



Nevada State Board of Pharmacy

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December 26, 2017

AMENDED AGENDA

◆ PUBLIC NOTICE ◆

The Nevada State Board of Pharmacy will conduct a meeting beginning Wednesday, January 10, 2018 at 9:00 am. The meeting will continue, if necessary, on Thursday, January 11, 2018 at 9:00 am or until the Board concludes its business at the following location:

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

Please Note:

In regulating the practice of pharmacy, the Nevada State Board of Pharmacy has a duty to carry out and enforce the provisions of Nevada law to protect the health, safety and welfare of the public.

The Nevada State Board of Pharmacy may address agenda items out of sequence to accommodate persons appearing before the Board or to aid in the efficiency or effectiveness of the meeting;

The Nevada State Board of Pharmacy may combine two or more agenda items for consideration; and

The Nevada State Board of Pharmacy may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

Public comment is welcomed by the Board, but will be heard during the public comment item and may be limited to five minutes per person. The president may allow additional time to a given speaker as time allows and in his or her sole discretion.

Prior to the commencement and conclusion of a contested case or a quasi judicial proceeding that may affect the due process rights of an individual the board may refuse to consider public comment. See NRS 233B.126. Please be aware that after the quasi-judicial board or commission has rendered a decision in the contested case and, assuming this happens before adjournment, the board or commission may entertain public comment on the proceeding at that time.

◆ CONSENT AGENDA ◆

The Consent Agenda contains matters of routine acceptance. The Board Members may approve the consent agenda items as written or, at their discretion, may address individual items for discussion or change.

1. Public Comment: No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on a future agenda as an item. (NRS 241.020) **(For Possible Action)**
2. Approval of December 6, 2017, Minutes **(For Possible Action)**
3. Applications for Out-of-State Pharmacy – Non Appearance: **(For Possible Action)**
 - A. Avera ePharmacy – San Antonio, TX
 - B. Center for Comprehensive Care & Diagnosis of Inherited Blood Disorders – Santa Ana, CA
 - C. El Monte Community Pharmacy – El Monte, CA
 - D. Express Veterinary Pharmacy, LLC – Gilbert, AZ
 - E. Foothills Professional Pharmacy – Phoenix, AZ
 - F. Parkway Pharmacy LP – Howell, NJ
 - G. Red Rock Pharmacy Ste 101 – Springville, UT
 - H. Regents Pharmacy – La Jolla, CA
 - I. Uptown Drugs Pharmacy – Allen Park, MI
 - J. Vanderbilt Integrated Pharmacy – Nashville, TN
 - K. Wellpartner – Tualatin, OR

Applications for Out-of-State Compounding Pharmacy – Non Appearance: **(For Possible Action)**

- L. Fountain Plaza Pharmacy – Morristown, TN
- M. People First Pharmacy #2 – Carrollton, TX
- N. Talca Pharmaceuticals Inc. – Camarillo, CA
- O. Tampa Family Pharmacy, LLC – Tampa, FL

Applications for Out-of-State Wholesaler – Non Appearance: **(For Possible Action)**

- P. Cooper Surgical, Inc. – North Tonawanda, NY
- Q. CuraScript SD Specialty Distribution – Tempe, AZ
- R. EPI Health, LLC – Charleston, SC
- S. Fisher Scientific Company L.L.C. – Dallas, TX
- T. Fisher Scientific Company L.L.C. – Raleigh, NC
- U. Intergrated Commercialization Solutions, LLC – Lockbourne, OH
- V. La Jolla Pharmaceutical Company – San Diego, CA
- W. Medical Purchasing Solutions, LLC – Hilliard, OH
- X. Northwood Pharmaceuticals, LLC – Indianapolis, IN
- Y. Pajunk Medical Systems, LP – Norcross, GA

- Z. Rainbow Gold, Inc. – Guntersville, AL
- AA. Rx Return Services – Clearwater, FL
- BB. Time Cap Laboratories, Inc. – Hicksville, NY
- CC. Tetrphase Pharmaceuticals, Inc. – Watertown, MA
- DD. Tyto Care – New York, NY

Applications for Out-of-State Medical, Devices, Equipment and Gases – Non Appearance: **(For Possible Action)**

- EE. Airvida – Tucson, AZ
- FF. Attentus Medical Sales, Inc. – Houston, TX
- GG. Avondale HME, Inc. – Temecula, CA
- HH. Home Medical Equipment and Supplies – Newport, OR
- II. Prothotics Health – Patchque, NY
- JJ. Tenssource, LLC – Tampa, FL
- KK. Therapeutic Resources, Inc. – Mill Creek, WA

Applications for Nevada Medical, Devices, Equipment and Gases – Non Appearance: **(For Possible Action)**

- LL. Bennett Medical Services – Reno, NV
- MM. Bennett Medical Services – Reno, NV
- NN. Bennett Medical Services – Reno, NV
- OO. Bennett Medical Services – Reno, NV

Applications for Nevada Pharmacy – Non Appearance: **(For Possible Action)**

- PP. Belmont Pharmacy – Las Vegas, NV
- QQ. Direct Scripts Mail (DSM) Pharmacy – North Las Vegas, NV
- RR. Elite Medical Center – Las Vegas, NV
- SS. Pharmacy Consulting Services Group – Las Vegas, NV
- TT. Sun Valley Surgery Center, LLC – North Las Vegas, NV
- UU. The Infusion Pharmacy – Henderson, NV

◆ REGULAR AGENDA ◆

4. Discipline: 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. **(For Possible Action)**

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|----|------------------------|------------------|
| A. | Hoyeon Cho, R.Ph | (16-036-RPH-A-S) |
| B. | Amy L. DeLuca, R.Ph | (16-036-RPH-B-S) |
| C. | CVS/pharmacy #5942 | (16-036-PH-S) |
| D. | Donna Raymond, R.Ph | (16-025-RPH-A-S) |
| E. | Marjan Ghanem, R.Ph | (16-025-RPH-B-S) |
| F. | Eralda Baho, R.Ph | (16-025-RPH-C-S) |
| G. | CVS/pharmacy #8827 | (16-025-PH-S) |
| H. | Mihreteab Tesema, R.Ph | (17-032-RPH-S) |

- I. CVS/pharmacy #9967 (17-032-PH-S)
- J. Jose Ferran, R.Ph (17-039-RPH-S)
- K. Ian Knickerbocker, PT (17-039-PT-A-S)
- L. Tiffany Buie, PT (17-039-PT-B-S)

5. Requests for Renewal of 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. **(For Possible Action)**

- A. Gurpartap Basrai
- B. Lisa Chaplinsky
- C. Farbod Melamed
- D. Jonathan H. Tang

6. Application for Pharmaceutical Technician in Training – Appearance: **(For Possible Action)**

Terry Russell

7. Applications for Nevada Pharmacy – Appearance: **(For Possible Action)**

- A. Direct Compounding and Outsourcing, LLC – Henderson, NV
- B. Reno Behavioral Healthcare Hospital – Reno, NV
- C. West Valley Pharmacy – Las Vegas, NV

8. Application for Out-of-State Outsourcing Facility – Appearance: **(For Possible Action)**

Cantrell Drug Company – Little Rock, AR

9. Applications for Out-of-State Compounding Pharmacy – Appearance : **(For Possible Action)**

- A. Promise Pharmacy – Palm Harbor, FL
- B. Red Rock Pharmacy – St George, UT

10. Application for Nevada Wholesaler – Appearance: **(For Possible Action)**

Reichman Distribution Inc. – Las Vegas, NV

11. Application for Nevada Medical, Devices, Equipment and Gases – Appearance: **(For Possible Action)**

Las Vegas Medical Store – Las Vegas, NV

12. Discussion and possible action regarding whether the Board will grant an exception under NAC 639.530(4) to allow Sunrise Pharmacy to operate without a lavatory within or adjoining the pharmacy. **(For Possible Action)**
13. Discussion and possible action regarding whether the Board will allow Professional Rx Pharmacy to complete a remodel of its previously approved facility per NAC 639.535 and to grant an exception under NAC 639.530(4) to allow the pharmacy, after completion of the remodel, to operate without a lavatory within or adjoining the pharmacy. **(For Possible Action)**
14. General Counsel Report
15. Authorization to File an Appeal from Order Granting Motion for Preliminary Injunction in Spring Valley Pharmacy, LLC and Jessica Nguyen v. Nevada State Board of Pharmacy, Eighth Judicial District Court of the State of Nevada, Case No. A-17-763456-C **(For Possible Action)**
16. Discussion and possible action on amendments to Findings of Fact, Conclusions of Law and Order entered June 9, 2017, in Case No. 16-015 and Findings of Fact, Conclusions of Law and Order entered June 9, 2017, in Case No. 16-022 regarding Jessica Nguyen and Spring Valley Pharmacy; or, alternatively, issuance of new orders in Case No. 16-015 and Case No. 16-022 regarding Jessica Nguyen and Spring Valley Pharmacy. **(For Possible Action)**
17. Approval of Annual Audit Report for Kohn & Company **(For Possible Action)**
18. Executive Secretary Report:
 - A. Financial Report
 - B. Temporary Licenses
 - C. Staff Activities:
 1. Nevada Medical, Devices, Equipment and Gases (MDEG) Advisory Committee Meeting
 2. Nevada Healthcare Licensing Board Meeting
 3. AB 474 Meetings and Continuing Education
 4. Roseman Student Rotation
 5. Idaho State University Student Rotation
 6. Dental Society North Continuing Education
 - D. Reports to Board
 - E. Board Related News
 - F. Activities Report

◆ WORKSHOP ◆

January 11, 2018 – 9:00 am

19. Notice of Proposed Regulation Workshop Pursuant to NRS 233B.061(2): **(For Possible Action)**

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

A. Amendment of Nevada Administrative Code Chapter 639 regarding dispensing of controlled substances or dangerous drugs by veterinarians. The proposed amendments to NAC 639.742 would add a subsection for licensing and the proposed amendments to NAC 639.220 would set the licensing fee relating to the dispensing of controlled substances and dangerous drugs by practitioners of veterinary medicine.

B. Amendment of Nevada Administrative Code Chapter 639 to add a new section thereto relating to the issuance of an order to show cause for failure to comply with an order entered by the Board. To provide for the issuance by the Executive Secretary of an order to show cause for failure to comply with the terms of an order directing the respondent to appear before the Board at the next regularly-scheduled meeting for a show cause hearing.

C. Amendment of Nevada Administrative Code Chapter 639 to add a new section thereto relating to practitioner access to the database of the program established pursuant to NRS 453.162. To require practitioners to register with the Board to access the database. To allow a practitioner to designate members of his or her staff to act as delegates for the purposes of accessing the database. To provide for the suspension or termination of access to the database if the Board or the Division has probable cause to believe that the database has been intentionally accessed by a person or for a purpose not authorized by law.

◆ PUBLIC HEARING ◆

January 11, 2018 – 9:00 am

20. Notice of Proposed Regulation Public Hearing Pursuant to NRS 233B.061(2): **(For Possible Action)**

Amendment of Nevada Administrative Code (NAC) 453.460: The proposed amendment to NAC 453.460 revises provisions relating to the partial filling of a controlled substance listed in Schedule II. (LCB File No. R007-17)

This regulation revises the circumstances in which a pharmacist is authorized to partially fill a prescription for a controlled substance listed in schedule II. The regulation requires that the remaining portion of a partially filled schedule II prescription must be filled not later than 30 days after the date the prescription was written; the remaining portion of an emergency schedule II prescription must be filled not later than 72 hours after the prescription was issued; requires a pharmacist to refuse to fill or partially fill a schedule II prescription more than 30 days after the date the prescription was written.

21. Date and Location of Next Scheduled Board Meeting:

March 7-8, 2018 – Reno, NV

22. Public Comments: No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on a future agenda as an item. (NRS 241.020) **(For Possible Action)**

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Nevada State Board of Pharmacy, 431 W Plumb Lane, Reno, NV, 89509, or call Shirley Hunting at (775) 850-1440, as soon as possible.

Supporting materials or additional information regarding the meeting may be obtained from Shirley Hunting at (775) 850-1440, email at shunting@pharmacy.nv.gov or 431 W Plumb Lane, Reno, Nevada.

Continuing Education credit of 4 hours, including 1 hour of law, will be given per day of Board meeting attendance. You are required to attend the board meeting for a full day to receive CE credit including the law credit.

This notice has been posted at the following locations and is available for viewing at www.notice.nv.gov and bop.nv.gov.

Elko County Courthouse – Elko
Washoe County Courthouse – Reno

Nevada Board of Pharmacy – Reno & Las Vegas
Mineral County Courthouse – Hawthorne