, pay a fine of \$250.00 and shall complete an additional 2 CEU on managing pharmacist responsibilities.

Safeway Pharmacy shall pay an administrative fee of \$1,000.00 and shall implement policies and procedures regarding recordkeeping and the prevention of loss, theft and/or diversion.

Mr. Provenzano explained that Alberton's and Safeway claim responsibility for this error and described to the Board the policy changes and training that the company will be implementing around the country.

Board Action:

Motion: Wayne Mitchell moved to accept the Stipulation and Order as presented by Board Staff.

Second: Jade Jacobo

Action: Passed unanimously

D. CVS/pharmacy #4691 (18-086-PH-N)

Oliver Swafford, managing pharmacist, and Brian Convery, Counsel for CVS, appeared and were sworn by Acting President Desmond prior to answering questions or offering testimony.

Mr. Wuest stated that pharmaceutical technicians Gisele Ochoa and Jennifer Grove were subpoenaed and present for their involvement in this case.

Mr. Kandt summarized the facts of the case where patient L.S. provided three prescriptions to CVS Pharmacy #4691, including prescriptions for Pantoprazole 40 mg. tablets, Sumatriptan and Ondansetron. At the point of sale, Ms. Ochoa pulled L.S.' Sumatriptan and Ondansetron prescriptions from the will-call bin. Ms. Ochoa also inadvertently pulled a prescription for Pantoprazole 40 mg. from the bin that was written for another patient. At the cash register, Ms. Ochoa only scanned the Sumatriptan and Ondansetron prescriptions and not the Pantoprazole prescription. All three prescriptions were placed in a bag and sold to the patient's husband. The patient's husband detected the error after he left CVS. Although Ms. Ochoa completed the sales transaction for all three prescriptions, CVS' cash register receipt and record show Ms. Grove as the pharmaceutical technician who completed the transaction. Ms. Ochoa admits that she completed the sales transaction using a computer where Ms. Grove was logged in.

Mr. Kandt presented a Stipulation and Order regarding CVS Pharmacy #4691.

CVS Pharmacy shall pay a fine of \$500.00 and an administrative fee of \$750.00.

Mr. Wuest stated that Board Staff has been in contact with CVS to discuss updating CVS' policies and procedures to prevent future errors.

Mr. Convery stated that CVS has implemented a numerical will-call system instead of an alphabetical system that should prevent pharmacy staff from erroneously pulling other patient's prescriptions.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order as presented.

Second: Wayne Mitchell

Action: Passed unanimously

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

Lisa M. Hutchins

Lisa Hutchins appeared and was sworn by Acting President Desmond before answering questions or offering testimony.

Ms. Hutchins stated that she would be contracted by Crowd Rx as the pharmacist for the clinic at Burning Man.

Ms. Hutchins answered questions to the Board's satisfaction regarding the services she would be providing at the clinic at Burning Man and her pharmacy experience and training.

Board Action:

Motion: Wayne Mitchell moved to approve Lisa Hutchins' Request to Engage in the Practice of Pharmacy at a Site Other Than a Licensed Pharmacy.

Second: Jade Jacobo

Action: Passed unanimously

6. Request for Reinstatement of Revoked Pharmacist License: 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.

Nazalene K. Zebari

(17-038-RPH-S)

Melissa Shake recused from participation in this matter due to her friendship with Ms. Zebari.

Jade Jacobo disclosed that she knows Ms. Zebari, but stated that she could participate in this matter fairly and without bias.

Nazalene Zebari appeared and was sworn by Acting President Desmond prior to answering questions or offering testimony.

Lynn Beggs was present as counsel representing Ms. Zebari.

Mr. Kandt summarized the facts of the case where Ms. Zebari's Nevada pharmacist license was revoked for one year for creating and filling a fraudulent prescription that she later sent to her sister. Mr. Kandt explained that a year has passed since Ms. Zebari's hearing and she is appearing to request for reinstatement of her pharmacist license.

Ms. Beggs had no objections to Mr. Kandt's summary of events.

Ms. Beggs stated that Ms. Zebari has taken this matter seriously. Ms. Beggs explained that Ms. Zebari has taken approximately 100 CEU during the last year in order to keep her pharmacy knowledge current. She also stated that Ms. Zebari has attended most of the Board meetings in Las Vegas over the last year.

Ms. Zebari apologized to the Board for her actions, and stated that she accepts responsibility for her error.

Ms. Zebari answered questions to the Board's satisfaction regarding her employment during her revocation, future plans and the CEU she completed.

Board discussion ensued regarding placing conditions on Ms. Zebari's pharmacist license.

Board Action:

Motion: Jade Jacobo moved to reinstate Nazalene Zebari's Nevada Pharmacist License with the condition that Ms. Zebari cannot be the managing pharmacist for one year. After one year, Board Staff may remove the condition on Ms. Zebari's license. Ms. Zebari shall complete a new pharmacist application.

Second: Wayne Mitchell

Action: Passed unanimously

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

One Choice Pharmacy – Stafford, TX

Julian Henderson, managing pharmacist, appeared and was sworn by Acting President Desmond prior to answering questions or offering testimony.

Ms. Henderson stated that One Choice Pharmacy is an Out-of-State retail pharmacy that specializes in creams and diabetic supplies. Ms. Henderson stated that One Choice Pharmacy does not perform any compounding and does not dispense any controlled substances.

The Board questioned Ms. Henderson regarding One Choice Pharmacy's products and services provided, past discipline, marketing, third party billing and ownership structure.

After discussion, the Board expressed concern regarding Ms. Henderson's lack of ability to answer questions regarding the pharmacy's pending discipline in Texas and the pharmacy staff.

Acting President Desmond offered Ms. Henderson the option to table One Choice Pharmacy's application until the pending discipline with Texas is resolved.

The Board tabled One Choice Pharmacy's Application for Out-of-State Pharmacy at Ms. Henderson's request.

8. Applications for Nevada Pharmacy – Appearance

A. CMH Pharmacy, LLC – Las Vegas, NV

Robert Lively, owner, and Alysha McMahon, managing pharmacist, appeared and were sworn by Acting President Desmond prior to answering questions or offering testimony.

James Boyle was present as counsel representing CMH Pharmacy, LLC.

Mr. Kandt explained that CMH Pharmacy, LLC appeared at a previous Board meeting. At that meeting the Board tabled CMH Pharmacy, LLC's application in order to allow Board Staff to review CMH Pharmacy, LLC's business model.

Mr. Kandt stated that CMH Pharmacy, LLC's legal counsel sent detailed information regarding CMH Pharmacy, LLC's business model. Mr. Kandt stated that after review, Board Staff determined no legal issues with CMH Pharmacy, LLC's business model as presented.

Mr. Lively and Ms. McMahon answered questions to the Board's satisfaction regarding the company's products and services provided, Ms. McMahon's work history and CMH Pharmacy, LLC's internet pharmacy features.

Board Action:

Motion: Melissa Shake moved to approve CMH Pharmacy, LLC's Application for Nevada Pharmacy pending a positive inspection. CMH Pharmacy, LLC may have up to quarterly inspections at the company's expense (\$500 maximum).

Second: Wayne Mitchell

Action: Passed unanimously

B. Eastside Pharmacy – Las Vegas, NV

A representative from Eastside Pharmacy contacted Board Staff to withdraw the company's application.

C. Falcon Pharmacy – Las Vegas, NV

Leila Tafreshi, owner and managing pharmacist, appeared and was sworn by Acting President Desmond prior to answering questions or offering testimony.

Ms. Tafreshi explained that Falcon Pharmacy is a retail pharmacy. She disclosed that her husband is a physician and his practice is located in the same building as Falcon Pharmacy. Ms. Tafreshi stated that she is the owner of the building.

The Board questioned Ms. Tafreshi regarding the pharmacy's business/ownership structure, and her husband's practice.

Ms. Tafreshi testified that her husband's patients are not referred to her pharmacy and that his patients receive no incentive to fill their prescriptions at Falcon Pharmacy.

After discussion, the Board expressed concern regarding Falcon Pharmacy's ownership structure and the location of Falcon Pharmacy and Dr. Tafreshi's clinic.

Acting President Desmond offered Ms. Tafreshi the option to table Falcon Pharmacy's application to allow Board Staff to review and evaluate Falcon Pharmacy's business model and ownership structure.

The Board tabled Falcon Pharmacy's application for Nevada Pharmacy at Ms. Tafreshi's request.

D. Kmart Pharmacy #3592 – Las Vegas, NV

Lynna Ho, managing pharmacist, appeared and was sworn by Acting President Desmond prior to answering questions or offering testimony.

The Board informed Ms. Ho that she needs to provide a Letter of Authorization allowing her to speak on behalf of the pharmacy.

Ms. Ho stated that Kmart Pharmacy #3592 is requesting Board approval for an ownership change.

Melissa Shake disclosed that she is acquaintances with Ms. Ho and her husband, but stated that she could participate in this matter fairly and without bias.

Mr. Wuest read a letter into the record that described transfer of ownership from Sears Holdings to Transform Holdco LLC.

Ms. Ho answered questions to the Board's satisfaction regarding the pharmacy her employment history, pharmacy staff, products and services provided and the number of prescriptions the pharmacy dispenses.

Board Action:

Motion: Jade Jacobo moved to approve Kmart Pharmacy #3592's Ownership Change Application for Nevada Pharmacy.

Second: Gener Tejero

Action: Passed unanimously

E. Vegas Pharma LLC – Las Vegas, NV

Jeremy Delk, owner, and Ashley Isom, managing pharmacist, appeared and were sworn by Acting President Desmond prior to answering questions or offering testimony.

Mr. Delk explained that Vegas Pharma LLC. is a retail pharmacy that provides non-sterile compounding services. He stated that Vegas Pharma LLC. compounds hormone replacement therapy medications and erectile dysfunction medications. He explained that the pharmacy does not dispense any controlled substances at this time.

The Board questioned Mr. Delk and Ms. Isom regarding the pharmacy's products and services provided, Ms. Isom's training and the company's policies and procedures.

After discussion, the Board expressed concern regarding Ms. Isom's lack of experience regarding compounding.

Acting President Desmond offered Mr. Delk and Ms. Isom the opportunity to table Vegas Pharma LLC.'s application to allow Ms. Isom to receive more compounding training.

The Board tabled Vegas Pharma LLC.'s application for Nevada Pharmacy at Mr. Delk's request to allow for Ms. Isom to receive more training.

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

A. BriovaRx Infusion Services 401, LLC – Sacramento, CA

Ramona Moenter, managing pharmacist, and Lim Day appeared and were sworn by Acting President Desmond prior to answering questions or offering testimony.

Yenh Long, Deputy Executive Secretary Nevada State Board of Pharmacy, appeared and was sworn by Acting President Desmond prior to answering questions or offering testimony.

Ms. Moenter and Ms. Day stated that BriovaRx is a retail sterile compounding pharmacy that provides sterile compounding services. They explained that BriovaRx provides both manufactured medications and sterile compounded products.

Ms. Moenter and Ms. Day answered Ms. Long's questions regarding BriovaRx's products and services provided, sterile compounding procedures, clean room specifications, product testing, staff training, shipping procedures, Ms. Moenter's and Ms. Day's pharmacy experience and past inspections.

Ms. Day and Ms. Moenter answered questions to the Board's satisfaction.

The Board removed the affidavit not to ship sterile products into Nevada from the record at Ms. Moenter's request.

Board Action:

Motion: Melissa Shake moved to approve BriovaRx Infusion Services 401, LLC's Application for Out-of-State Compounding Pharmacy License pending receipt of a corrected application and a copy of the company's last inspection report by the California Board of Pharmacy. Board Staff is authorized to review and evaluate the inspection report.

Second: Robert Sullivan

Action: Passed unanimously

B. Millers of Wyckoff – Wyckoff, NJ

This matter was postponed until the July 2019 Board Meeting.

C. Premier Specialty Infusion LLC – Hoffman Estates, IL

This matter was postponed until the July 2019 Board Meeting.

D. Westmoreland Pharmacy, Inc. – New Albany, IN

This matter was postponed until the July 2019 Board Meeting.

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

Central Admixture Pharmacy Services, Inc. – Allentown, PA

William Jones appeared and was sworn by Acting President Desmond prior to answering questions or offering testimony.

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

Mr. Jones answered Ms. Long's questions to the Board's satisfaction regarding each observation by the FDA during Central Admixture Pharmacy Services, Inc.'s past inspections. Mr. Jones described the changes the company made in order to address each observation.

Board Action:

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

Second: Gener Tejero

Action: Passed unanimously

11. Application for Nevada Wholesaler – Appearance

US Ecology Nevada – Beatty, NV

John Dyer, Environmental Compliance Manager, appeared and was sworn by Acting President Desmond prior to answering questions or offering testimony.

Mr. Wuest provided background information. He explained that US Ecology Nevada is a company that provides reverse distribution services for controlled substances.

Mr. Dyer answered questions to the Board's satisfaction regarding US Ecology Nevada's services, past inspections and out-of-state facilities.

Board Action:

Motion: Jade Jacobo moved to approve US Ecology Nevada's Application for Nevada Wholesaler License pending a positive inspection and receipt of a Letter of Authorization allowing Mr. Dyer to speak on behalf of the company.

Second: Melissa Shake

Action: Passed unanimously

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

A. All Time Health Care – Las Vegas, NV

Angelica Gutierrez, MDEG Administrator, and Dailin Carmenate Rivas, owner, appeared and were sworn by Acting President Desmond prior to answering questions or offering testimony.

Ms. Gutierrez and Ms. Carmenate Rivas stated that All Time Health Care plans to provide incontinence supplies, wheelchairs, walkers and braces to patients.

The Board questioned Ms. Gutierrez and Ms. Carmenate Rivas regarding All Time Health Care's products and services provided, staff training and Ms. Gutierrez's experience being an MDEG Administrator.

After discussion, the Board expressed concern regarding Ms. Gutierrez's lack of experience being an MDEG Administrator and Ms. Carmenate Rivas' lack of knowledge regarding the MDEG business and Nevada Law.

Acting President Desmond offered Ms. Gutierrez and Ms. Carmenate Rivas the option to table All Time Health Care's application to receive training on the products they plan to sell or to hire a qualified MDEG Administrator.

The Board tabled All Time Health Care's application at Ms. Carmenate Rivas' request.

B. Otto Bock Orthopedic Services, LLC – Las Vegas, NV

Dan Sarria, Director of Medical Care and Billing Operations, and Irma Gloria Hamilton, MDEG Administrator, appeared and were sworn by Acting President Desmond prior to answering questions or offering testimony.

Mr. Sarria explained that Otto Bock Orthopedic Services, LLC is a prosthetic manufacturer based out of Germany that provides custom prosthetics.

The Board questioned Mr. Sarria and Ms. Hamilton regarding Otto Bock Orthopedic Services, LLC's products and services provided, business model and employee training.

Mr. Sarria and Ms. Hamilton answered questions to the Board's satisfaction. Mr. Sarria explained that Otto Bock Orthopedic Services, LLC partners with third party companies to fit patients for orthotics and prosthetics. They explained that the Las Vegas location would be a billing office and that no products would be stored there.

Board Action:

Motion: Gener Tejero moved to approve Otto Bock Orthopedic Services, LLC's Application for Nevada MDEG License pending a positive inspection.

Second: Jade Jacobo

Action: Passed unanimously

C. Providence Medical Supply – Las Vegas, NV

This matter was postponed until the July 2019 Board Meeting.

13. Request for approval of Continuing Education provided by NV-DHHS-Division of Public & Behavioral Health on the topics of Adult Mental Health First Aid, Gatekeeper 2 hour, ASIST, YMHFA, and safeTALK suicide prevention.

Misty Allen, Nevada Coalition for Suicide Prevention, appeared and presented information regarding five unaccredited continuing education programs for the Board's consideration.

Ms. Allen explained that the Continuing Education programs provide information regarding suicide prevention, awareness and intervention.

Board Action:

Motion: Melissa Shake moved to approve the five continuing education programs provided by NV-DHHS

Second: Jade Jacobo

Action: Passed unanimously

14. Discussion and possible action on approval of Nevada State Board of Pharmacy budget for FY19, including cost of living increase for Board employees based upon Consumer Price Index for All Urban Consumers (CPI-U) for the West Region.

Mr. Wuest presented the proposed budget for the Board Members' consideration.

Mr. Wuest reviewed and answered questions regarding each line item of the budget to the Board's satisfaction.

After discussion, the Board authorized the Executive Secretary to determine a cost of living increase for Board employees and modify deferred compensation benefits.

Board Action:

Motion: Gener Tejero moved to approve the Nevada State Board of Pharmacy budget for FY19 as presented.

Second: Jade Jacobo

Action: Passed unanimously

Public comment June 5, 2019, 3:30 PM

There was no public comment.

15. General Counsel Report

Mr. Edwards and Mr. Kandt updated the Board on pending litigation.

16. Executive Secretary Report:

- A. Financial Report

Mr. Wuest presented the financial report to the Board's satisfaction.

- B. Temporary Licenses

There were no temporary licenses issued since the last meeting.

- C. Staff Activities:

1. Meetings with other health care boards
 2. Nevada Department of Health and DEA regarding methadone clinics
 3. National NABP Meeting
 4. Naloxone and Deterra bag
 5. Nevada Crisis Standards
 6. Grants
 7. Quarterly Crime Lab Meeting
- D. Report to Board:
1. Licensing software update
 2. Grant employee Shannon Reichman
- E. Board Related News:
1. Legislative Update
- F. Licensing Activities Report:
1. PMP Integration

Ms. Zarley presented the current progress of the PMP Integration.

2. Inspection update
3. Online CE activity

Ms. Zarley reported on Board Staff's progress posting an online Nevada Law continuing education video.

Public Comment June 6, 2019, 9:00 AM

There was no public comment.

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

The purpose of the workshop is to solicit comments from interested persons on the following general topic that may be addressed in the proposed regulation:

[Authority – NRS 639.070]

- A. **Amendment of Nevada Administrative Code (NAC) 639.250: Restrictions on supervision.** The proposed amendment to NAC 639.250 will allow for an increase in pharmaceutical technician to pharmacist ratio in certain pharmacy settings

Acting President Desmond stated that the Board would not be voting on this item at this time to allow for all Board members to be present for the discussion and the vote.

Acting President Desmond opened the Public Comment.

Liz MacMenamin, RAN, appeared and thanked the Board for their consideration on this topic. Ms. MacMenamin expressed support of delaying the vote and stated that she would like to present the language to RAN's members.

Chris Froelich, pharmacist, appeared and expressed concern regarding increasing the pharmaceutical technician to pharmacist ratio to 8:1. He stated that increasing the number of people for the pharmacist to manage could negatively impact other pharmacist duties such as accurately dispensing medication and performing patient health screenings and medication review. Mr. Froelich also stated that not all pharmacists were aware that these changes were being discussed.

David Vasenden, pharmacist, appeared and expressed support of the current language to increase the ratio to 8:1.

Kelsey Maxim, pharmacist, appeared and expressed concern regarding increasing the ratio to 8:1. Ms. Maxim stated that increasing the ratio would put pharmacists in situations where they would be required to multitask more often and as a result would be distracted more often. Ms. Maxim cited articles that discussed how multitasking and distraction during work causes dispensing errors. Ms. Maxim requested the Board vote against the proposed ratio increase.

Board discussion ensued regarding surveying pharmacists again on this topic.

After discussion, the Board directed Board Staff to re-survey the pharmacists and to bring this matter back to Workshop at the next meeting.

- C. **Amendment of Nevada Administrative Code (NAC) 639. NEW LANGUAGE. Forwarding of information between pharmacies: New prescriptions.** The proposed amendment to NAC 639 will allow for the forwarding of information between pharmacies regarding new prescriptions that have not been filled by any pharmacy.

Mr. Wuest and Ms. Long provided background information.

Ms. Long read the proposed language into the record. She explained that the proposed language would allow pharmacist to forward a new prescription from their pharmacy if the prescription has not been filled.

Board discussion ensued regarding modifying the language to be consistent with Federal Law.

Acting President Desmond opened the Public Comment.

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

Chris Froelich, pharmacist, appeared and expressed support of the proposed language.

David Vasenden, pharmacist, appeared and expressed support of the proposed language.

Board discussion ensued regarding modifying the proposed language to have the forwarding pharmacy include the pharmacy's DEA registration number.

Board Action:

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

Second: Jade Jacobo

Action: Passed unanimously

18. Date and Location of Next Scheduled Board Meeting:

July 17-18, 2019 – Las Vegas, Nevada

19. Public Comment June 6, 2019 12:30 PM

There was no public comment.