

NEVADA STATE
BOARD OF PHARMACY

BOARD MEETING

September 2-3, 2020

Supplemental Meeting
Material



Nevada State Board of Pharmacy

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Date Posted: August 25, 2020

SECOND AMENDED AGENDA

◆ PUBLIC NOTICE ◆

The Nevada State Board of Pharmacy will conduct a meeting beginning Wednesday, September 2, 2020 at 9:00 am. The meeting will continue, if necessary, on Thursday September 3, 2020 at 9:00 am or until the Board concludes its business at the following location:

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

Via Videoconference at Zoom:

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

or

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

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 three minutes per person. You may call into the videoconference by following the link or calling the phone number listed above. The president may allow additional time to a given speaker as time allows and in his or her sole discretion.

Public comment may also be submitted to the Board at pharmacy@pharmacy.nv.gov.

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.

1. Call to Order and Roll Call – Establishment of Quorum
2. 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)

◆ 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.

3. Approval of July 15-16, 2020, Minutes (**FOR POSSIBLE ACTION**)
4. 4.1 Applications for Out-of-State Pharmacy License – Non-appearance (**FOR POSSIBLE ACTION**)
 - A. AdhereRx, Inc. – Gilbert, AZ
 - B. Blink Pharmacy Plus – Pittsburgh, PA
 - C. Epic Pharmacy – Oklahoma City, OK
 - D. First Choice Home Infusion LLC – Hendersonville, TN
 - E. LeMed Pharmacy III, LLC
 - F. Preferred Pharmacy Inc – Costa Mesa, CA
 - G. Solara Medical Supplies LLC – Chula Vista, CA
 - H. Stoneview Pharmacy – Gilbert, AZ
 - I. Vet Perfect, Inc. – Boca Raton, FL
 - J. Vivo Health Pharmacy at Home – Great Neck, NY
 - K. Zoetis US LLC – Lee's Summit, MO
- 4.2 Application for Out-of-State Compounding Pharmacy License – Non-appearance (**FOR POSSIBLE ACTION**)
 - L. Burt's Pharmacy, LLC – Newbury Park, CA
 - M. Cheveux LLC – Phoenix, AZ
 - N. Express Veterinary Pharmacy – Gilbert, AZ
 - O. Jungle Jim's Pharmacy – Fairfield, OH

4.3 Applications for Out-of-State Medical, Devices, Equipment and Gases License – Non-appearance (**FOR POSSIBLE ACTION**)

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

4.4 Applications for Nevada Medical, Devices, Equipment and Gases License – Non-appearance (**FOR POSSIBLE ACTION**)
None

4.5 Applications for Out-of-State Wholesaler License – Non-appearance (**FOR POSSIBLE ACTION**)

Background Check Not Required by Law.

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

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

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

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

- MM. BioCryst Pharmaceuticals, Inc. – Durham, NC
- NN. RGH Enterprises, Inc. – Jacksonville, FL

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

OO. NDC Distributors LLC – Brooklyn, NY

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

4.5.5 Publicly Traded and Manufacturer (NAC 639.593(7)(a) and (d))

PP. Apellis Pharmaceuticals, Inc. – Waltham, MA

QQ. AVEO Pharmaceuticals, Inc. – Boston, MA

RR. Dermira, Inc. – Menlo Park, CA

SS. Gamida Cell Inc – Boston, MA

TT. TG Therapeutics, Inc. – Edison, NJ

4.5.6 Publicly Traded and VAWD-Accredited (NAC 639.593(7)(a) and (c))
None

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

UU. Puragraft – Kingwood, TX

VV. Takeda Pharmaceuticals America, Inc. – Florence, KY

4.6 Application for Nevada Pharmacy License – Non-apperance (**FOR POSSIBLE ACTION**)
None

◆ REGULAR AGENDA ◆

5. Disciplinary hearings pursuant to NRS 639.247. 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. Kirash Mirkia, MD	(19-090-CS-S-A)
B. Victoria Wall, MD	(20-067-CS-S)
C. Katherine Kuehl	(19-035-RPH-B-S)
D. Walmart Pharmacy #10-3728	(18-096-PH-S)
E. Paul Luke	(19-066-PH-S)
F. Theodore Herrera	(19-079-IN-S)
G. Jerald Clyde, RPH	(19-061-RPH-S)
H. Smith's Pharmacy #336	(19-061-PH-S)
I. Abdel M. Khalek, MD	(19-003-CS-A-S)
J. Robert Chancellor, MD	(19-003-CS-B-S)
K. Lindsay Hoffman, PA-C	(19-003-CS-C-S)
L. Bernard Kofi Addo-Quaye, MD	(19-242-CS-A-S)

M. Mukwel Aiyuk, APRN (19-242-CS-B-S)
 N. Solomon Joshua, APRN (19-242-CS-C-S)

6. Appeal hearings for citation and fine pursuant to NRS 639.2895(2). 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. Vinay Kumar Bararia, MD (19-003-CS-D-S)
 B. Victor Bruce, MD (19-242-CS-D-S)

7. Petition for Reinstatement of Controlled Substance Registration and Request to Appear Before the Board – 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. **(FOR POSSIBLE ACTION)**

Joyce P. Chang, MD

8. Applications for Controlled Substances Registration – 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. **(FOR POSSIBLE ACTION)**

A. Roger Belcourt
 B. Andrew Podley

9. Applications for Pharmacist Registration by Examination – 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. **(FOR POSSIBLE ACTION)**

A. Tosin A. Adelokun
 B. Mark Harward
 C. Michael Shimoide

10. Applications for Pharmacist Registration by Reciprocity – 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. **(FOR POSSIBLE ACTION)**

Gabriel Castaneda

11. Application for Advanced Practice Registered Nurse Prescribe Registration – 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. **(FOR POSSIBLE ACTION)**

- A. Patrick Smith, APRN
- B. Natalie Wynn, APRN

12. Application for Physician's Assistant Prescribe Registration – 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. **(FOR POSSIBLE ACTION)**

Tammy Hankins, PA

13. Application for Pharmacist Registration Renewal – 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. **(FOR POSSIBLE ACTION)**

Mark Robertson

14. Applications for Pharmaceutical Technician Registration Renewal – 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. **(FOR POSSIBLE ACTION)**

Eyosias Bekele

15. Application for Advanced Practice Registered Nurse Dispensing Registration – 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. **(FOR POSSIBLE ACTION)**

John Phoenix, APRN

16. Application for Intern Registration – 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. **(FOR POSSIBLE ACTION)**

Dustin Godoy

17. Applications for Out-of-State Compounding Pharmacy License – Appearance **(FOR POSSIBLE ACTION)**

- A. APS Pharmacy – Palm Harbor, FL
- B. Sisu Healthcare Solutions, Inc. – Tempe, AZ

18. Applications for Out-of-State Pharmacy License – Appearance **(FOR POSSIBLE ACTION)**

- A. Carepharm Pharmacy, LTC – Houston, TX
- B. Script2U LLC – Memphis, TN
- C. ScriptHero Pharmacy LLC – Columbus, OH

19. Application for Out-of-State Medical, Devices, Equipment and Gases License – Appearance (**FOR POSSIBLE ACTION**)

Medical Action Industries, Inc. – Arden, NC

20. Application for Nevada Medical, Devices, Equipment and Gases License – Appearance (**FOR POSSIBLE ACTION**)

Nevada Prime Healthcare LLC – Reno, NV

21. Application for Nevada Wholesaler License – Appearance (**FOR POSSIBLE ACTION**)

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

MD Logistics, LLC – Reno, NV

22. Applications for Out-of-State Wholesaler License – Appearance (**FOR POSSIBLE ACTION**)

Background Check Not Required by Law.

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

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

- A. Aurolife Pharma LLC – Dayton, NJ
- B. Clinical Solutions Wholesale, LLC – Franklin, TN
- C. Exelan Pharmaceuticals, Inc. – Boca Raton, FL
- D. Mizner BioScience, LLC – Boca Raton, FL

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

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

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

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

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

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

F. Covetrus North America – Aurora, CO

G. Covetrus North America – Southaven, MS

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

H. Aleracare Wholesale, LLC – Phoenix, AZ

I. JanusTrade Group LLC – Eatontown, NJ

23. Application for Out-of-State Outsourcing Facility – Appearance (**FOR POSSIBLE ACTION**)

Farmakeio Outsourcing – Southlake, TX

24. Application for Nevada Pharmacy License – Appearance (**FOR POSSIBLE ACTION**)

Off-Site Rampart Pharmacy – Winnemucca, NV

25. Rehearing of Order in Case No. 20-008-PT-S on Application of Jevons Wang pursuant to NRS 639.252 (**FOR POSSIBLE ACTION**)

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

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

28. Discussion and possible action on medical interns and residents' controlled substance registration fee (**FOR POSSIBLE ACTION**)

29. Annual review to consider and suggest amendments to and deletions from the provisions of NAC 639.501-.5019 (**FOR POSSIBLE ACTION**)

30. Discussion and possible action on approval of Immunize Nevada - Nevada Immunization Learning Exchange - CE Programs (**FOR POSSIBLE ACTION**)

- 31. Approval of Revised Wholesaler Application **(FOR POSSIBLE ACTION)**
- 32. Petition for Exemption from the requirement of a lavatory with toilet and washbasin within or adjoining the pharmacy. NAC 639.530(4). **(FOR POSSIBLE ACTION)**

Rx2U, LLC. – Las Vegas, NV
- 33. General Counsel Report. Note: The Board may exclude the public for a report on potential or existing litigation pursuant to NRS 241.015(3)(b)(2).
- 34. Executive Secretary Report:
 - A. Financial Report
 - B. Issuance of Temporary Licenses and Registrations
 - C. Meetings with Other Health Care Regulatory Boards
 - D. COVID-19 Response
 - Emergency Regulation Update
 - E. Presentation to GME UNLV
 - F. Licensing Software Update
 - G. Licensing Activities Report
 - H. PMP Integration

◆ PUBLIC HEARING ◆

Thursday September 3, 2020 – 9:00 am

- 35. Notice of Proposed Regulation Public Hearing Pursuant to NRS 233B.061(2) **(FOR POSSIBLE ACTION):**
 - A. **Amendment of Nevada Administrative Code (NAC) 453.520 Schedule II.** The proposed amendment adds such drug products to the list of controlled substances in schedule II in conformity with the federal regulations of the Uniform Controlled Substances Act. (LCB File No. R084-20)
 - B. **Amendment of Nevada Administrative Code (NAC) 639: Pharmacy Technician Ability to Administer Immunizations.** The proposed amendment will authorize a pharmacy technician with appropriate training to administer immunizations under the direct supervision of a pharmacist. (LCB File No. R142-20)

◆ WORKSHOP ◆

Thursday September 3, 2020 – 9:00 am

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

Amendment of Nevada Administrative Code (NAC) 639.742, 639.743, 639.744, and 639.745: Dispensing Practitioners. The proposed amendments will modify the supervision of dispensing technician by dispensing practitioners. These amendments will authorize dispensing practitioners in group practices to share inventory of certain medications and centralize activities. The proposed amendments will increase the fees for the application for an initial registration, and the biennial renewal of a registration, as a registered dispensing technician.

37. Request for Approval of Change of Managing Pharmacist pursuant to NRS 639.220
(FOR POSSIBLE ACTION)

ACRx Specialty Pharmacy

38. Adoption of Emergency Regulation pursuant to NRS 233B.0613 **(FOR POSSIBLE ACTION).**

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

39. Date and Location of Next Scheduled Board Meeting:

October 14-15, 2020 – Las Vegas, NV

40. 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)
41. Adjournment

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, 985 Damonte Ranch Parkway, Suite 206, Reno, NV, 89521, or call Kristopher Mangosing 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 shunting@pharmacy.nv.gov or 985 Damonte Ranch Parkway, Suite 206, Reno, Nevada, 89521.

No Continuing Education credit, will be given for attending this Board meeting.

This notice has been posted at www.notice.nv.gov and www.bop.nv.gov pursuant to Governor's Declaration of Emergency Directive 006.

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

Elko County Courthouse – Elko
Washoe County Courthouse – Reno

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

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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

July 15 & 16, 2020

BOARD MEETING

Hilton Garden Inn
 7830 S Las Vegas Blvd
 Las Vegas NV

Board Members Present:

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

Board Staff Present:

Dave Wuest	Yenh Long	Brett Kandt	Kristopher Mangosing
Dena McClish	Joe Dodge	Luis Curras	Kenneth Scheuber
Leo Basch	Shannon Reichman		

President Park read the mission statement of the Nevada State Board of Pharmacy to reiterate the Board's duty to carry out and enforce the provisions of Nevada Law to protect the health, safety, and welfare of the public.

Mr. Wuest gave direction to Board members, staff, and attendees about Covid-19 social distancing protocols and the Governor's Directives. Mr. Wuest also clarified protocols on recusal for Board Members.

1. Call to Order and Roll Call – Establishment of Quorum

President Park performed the roll call. All Board Members were present and a quorum was established.

2. Public Comment July 15th, 2020 9AM

Mr. Wuest stated that written public comments were submitted which will be read into the recording during the appropriate agenda item.

3. Approval of June 3, 2020, Minutes

Board Action:

Motion: Jade Jacobo moved to approve the June 2020 minutes pending the correction of the spelling of “Evelyn Chu”.

Second: Wayne Mitchell

Action: Passed unanimously

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

- A. Alliance Pharmacy – Fort Worth, TX
- B. Alto Pharmacy – Denver, CO
- C. AnovoRx Group, LLC – Memphis, TN
- D. Blue Sky Specialty Pharmacy – Mount Pleasant, SC
- E. CLRX DENTON – Denton, TX
- F. CRx Specialty Solution Pharmacy – Natchitoches, LA
- G. Ethical Factor Rx – Moosic, PA
- H. Invictus Pharmacy – Kearny, NJ
- I. Medici Pharmacy – Sugar Land, TX
- J. Nephron Pharmacy LLC – West Columbia, SC
- K. Pearland Unicare Pharmacy, LLC – Pearland, TX
- L. Phil Pharmacy Solutions LLC – Columbus, OH
- M. Premier Specialty Infusion LLC – Hoffman Estates, IL
- N. Southern Hometown Pharmacy – Pooler, GA
- O. Transition Pharmacy – Trevese, PA

Application for Out-of-State Compounding Pharmacy License – Non Appearance

- P. ADAMAS RX – Arlington, TX
- Q. Peninsula Compounding – Long Beach, WA
- R. The Medicine Shoppe – Riverside, CA

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

- S. Premier Medical Products Inc. – Rocklin, CA

Applications for Nevada Medical, Devices, Equipment and Gases License – Non Appearance

Applications for Out-of-State Wholesaler License – Non-Appearance

Background Check Not Required by Law.

- A. Distributor for Single Manufacturer (NAC 639.593(7)(e))
None

B. Manufacturer (NAC 639.593(7)(d))

- T. Amici Pharmaceuticals LLC – Melville, NY
- U. Foamix Pharmaceuticals Inc. – Bridgewater, NJ
- V. ICU Medical Sales, Inc. – Salt Lake City, UT
- W. Medimetrius Pharmaceuticals, Inc – Fairfield, NJ
- X. Pharmacosmos Therapeutics Inc. – Watchung, NJ
- Y. Servier Pharmaceuticals LLC – Boston, MA

C. Publicly Traded (NAC 639.593(7)(a))

None

D. VAWD-Accredited (NAC 639.593(7)(c))

- Z. San Diego Wholesale Distribution – Ontario, CA

E. Manufacturer and VAWD-Accredited (NAC 639.593(7)(c) and (d))

None

F. Publicly Traded and Manufacturer (NAC 639.593(7)(a) and (d))

- AA. ADMA Biologics, Inc. – Boca Raton, FL
- BB. Argenx US, Inc – Boston, MA
- CC. electroCore, Inc. – Basking Ridge, NJ
- DD. Revance Therapeutics, Inc. – Newark, CA
- EE. Verrica Pharmaceuticals Inc. – West Chester, PA

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

None

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

- FF.US VET, INC. – Hamilton, NY

Application for Nevada Pharmacy License – Non Appearance

- GG. Optum Infusion Services 501, Inc. – Las Vegas, NV
- HH. Valley Health Surgery and Rehab Hospital Pharmacy – Las Vegas, NV

President Park recused from participation regarding Item 4GG due to the business relationship that her employer has with CVS Health.

Jade Jacobo recused from participation regarding Item 4GG due to employment with Optum Specialty.

Krystal Freitas disclosed she has a business relationship with Item 4J, but stated that she can participate in this matter fairly and without bias.

Krystal Freitas recused from participation regarding Agenda Item 4HH due to her employment.

Board Action:

Motion: Jade Jacobo moved to approve the Consent Agenda excluding agenda items 4GG and 4HH.

Second: Wayne Mitchell

Action: Passed unanimously.

Board Action:

Motion: Wayne Mitchell moved to approve items 4GG and 4HH

Second: Richard Tomasso

Action: Passed Unanimously

5. Disciplinary hearings pursuant to NRS 639.247

- | | | |
|----|---------------------------|------------------|
| A. | Glory K. Remley, RPh | (18-096-RPH-A-S) |
| B. | Jessica L. Huey, RPh | (18-096-RPH-B-S) |
| C. | Walmart Pharmacy #10-3728 | (18-096-PH-S) |

This matter was continued to a future meeting.

- | | | |
|----|----------------------|------------------|
| D. | Katherine Keuhl, RPh | (19-035-RPH-B-S) |
|----|----------------------|------------------|

This matter was continued to a future meeting.

- | | | |
|----|-----------------|---------------|
| E. | Jevons Wang, PT | (20-008-PT-S) |
|----|-----------------|---------------|

Jevons Wang was not present.

Brett Kandt provided background on the case, that on January 17th, 2019 the Board approved Mr. Wang's application for registration as a pharmaceutical technician, with conditions that Mr. Wang enroll in the Professionals Reaching Nevada-Pharmacist/Tech Recovery Network (PRN-PRN) program for one year and comply with all terms and conditions of the PRN-PRN contract, due to his history of substance abuse.

On January 15th, 2020, Mr. Wang was terminated from the PRN-PRN program due to lack of attendance. Respondent's Certificate of Registration No. PT21836 is therefore subject to revocation or suspension pursuant to NRS 639.210(5).

Mr. Kandt called Kristopher Mangosing, Board Staff, as a witness.

Kristopher Mangosing appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Mangosing testified that Mr. Wang was sent the Notice of Intended Action and Accusation by certified mail. Mr. Mangosing reviewed documentation showing that Mr. Wang was properly served at his address of record.

Mr. Kandt moved to enter Exhibits 1 and 2 into the record.

President Park admitted Exhibits 1 and 2 into the record.

Board Action:

Motion: Jade Jacobo moved that Jevons Wang was properly served the Notice of Intended Action and Accusation in compliance with Nevada Law.

Second: Krystal Freitas

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved that the Board has jurisdiction over this matter according to Nevada law.

Second: Wayne Mitchell

Action: Passed unanimously.

Board Action:

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

Second: Jade Jacobo

Action: Passed unanimously.

Board Action:

Motion: Krystal Freitas moved that as a matter of law, by failing to comply with the terms and conditions of the PRN-PRN program contract, Jevons Wang is subject to discipline.

Second: Jade Jacobo

Action: Passed unanimously.

Board Action:

Motion: Wayne Mitchell moved that Jevons Wang Pharmaceutical Technician registration number PT21836 is revoked.

Second: Rolf Zakariassen

Action: Passed unanimously.

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

Craig Weingrow, MD

(17-066-CS-S)

Mr. Kandt summarized the facts of the case where Dr. Weingrow's Controlled Substance Registration and Practitioner Dispensing Registration were revoked in July 2018 for dispensing controlled substances and dangerous drugs and allowing controlled substances and dangerous drugs to be dispensed to patients without his handwritten prescription on each prescription. Dr. Weingrow also allowed members of his staff to falsify his signature on prescriptions for medications that had already been dispensed.

Craig Weingrow appeared and was sworn by President Park prior to answering questions or offering testimony.

Jeffrey Setness was present as counsel representing Dr. Weingrow.

Mr. Setness presented information regarding the type of practice Dr. Weingrow intends to open and the list of controlled substance medications Dr. Weingrow intends to prescribe for his patients.

Dr. Weingrow and Mr. Setness answered questions to the Board's satisfaction regarding the status of his registration with the Nevada State Board of Medical Examiners.

Board discussion ensued regarding Dr. Weingrow's practice and potentially placing restrictions on Dr. Weingrow's Controlled Substance Registration.

Mr. Setness explained that imposing restrictions on Dr. Weingrow's registration would make it difficult for him to obtain a job. Mr. Setness requested the Board consider approving Dr. Weingrow's registration without restrictions.

Board discussion ensued regarding the list of controlled substance medications Dr. Weingrow intends to prescribe to patients and to require Dr. Weingrow to report his prescribing history to the Board.

Board Action:

Motion: Jade Jacobo moved to reinstate Craig Weingrow's Controlled Substance Registration with conditions. Dr. Weingrow shall only prescribe the controlled substances listed in Exhibit 2. Dr. Weingrow shall appear before the Board for prior authorization to make any amendments to the list of controlled substances he may prescribe. Dr. Weingrow shall report his controlled substance prescribing every quarter to Board staff.

Second: Wayne Mitchell

Action: Passed unanimously.

7. Applications for Controlled Substances Registration – Appearance:

A. Charles Kamen, MD

Charles Kamen appeared and was sworn by President Park prior to answering questions or offering testimony.

Lynn Beggs was present as counsel representing Dr. Kamen.

Ms. Beggs stated that Dr. Kamen disclosed that in 2014 he was arrested and charged for driving under the influence which led to the suspension of his New York DEA certificate and New York Medical license. Ms. Beggs stated that Dr. Kamen is still attending therapy and participating in a recovery program.

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

Board Action:

Motion: President Park moved to enter into Closed Session.

Second: Richard Tomasso

Action: Passed unanimously.

Board Action:

Motion: President Park moved to enter into Open Session.

Second: Jade Jacobo

Action: Passed unanimously.

Dr. Kamen answered questions to the Board's satisfaction regarding his recovery and license status with the Nevada State Board of Medical Examiners.

Board Action:

Motion: Jade Jacobo moved to approve Alexander Kamen's Controlled Substance Registration application.

Second: Wayne Mitchell

Action: Passed unanimously.

B. Stephen R. Lauterbach, MD

Stephen Lauterbach appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Kandt stated that Dr. Lauterbach disclosed past administrative action and discipline on his application.

Dr. Lauterbach summarized the facts of his 2002 conviction for domestic violence, 2010 arrest for suspicion of driving under the influence and 2016 assault conviction.

Dr. Lauterbach explained that his New York medical license was placed on probation in 2003 in relation to his domestic violence charge.

Dr. Lauterbach answered questions to the Board's satisfaction regarding his legal history, recovery, treatment plans, and employment history.

Board Action:

Motion: Gener Tejero moved to approve Stephen Lauterbach's Application for Controlled Substance Registration.

Second: Rolf Zakariassen

Action: Passed unanimously.

C. Justin R. Sempsrott, MD

Mr. Wuest provided some background information that Dr. Sempsrott's registration had expired. Dr. Sempsrott requested a temporary Controlled Substance registration which was granted, and he is requesting a Controlled Substance registration.

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

Dr. Sempsrott explained that he disclosed that he has been investigated by the Nevada State Board of Medical Examiners and the Idaho Board of Pharmacy. Dr. Sempsrott disclosed that he was addicted to opiates and had described an occurrence in 2017 where he was contemplating diverting fentanyl from Sunrise Hospital.

Dr. Sempsrott disclosed that he entered into a rehabilitation facility and successfully completed the program. He is currently in contract with the Nevada Professionals Assistance Program and is in good standing.

Dr. Sempsrott answered questions to the Board's satisfaction regarding his recovery and participation in PRN-PRN.

Board Action:

Motion: Gener Tejero moved to approve Justin Sempsrott's Application for Controlled Substance Registration.

Second: Rolf Zakariassen

Action: Passed unanimously.

8. Applications for Pharmacist Registration by Reciprocity – Appearance:

Ronak A. Desai

Ronak Desai appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Wuest provided background information that Ms. Desai disclosed a pending legal action in another state.

Ms. Desai explained that she was the managing pharmacist at Park Pharmacy. She stated that Park Pharmacy was investigated regarding improper compounding practices and record keeping. She explained that she was ordered to complete 10 hours of additional continuing education regarding sterile compounding.

Ms. Desai stated that she did not have the necessary training or knowledge to be the managing pharmacist and accepted responsibility for her errors

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

Board Action:

Motion: Gener Tejero moved to approve Ronak Desai's Application for Pharmacist Registration by Reciprocity.

Second: Jade Jacobo

Action: Passed unanimously.

9. Application for Advanced Practice Registered Nurse Prescribe Registration - Appearance:

Lonny D. Krause, APRN

Lonny Krause appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Krause disclosed that in 2013 and 2014 he was charged for minor in possession and in 2015 he was charged for driving while impaired. Mr. Krause states that he received an evaluation by a mental health advisor and does not have any other of history of substance abuse.

Mr. Krause answered questions to the Board's satisfaction regarding his past legal history and treatment.

Board Action:

Motion: Jade Jacobo moved to approve Lonny Krause's Application for Advanced Practice Registered Nurse Prescribe Registration.

Second: Krystal Freitas

Action: Passed unanimously.

10. Petition for Reinstatement of Pharmaceutical Technician Registration pursuant to NRS 639.2565.

Cindy A. Orwick (12-047-PT-S)

Cindy Orwick appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Orwick stated that she was disciplined by the Board in 2012 for testing positive for methamphetamine. She explained that she enrolled into a treatment program with PRN-PRN and presented a Letter of Recommendation from Larry Espadero, PRN-PRN.

Mr. Kandt read into the record the Meeting Minutes from Ms. Orwick's case in 2012.

Board discussion ensued regarding verification of the Letter or Recommendation from Mr. Espadero.

President Park offered Ms. Orwick the option to table this matter while Board staff verifies Mr. Espadero's Letter of Recommendation and to allow her time to provide Board staff with letters of reference and drug screening results from her current employer.

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

11. Applications for Pharmaceutical Technician in Training Registration - Appearance:

A. Gina Chiofola

Gina Chiofola appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Chiofola disclosed that in 2017 she was charged for petty larceny and in 2019 she was charged for a DWI.

Ms. Chiofola stated that she completed a court mandated program in regard to her DWI and explained that the 2017 petty larceny case was dismissed.

After discussion, the Board requested that Ms. Chiofola provide legal documentation regarding both cases.

President Park offered Ms. Chiofola the option to table this matter until she could provide documentation of her cases to Board staff.

The Board tabled this matter at Ms. Chiofola's request.

B. Kellie M. Hillard

Ms. Hillard was not present.

Mr. Wuest stated that Board staff would reach out to Ms. Hillard and continue this matter to a future meeting.

C. Atavia C. Jackson

President Park disclosed that her employer has a business relationship with CVS pharmacy but stated that she is able to participate fairly and without bias.

Rolf Zakariassen disclosed that he is employed by CVS pharmacy but stated that he is able to participate fairly and without bias.

Atavia Jackson appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Jackson disclosed that in 2019 she was charged for driving under the influence and explained that she was detained for 30 hours at that time for an unpaid parking ticket.

After discussion, the Board requested that Ms. Jackson provide legal documentation regarding her past history.

The Board offered Ms. Jackson the option to table this matter to a future meeting to allow her time to submit legal documentation to Board staff.

The Board tabled Ms. Jackson's Application for Pharmaceutical Technician in Training Registration at her request.

D. Alexander E. Peralta

Alexander Peralta appeared and was sworn prior to answering questions and offering testimony.

Mr. Peralta disclosed a DUI that occurred in July of 2020. He explained that he was ordered to attend a victim's panel, attend ten alcoholics' anonymous meetings and pay a fine.

Board discussion ensued regarding having Mr. Peralta evaluated by PRN-PRN.

Board Action:

Motion: Jade Jacobo moved to approve Alexander Peralta's Application for Pharmaceutical Technician in Training pending a positive evaluation by PRN-PRN.

Second: Krystal Freitas

Action: Passed unanimously.

E. Brittani N. Walters

Brittani Walters appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Walters disclosed that in 2012 she was charged for petty theft and in 2014 she received a DUI.

The Board expressed concern that Ms. Walters did not disclose her 2014 DUI on her application.

After Board discussion, President Park offered Ms. Walters the option to table this matter to a future meeting to allow her time to submit an amended application and documentation regarding her DUI.

The Board tabled Ms. Walter's Application for Pharmaceutical Technician in Training Registration at her request.

12. Application for Pharmaceutical Technician Registration - Appearance:

Courtney R. Lee

Courtney Lee was not present.

13. Application for Pharmacist Registration Renewal - Appearance:

A. Deepa Ramaswamy, R.Ph

President Park called Deepa Ramaswamy forward.

Deepa Ramaswamy was not present.

President Park tabled this matter to the September 2020 Board meeting.

B. Massoud Zarkesh, R.Ph

Massoud Zarkesh appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Zarkesh disclosed administrative action on his license in California on his renewal application for Nevada Pharmacist Registration.

Mr. Zarkesh explained that in 2019 his California Pharmacist Registration was revoked, the revocation stayed and placed on probation for three years. Mr. Zarkesh stated that he was the managing pharmacist at a pharmacy that was disciplined for failure to report CURES data, subverting an investigation, dispensing the wrong medication, unauthorized refills and missing required information on prescriptions.

Mr. Zarkesh answered the Board's questions regarding his past discipline and current restrictions on his California Pharmacist Registration.

Board Action:

Motion: Richard Tomasso moved to approve Massoud Zarkesh's Renewal Application for Pharmacist Registration with the same conditions as California. Mr. Zarkesh shall not be a managing pharmacist or own a pharmacy in Nevada without appearing before the Board for approval.

Second: Gener Tejero

Aye: Tejero, Mitchell, Jacobo, Freitas, Tomasso, Zakariassen

Nay: Park

Action: Motion carries

14. Applications for Pharmaceutical Technician Registration Renewal - Appearance:

A. Eyosias Bekele

President Park called for Eyosias Bekele.

Eyosias Bekele was not present.

Mr. Kandt stated that Mr. Bekele emailed Board staff that he was in attendance but left due to his work schedule.

This matter was continued to a future Board meeting.

B. Mohd Fiazean

Mohd Fiazean appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Fiazean stated that his Pharmaceutical Technician Registration was previously issued, but he did not disclose a DUI charge that occurred in 2016.

The Board questioned Mr. Fiazean regarding why he did not disclose his DUI on his original application.

Mr. Fiazean stated that he was afraid of the consequences and accepted responsibility for not honestly answering the questions on his application.

The Board expressed concern regarding Mr. Fiazean's integrity and stressed the importance of pharmaceutical technician's role in patient care.

Board discussion ensued regarding the procedure regarding falsified applications.

Board Action:

Motion: Gener Tejero moved to cancel Mohd Fiazean's Pharmaceutical Technician in Training application. Mr. Fiazean may re-apply as soon as he wants pursuant to NRS 639.281

Second: Jade Jacobo

Action: Passed unanimously.

15. Application for Advanced Practitioner of Nursing Dispensing Registration – Appearance

John Phoenix, APRN

This matter was continued to the September 2020 Board Meeting.

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

A. DYL LLC South Lake Pharmacy – Zephyrhills, FL

Hector Medrano, managing pharmacist and owner, appeared and was sworn by President Park prior to answering questions or offering testimony.

Joe Dodge questioned Mr. Medrano regarding DYL LLC South Lake Pharmacy's policies and procedures regarding compounding including but not limited to: overnight shipping and temperature packs, potency testing, stability testing, and environmental checks.

Mr. Medrano answered the questions to the Boards satisfaction.

The Board removed the affidavit not to ship sterile compounded products into Nevada from DYL LLC South Lake Pharmacy's Application at Mr. Medrano's request.

Board Action:

Motion: Jade Jacobo moved to approve DYL LLC South Lake Pharmacy's Application for Out of State Compounding Pharmacy License.

Second: Wayne Mitchell

Action: Passed unanimously.

B. INFUCARE RX LLC – Aston, PA

Scott Bell, pharmacist, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Dodge questioned Mr. Bell regarding Infucare Rx LLC's sterile compounding procedures, product shipping, product testing, and staff training.

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

Board Action:

Motion: Wayne Mitchell moved to approve Infucare Rx LLC's Application for Out-of-State Compounding Pharmacy License.

Second: Krystal Freitas

Action: Passed unanimous

C. Revive Rx – Houston, TX

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

Mr. Schneider stated that Revive Rx primarily provides urology and endocrinology medication. He explained that they are licensed in 21 other states and most of the compounding is non-sterile.

Mr. Schneider answered Mr. Dodge's questions to the Board's satisfaction regarding Revive Rx's products and services provided, product testing, sterilization and shipping.

Board Action:

Motion: Jade Jacobo moved to approve the application for Revive Rx.

Second: Rolf Zakariassen

Action: Passed unanimously.

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

A. Cardinal Health 414, LLC – Sacramento, CA

Jesse Rickelman, managing pharmacist for Cardinal Health Las Vegas location, appeared and was sworn by President Park prior to answering questions or offering testimony.

Wayne Mitchell disclosed that he has a business relationship with Cardinal Health, but stated that he can participate in this matter fairly and without bias.

Mr. Wuest stated that Cardinal Health submitted a Letter of Authorization allowing Mr. Rickelman to speak on behalf of the company.

Mr. Kandt read a summary of Cardinal Health's disciplinary history into the record.

Mr. Wuest stated that Cardinal Health 414 obtained a temporary license with the Nevada Board of Pharmacy and is requesting licensure.

Mr. Rickelman answered questions to the Board's satisfaction regarding Cardinal Health's policies and procedures, and services provided.

Board Action:

Motion: Gener Tejero moved to approve Cardinal Health 414 LLC's Application for Out of State Pharmacy License.

Second: Jade Jacobo

Action: Passed unanimously.

B. Genoa Healthcare LLC – Kingman, AZ

Dave Harris appeared and was sworn by President Park prior to answering questions or offering testimony.

Jade Jacobo disclosed that her employer owns Genoa Health Care but stated that she can participate in this matter fairly and without bias.

Mr. Harris stated that Genoa Healthcare LLC is a retail community pharmacy that performs no compounding services.

Mr. Harris disclosed that Genoa Healthcare LLC has had prior discipline in other states. He explained that in 2018 the company was disciplined by the Oregon Board of Pharmacy for failing to report a temporary managing pharmacist and in 2019 the Arizona Board of Pharmacy disciplined the company for failure of not complying with Arizona regulations regarding shared after-hours pharmacy service.

Mr. Harris answered questions to the Boards satisfaction.

Board Action:

Motion: Jade Jacobo moved to approve the application for Genoa Healthcare LLC pending receipt of a Letter of Authorization.

Second: Krystal Freitas

Action: Passed unanimously.

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

A. Cardinal Health 108, LLC – Laverne, TN

This matter was heard in conjunction with Agenda Items 20 B and 23.

Mr. Rickelman appeared on behalf of Cardinal Health. President Park reminded Mr. Rickelman that he is still under oath.

Mr. Wuest stated that the disciplinary history Mr. Kandt read into the record for Cardinal Health 414 LLC applies to these applications as well.

Board Action:

Motion: Jade Jacobo moved to approve Cardinal Health 108, LLC's Application for Out-of-State Medical, Devices, Equipment and Gases License.

Second: Gener Tejero

Action: Passed unanimously.

B. Medical Action Industries, Inc. - Arden, NC

This Agenda Item has been continued to a future Board Meeting.

19. Application for Nevada Wholesaler License – Appearance

Crane Pharmaceuticals, Inc. – Las Vegas, NV

Siamak Adampour, CEO, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Wuest explained that Board staff has completed an inspection of the facility.

Mr. Dodge reported that during his inspection of Crane Pharmaceuticals, Inc. the company complied with all requirements.

The Board questioned Mr. Adampour regarding the products and services provided by Crane Pharmaceuticals, Inc.

Mr. Adampour was unable to adequately answer questions to the Boards satisfaction.

President Park offered Mr. Adampour the option to table this matter to a future Board meeting to allow Mr. Adampour time to provide Board staff with the company's policies and procedures and business model.

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

20. Applications for Out-of-State Wholesaler License – Appearance (

Background Check Not Required by Law.

1. Distributor for Single Manufacturer (NAC 639.593(7)(e))
None
2. Manufacturer (NAC 639.593(7)(d))
None
3. Publicly Traded (NAC 639.593(7)(a))
None
4. VAWD-Accredited (NAC 639.593(7)(c))

A. KeySource Acquisition, LLC – Cincinnati, OH

Robert Barnes, Senior Director of Compliance, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Barnes presented a Letter of Authorization allowing him to speak on behalf of the company.

The Board questioned Mr. Barnes regarding KeySource Acquisition, LLC's products and services provided and past disciplinary history.

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

Board Action:

Motion: Krystal Freitas moved to approve KeySource Acquisition, LLC's Application for Out-of-State Wholesaler License.

Second: Rolf Zakariassen

Action: Passed unanimously.

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

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

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

B. Cardinal Health 108, LLC – Laverne, TN

This matter was heard in conjunction with Agenda Items 18A and 23.

Board Action:

Motion: Jade Jacobo moved to approve Cardinal Health 108, LLC's Application for Out-of-State Wholesale License.

Second: Richard Tomasso

Action: Passed unanimously.

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

C. Clean Harbors Aragonite, LLC – Dugway, UT

William Simmons, facility manager, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Simmons explained that Clean Harbors Aragonite, LLC is waste management facility in Utah that will provide drug destruction services.

Mr. Simmons answered questions to the Board's satisfaction regarding drug destruction procedures and past discipline.

At the applicant's request, the Board updated Clean Harbors Aragonite, LLC's application to include legend pharmaceuticals, supplies or devices and poisons or chemicals to the type of products to be handled or wholesaled by the company.

Board Action:

Motion: Gener Tejero moved to approve Clean Harbors LLC's Application for Out-of-State Wholesale License with the updated products as discussed.

Second: Jade Jacobo

Action: Passed unanimously.

D. Fresenius Kabi, LLC – Duncan, SC

Ryan Kunz, Vice President Fresenius Kabi, LLC, appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Kunz explained that Fresenius Kabi, LLC is expanding their distribution centers to allow for more effective and timely shipping of product.

Mr. Kunz disclosed past discipline in Colorado, Montana, and Michigan due to a name change that was not properly submitted on time. Products were shipped into Colorado before the company's updated license was issued.

Mr. Kunz described the changes in Fresenius Kabi, LLC's policies to prevent this error from occurring in the future.

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

Board Action:

Motion: Wayne Mitchell moved to approve Fresenius Kabi LLC's Application for Out of State Wholesaler License.

Second: Jade Jacobo

Action: Passed unanimously.

E. Janus Trade Group LLC – Eatontown, NJ

This Agenda Item has been continued to the September 2020 Board meeting.

21. Request for Reduction of Wholesaler Surety Bond pursuant to NAC 639.5937 – Non Appearance

B & B Pharmaceuticals Inc. – Englewood, CO

Gener Tejero disclosed that his pharmacy has a business relationship with B&B Pharmaceuticals Inc. but stated that he can participate in this matter fairly and without bias.

Board discussion ensued regarding the authority to reduce a Wholesaler Surety Bond pursuant to NAC 639.5937.

Mr. Kandt stated that B&B Pharmaceuticals has been licensed with the Nevada Board of Pharmacy for eight years with no issues.

Mr. Kandt explained that B & B Pharmaceuticals requests the Board reduce their surety bond to \$5,000.

Board Action:

Motion: Jade Jacobo moved to reduce the bond for B&B Pharmaceuticals Inc. to \$5,000.

Second: Rolf Zakariassen

Action: Passed unanimously.

22. Application for Nevada Pharmacy License – Appearance

A. All City Pharmacy #2 – Las Vegas, NV

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

Jade Jacobo disclosed that she has worked with Kristy Tran in the past, but stated that she is able to participate in this matter fairly and without bias.

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

Bill Stilling was present as counsel representing All City Pharmacy #2.

Ms. Long stated that All City Pharmacy #2 has appeared before the Board at a prior meeting. She explained that at that time the Board offered All City Pharmacy #2 the option to table their application to find a designated representative who met the requirements of Nevada Law.

Ms. Tran answered questions to the Board's satisfaction regarding her work history and experience as a pharmacy manager.

Mr. Dodge stated that he completed an inspection of All City Pharmacy #2 and reported positive results of his inspection.

Ms. Tran and Mr. Stilling answered questions to the Board's satisfaction.

Board Action:

Motion: Jade Jacobo moved to approve All City Pharmacy #2's Application for Nevada Pharmacy License with an amendment to remove quarterly inspections. All City Pharmacy #2 shall notify the Board prior to performing any sterile or non-sterile compounding.

Second: Richard Tomasso

Action: Passed unanimously.

B. Capsule Las Vegas, LLC – Las Vegas, NV

President Park disclosed that she is familiar with Capsule Las Vegas' designated representative, but she can participate in this matter fairly and without bias.

Laura Churns appeared and was sworn by President Park prior to answering questions or offering testimony.

Ms. Churns explained that Capsule Las Vegas, LLC is a retail pharmacy that provides delivery service.

The Board questioned Ms. Churns regarding Capsule Las Vegas, LLC's products and services provided, delivery

Ms. Churns answered questions to the Boards satisfaction.

Board Action:

Motion: Krystal Freitas moved to approve the application for Capsule Las Vegas LLC.

Second: Wayne Mitchell

Action: Passed unanimously.

23. Applications for Out-of-State Medical, Devices, Equipment and Gases License – Appearance

Cardinal Health 200, LLC – Swedesboro, NJ

This matter was heard in conjunction with Agenda Items 18 A and 20 B.

Board Action:

Motion: Jade Jacobo moved to approve Cardinal Health 200, LLC's Application for Out-of-State MDEG License.

Second: Richard Tomasso

Action: Passed unanimously.

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

A. AMG Medical Supplies LLC – Pahrump, NV

Donald Amador, owner, and Steven McBride, MDEG administrator, appeared and were sworn by President Park prior to answering questions or offering testimony.

Mr. Dodge provided the Board with background information. AMG Medical Supplies LLC has a new location in Pahrump, Nevada. In the Las Vegas facility they distribute diapers to Medicaid patients, and wheelchairs.

Anthony McBride disclosed DUI's from the past. He stated that he had to take classes which have been completed and fines have been paid.

Mr. McBride answered questions to the Board's satisfaction regarding services provided. Those include but are not limited to: diabetic supplies, assistive devices, and incontinence supplies.

Board Action:

Motion: Jade Jacobo moved to approve AMG Medical Supplies LLC's Application for Nevada MDEG License.

Second: Wayne Mitchell

Action: Passed unanimously.

B. Pop Durable Medical Equipment- Las Vegas, NV

There was not representative present.

25. Application for Ambulatory Surgery Center License – Appearance

A. Advanced Orthopaedic Surgery Center – Las Vegas, NV

Mary Grear, managing pharmacist, Timothy Trainer, MD and part owner, and Charmaine Keeling, RN, appeared and were sworn by President Park prior to answering questions or offering testimony.

Ms. Grear stated that Advanced Orthopaedic Surgery is a locally owned and operated facility in Las Vegas that specializes in Orthopedic Surgery. Ms. Grear explained that the company will not do implants for pain management and there will be no pain pumps by surgeons.

Ms. Grear, Dr. Trainer and Ms. Keeling answered questions to the Board's satisfaction.

Board Action:

Motion: Wayne Mitchell moved to approve Advanced Orthopaedic Surgery Center's Application for Ambulatory Surgery Center License.

Second: Jade Jacobo

Action: Passed unanimously.

B. Seven Hills ASC – Henderson, NV

Mary Grear, managing pharmacist, Lottie Barnes, administrator, and Davil Navratil, Medical Director, appeared and were sworn by President Park prior to answering questions or offering testimony.

Ms. Grear explained that Seven Hills ASC is seeking the Board's approval for an ownership change.

Ms. Grear disclosed Seven Hills ASC's past administrative action from 2002. She stated that the company failed to provide documentation in a timely manner for a medical board meeting.

Ms. Grear stated that Seven Hills ASC will be mostly focused on Gastrointestinal and eye procedures.

Ms. Grear, Ms. Barnes and Dr. Navratil answered questions to the Board's satisfaction regarding the new ownership and services provided.

Board Action:

Motion: Wayne Mitchell moved to approve Seven Hills ASC's Ownership Change Application for Ambulatory Surgery Center License.

Second: Gener Tejero

Action: Passed unanimously.

26. Request for Permission to Begin Shipping Sterile Compounded Drugs from Existing Out-of-State Pharmacies – Appearance

Avrio Pharmacy – Scottsdale, AZ (PH03822)

Kory Muto appeared and was sworn by President Park prior to answering questions or offering testimony.

Mr. Dodge provided background information on Avrio Pharmacy. They are licensed in Arizona and ship into Nevada. They are a specialty pharmacy moving into sterile compounding.

Mr. Muto answered Mr. Dodge's questions to the Board's satisfaction regarding Avrio Pharmacy's products and services provided, compounding policies and procedures, clean room specifications and testing and shipping procedures.

Board Action:

Motion: Jade Jacobo moved to approve Avrio Pharmacy's Request for Permission to Being Shipping Sterile Compounded Drugs into Nevada.

Second: Krystal Freitas

Action: Passed unanimously.

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

KayLynn Bowman, R.Ph

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

Ms. Bowman stated that due to Covid-19 she had to modify her practice to include alternative ways to communicate with her patients including providing medication therapy management services by telephone.

Board Action:

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

Second: Wayne Mitchell

Action: Passed unanimously.

28. General Counsel Report

Mr. Kandt provided the Board with information on outstanding and resolved litigations against the Board.

29. Executive Secretary Report:
- A. Financial Report
 - B. Temporary Licenses-two additional licensees since the last meeting.
 - C. Staff Activities:
 - Meetings with Other Health Care Boards
 - COVID-19
 - Emergency Regulation Update
 - Presentation to GME UNLV
 - D. Report to Board:
 - Licensing Software Update
 - E. Board Related News
 - F. Licensing Activities Report
 - PMP Integration

◆ PUBLIC HEARING ◆

Wednesday July 16, 2020 – 9:00 am

30. Notice of Proposed Regulation Public Hearing Pursuant to NRS 233B.061(2)
- A. **Amendment of Nevada Administrative Code (NAC) Chapter 639.** The proposed regulation relates to the licensing and regulation of wholesalers. (LCB File No. R040-20)

Mr. Kandt provided background information. He stated that the proposed amendment clarifies the licensing and background check procedures to comply with each recommendation from the audit.

President Park opened the Public Comment.

There was no public comment.

After discussion, Mr. Kandt requested correction to p.11 to state “the wholesaler shall cease conducting business in Nevada.”

Board Action:

Motion: Jade Jacobo moved to adopt LCB File No. R040-20 with corrections as discussed.

Second: Richard Tomasso

Action: Passed unanimously.

- B. **Amendment of Nevada Administrative Code (NAC) Chapter 639.** The proposed regulation authorizes the Executive Secretary of the Board to require a person who submits an application to appear before the Board if the application indicates that the applicant engaged in prohibited conduct. (LCB File No. R041-20)

Mr. Kandt provided background information and explained that the proposed amendment to LCB File No. R041-20 codifies Board Staff current procedure that a licensee appear before the Board if they disclose committing a crime or had an administrative action.

President Park opened the Public Comment.

There was no public comment.

Board Action:

Motion: Jade Jacobo moved to adopt LCB File No. R041-20.

Second: Krystal Freitas

Action: Passed unanimously.

◆ WORKSHOP ◆

Wednesday July 16, 2020 – 9:00 am

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

- A. **Amendment of Nevada Administrative Code (NAC) 639.** The proposed amendment will authorize a pharmacy technician with appropriate training to administer immunizations under the direct supervision of a pharmacist.

Ms. Long presented to the Board that this proposed regulation expands the role of allowing pharmacy technicians to administer immunizations. This mirrors the responsibility of Medical Assistants. Pharmacy Technicians who wish to assist in immunizations will need to complete additional requirements such as annual training on immunization.

President Park opened Public Comment.

Melissa Shake, RPh Walgreens, expressed support of the proposed language as this would give time for pharmacists to better evaluate patients.

Lauren Paul, CVS Health, expressed support of the proposed language and discussed the CDC guidance on the importance of immunization, especially with a potential vaccine for Covid-19. Ms. Paul stated that allowing pharmacy technicians to immunize would help to lower the burden on health care workers.

Tim Frost, CVS Health, expressed support of the proposed language and he discussed the training for pharmacy technicians in other states who have begun providing immunization.

Dahn Ur, Department of Health, expressed support of the proposed language and stated that allowing pharmacy technicians to immunize is a good step forward.

Liz MacMenamin, RAN, expressed support of the proposed language and stated that there is a need to move this forward quickly as pharmacies will need to plan and prepare.

Mr. Wuest read into the record submitted public comment suggesting that pharmacy technicians should have to complete additional training and complete a CPR training course in order to give vaccinations.

Board discussion ensued regarding the training of pharmacy technicians regarding vaccination as well as pharmacist supervision of pharmacy technicians while they administer vaccinations.

After discussion, the Board directed Board staff to include all routes of administrations to the proposed language.

Board Action:

Motion: Jade Jacobo moved to approve the proposed language and move forward to Public Hearing with the amendment to include all routes of administration.

Second: Wayne Mitchell

Action: Passed unanimously.

- B. Amendment of Nevada Administrative Code (NAC) 453.510: Schedule I.** The proposed amendment to NAC 453.510 will add designer benzodiazepines (Adinazolam (some trade or other names: 8-chloro-1-((dimethylamino)methyl)-6-phenyl-4H-s-triazolo(4,3-a)(1,4)benzodiazepine; adinazolamum; Deracyn); Bromazolam (some trade or other name: 8-bromo-1-methyl-6-phenyl H[1,2,4]triazolo[4,3a][1,4]benzodiazepine; XLI-268); Clonazolam (some trade or other names: 6-(2-chlorophenyl)-1-methyl-8-nitro-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine; clonitrazolam); Diclazepam (some trade or other names: 7-chloro-5-(2-chlorophenyl)-1,3-dihydro-1-methyl-2H-1,4-benzodiazepin-2-one; 7-chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2H-benzo[e][1,4]diazepin-2-one; 2'-chlorodiazepam; Chlorodiazepam; Ro 5-3448); Flualprazolam (some trade or other names: 8-chloro-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine; 8-chloro-6-(2-fluoro-phenyl)-1-methyl-4h-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine; 2'-fluoro alprazolam; ortho-fluoro alprazolam); Flubromazepam (some trade or other names: 7-bromo-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one; 7-Bromo-5-(2-fluorophenyl)-1H-benzo[e][1,4]diazepin-2(3H)-one; [7-bromo-5-\(2-fluorophenyl\)-1,3-dihydro-1,4-benzodiazepin-2-one](#)); Flubromazolam (some trade or other names: 8-bromo-6-(2-

fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Flunitrazolam (some trade or other names: 6-(2-fluorophenyl)-1-methyl-8-nitro-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine); Flutoprazepam (some trade or other names: 7-chloro-1-(cyclopropylmethyl)-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one); Meclonazepam (some trade or other names: (3S)-5-(2-chlorophenyl)-1,3-dihydro-3-methyl-7-nitro-2H-1,4-benzodiazepin-2-one; Ro 11-3128); Nifoxipam (some trade or other names: 5-(2-fluorophenyl)-1,3-dihydro-3-hydroxy-7-nitro-2H-1,4-benzodiazepin-2-one; [1,3-Dihydro-5-\(2-fluorophenyl\)-3-hydroxy-7-nitro-2H-1,4-benzodiazepin-2-one](#); 3-hydroxydesmethylflunitrazepam; DP 370); Nitrazolam (some trade or other names: 1-methyl-8-nitro-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine); Norflurazepam (some trade or other names: 7-chloro-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one; nor-Flurazepam; N-Desalkylflurazepam; Desalkylflurazepam; Ro 5-3367); Phenazepam (some trade or other names: 7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one; 7-bromo-5-(2-chlorophenyl)-1,2-dihydro-3H-1,4-benzodiazepin-2-one; BD 98; Fenazepam; Elzepam; Phezepam; Phenorelaxan; Phenzitat); Pyrazolam (some trade or other names: 8-bromo-1-methyl-6-(2-pyridinyl)-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine; [8-bromo-1-methyl-6-\(pyridin-2-yl\)-4H-benzof\[1,2,4\]triazolo\[4,3-a\]\[1,4\]diazepine](#); [Pirazolam](#)), to the list of controlled substances listed in Schedule I.

Mr. Wuest provided background on this amendment to include additional names of designer drugs related to fentanyl. This came from meetings with the Crime Lab and trends they have been seeing.

President Park opened Public Comment.

There was no public comment.

Board Action:

Motion: Jade Jacobo moved to approve the amended regulation and move forward to Public Hearing.

Second: Wayne Mitchell

Action: Passed unanimously.

- C. Amendment of Nevada Administrative Code (NAC) 453.510: Schedule I (Two active compounds in Kratom (*Mitragyna speciosa korth*)).** The proposed amendment to NAC 453.510 will add Mitragynine (some trade or other names: methyl (E)-2-[(2S,3S,12bS)-3-ethyl-8-methoxy-1,2,3,4,6,7,12,12b-octahydroindolo[2,3-a]quinolizin-2-yl]-3-methoxyprop-2-enoate; α E,2S,3S,12bS)-3-ethyl-1,2,3,4,6,7,12,12b-octahydro-8-methoxy- α -(methoxymethylene)-indolo[2,3-a]quinolizine-2-acetic acid methyl ester; (E)-16,17-didehydro-9,17-dimethoxy-17,18-seco-20 α -yohimban-16-carboxylic acid methyl ester; 9-methoxy Corynantheidine) and Hydroxymitragynine (some trade or other names: 7-hydroxymitragynine, (α E,2S,3S,7aS,12bS)-3-ethyl-

1,2,3,4,6,7,7a,12b-octahydro-7a-hydroxy-8-methoxy- α -(methoxymethylene)-indolo[2,3-a]quinolizine-2-acetic acid methyl ester; 9-methoxycorynantheidine hydroxyindolenine; mitragynine hydroxyindolenine), to the list of controlled substances listed in Schedule I.

Mr. Wuest reported to the Board that the Crime Lab has seen an increase in Kratom related issues. He explained that the proposed amendment would make both components of Kratom a Schedule I drug.

Mr. Kandt read into the record the written public comment submitted by Laura Knight expressing support of the proposed language.

Mr. Dodge read into the record the written public comment submitted by Join Together Northern Nevada expressing support of the proposed language.

President Park opened Public Comment.

Jamie Ross, PACT Coalition, expressed concern related to community-based issues that revolve around the ease of access to Kratom. Mr. Ross expressed support of the proposed amendment.

Robert Vikre, PACT Coalition, expressed support of the proposed amendment. He explained that in his job as an addiction therapist he has observed many patients turning to Kratom as a way to self-treat opioid dependence.

Board Action:

Motion: Jade Jacobo moved to accept the proposed amendment and move forward to Public Hearing.

Second: Wayne Mitchell

Action: Passed unanimously.

32. Discussion and Possible Action on the Approval of FY 21 Budget

Mr. Wuest presented the FY 21 Budget to the Board's satisfaction.

Board Action:

Motion: Gener Tejero moved to approve the FY 21 Budget as presented.

Second: Jade Jacobo

Action: Passed unanimously.

33. Date and Location of Next Scheduled Board Meeting:

September 2-3, 2020 – Las Vegas, NV

34. Public Comment

President Park opened Public Comment.

There was no public comment.

35. Adjournment

DRAFT

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FILED

AUG 22 2020

NEVADA STATE BOARD OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

BARON DAVID HARMON
FAVIL DAVID BERNS &
ASSOCIATES
30 E. NORTH AVENUE
NORTHLAKE, IL 60164
TELEPHONE: (708)369-1076
FAX:(708)562-1340
EMAIL:
BHARMON@FDBALAW.COM
NEVADA BAR #:7003

Request for Continuance

Case No. 20-067-CS-S

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

VICTORIA K. WALL, MD,
Certificate of Registration No. CS15026,

Respondent.

MOTION FOR CONTINUANCE

Now comes Victoria K. Wall, MD (Wall or Respondent), by and through her attorney Baron Harmon of Favil David Berns and Associates and moves for a continuance to the Intended Action and Accusation (this "Action") as follows:

1. That this matter is set for hearing on September 02, 2020 via Zoom.
2. More time is needed to prepare a response to The Board's Motion to Deem Allegations Admitted filed and received August 20th and or reach a stipulated resolution to this matter.
3. This request for continuance is made greater than 5 days prior to hearing pursuant to NAC 639.120.
4. No harm to the public will result from continuing this matter, Dr Wall voluntarily relinquished her DEA License.

Signed this 22nd day of August 2020.

Baron Harmon

BARON DAVID HARMON
Attorney for the Respondent

CERTIFICATE OF SERVICE

I Baron Harmon certify that I served a true and correct copy of the foregoing by email to bkandt@pharmacy.nv.gov on August 22, 2020.

Brendt Kandt
General Counsel
Nevada Board of Pharmacy
985 Damonte Ranch Parkway, Suite 206
Reno, Nevada 89521

BEFORE THE NEVADA STATE BOARD OF PHARMACY

FILED

AUG 24 2020

NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Case No. 20-067-S

Petitioner,

v.

OPPOSITION TO RESPONDENT'S MOTION FOR CONTINUANCE

VICTORIA K. WALL, MD,
Certificate of Registration No. CS15026,

Respondent.

Nevada State Board of Pharmacy (Board), by and through counsel prosecuting this matter, Brett Kandt, General Counsel, files this opposition to Respondent Victoria K. Wall, M.D.'s Pre-Hearing Motion for Continuance filed August 24, 2020. This opposition is made pursuant to NRS 622A.360(3) and based upon the following points and authorities and the pleadings on file herein.

MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTUAL AND PROCEDURAL BACKGROUND

The Notice of Intended Action and Accusation (Accusation) was filed and served in this matter together with the Statement to Respondent and Notice of Hearing on or about June 26, 2020. Wall filed her Answer and Notice of Defense on or about July 7, 2020. This matter is set for hearing on September 2, 2020. On August 24, 2020, Wall through her counsel surrender her Nevada controlled substance registration, Certificate of Registration No. CS15026, to the Board (Exhibit A hereto).

II. LEGAL STANDARD

NRS 622A.360(2)(a) provides that a party may file a written motion to request a continuance. NRS 639.247(2) provides that a continuance may be granted "for cause shown." Courts have deemed "good cause" to mean "a substantial reason; one that affords a legal excuse." *Price v. State*, 409 P.3d 889 (Nev. 2017) (citations omitted).

III. ARGUMENT

Wall's voluntary surrender of Certificate of Registration No. CS15026, together with her responses and judicial admissions and her execution of a DEA Form 104 surrendering her DEA Certificate of Registration No. BW8998025 to the U.S. Drug Enforcement Administration for Cause on June 14, 2020, demonstrate that there is no good cause for a continuance.¹

NRS 233B.121(6) provides "The voluntary surrender of a license in a contested case shall be deemed to constitute disciplinary action against the licensee." "[W]hen used in a statute, the word "shall" imposes a duty on a party to act and prohibits judicial discretion and, consequently, mandates the result set forth by the statute." *Goudge v. State*, 128 Nev. 548, 553, 287 P.3d 301, 304 (2012). NRS 233B.121(6) was enacted to prevent licensees facing disciplinary action from voluntarily surrendering their licenses to avoid responsibility for their conduct.

Respondent's Pre-Hearing Motion for Continuance should be denied and the September 2nd hearing proceed to permit the Board to make a formal record of Wall's voluntary surrender of her Nevada controlled substance registration and to issue a final decision imposing disciplinary action on that basis. *See* NRS 233B.125; NRS 622A.380(1)(1)(2); NRS 639.251. Thereafter, that discipline will be reported to the National Practitioner Data Bank pursuant to 42 U.S.C. § 1396r-2 and 45 CFR Part 60.

¹ Federal law requires that every practitioner who dispenses any controlled substances obtain a DEA registration. 21 U.S.C. § 822(a)(2). 21 U.S.C. § 823(f) requires that a practitioner be authorized to dispense controlled substances under the laws of the State in which he or she practices in order to obtain a DEA registration. *See also Hooper v. Holder*, 481 F. App'x 826 (4th Cir. 2012). Practitioners must be registered with the Nevada State Board of Pharmacy pursuant to NRS 453.226(1) to dispense any controlled substance within this State. 21 CFR § 1306.03 requires dual registration to issue a prescription.

IV. CONCLUSION

For the foregoing reasons, the prosecution respectfully requests that the Board deny Respondent's Pre-Hearing Motion for Continuance, admit Wall's voluntary surrender of Certificate of Registration No. CS15026 into the record as evidence, and proceed to judgment as a matter of law.

RESPECTFULLY SUBMITTED this 24th day of August, 2020.

By: _____



BRETT KANDT, Esq.

General Counsel

Nevada State Board of Pharmacy

985 Damonte Ranch Parkway – Suite 206

Reno, NV 89509

bkandt@pharmacy.nv.gov

NOTICE OF RELINQUISHMENT OF LICENSE

To: The Nevada State Board of Pharmacy
985 Damonte Ranch Parkway, Suite 206
Reno, Nevada 89521
Attn: Bendt Kandt, General Counsel

From:

Victoria Wall
2013 Grouse St.
Las Vegas, NV 89134



Re: Certificate of Registration No. CS15026 issued by the Nevada Board of Pharmacy.

Greetings:

Due to a technical violation Doctor Wall no longer qualifies to hold a controlled substance registration issued by the Nevada Board of Pharmacy (Certificate of Registration No. CS15026). Without admitting any intentional wrongdoing and without prejudice to reapply to the Board in the future, subject to strict compliance, Doctor Wall herewith voluntarily relinquishes her license to issue controlled substances, specifically Certificate of Registration Number CS15026. This voluntary tender is to be effective immediately.

Very truly,

Baron Harmon

Exhibit A

CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 24th day of August, 2020, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

BARON DAVID HARMON
FAVIL DAVID BERNS & ASSOCIATES
30 E. NORTH AVE.
NORTHLAKE, IL 60164



BRETT KANDT

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FILED

AUG 24 2020

**NEVADA STATE BOARD
OF PHARMACY**

260552836

1 John A. Hunt, Esq. (NSBN 1888)
 2 Bert Wuester Jr., Esq. (NSBN 5556)
 3 **CLARK HILL, PLLC**
 4 3800 Howard Hughes Pkwy, Suite 500
 Las Vegas, Nevada 89169
 5 ph. (702) 862-8300; fax (702) 862-8400
 email: jhunt@clarkhill.com
 email: bwuester@clarkhill.com
 6 Attorneys for Respondent, Bernard Kofi Addo-Quaye, MD

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

vs.

BERNARD KOFI ADDO-QUAYE, MD,
Certificate of Registration No. CS10103,

MUKWEI, AIYUK, APRN,
Certificate of Registration No. CS25545, and

SOLOMON JOSHUA, APRN,
Certificate of Registration No, CS27011,

Respondents.

Case Nos. 19-242-CS-A-S
19-242-CS-B-S
19-242-CS-C-S

**ANSWER AND NOTICE OF
DEFENSE OF RESPONDENT,
BERNARD KOFI ADDO-QUAYE,
MD**

Respondent, Bernard Kofi Addo-Quaye, MD ("Dr. Addo-Quaye"), by and through counsel, hereby submit his Answer and Notice of Defense ("Answer"), pursuant to NRS 639.244¹, to the *Notice of Intended Action and Accusation* dated August 3, 2020 ("Accusation"),

¹ NRS 639.244 Notice of Defense: Form; effect of failure to file.

1. The form for the Notice of Defense must be prepared and furnished by the Board and permit the respondent, by completing and signing the notice, to:

- (a) Object to the accusation as being incomplete and failing to set forth clearly the charges; and
- (b) Deny or admit, in part or in whole, the violations alleged.

2. The Notice of Defense must be signed by the respondent or his or her attorney under penalty of perjury. Failure to file a Notice of Defense constitutes a waiver of the respondent's right to a hearing, but the Board may grant a hearing.

1 with the Nevada State Board of Pharmacy (the "Board"), in the above-captioned action.

2
3 1. Pursuant to NRS 639.244(1)(a), Dr. Addo-Quaye objects to the Accusation as being
4 incomplete and failing to set forth clearly the charges against him.

5
6 2. Pursuant to NRS 639.244(1)(b), Dr. Addo-Quaye denies in whole the violations alleged
7 against him in the Accusation.
8

9
10 3. Pursuant to NRS 639.244(2), by filing this Answer, Dr. Addo-Quaye has not waived the
11 right to a hearing before the Board.
12

13
14 AFFIRMATIVE DEFENSES

15 1. The allegations contained in the Board's Accusation fail to state a cause of action upon
16 which relief can be granted.

17
18 2. The violations alleged against Respondent in the Board's Accusation are subject to a
19 demand/application pursuant to NRS 233B.121(2)(d) for a more definite and detailed statement.
20 By this defense, Dr. Addo-Quaye specifically provides that he does not waive the right to such a
21 demand/application even in light of this Answer.

22
23 3. Pursuant to NRS 622A.330, even though Dr. Addo-Quaye has provided this Answer, he
24 specifically reserves the right to request a copy of all documents and other evidence intended to
25 be presented by the Board at the hearing in support of its Accusation, as well as a list of proposed
26 witnesses it intends to call at the hearing.

1 4. The answering Respondent hereby incorporates by reference those affirmative defenses
 2 enumerated in Rule 8 of the Nevada Rules of Civil Procedure as if fully set forth herein. In the
 3 event further investigation or discovery reveals the applicability of such defenses, this answering
 4 Respondent reserves the right to seek leave of the Board or appropriate authority to amend this
 5 Answer to specifically assert the same. Such defenses are herein incorporated by reference for
 6 the specific purpose of not waiving the same.

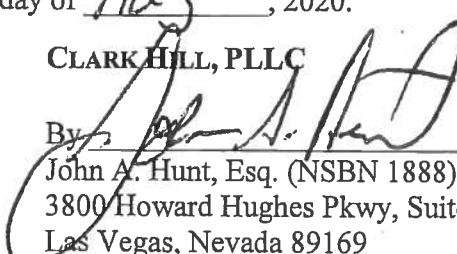
8 5. It has been necessary for this answering Respondent to employ the services of an attorney
 9 to defend this action and a reasonable sum should be allowed as and for attorney's fees, together
 10 with the costs expended in this action.

12 WHEREFORE, Dr. Addo-Quaye prays the Accusation be dismissed, no discipline issue,
 13 that the initiating party take nothing by way of its Accusation and go hence with its costs.

15 Pursuant to NRS 639.244(2), this Answer is hereby signed by the answering
 16 Respondent's attorney.

17 Respectfully submitted this 18 day of Aug, 2020.

18 CLARK HILL, PLLC

19 By: 
 20 John A. Hunt, Esq. (NSBN 1888)
 21 3800 Howard Hughes Pkwy, Suite 500
 22 Las Vegas, Nevada 89169
 23 ph. (702) 862-8300; fax (702) 862-8400
 24 email: jhunt@clarkhill.com
 25 Attorneys for Respondent,
 26 Bernard Kofi Addo-Quaye, MD

CERTIFICATE OF SERVICE

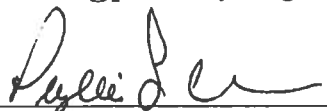
1
2 I HEREBY CERTIFY that on the 18th day of August, 2020, I caused the above
3 and foregoing **ANSWER AND NOTICE OF DEFENSE OF RESPONDENT, BERNARD**
4 **KOFI ADDO-QUAYE, MD** to be served by placing a true and correct copy of the same in the
5 U.S. Mail, at Las Vegas, Nevada, first class postage fully prepaid and addressed to the following
6 **AND** via email as follows:

8 Courtney K. Lee, Esq.
9 General Counsel
10 Nevada State Board of Pharmacy
11 985 Damonte Ranch Parkway, Suite 206
12 Reno, Nevada 89521

J. David Wuest, R. Ph.
Executive Secretary
Nevada State Board of Pharmacy
985 Damonte Ranch Parkway, Suite 206
Reno, Nevada 89521

12 email: c.lee@pharmacy.nv.gov

email: dwest@pharmacy.nv.gov

13
14 By 
15 An Employee of Clark Hill, PLLC

5M

AUG 24 2020

NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

MUKWEL AIYUK, APRN,
Certificate of Registration No. CS25545,

Respondent.

CASE NO. 19-242-CS-B-S

ANSWER AND NOTICE
OF DEFENSE

Respondent above named, in answer to the Notice of Intended Action and Accusation filed in the above-entitled matter before the Nevada State Board of Pharmacy, declares:

1. That his objection to the Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against him, is hereby interposed on the following grounds: (State specific objections or insert "none").

I did not prescribe any Substances/dangerous drugs using the name and Credentials of Bernard Addo-Quaye. As an advanced practice registered nurse (APRN) in the State of Nevada, holder of a DEA registration and authorized to prescribe medications/Controlled Substances in this State, I had no reason or incentive to use another person's name and Credentials to prescribe medications/Controlled Substances. I was never given and did not have possession of Bernard Addo-Quaye blank prescription pads; I did not have his e-Scribing log-on information, and did not use the Computer Systems in Bernard Addo-Quaye's office, or any other Computer System, to e-scrib medications/Substances.

2. That, in answer to the Notice of Intended Action and Accusation, he ~~admits~~, denies and alleges as follows:

I provided my credentials (licenses, diplomas, registrations, etc.) to this clinic prior to commencing work there and assumed that their systems had been set up to ensure that my orders reflect the fact that they came from me.

I was never given and did not have possession of Bernard Addo-Quaye's blank prescription pads.

I did not use the computer systems in Bernard Addo-Quaye's office, or any other computer system, to e-scribe medications or controlled substances.

I hereby declare, under penalty of perjury, that the foregoing Answer and Notice of Defense, and all facts therein stated, are true and correct to the best of my knowledge.

DATED this 21st day of August, 2020.


MUKWEL AIYUK, APRN

5N

FILED

AUG 27 2020

NEVADA STATE BOARD OF PHARMACY

1 KENNETH M. ROBERTS, ESQ.
 State Bar No. 04729
 2 DAVID E. KRAWCZYK, ESQ.
 State Bar No. 12423
 3 DEMPSEY, ROBERTS & SMITH, LTD.
 1130 Wigwam Parkway
 4 Henderson, Nevada 89074
 (702) 388-1216 (tel.)
 5 (702) 388-2514 (fax)
 kenroberts@drsLtd.com
 6 davidk@drsLtd.com
 7 Attorneys for Respondent
 Solomon Joshua

BEFORE THE NEVADA BOARD OF PHARMACY

9 NEVADA STATE BOARD OF PHARMACY,

10 Petitioner,

11 v.

12 SOLOMON JOSHUA, APRN,
 13 Certificate of Registration No. CS27011

14 Respondent.

ANSWER AND NOTICE OF DEFENSE

Case Nos. 19-242-CS-A-S
 19-242-CS-B-S
 19-242-CS-C-S

15 COMES NOW, Respondent SOLOMON JOSHUA (hereinafter, "Respondent"), by and
 16 through his counsel of record, Kenneth M. Roberts, Esq., and David E. Krawczyk, Esq., of the law
 17 firm of Dempsey, Roberts & Smith, Ltd., and hereby submits this Answer and Notice of Defense.

18 Respondent, in answer to the *Notice of Intended Action and Accusation* filed in the above-
 19 entitled matter before the Nevada Board of Pharmacy, declares:

- 20 1. That his objection to the Notice of Intended Action and Accusation as being incomplete or
- 21 failing to state clearly the charges against him is hereby interposed on the following
- 22 grounds: None.
- 23
- 24 2. That, in answer to the Notice of Intended Action and Accusation, he admits, denies and
- 25 alleges as follows:

Dempsey, Roberts & Smith, Ltd.
 1130 Wigwam Parkway, Henderson, NV 89074
 Tel 702-388-1216 Fax 702-388-2514 E-mail drsLtd@drsLtd.com

Dempsey, Roberts & Smith, Ltd.
1130 Wigwam Parkway, Henderson, NV 89074
Tel 702-388-1216 Fax 702-388-2514 E-mail drs@drsLtd.com

JURISDICTION

3. Answering paragraph 1, jurisdiction, calls for a legal conclusion; Respondent is therefore without knowledge to admit or deny the allegations, and denies the same for that reason.

FACTUAL ALLEGATIONS

4. Answering paragraph 2 and 3, Respondent is without personal knowledge upon which to base a belief as to the truth or falsity of allegations and therefore denies them for lack of information.

5. Answering paragraph 4, Respondent admits that Dr. Addo-Quaye owns and operates TruCare Medical Center, located at 2290 McDaniel Street, Suite 2A, North Las Vegas Nevada, but is without personal knowledge upon which to base a belief as to the truth or falsity of the allegations contained therein and therefore denies them for lack of information.

6. Answering paragraphs 5 through 9, inclusive, Respondent is without personal knowledge upon which to base a belief as to the truth or falsity of allegations and therefore denies them for lack of information.

7. Answering paragraph 10, Respondent admits to having been an independent contractor of TruCare for the time period from February 2018 to December 2018.

8. Answering paragraphs 11 and 12, Respondent is without personal knowledge upon which to base a belief as to the truth or falsity of allegations and therefore denies them for lack of information.

9. Answering paragraph 13, Respondent denies all allegations as concern himself; Respondent is without personal knowledge upon which to base a belief as to the truth or falsity of allegations as concern others, and therefore denies them for lack of information.

Dempsey, Roberts & Smith, Ltd.
1130 Wigwam Parkway, Henderson, NV 89074
Tel 702-388-1216 Fax 702-388-2514 E-mail drsltd@drsltd.com

1 10. Answering paragraph 14, Respondent is without personal knowledge upon which to base a
2 belief as to the truth or falsity of allegations and therefore denies them for lack of
3 information.

4 11. Answering paragraph 15, Respondent denies the allegations.

5 12. Answering paragraph 16, Respondent is without personal knowledge upon which to base a
6 belief as to the truth or falsity of allegations and therefore denies them for lack of
7 information.

8 **APPLICABLE LAW**

9 13. Answering paragraphs 17 through 30, inclusive, these allegations call for a legal
10 conclusion; Respondent is therefore without knowledge to admit or deny the allegations,
11 and denies the same for that reason.

12 **FIRST CAUSE OF ACTION**

13 **Unprofessional Conduct- Party to a Fraudulent/Deceitful Practice/Transaction**

14 14. Answering paragraph 31, Respondent is without personal knowledge upon which to base a
15 belief as to the truth or falsity of allegations and therefore denies them for lack of
16 information.

17 **SECOND CAUSE OF ACTION**

18 **Unprofessional Conduct- Incompetent, Unskilled or Negligent Performance of Duties**

19 15. Answering paragraph 32 and 33, Respondent is without personal knowledge upon which to
20 base a belief as to the truth or falsity of allegations and therefore denies them for lack of
21 information.

22 16. Answering paragraph 34, Respondent denies the allegations.
23
24
25

THIRD CAUSE OF ACTION

Unprofessional Conduct- Aiding and Abetting Unlicensed Practice

17. Answering paragraph 35, Respondent is without personal knowledge upon which to base a belief as to the truth or falsity of allegations and therefore denies them for lack of information.

FOURTH CAUSE OF ACTION

Unprofessional Conduct- Prescribing Without Bona Fide Therapeutic Relationship

18. Answering paragraph 36, Respondent is without personal knowledge upon which to base a belief as to the truth or falsity of allegations and therefore denies them for lack of information.

FIFTH CAUSE OF ACTION

Violations of Federal Controlled Substances Act

19. Answering paragraph 37, Respondent is without personal knowledge upon which to base a belief as to the truth or falsity of allegations and therefore denies them for lack of information.

SIXTH CAUSE OF ACTION

Violations of State Law for Unlicensed Practice

20. Answering paragraph 38, Respondent is without personal knowledge upon which to base a belief as to the truth or falsity of allegations and therefore denies them for lack of information.

...

...

Dempsey, Roberts & Smith, Ltd.
1130 Wigwam Parkway, Henderson, NV 89074
Tel 702-388-1216 Fax 702-388-2514 E-mail drs@drsld.com

SEVENTH CAUSE OF ACTION

Commission of Acts that Render Registration Inconsistent with Public Interest

21. Answering paragraph 39, Respondent is without personal knowledge upon which to base a belief as to the truth or falsity of allegations and therefore denies them for lack of information.

Submitted, this 27th day of August 2020.



Kenneth M. Roberts, Esq.
State Bar No. 04729
David E. Krawczyk, Esq.
State Bar No. 12423
Dempsey, Roberts & Smith, Ltd.
1130 Wigwam Parkway
Henderson, Nevada 89074
Attorneys for Respondent
Solomon Joshua

Dempsey, Roberts & Smith, Ltd.
1130 Wigwam Parkway, Henderson, NV 89074
Tel 702-388-1216 Fax 702-388-2514 E-mail drsLtd@drsLtd.com

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VERIFICATION

1
2 STATE OF NEVADA)
3) ss:
4 COUNTY OF CLARK)

5 Solomon Joshua, under penalties of perjury, deposes and says:

6 That he has read the foregoing. ANSWER AND NOTICE OF DEFENSE, that the same is true
7 of his own knowledge, except for those matters stated therein upon his information and belief and, as
8 to those matters, he believes them to be true.

9 Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and
10 correct.

11 
12 _____
13 Solomon Joshua

Dempsey, Roberts & Smith, Ltd.
1130 Wigwam Parkway, Henderson, NV 89074
Tel 702-388-1216 Fax 702-388-2514 E-mail drs@drsltd.com

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CERTIFICATE OF SERVICE

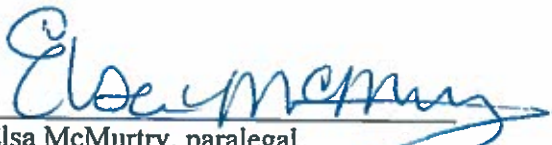
The undersigned hereby certifies that service of the foregoing Respondent Solomon Joshua's ANSWER AND NOTICE OF DEFENSE was made this 27th day of August 2020, via U.S. Mail addressed to the following party(ies):

Bernard Kofi Addo-Quaye, M.D.
2290 McDaniel St., Ste. 2A
N. Las Vegas, NV 89030

Mukwel Aiyuk, APRN
2021 S. Jones Blvd.
Las Vegas, NV 89146

Mukwel Aiyuk, APRN
304 S. Jones Blvd.
Las Vegas, NV 89107

John A. Hunt, Esq.
Clark Hill PLC
3800 Howard Hughes Pkwy.
Las Vegas, NV 89169


Elsa McMurtry, paralegal.
Dempsey, Roberts & Smith, Ltd.

Dempsey, Roberts & Smith, Ltd.
1130 Wigwam Parkway, Henderson, NV 89074
Tel 702-388-1216 Fax 702-388-2514 E-mail drsstd@drsstd.com

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6A



Nevada State Board of Pharmacy

985 Damonte Ranch Parkway, Suite 206 • Reno, NV 89521
 PHONE (775) 850-1440 • FAX (775) 850-1444
 E-mail: bkandt@pharmacy.nv.gov • Web Page: bop.nv.gov

July 7, 2020

VIA CERTIFIED U.S. MAIL AND PERSONAL SERVICE

Vinay Kumar Bararia, MD
 Nevada Health Services, LLC aka Trimcare
 5375 South Fort Apache Road, Suite 102
 Las Vegas, NV 89148

Re: CEASE and DESIST/CITATION: Unlicensed Practice (Case No. 19-003-S)

Dear Dr. Bararia:

The Nevada State Board of Pharmacy (BOP) has determined that you are possessing, administering, prescribing and/or dispensing controlled substances and dangerous drugs for Nevada patients from your practice in violation of federal and state law. Specifically, you do not hold an active license from the Nevada State Board of Medical Examiners since surrendering your License No. 11355 on March 8, 2013, and you are not registered with the BOP.

You have violated, attempted to violate, assisted or abetted in the violation of or conspired to violate, without limitation, NRS 453.226, NRS 453.316, NRS 453.321(1)(a), NRS 453.331 (1)(c)(d)(f)&(i), NRS 453.381(1), NRS 453.401(1)(a), NRS 454.213, NRS 454.215, NRS 454.221, NRS 454.311, NRS 454.316, NRS 454.321, NRS 639.100(1), NRS 639.235, NRS 639.2355, NRS 639.2813, NRS 639.310, 21 U.S.C. § 822(a)(2), 21 U.S.C. § 823(f), 21 U.S.C. § 841(a), 21 U.S.C. § 842(a), 21 U.S.C. § 846 and 21 CFR §§ 1306.03–1306.05.

You are hereby ordered pursuant to NRS 639.2895(1) to immediately CEASE and DESIST possessing, administering, prescribing and/or dispensing controlled substances and dangerous drugs for Nevada patients from your practice. This letter shall serve as a CITATION pursuant to NRS 639.2895(2) for your unlicensed practice. The Board has assessed you an administrative fine of five thousand dollars (\$5,000.00) pursuant to NRS 639.2895(3).

You must pay this administrative fine within 30 days of receipt of this citation, or otherwise contact Board staff to request an alternative payment plan. Payment must be by *cashier's check, certified check or money order* made payable to "State of Nevada, Office of the Treasurer," to be received at the Board's Reno office, located at 985 Damonte Ranch Parkway – Suite 206, Reno, NV 89521.

You have the right to appeal this citation by submitting a written request for a hearing to the Board at the Board's Reno office no later than 30 days after receipt of this letter. See NRS 639.2895(2).

Please be aware that the forgoing does not preclude the filing of criminal charges. If you have any questions, please do not hesitate to contact me at 775-850-1440 or bkandt@pharmacy.nv.gov.

Regards,

Brett Kandt
 General Counsel
 Nevada State Board of Pharmacy

E. Brent Bryson, LTD.
ATTORNEYS AT LAW

E. BRENT BRYSON, ESQ.

TELEPHONE 702-364-1234
FACSIMILE 702-364-1442
ebbesqltd@yahoo.com

7730 W. SAHARA AVE., SUITE 109
LAS VEGAS, NEVADA 89117

July 17, 2020

Sent Via Email and U.S. Mail

Brett Kandt, General Counsel
Nevada State Board of Pharmacy
985 Damonte Ranch Pkwy., Suite 206
Reno, NV 89521

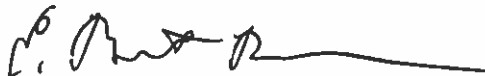
Re: Vinay Kumar Bararia, MD, Case No. 19-003-S

Dear Mr. Kandt,

This letter serves to inform you that this office has been retained by Vinay Kumar Bararia regarding the above case. Please have no further direct contact with Mr. Bararia regarding this matter. As previously stated during our telephonic conversation regarding this matter, Mr. Bararia denies all allegations contained in your July 7, 2020 correspondence.

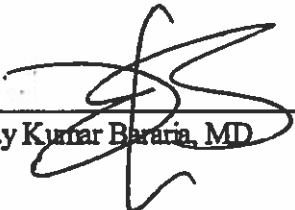
Please also accept this letter as a request for a hearing pursuant to NRS 639-2895(2). As we also discussed, give the complexities of this case, this matter will be placed on calendar no earlier than December 2020.

Respectfully,



E. Brent Bryson, Esq.

Approved as to form and content:



Vinay Kumar Bararia, MD

Date: 7/17/2020



Nevada State Board of Pharmacy

985 Damonte Ranch Parkway, Suite 206 • Reno, NV 89521
 (775) 850-1440 • FAX (775) 850-1444
 E-mail: bkandt@pharmacy.nv.gov • Web Page: bop.nv.gov

July 20, 2020

VIA U.S. MAIL & ELECTRONIC MAIL to ebbesqltd@yahoo.com

E. Brent Bryson, Esq.
 7730 W. Sahara Avenue – Suite 109
 Las Vegas, NV 89117

Re: Vinay Kumar Bararia, MD, Case No. 19-003-S

Dear Brent:

The Nevada State Board of Pharmacy (Board) is in receipt of your July 17th appeal and request for a hearing on the order to cease and desist and citation and fine issued to your client Vinay Kumar Bararia pursuant to NRS 639.2895 on July 7, 2020.

This will clarify our telephone conversation, wherein I indicated that administrative charges related to your client's unlicensed practice will be filed shortly against Abdel M. Khalek, MD, Robert Chancellor, MD, and Lindsay Hoffman, PA-C, and that a hearing on both those charges and your client's appeal would be noticed for the Board's regularly-scheduled meeting on September 2-3, 2020, in Las Vegas.

Any consideration of a continuance will require your representation that Mr. Bararia will comply with the order to cease and desist and will not prescribe or dispense controlled substances or dangerous drugs for Nevada patients at any time prior to the hearing.

If you have any questions, please do not hesitate to contact me at 775-850-1440 or bkandt@pharmacy.nv.gov.

Best regards,

A handwritten signature in blue ink, appearing to read "Brett Kandt".

Brett Kandt
 General Counsel
 Nevada State Board of Pharmacy

6B



NEVADA STATE BOARD OF PHARMACY

985 Damonte Ranch Parkway – Suite 206 • Reno, NV 89521

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

• Web Page: bop.nv.gov

July 21, 2020

VIA CERTIFIED U.S. MAIL AND PERSONAL SERVICE

Victor Bruce, M.D.
2290 McDaniel Street, Suite 2A
North Las Vegas, NV 89030

Re: CEASE and DESIST/CITATION: Unlicensed Practice (Case No. 19-242-S)

Dear Dr. Bruce:

The Nevada State Board of Pharmacy (“BOP”) has determined that you are possessing, administering, prescribing and/or dispensing controlled substances and dangerous drugs for Nevada patients from your practice in violation of federal and state law. Specifically, your license was stayed from revocation from the Nevada State Board of Medical Examiners since December 8, 2014, and you are not registered with the BOP. You are prohibited from prescribing controlled substances from schedules II-V during the stayed revocation.

You have violated, attempted to violate, assisted or abetted in the violation of or conspired to violate, without limitation, NRS 453.226, NRS 453.316, NRS 453.321(1)(a), NRS 453.331 (1)(c)(d)(f)&(i), NRS 453.381(1), NRS 453.401(1)(a), NRS 639.100(1), NRS 639.235, NRS 639.23505, NRS 639.281, NRS 639.2813, NRS 639.310, 21 U.S.C. § 822(a)(2), 21 U.S.C. § 823(f), 21 U.S.C. § 841(a), 21 U.S.C. § 842(a), 21 U.S.C. § 846 and 21 CFR §§ 1306.03–1306.05.

You are hereby ordered pursuant to NRS 639.2895(1) to immediately CEASE and DESIST possessing, administering, prescribing and/or dispensing controlled substances for Nevada patients from your practice. This letter shall serve as a CITATION pursuant to NRS 639.2895(2) for your unlicensed practice. The Board has assessed you an administrative fine of five thousand dollars (\$5,000.00) pursuant to NRS 639.2895(3).

You must pay this administrative fine within 30 days of receipt of this citation, or otherwise contact Board staff to request an alternative payment plan. Payment must be by *cashier's check, certified check* or *money order* made payable to “State of Nevada, Office of the Treasurer,” to be received at the Board’s Reno office, located at 985 Damonte Ranch Parkway – Suite 206, Reno, NV 89521.

You have the right to appeal this citation by submitting a written request for a hearing to the Board at the Board’s Reno office no later than 30 days after receipt of this letter. *See* NRS 639.2895(2).

Please be aware that the foregoing does not preclude a formal investigation or filing of criminal charges. If you have any questions, please do not hesitate to contact me at 775-850-1440 or c.lee@pharmacy.nv.gov.

Sincerely,

Courtney K. Lee
General Counsel
Nevada State Board of Pharmacy

CLARK HILL

John A. Hunt
T: (702) 697-7512
Email: JHunt@clarkhill.com

Clark Hill
3800 Howard Hughes Parkway
Suite 500
Las Vegas, NV 89169
T (702) 862-8300
F (702) 862-8400

clarkhill.com

July 27, 2020

VIA ELECTRONICAL MAIL
c.lee@pharmacy.nv.gov

Courtney K. Lee, Esq.
General Counsel
Nevada State Board of Pharmacy
985 Damonte Ranch Parkway
Suite 206
Reno, Nevada 89521

**Re: Cease and Desist/Citation: Unlicensed Practice (Case No. 19-242-S)
Dr. Victor Bruce's Notice of Appeal & Request for Hearing.**

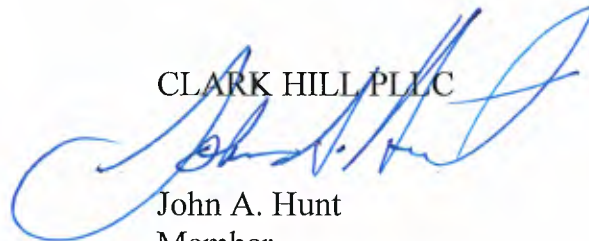
Courtney:

Our firm represents the interest of Victor Bruce, M.D. I am in receipt of your CEASE and DESIST/CITATION, Case No. 19-242-S. Your correspondence is attached for quick reference.

Please note Dr. Bruce generally denies violation of any of the provisions cited in the correspondence. On behalf of Dr. Bruce this correspondence is his formal notice of appeal and request of a hearing.

In the interim please provide any factual and/or documentation which supports any of the alleged violations cited in the attached correspondence.

CLARK HILL PLLC



John A. Hunt
Member

21



**Nevada State Board of Pharmacy
Hearing Meeting
MD Logistics – Nippon Express USA
September 3, 2020**

Contents

- Page 3 – Nippon Express Group – Snapshot**
- Page 4 – Pharmaceutical Business Background**
- Page 5 – MDL Acquisition**
- Page 6 – “NEX Pharma” – Japan Facility Snapshot**
- Page 7 – Nippon Express Group – “NEX Pharma” Global Organization**
- Page 8 – Nippon Express Group – “NEX Pharma” Global Network**
- Page 9 – Nippon Express USA – Current International Transportation Customers**
- Page 10 – Nippon Express USA - Life Science and Certification**
- Page 11 – Nippon Express USA – Relevant Licenses and Certifications**
- Page 12 – Conclusion**

Nippon Express Group – Snapshot

- Originated 1872
- Nippon Express USA is wholly-owned subsidiary of Nippon Express Co. Ltd.
- NE USA continuously operating in USA since 1962
- Nippon Express Group Overseas Network has 705 offices in 46 countries
- Leading freight forwarder in Japan
- Nippon Express Group financially stable FY2019 Revenue of 19,077 USD – Million
- 71,525 Employees world wide
- Annual Report –

https://www.nipponexpress.com/pdf/ir/library/annual/2019-n_f.pdf?20200210

- Profile Details
- Origin and History
- Policy – Corporate Philosophy & Corporate Message
- Major Social Responsibilities

- Nippon Express Pharmaceutical Product Logistics Commercial -
<https://www.nipponexpress.com/press/video/sekai-nittu-iyakuhin-en.html>
- NEX Pharma Video

Create link

Pharmaceutical Business Background

- ❖ In 2018, Japan's Ministry of Health, Labor and Welfare released a Japanese version of Good Distribution Practices (GDP)
- ❖ Following this, with the aim of building a new pharmaceutical supply network, Nippon Express has been establishing pharmaceutical distribution centers compliant with Japan's GDP guidelines in Eastern Japan, Western Japan, Kyushu, and Toyama
- ❖ Nippon Express has invested over \$500 million to increase pharmaceutical facility capabilities in Japan
- ❖ Expansion pharmaceutical capabilities outside of Japan has already aggressively begun - **NEX Pharma Global Solutions**
- ❖ Nippon Express Group not owning any drug wholesalers/3PLs in the United States looked to a market leader in **MD Logistics** as the first step

MDL Acquisition

- **MD Logistics** is the strategic key in building our pharmaceutical and life science business in the United States
- Our Plan is to grow and expand **MD Logistics**, not change it:
 - Retain existing management and personnel
 - Retain existing facilities and operations, including Nevada
 - Leverage **MD Logistics** talent, knowledge and skill to grow **Nippon Express Group**
- Looking for opportunities to grow **MD Logistics**
 - MD Logistics' Nevada facility is strategically located acting as the window to our future West Coast sales expansion



NIPPON EXPRESS

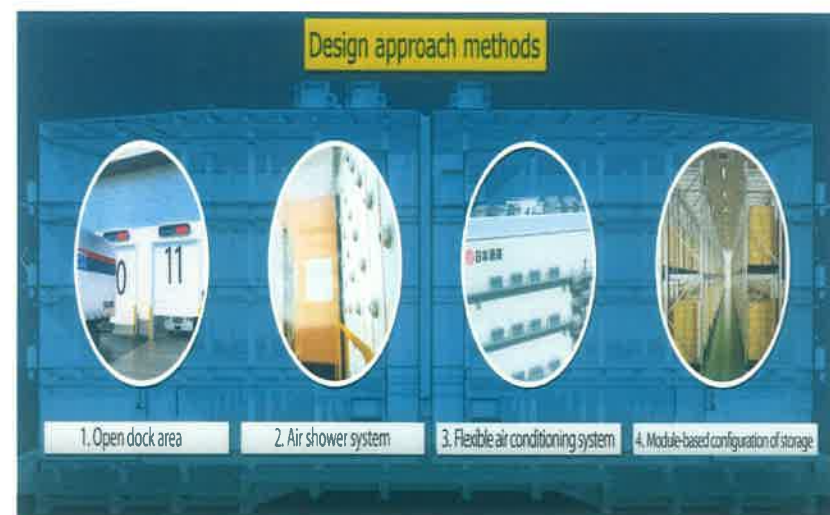
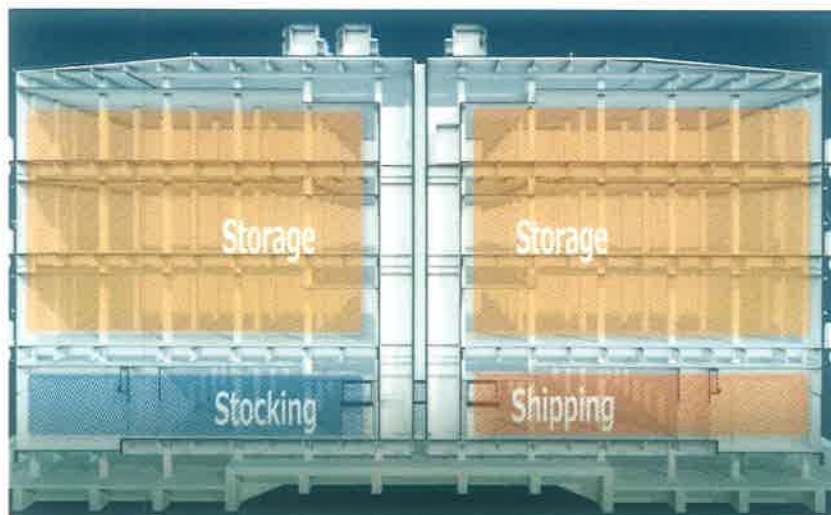
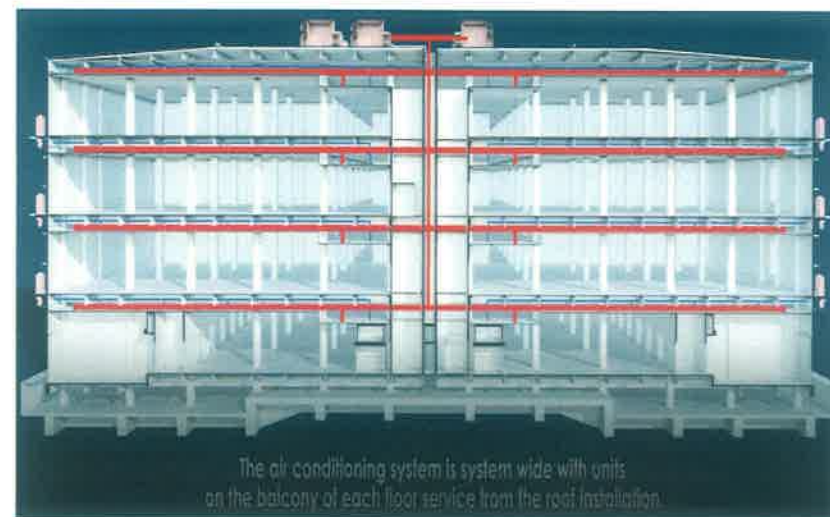


MD LOGISTICS

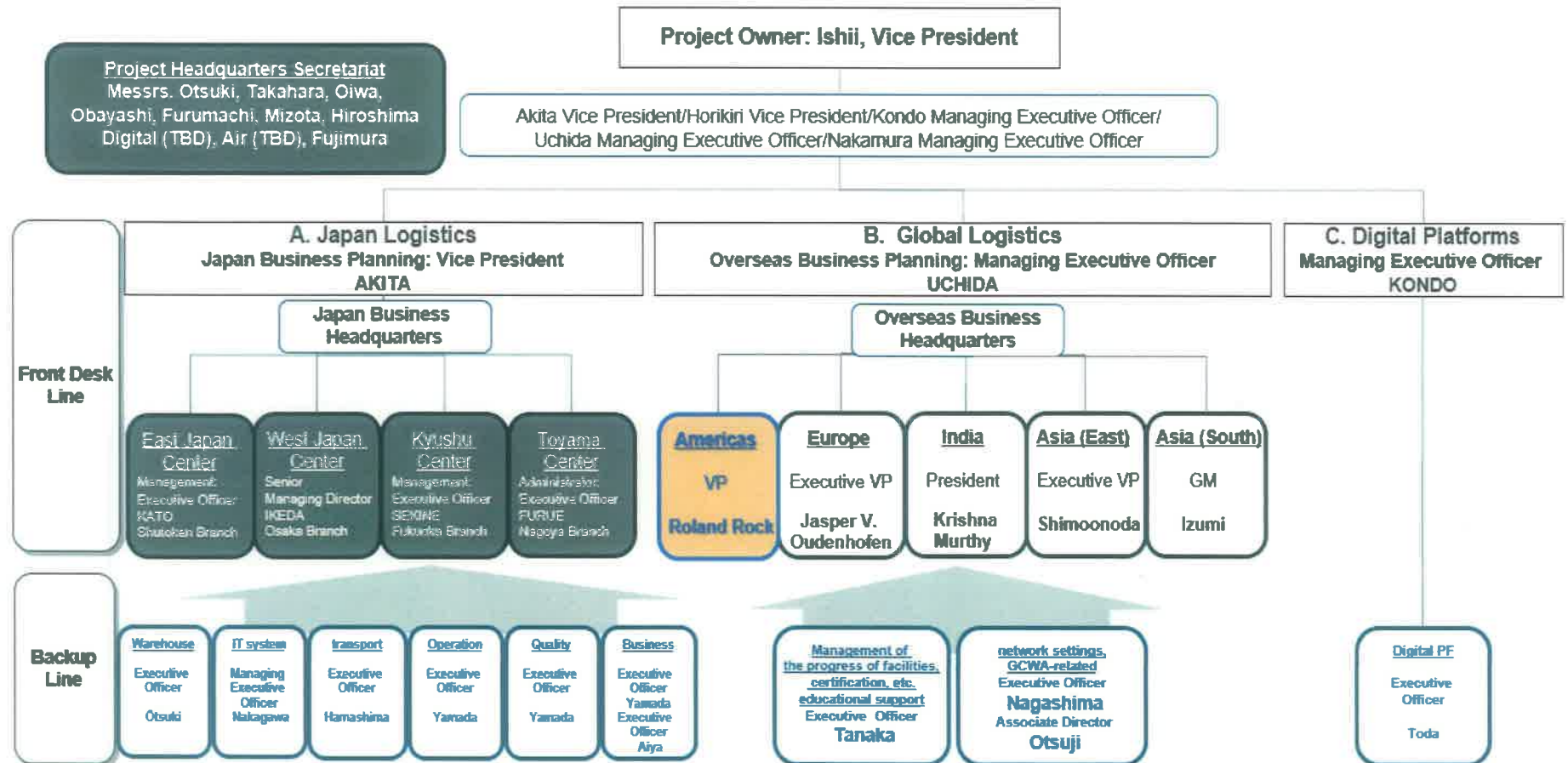
Building a High Quality Global Logistics Network
prepared to provide the Superior Service our
Pharmaceutical and Life Science Customers demand



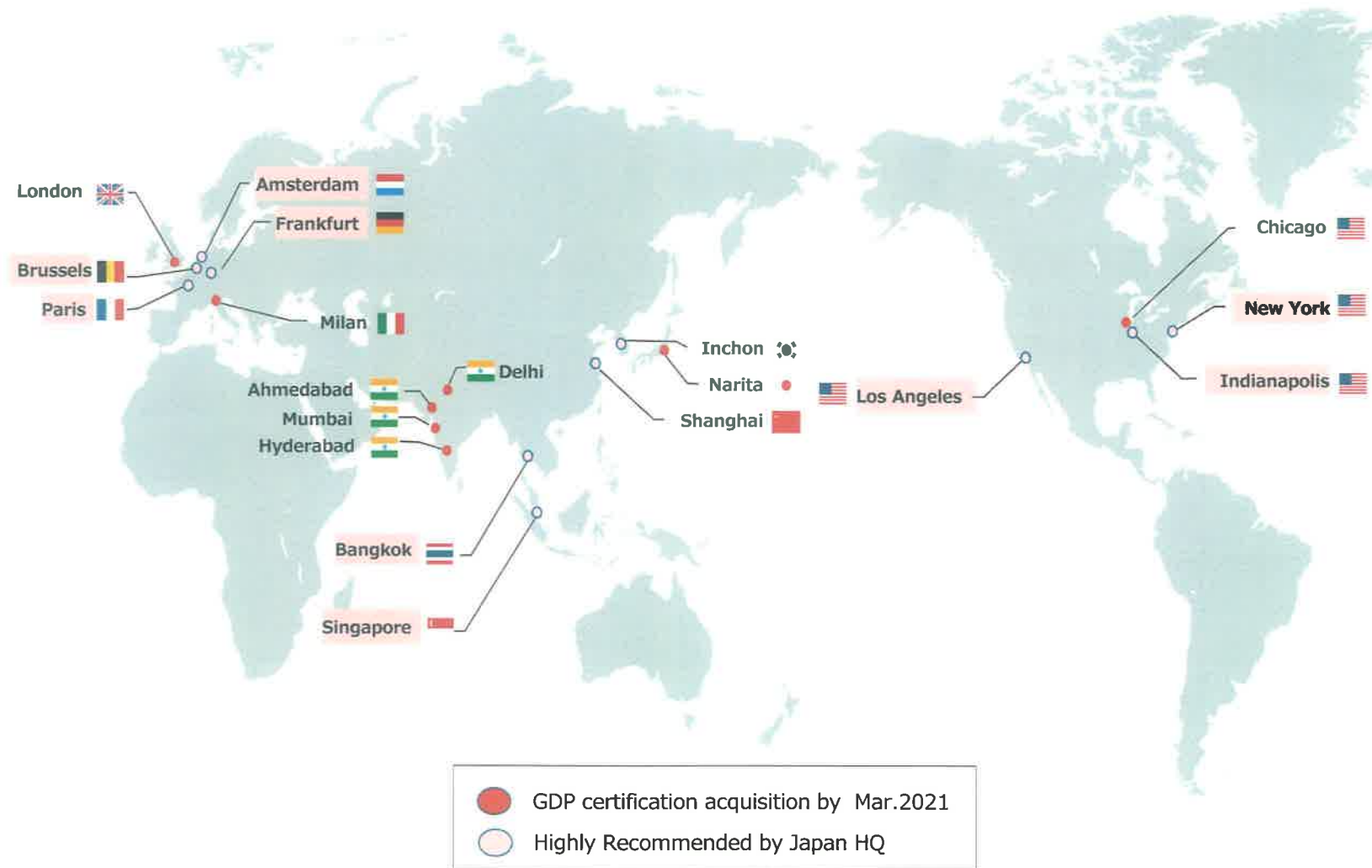
“NEX Pharma” - Japan Facility Snapshot



Nippon Express Group – “NEX Pharma” Global Organization



Nippon Express Group – “NEX Pharma” Global Network



The decisions by this September for budgeting FY2021.

Nippon Express USA – Current International Transportation Customers

Pharmaceutical



Asahi**KASEI**



AstraZeneca 



Baxter



Cipla



Lilly

FUJIFILM
FUJIFILM World Wide Pharmaceutical Corporation

genzyme



Janssen  | PHARMACEUTICAL COMPANY
Johnson & Johnson



Otsuka
ka America Pharmaceut



Medical Devices



Boston
Scientific



COOK



HOYA
SURGICAL OPTICS

indena



IGMA-ALDRICH



VARIAN
medical systems



Customer Name	Sub
BRISTOL MYERS SQUIBB (ONO Pharmaceutical)	Pharma
ELI LILLY	Pharma
TAKEDA	Pharma
BIOKYOWA	Pharma
MICRON (Chugai)	Pharma
JANSSEN ORTHO LLC (J&J GLOBAL BIDDING)	Pharma
GENZYME (SANOFI group)	Pharma
ZYDUS PHARMACEUTICALS USA	Pharma
OTSUKA PHARMACEUTICAL	Pharma
OTSUKA AMERICA PHARMACEUTICAL	Pharma
ASTRAZENECA PHARMACEUTICALS LP	Pharma
BAUSCH LOMB	Pharma
MITSUBISHI TANABE PHARMA	Pharma
NAVILYST	Pharma
ASTELLAS PHARMA	Pharma
PERKIN ELMER	Pharma
MILLENNIUM PHARMACEUTICALS	Pharma
NOVA BIOMEDICAL	Pharma
SANOFI-AVENTIS, US LLC	Pharma
AMERICAN TYPE CULTURE COLLECT	Pharma
IMMUCOR INC.	Pharma
KANEKA PHARMA AMERICA	Pharma
CONE BIOPRODUCTS OF SEGUIN LLC	Pharma
BIO-RAD LABORATORIES	Pharma
ADVANCED BIOTECHNOLOGIES	Pharma
DAIICHI SANKYO	Pharma
COOK	Device
GEMS AMERICAS	Device
BOSTON SCIENTIFIC	Device
COVIDIEN	Device
TERUMO AMERICA	Device
ASAHI KASEI	Device
CODONICS	Device
CONMED CORPORATION	Device
COVIDEN USSC PUERTO RICO INC	Device
GYRUS ACMI	Device
VARIAN MEDICAL	Device
ACCURAY INC.	Device
ABBOTT LABORATORIES	Device
APPLIED MEDICAL	Device
OPTOS	Device
KATECHO INC.	Device
NIKKISO	Device
MERIT MEDICAL SYSTEMS	Device
BIOVENTUS LLC	Device
GERRESHEIMER	Device
TOPCON MEDICAL SYSTEMS	Device
TYCO HEALTHCARE(COVIDIEN)	Device
CUTERA INC.	Device
DEROYAL INDUSTRIES	Device
IDEXX LABORATORIES, INC.	Device
HAEMONETICS CORP	Supplements
KYOWA HAKKO USA	Supplements
OLYMPUS	Equipment
ZYGO	Equipment
BRACCO DIAGNOSTIC INC.	Equipment
FEI COMPANY	Equipment
SIGMA ALDRICH	Equipment
PHILIPS RESPIRONICS INC.	Equipment

Nippon Express USA - Life Science Licenses and Certifications

- ❖ 3PL licenses to distribute prescription medical devices from our Atlanta, GA facility in 10 states, with 5 additional states pending
- ❖ Good Distribution Practice (GDP) Certification for pharmaceuticals for Chicago facility issued August 3, 2020
- ❖ 43 International Organization for Standardization (ISO) 9001 Certifications
- ❖ 12 facilities accredited as Qualified Envirotainer Partners (QEP)



Nippon Express USA - Relevant Licenses and Certifications

Customs & Border Protection, Food & Drug Administration, Transportation Security Administration

- 21 Container Freight Stations (CFS) licensed with Customs and Border Protection (CBP)
- 3 free trade zone stations licensed with CBP
- C-TPAT certified since April 20, 2004 – CBP Container Security Initiative
- 8 facilities registered with the Food & Drug Administration (FDA) for food safety
- 35 facilities identified as Indirect Air Carriers with the Transportation & Security Administration (TSA)
- 7 facilities certified as Cargo Screening Facilities (CCFS) by the TSA
- 4 Transported Asset Protection Association (TAPA) certified facilities

Conclusion

- ✓ **Nippon Express** is a company with a long, successful history of delivering **high-quality**, secure logistics services across the globe
- ✓ Global experience with pharmaceutical logistics and working to expand capabilities across the globe
- ✓ Commitment to **quality**, **safety** and **compliance** is deeply ingrained in our corporate culture
- ✓ **MD Logistics** is a great platform for us in the U.S. to expand our pharmaceutical capabilities and the only change we intend to make to its operations is to find ways to grow it

Thank you



Exhibit A – 9 Pages

NEU Life Sciences & Certifications

Medical Device Distribution

Good Distribution Practices (GDP)

STATE OF CONNECTICUT DEPARTMENT OF CONSUMER PROTECTION

This is your registration certificate for your records. Such registration shall be shown to any properly interested person on request. Do not attempt to make any changes or alter this certificate in any way. This registration is not transferable. Questions can be emailed to the Drug Control Division at dcp.drugwholesalers@ct.gov.

In an effort to be more efficient and Go Green, the department asks that you keep your email information with our office current to receive correspondence. All renewal notifications and certificates will only be emailed to your last reported email on record. You can update your email, mailing address or print a duplicate certificate by logging into your account with your User ID and Password at www.license.ct.gov. Visit our website at www.ct.gov/dcp.

Mailing address:

NIPPON EXPRESS USA INC
2401 44th Rd Fl 14
Long Island City, NY 11101-4605

Email on file to be used for receiving all notices from this office:

STEVEN_KAUFMAN@NITTSU.COM



STATE OF CONNECTICUT ♦ DEPARTMENT OF CONSUMER PROTECTION

756871

Be it known that

NIPPON EXPRESS USA INC

5176 PELICAN DR
ATLANTA, GA 30349-5980

has satisfied the qualifications required by law and is hereby issued a

WHOLESALER OF DRUGS, COSMETICS & MEDICAL DEVICES

Controlled Substances: No Rx Legend Drugs: No Non Rx Legend Drugs: No Medical Devices: Yes
Cosmetics: No Medical Gases/Oxygen: No Durable Medical Equipment (DME): No

Registration #: CSW.0004495
Effective Date: 07/01/2020
Expiration Date: 06/30/2021

verify online at www.license.ct.gov

Michelle Seagull
Michelle Seagull, Commissioner




STATE OF GEORGIA
Department of Community Health
Georgia State Board of Pharmacy
Third Party Distributor

License No. PHTPL000015 Status: Active

Nippon Express USA Inc
5176 Pelican Drive
Atlanta GA 30349

Expires: 6/30/2021
Issued: 5/2/2019

Real-time license verification is available at gadch.mylicense.com/verification



STATE OF GEORGIA
Department of Community Health
Georgia State Board of Pharmacy
Third Party Distributor

License No. PHTPL000015 - Active

Nippon Express USA Inc
5176 Pelican Drive
Atlanta GA 30349

Issued: 5/2/2019
Expires 6/30/2021

Real-time license verification is available at gadch.mylicense.com/verification

Kansas State Board of Pharmacy

800 SW Jackson St. Suite 1414
Topeka, Kansas 66612-1244
Phone (785) 296-4056
Fax (785) 296-8420

email pharmacy@pharmacy.ks.gov
www.pharmacy.ks.gov

5-110573
STEVEN KAUFMAN
Nippon Express USA, Inc.
5176 Pelican Drive
Atlanta, GA 30349

Schedules

STATE OF KANSAS STATE BOARD OF PHARMACY

N^o 5-110573

WHOLESALE DISTRIBUTOR

This registration Must Be Renewed
Annually by **June 30th**.

That Nippon Express USA, Inc.

has complied with the Pharmacy Act of the State of Kansas providing for the registration of **Wholesale Distributors** within the State of Kansas, and is hereby granted a **REGISTRATION** as defined in **K.S.A 65-1643** of the State of Kansas under the name of

Nippon Express USA, Inc.

at 5176 PELICAN DRIVE ATLANTA GEORGIA

from this date until **6/30/2020**, unless this registration is surrendered, or revoked or suspended by the Kansas State Board of Pharmacy.

This registration issued **October 7, 2019**.



KANSAS STATE BOARD OF PHARMACY

By Alex Stein Executive Secretary

THIS REGISTRATION MUST BE POSTED IN A CONSPICUOUS PLACE - NOT TRANSFERABLE
DO NOT DESTROY - Return to Secretary for change in ownership, location or pharmacist in charge

EXHIBIT A - PAGE 3 OF 9

LOUISIANA BOARD OF DRUG AND DEVICE DISTRIBUTORS



DISTRIBUTOR OF LEGEND DRUGS OR LEGEND DEVICES

SUB-TYPE: Third-Party Logistic Provider Distributor

NIPPON EXPRESS USA INC.

License No. 9650 effective 05/28/2019 (Original issue date: 05/28/2019), Expiring 12/31/2019 distributing from 5716 Pelican Drive, Atlanta, GA, 30349

BUSINESS ADDRESS: 24-01 44TH ROAD, 14TH FLOOR, LONG ISLAND CITY, NY, 11101

is duly licensed in the State of Louisiana with this Board under the provisions of Act 852 of 1988 (as amended).

This license is subject to regulation in the state of Louisiana

in accordance with La. R.S. 37:3461 through 3482 and LAC 46:XXXIV.101 through 1503.

Additional Third-Party Logistics Providers:

NA

[Handwritten signature]

Board Secretary

ORIGINAL LICENSE — DISTRIBUTOR

This License is NOT TRANSFERABLE and must be Conspicuously Displayed. This license must be renewed annually.

Louisiana Board of Drug and Device Distributors 12091 Bricksome Avenue, Suite B Baton Rouge, LA 70816	Phone: 225-295-8567 Fax: 225-295-8568	www.lsbwdd.org Email: admin@lsbwdd.org
---	--	---

SUB-TYPES:

Standard Distributor: Any entity that sales or facilitates the delivery of legend drugs or legend devices to persons other than the consumer or patient; including, but not limited to, manufacturers, repackagers, own-label distributors, jobbers, retail pharmacy warehouses, pharmacies, brokers, agents, freight forwarders, ship chandlers, reverse distributors, compounders/503b, and nuclear pharmacies.

Wholesale Distributor: Any entity that sales or facilitates the delivery of drug product (as defined by FDA) to persons other than the consumer or patient; not to include (not limited to) manufacturers, repackagers, third-party logistic providers, distributors of devices, medical gases, intravenous drugs for replenishment or irrigation, blood or blood components; radioactive drugs or biologicals, imaging drugs, homeopathic drugs, and compounded drugs.

Third-party Logistics Provider: Any entity that provides or coordinates warehousing, facilitates the delivery of, or other logistic services for a legend drug or legend device interstate and intrastate commerce on behalf of a manufacturer, distributor, or dispenser of a legend drug or legend device but does not take ownership of the legend drug or legend device nor have responsibility to direct the sale or disposition of the legend drug or legend device.



State of New Hampshire Board of Pharmacy

**Prescription Drug/Device Manufacturer/Wholesaler/Distributor Permit
NH License 06769**

This is to certify

NIPPON EXPRESS USA INC
5176 PELICAN DRIVE
ATLANTA GA 30349

*Is licensed and authorized to do business in the State of New Hampshire under
RSA 318, RSA 318-B and Ph 1000*

Issue Date: September 24, 2019 Expiration Date: June 30, 2022

Important Notice:

Per NH State Laws and Rules the Board must be notified within 30 days of any changes. See the Board's website at: <https://www.oplc.nh.gov/pharmacy/report-changes.htm>

Prescription Drug/Device Manufacturer/Wholesaler/Distributor Permits expire annually on June 30th regardless of the date of initial licensure. There is no statutory provision for extended or pro-rated licenses, your initial license will be for less than a full year.

Please note the expiration date of your license. A renewal notice will be emailed to the contact person 60-days prior to the expiration date of the license. It is the responsibility of all licenses to renew prior to the expiration of their license.

You cannot ship with an expired permit.

OREGON BOARD OF PHARMACY

DRUG DISTRIBUTION AGENT REGISTRATION

LICENSE NUMBER: DDA-0000407

This license is valid from
11/22/2019-09/30/2020

ISSUED TO: NIPPON EXPRESS CO LTD (TOKYO, JP)
NIPPON EXPRESS USA
5176 PELICAN DR
ATLANTA GA 30349

Joe Schrabel
Executive Director

Issuing Authority: **ORS 475 & 689**

NOT COPY - Request certified copies in writing

MUST BE POSTED IN A CONSPICUOUS PLACE NOT TRANSFERABLE

NIPPON EXPRESS CO LTD (TOKYO, JP)
NIPPON EXPRESS USA
5176 PELICAN DR
ATLANTA GA 30349

EXHIBIT A - PAGE 6 OF 9

27044
 TENNESSEE DEPARTMENT OF HEALTH
 DIVISION OF HEALTH RELATED BOARDS

ID NUMBER: 000005658
 EXPIRATION DATE: 09/30/2021


This is to certify that all requirements of the State of Tennessee have been met.

PHARMACY BOARD
 THIRD PARTY LOGISTICS
 NIPPON EXPRESS U.S.A. INC.

Rosa Guerrero
 COMMISSIONER OF HEALTH

GEORGE HASSAPIS
 NIPPON EXPRESS U.S.A. INC.
 24-01 44TH ROAD, 14TH FLOOR
 LONG IS CITY NY 11101-4605





State of Tennessee
 Department of Health

11824046
 27044

TENNESSEE BOARD OF PHARMACY
 THIRD PARTY LOGISTICS
 NIPPON EXPRESS U.S.A. INC.
 5176 PELICAN DRIVE
 ATLANTA GA 30349

This is to certify that all requirements of the State of Tennessee have been met.

ID NUMBER: 000005658
 EXPIRATION DATE: 09/30/2021

John W. Sidwell
 DIRECTOR, HEALTH RELATED BOARDS

Rosa Guerrero
 COMMISSIONER

STATE OF UTAH DEPARTMENT OF COMMERCE LIMITED ACTIVE LICENSE Nippon Express U.S.A., Inc. EFFECTIVE 08/29/2019 EXPIRATION 09/30/2021	REFERENCE NUMBER(S), CLASSIFICATION(S) & DETAIL(S) 11341659-1714 Pharmacy - Class E Business Limited to Third Party Logistics Provider _____ SIGNATURE OF HOLDER
--	--

IMPORTANT LICENSURE REMINDERS:

- Your license is valid until the expiration date listed on this form. Approximately 60 days prior to this expiration you will receive a renewal notice in the mail.
- Please note the address listed below. This is your public address of record for the division, and all future correspondence from the division will be mailed to this address. If you move, it is your responsibility to notify us directly of the change. Maintaining your current address with us is the easiest way to ensure continuous licensure.

NIPPON EXPRESS U.S.A., INC.
 5176 PELICAN DR
 ATLANTA GA 30349

Please visit our web site at www.dopl.utah.gov should you have any questions in the future.

STATE OF UTAH DEPARTMENT OF COMMERCE DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING LIMITED ACTIVE LICENSE		
EFFECTIVE DATE: 08/29/2019	EXPIRATION DATE: 09/30/2021	
ISSUED TO: Nippon Express U.S.A., Inc. 5176 Pelican Dr Atlanta GA 30349		
REFERENCE NUMBER(S), CLASSIFICATION(S) & DETAIL(S)		
11341659-1714	Pharmacy - Class E Business	
Limited to Third Party Logistics Provider		_____ SIGNATURE OF HOLDER

EXHIBIT A - PAGE 8 OF 9



Certificate US20/819944021

The management system of

Nippon Express USA, Inc.

401 E Touhy Ave Des Plaines, IL 60018, US

has been assessed and certified as meeting the requirements of

World Health Organization Good Distribution Practices (GDP) (WHO Technical Report Series, No. 957, Annex5, 2010)

For the following activities

International freight forwarding, customs brokerage and consolidation service including those in air import, air export and warehousing and distribution services

The responsibility for the quality of the individual batches of the products labelled, packed and distributed lies with the organization
This certification is not intended to imply this organization has been inspected or certified by WHO

This certificate is valid from 3 August 2020 until 3 August 2023 and remains valid subject to satisfactory surveillance audits
Recertification audit due a minimum of 60 days before the expiration date.
Issue 1.Certified since 3 August 2020.

Certifying authority

Dan Seal

Dan Seal
Technical Accreditation Manager, Certification & Business Enhancement North America

SGS North America, Inc.
201 Route 17 North, Rutherford, NJ 07070, USA
t (201) 508-3000 f (201) 935-4555 www.us.sgs.com

This certificate remains the property of SGS and shall be returned upon request.

Page 1 of 1



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EXHIBIT A - PAGE 9 OF 9



Exhibit D – 7 Pages

NEU Other Relevant Licenses & Certifications

C-TPAT Certification and Transportation Security Administration Indirect Air Carriers and Transported Asset Protection Association (TAPA)

CBP Container Freight Stations (CFS) and Foreign Trade Zones (FTZ)

CUSTOMS - TRADE PARTNERSHIP AGAINST TERRORISM



*In recognition of your commitment to partnership,
and in appreciation for joining with us to secure
the international supply chain and protect our country's security,*

U.S. Customs and Border Protection

is pleased to certify your membership in the

C-TPAT
*Customs - Trade
Partnership Against Terrorism*

and to present this certificate to

Nippon Express USA, Inc.

During the month of April, 2004
at Washington, D.C.

Marc Gomez
Commissioner

BUREAU VERITAS
Certification



Certification

Awarded To

NIPPON EXPRESS USA, INC.

401 East Touhy Avenue
Des Plaines, IL 60018 USA

Bureau Veritas Certification North America, Inc. certifies that the management system of the above organization has been audited and found to be in accordance with the requirements of the management system standards and scope of supply detailed below

STANDARDS

TRANSPORTED ASSET PROTECTION ASSOCIATION FREIGHT SECURITY REQUIREMENTS, FSR 2017 WAREHOUSE CLASSIFICATION A

Original Approval Date: **24 June 2008**

Subject to the continued satisfactory operation of the Organization's Management System, this certificate will remain valid until: **7 December 2021**

Further clarifications regarding the scope of this certificate and the applicability of the management system requirements may be obtained by consulting the organization.

Certificate No: **US012369-1**

Issue Date: **6 December 2018**

For Bureau Veritas Certification North America, Inc.
16800 Greenspoint Park Drive, Suite 300S
Houston, Texas USA
www.us.bureauveritas.com/bvc

TAPA
Transported Asset Protection Association



EXHIBIT D - PAGE 2 OF 7

BUREAU VERITAS
Certification



Certification

Awarded To

NIPPON EXPRESS

2233 EAST GRAND AVENUE
EL SEGUNDO, CA 90245 USA

Bureau Veritas Certification North America, Inc. certifies that the management system of the above organization has been audited and found to be in accordance with the requirements of the management system standards and scope of supply detailed below

STANDARDS

TRANSPORTED ASSET PROTECTION ASSOCIATION FREIGHT SECURITY REQUIREMENTS, FSR 2017 WAREHOUSE CLASSIFICATION A

Original Approval Date: **14 February 2013**

Subject to the continued satisfactory operation of the Organization's Management System, this certificate will remain valid until: **8 July 2022**

Further clarifications regarding the scope of this certificate and the applicability of the management system requirements may be obtained by consulting the organization.

Certificate No: **US013556-1**

Issue Date: **9 July 2019**

For Bureau Veritas Certification North America, Inc.
16800 Greenspoint Park Drive, Suite 300S
Houston, Texas USA
www.us.bureauveritas.com/bvc

TAPA

Transported Asset Protection Association



EXHIBIT D - PAGE 3 OF 7

BUREAU VERITAS
Certification



Certification

Awarded To

NIPPON EXPRESS USA, INC.

5176 Pelican Drive
Atlanta, GA 30349 USA

Bureau Veritas Certification North America, Inc. certifies that the management system of the above organization has been audited and found to be in accordance with the requirements of the management system standards and scope of supply detailed below

STANDARDS

TRANSPORTED ASSET PROTECTION ASSOCIATION FREIGHT SECURITY REQUIREMENTS, FSR 2017 WAREHOUSE CLASSIFICATION A

Original Approval Date: 6 January 2004

Subject to the continued satisfactory operation of the Organization's Management System, this certificate will remain valid until: 7 February 2022

Further clarifications regarding the scope of this certificate and the applicability of the management system requirements may be obtained by consulting the organization.

Certificate No: US013133-1

Issue Date: 8 February 2019

David Vin

For Bureau Veritas Certification North America, Inc.
16800 Greenspoint Park Drive, Suite 300S
Houston, Texas USA
www.us.bureauveritas.com/bvc

TAPA
Transported Asset Protection Association



EXHIBIT D - PAGE 4 OF 7

BUREAU VERITAS
Certification



Certification

Awarded To

NIPPON EXPRESS USA, INC.

230-19 International Airport Center Blvd Suite 100
Jamaica, NY, 11413-4104 USA

Bureau Veritas Certification North America, Inc. certifies that the management system of the above organization has been audited and found to be in accordance with the requirements of the management system standards and scope of supply detailed below

STANDARDS

***TRANSPORTED ASSET PROTECTION ASSOCIATION
FREIGHT SECURITY REQUIREMENTS, FSR 2017
WAREHOUSE CLASSIFICATION A***

Original Approval Date: **27 May 2003**

Subject to the continued satisfactory operation of the Organization's Management System, this certificate will remain valid until: **17 October 2020**

Further clarifications regarding the scope of this certificate and the applicability of the management system requirements may be obtained by consulting the organization.

Certificate No: **US010698-1**

Issue Date: **18 October 2017**

For Bureau Veritas Certification North America, Inc.
16800 Greenspoint Park Drive, Suite 300S
Houston, Texas, USA
www.us.bureauveritas.com/bvc

TAPA
Transported Asset Protection Association

EXHIBIT D - PAGE 5 of 7

1000 South El Paso Street
El Paso, TX 79901



**U.S. Customs and
Border Protection**

INV-1-EPFO-PD

OCT 13 2009

Ms. Evelyne Upton
Chief Representative/Manager
Nippon Express USA, Inc.
28D Walter Jones Blvd.
El Paso, TX 79906

Dear Ms. Upton:

This in reference to your letter dated August 03, 2009, regarding the activation of Nippon Express USA, Inc. as an operator within the Foreign Trade Zone (FTZ) Number 68. The City of El Paso, Grantee for FTZ No. 68, has entered into an agreement with Nippon Express USA, Inc. for conducting business as an operator for its El Paso, Texas facilities. Your intentions are to operate within your premises, which encompass the following building:

- 28D Walter Jones Blvd., El Paso, Texas 79906

After a review of your application with submitted attachments and the satisfactory completion of a physical site survey by U.S. Customs and Border Protection on September 25, 2009, your application for activation has been found to be in accordance with all the requirements stated in 19 CFR 146. Therefore, your request for activation as a FTZ Operator within FTZ No. 68 is hereby approved and your firms code number is S694.

Thank you for your cooperation and assistance in this matter. Should you have any questions, please do not hesitate to contact Entry Chief Ana Martinez at (915) 872-5715.

Thank you,

William H. Molaski
Port Director
El Paso, Texas

EXHIBIT D - PAGE 6 of 7

PO Box 3130
Laredo, TX 78044-3130



**U.S. Customs and
Border Protection**

SEP 13 2017

City of Laredo
Foreign Trade Zone # 94
Attn: Ms. Elsy D. Borgstedte
5210 Bob Bullock Loop
Laredo, Texas 78041

Dear Ms. Borgstedte:

This is in response to your letter dated, July 17, 2017, wherein the City of Laredo, as the Grantee of the Foreign Trade Zone No. 94, is notifying this office that Nippon Express USA has requested the activation of approximately 16,250 sq. ft. of FTZ warehouse space located at 9001 Killam Industrial Blvd., Suite B., Laredo, Texas.

On August 21, 2017, a survey inspection was conducted at the facility located at 9001 Killam Industrial Blvd., Suite B., and we find that the physical and procedural requirements under 19 CFR PART 146 of the Customs Regulations have been met. Therefore, your request for the activation of 16,392 sq. ft. of FTZ warehouse space located at 9001 Killam Industrial Blvd., Suite B., is hereby granted August 21, 2017.

If you should have further questions, please do not hesitate to contact SCBPO Carlos Limon at 956-794-9484.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory Alvarez".

Gregory Alvarez
Port Director

cc: Nippon Express USA, Inc.
Attn: Mr. Hitoshi Minowa
9001 Killam Industrial Blvd., Suite B
Laredo, Texas 78045

EXHIBIT D - PAGE 7 OF 7

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To whom it may concern:

My name is Jevons Wang and my case number is 20-008-PT-S. I am writing to request a rehearing/appeal for the determination made on my case during the July 15th, 2020 at the Nevada Board of Pharmacy meeting. I apologize for the common language. Due to the fact that I am unable to afford representation, I will be representing myself in all matters. Before I discuss the issues within the determination I received, I want to be clear that I do not wish to have my license reinstated. I merely want to request that the Board not consider this a disciplinary action.

First, I would like to say that I have made some mistakes regarding how I personally handled this situation. To start from the beginning, I appeared before the Board as a new resident of Nevada with an Oregon pharmacy technician license and national PTCB certification. I wanted to obtain my pharmacy technician license to get a job in Nevada, so I agreed at the January 2019 meeting to enroll in the PRN-PRN program. I initially attended the program regularly and was willing to participate in the program. As time went on and only being able to find work as a temporary pharmacy technician for around 2 months, I decided to go back to school. In August of 2019, I informed Larry Esposito at the PRN-PRN program that I would need to adjust my schedule with him because of my classes. We both agreed and I continued with the program. It was around November or December of 2019 that I went to Larry again and told him that I did not want to complete the program. I told him that I wasn't working as a pharmacy technician and I was not interested in finding a job as a pharmacy technician anymore. I was also going to school, so I could not afford to participate in the program as it cost around \$200 per month. In all honesty, I was having a hard time paying for the program since September 2019, but Larry was kind and let me continue. That is my side of the story to the current events unfolding in my case with the Board. I did not keep in contact with Larry after that, which was a mistake that I had made. To add, I was able to fulfill all requirements of the PRN-PRN program while I was in attendance (no positive drug tests).

To address my shortcomings regarding my case, I'm not sure why I didn't contact the Board directly. I guess I didn't think it was going to be categorized as a disciplinary action on my license. I don't know much about what I should have done legally. But in all honesty, I assumed that if I dropped out of the program, my license would just be revoked. I didn't realize that it would count as a disciplinary action or else I would have taken care of this matter differently. I only worked one job while holding my Nevada pharmacy technician license and I worked at ACRX Specialty Pharmacy with no complaints from customers or my employer. The job was just a couple months long and then I decided to not pursue this pharmacy technicians license anymore. I urge you to consider all aspects of my case. Thank you.

Lastly, I would like to address the errors in the notice I received from the Nevada Board of Pharmacy. Whether or not the Board decides to rehear my case, I need to correct a few things in the notice. The first item I would like to correct in the notice is my failure to appear at the meeting. I was notified by phone only that the Spring 2020 meeting was cancelled, and I was told a new date would be given to me when it was finalized. I did not receive any further

communication. I understand that there was certified mail sent to me, but I did not receive it, nor did I receive a phone call like when the Spring 2020 meeting was cancelled. If I had known of the new meeting time in July, I would have been able to notify the Board that I have medical conditions that put me at high risk for severe complications if I contract COVID-19. If the Board would like a physician's note, I am able to provide one. I also want to point out that the notice states the meeting was March 18, 2020. It was not, because that meeting time was cancelled. The first paragraph of the notice also states that I failed to appear at some meeting on April 15, 2019, which is also incorrect. I was in attendance at the meeting where this matter was brought up in 2019 and there was no other meeting that year that I was requested to appear at.

Thank you for your time and attention to this matter.

Sincerely,

Jevons Wang