



# Nevada State Board of Pharmacy

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Date Posted: August 28, 2019

## THIRD AMENDED AGENDA

### ◆ PUBLIC NOTICE ◆

The Nevada State Board of Pharmacy will conduct a meeting beginning Wednesday, September 4, 2019 at 8:00 am. The meeting will continue, if necessary, on Thursday, September 5, 2019 at 9:00 am or until the Board concludes its business at the following location:

Hyatt Place  
1790 E Plumb Lane  
Reno, Nevada

#### Please Note:

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

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

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

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

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

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

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

◆ 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.

2. Approval of July 17-18, 2019, Minutes **(FOR POSSIBLE ACTION)**

3. Approval of July 30, 2019, Minutes **(FOR POSSIBLE ACTION)**

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

- A. Broadway Family Pharmacy – New York, NY
- B. CarePartners Pharmacy LLC – Libertyville, IL
- C. Corner Pharmacy, Inc. – Phoenix, AZ
- D. Cornerstone Health Solutions – Randolph, MA
- E. Grand Rx – Richmond, TX
- F. InnovaScript – Indiana, PA
- G. Kaiser Permanente Pharmacy #985 – Downey, CA
- H. Kaiser Permanente Sterling Automated Refill Center – Sterling, VA
- I. LifeScript Pharmacy, PLLC – Fargo, ND
- J. Mathew Management IV, Inc. – Delray Beach, FL
- K. Patient Choice Pharmacy – Sugar Land, TX
- L. RareMed Solution – Pittsburgh, PA
- M. Relief Med Pharmacy – Conroe, TX
- N. Roman Health Pharmacy, LLC – Phoenix, AZ
- O. UrgentMedRx, LLC – Boca Raton, FL
- P. VectraRx Mail Pharmacy Services, LLC – Oro Valley, AZ

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

- Q. Carefirst Specialty Pharmacy – Cinnaminson, NJ
- R. Millennium Specialty Pharmacy – Winter Park, FL
- S. ProLab Pharmacy – Paris, TX

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

- T. Ashli Healthcare Inc. – Bakersfield, CA

- U. Cardinal Health 200, LLC – Olive Branch, MS
- V. Coosa Valley Respiratory & Home Medical, Inc. – Sylacauga, AL
- W. Handpiece Headquarters – Placentia, CA
- X. Heart Sail Medical – Decatur, AL
- Y. Lincare Inc. – Middletown, OH
- Z. London Medical Supply LLC – Wake Forest, NC
- AA. Teleflex LLC – Olive Branch, MS
- BB. Wound Care Resources, Inc. – Yorkville, TN

Applications for Nevada Ambulatory Surgery Center – Non Appearance  
**(FOR POSSIBLE ACTION)**

- CC. Cimarron Surgery Center – Las Vegas, NV
- DD. Surgeon’s Surgery Center – Las Vegas, NV

Application for Nevada Pharmacy – Non Appearance **(FOR POSSIBLE ACTION)**

- EE. Partell Specialty Pharmacy – Las Vegas, NV

◆ 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. Christopher Nevarez, MD (19-090-CS-S)
- B. Douglas Ross, MD (17-100-CS-S)
- C. Eric Math, MD (19-083-CS-N)
- D. Eghomware Igbinovia, R.Ph (18-082-RPH-S and 18-131-RPH-S Consolidated)
- E. ACRX Specialty Pharmacy (18-082-PH-S and 18-131-PH-S Consolidated)

- 6. Hearing pursuant to NRS 233B.121 to contest ACRX Specialty Pharmacy’s involuntary closure pursuant to NAC 639.570 – 19-044-PH-S **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)**

- 7. Applications for Nevada Pharmacy – Appearance **(FOR POSSIBLE ACTION)**

- A. Alto Pharmacy – Las Vegas, NV
- B. Pahrump Wellness Pharmacy and Nutrition Center – Pahrump, NV

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

- A. A & W Pharmacy – Duchesne, UT
- B. Edgepark Medical Supplies – Twinsburg, OH
- C. Westmoreland Pharmacy, Inc. – New Albany, IN

9. Application for Out-of-State Compounding Pharmacy – Appearance (**FOR POSSIBLE ACTION**)

PharmaCorr, LLC – Oklahoma City, OK

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

SterRx, LLC – Plattsburg, NY

11. Applications for Nevada Medical, Devices, Equipment and Gases – Appearance (**FOR POSSIBLE ACTION**)

- A. AA Medical (Rancho Drive) – Las Vegas, NV
- B. AA Medica (Eastern Avenue) – Las Vegas, NV
- C. All Time Health Care – Las Vegas, NV
- D. Foothill Medical Supply, LLC – Las Vegas, NV
- E. Optima Prosthetics & Orthotics, LLC – Reno, NV

12. Request for Nevada Medical, Devices, Equipment and Gases 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**)

Field Ocular Prosthetics LLC

13. Applications for Controlled Substance 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. Kristin Hestdalen, MD
- B. David J. Smith, MD

14. Application for Practitioner 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**)

Bruce K. Fong, DO

15. Application for Pharmacist 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)**

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16. Discussion: Nevada's Opioid Response Summit was held August 14<sup>th</sup> and 15<sup>th</sup>. During this summit, licensees and stakeholder questioned if there was an activity that the Board of Pharmacy could undertake to increase communication between licensees related to the prescribing and dispensing of opioid prescription.  
**(FOR POSSIBLE ACTION)**
17. Nevada Ethics Law Training Provide by Yvonne M. Nevarez-Goodson, Esq. Executive Director of the Nevada Commission on Ethics
18. General Counsel Report
19. Executive Secretary Report:
- A. Financial Report
  - B. Temporary Licenses
  - C. Staff Activities:
    - 1. Meetings with Other Health Care Boards
    - 2. Presentation to UNLV School of Medicine
    - 3. Nevada Opioid Response Summit
    - 4. Open Beds Meeting
    - 5. Controlled Substance Task Force Meeting
    - 6. Three Stick Production
  - D. Report to Board:
    - 1. Licensing software update
  - E. Board Related News:
    - 1. NABP District Meeting - Boise
  - F. Licensing Activities Report:
    - 1. PMP Integration
    - 2. Online CE activity
    - 3. Renewals

◆ PUBLIC HEARING ◆

Thursday, September 5, 2019 – 9:00 am

20. Notice of Proposed Regulation Public Hearing Pursuant to NRS 233B.061(2):  
**(FOR POSSIBLE ACTION)**
- 1. Amendment of Nevada Administrative Code (NAC) 639.250: Restrictions on supervision.** The proposed amendment will authorize a pharmacist to supervise

not more than a total of eight pharmaceutical technicians or six pharmaceutical technicians in training at one time in any non-dispensing pharmacy. (LCB File No. R002-19)

2. **Amendment of Nevada Administrative Code (NAC) 453.520: Schedule II.** The proposed amendment will add FDA approved dronabinol oral solutions to the controlled substances listed in Schedule II. (LCB File No. R001-19)
3. **Amendment of Nevada Administrative Code (NAC) Chapter 639.** The proposed amendment will add a new regulation authorizing the State Board of Pharmacy to require an applicant for a certificate, license or permit to pay any costs of inspection incurred by the Board. (LCB File No. R005-19)
4. **Amendment of Nevada Administrative Code (NAC) 639.220: Schedule of fees.** The proposed amendments to NAC 639.220 will increase the fees for the application for an initial registration, and the biennial renewal of a registration, as a registered pharmacist, pharmaceutical technician or pharmaceutical technician in training, or for authorization to prescribe or possess controlled substances, to cover the cost of maintaining the computerized program developed pursuant to NRS 453.162. (LCB File No. R034-19)

◆ WORKSHOP ◆

Thursday, September 5, 2019 – 9:00 am

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

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

[Authority – NRS 639.070]

1. **Amendment of Nevada Administrative Code (NAC) 639.240 (Requirements for registration of pharmaceutical technicians), 639.242 (Registration of pharmaceutical technician in training) and 639.7425 (Registration of dispensing technician).** The proposed amendments to the existing registration requirements for a pharmaceutical technician, pharmaceutical technician in training, and dispensing technician would remove prior criminal convictions or past history of drug abuse as mandatory disqualifiers from licensure and make denial for prior criminal convictions or past history of drug abuse permissive consistent with the statutory requirements for other license categories.
2. **Amendment of Nevada Administrative Code (NAC) Chapter 639.** The proposed amendments will add a new regulation requiring a new managing pharmacist to complete 2 extra hours of continuing education on pharmacy management within one year of approval as the managing pharmacist.

3. **Amendment of Nevada Administrative Code (NAC) Chapter 639.** The proposed amendments will add a new regulation requiring any discipline imposed by the Board to be reported to the National Practitioner Data Bank and to any professional licensing board that licenses a practitioner, and require any final decision that a person has engage in unlicensed practice in this state be reported to the National Practitioner Data Bank and to any professional licensing board that licenses a practitioner.
  4. **Amendment of Nevada Administrative Code (NAC) Chapter 639.** The proposed amendments will add a new regulation requiring that the Executive Secretary, upon notice that an occupational licensing board that licenses a practitioner has placed that license on inactive status, place any certificate of registration issued by the Board to that practitioner pursuant to NRS 453.226 on inactive status, providing for notice to the practitioner of placement on inactive status, providing for a process to petition for reinstatement of a registration to active status, and providing a process for a registrant to request a hearing before the Board to contest or appeal the placement of a registration on inactive status or the denial of a petition for reinstatement of the registration to active status.
  5. **Amendment of Nevada Administrative Code (NAC) 639.250: Restrictions on supervision.** The proposed amendment to NAC 639.250 will allow for an increase in pharmaceutical technician to pharmacist ratio in certain pharmacy settings.
  6. **Amendment of Nevada Administrative Code (NAC) 453.510: Schedule I.** The proposed amendment to NAC 453.510 will add newly identified synthetic cannabinoid, cathinones and opiates to the of controlled substances listed in Schedule I.
22. Discussion on the matter of *ACRX Specialty Pharmacy, Inc., a Nevada Corporation; and Eghomware Igbinovia, a/k/a Jerry Igbinovia, an individual vs. Nevada State Board of Pharmacy*, 8<sup>th</sup> J.D. Case No. A-19-798928-C. Please note that during this agenda item the Board may adjourn the meeting and exclude the public for an attorney-client conference on existing litigation pursuant to NRS 241.015(3)(b)(2).
  23. Approval of 2020 Board Meeting Dates
  24. Discussion: How does the following law effect pharmacist working in pharmacy;

**NRS 608.019 Periods for meals and rest.**

1. An employer shall not employ an employee for a continuous period of 8 hours without permitting the employee to have a meal period of at least one-half hour. No period of less than 30 minutes interrupts a continuous period of work for the purposes of this subsection.
2. Every employer shall authorize and permit all his or her employees to take rest periods, which, insofar as practicable, shall be in the middle of each work period. The duration of the rest periods shall be based on the total hours worked daily at the rate of 10 minutes for each 4 hours or major fraction thereof. Rest periods need not be authorized however for employees whose total daily work time is less than 3 and one-half hours. Authorized rest periods shall be counted as hours worked, for which there shall be no deduction from wages.
3. This section does not apply to:
  - (a) Situations where only one person is employed at a particular place of employment.
  - (b) Employees included within the provisions of a collective bargaining agreement.

4. An employer may apply to the Labor Commissioner for an exemption from providing to all or to one or more defined categories of his or her employees one or more of the benefits conferred by this section. The Labor Commissioner may grant the exemption if the Labor Commissioner believes the employer has shown sufficient evidence that business necessity precludes providing such benefits. Any exemption so granted shall apply to members of either sex.

5. The Labor Commissioner may by regulation exempt a defined category of employers from providing to all or to one or more defined categories of their employees one or more of the benefits conferred by this section, upon the Labor Commissioner's own motion or upon the application of an association of employers. Each such application shall be considered at a hearing and may be granted if the Labor Commissioner finds that business necessity precludes providing that particular benefit or benefits to the employees affected. Any exemption so granted shall apply to members of either sex.

(Added to NRS by 1975, 1583; A 1977, 82)

Should standards be set for limits regarding pharmacist workload?  
**(FOR POSSIBLE ACTION)**

25. Date and Location of Next Scheduled Board Meeting:

October 9-10, 2019 – Las Vegas, Nevada

25. 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)

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 Shirley Hunting at (775) 850-1440, as soon as possible.

Supporting materials or additional information regarding the meeting may be obtained from Shirley Hunting at (775) 850-1440, email at [shunting@pharmacy.nv.gov](mailto:shunting@pharmacy.nv.gov) or 985 Damonte Ranch Parkway, Suite 206, Reno, Nevada, 89521.

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

This notice has been posted at the following locations and is available for viewing at [www.notice.nv.gov](http://www.notice.nv.gov) and [bop.nv.gov](http://bop.nv.gov).

Elko County Courthouse – Elko  
Washoe County Courthouse – Reno

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