



NEVADA STATE BOARD OF PHARMACY

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MINUTES

September 7-8, 2022

BOARD MEETING

The Nevada State Board of Pharmacy will conduct a meeting beginning Wednesday, September 7, 2022, at 9:00 am. The meeting will continue, Thursday, September 8, 2022, at 9:00 am if necessary or until the Board concludes its business. Pursuant to NRS 241.023(1)(c) the meeting is being conducted by means of remote technology. The public may attend the meeting via live stream remotely or at the following location:

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

Via Videoconference at Zoom: <https://zoom.us/j/5886256671>
or
Via Teleconference at 1 (669) 900-6833
Meeting ID: 588 625 6671

Board Members Present:

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

Board Staff Present:

Dave Wuest	Yenh Long	Shirley Hunting	Kristopher Mangosing
Brett Kandt	Peter Keegan	Darlene Nases	Courtney Lee
Joe Dodge	Leo Basch	Luis Curras	Dena McClish
Ken Scheuber	Sophia Long	Darla Zarley	

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.

Dave Wuest stated that this Board Meeting is being held over Zoom and is in compliance with the Governor's directive and Open Meeting Laws for Nevada.

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 September 7, 2022, 9:00 AM

Ken Kunke from the Nevada Society of Health Systems Pharmacist and the Nevada Pharmacy Alliance invites the public to attend their annual meeting on September 24 at Renown Health in Reno, Nevada from 8am-3pm. For more information, please visit the Nevada Pharmacy Alliance Website under “News & Events”.

◆ 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 the July 13-14, 2022, Meeting Minutes (**FOR POSSIBLE ACTION**)

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve July 13-14, 2022, Board Meeting minutes.

Second: Krystal Freitas

Action: Passed unanimously.

4. 4.1 Applications for Out-of-State Medical, Devices, Equipment and Gases License (NAC 639.6944) – Non-appearance (**FOR POSSIBLE ACTION**)

- A. Bigfoot Biomedical, Inc. – Milpitas, CA
- B. Edgepark Medical Supplies; Cardinal Health at Home – Cranbury, NJ
- C. Edgepark Medical Supplies; Cardinal Health – Durham, NC
- D. Edgepark Medical Supplies; Cardinal Health at Home – Elgin, IL
- E. Edgepark Medical Supplies; Cardinal Health at Home – Fort Worth, TX
- F. Edgepark Medical Supplies; Cardinal Health at Home – Jacksonville, FL
- G. Edgepark Medical Supplies; Cardinal Health at Home – Kansas City, MO
- H. Edgepark Medical Supplies; Cardinal Health at Home – Ontario, CA
- I. Edgepark Medical Supplies; Cardinal Health at Home – Portland, OR
- J. Edgepark Medical Supplies; Cardinal Health at Home – Twinsburg, OH
- K. Kestra Medical Technology Services, Inc. – Kirkland, WA
- L. Mendtronix, Inc. – Latrobe, PA
- M. Petersen Medical, St. George, UT

N. Preferred Homecare – Kingman, AZ

4.2 Applications for Out-of-State Wholesaler License (NRS 639.233) – Non-appearance (**FOR POSSIBLE ACTION**)

Background Check Not Required by Law.

4.2.1 Distributor for Single Manufacturer (NAC 639.593(7)(e))

4.2.2 Manufacturer (NAC 639.593(7)(d))

- O. ABB Optical Group – Alameda, CA
- P. Almatica Pharma, LLC – Morristown, NJ
- Q. CeQur Corp. – Greenville, SC
- R. Datascope Corp. – Wayne, NJ
- S. Edenbridge Pharmaceuticals, LLC – Parsippany, NJ
- T. Exela Pharma Sciences, LLC – Lenoir, NC
- U. Fisher & Paykel Healthcare Inc. – Irvine, CA
- V. Mycovia Pharmaceuticals, Inc – Durham, NC
- W. Novugen Pharma (USA) LLC – Princeton, NJ
- X. Oryza Pharmaceuticals, Inc. – Coral Springs, FL
- Y. Salus Medical LLC – Phoenix, AZ
- Z. Tulex Pharmaceuticals Inc. – Cranbury, NJ
- AA. Yaral Pharma Inc. – Parsippany, NJ

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

- BB. Outlook Therapeutics, Inc. – Iselin, NJ
- CC. Pharmacyclics, LLC – North Chicago, IL

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

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

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

- DD. Alexion Pharmaceuticals, Inc. – New Haven, CT
- EE. AtriCure, Inc. – Mason, OH
- FF. Biofrontera Inc. – Woburn, MA
- GG. ImmunoGen, Inc. – Waltham, MA

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

4.2.7 Background checks completed in compliance with NRS 639.500.

HH. ABB Optical Group – Coral Springs, FL

- II. ABB Optical Group – Hawthorne, NY
- JJ. DHL Supply Chain (USA) – Memphis, TN
- KK. Direct Customer Solutions, LLC – Bells, TN
- LL. HHCRX – Cincinnati, OH
- MM. KARES Enterprises – Duarte, CA

4.3 Applications for Nevada Wholesaler License (NRS 639.233) – Non-Appearance
(FOR POSSIBLE ACTION)

- NN. Accelerated Care Plus Leasing, Inc. – Reno, NV - Background Check Not Required – Publicly Traded (NAC 639.593 (7)(a))
- OO. Innovative Neurotronics, Inc. – Reno, NV - Background Check Not Required – Publicly Traded (NAC 639.593 (7)(a))

4.4 Application for Nevada Pharmacy License (NRS 639.230) – Non-appearance
(FOR POSSIBLE ACTION)

- PP. 986 LTC Pharmacy – Las Vegas, NV
- QQ. Humboldt County General Hospital Pharmacy – Winnemucca, NV
- RR. Nevada Health Centers Pharmacy – Elko – Elko, NV

4.5 Application for Out-of-State Pharmacy License (NRS 639.2328) – Non-appearance
(FOR POSSIBLE ACTION)

- SS. Perigon Pharmacy 360 – Coraopolis, PA
- TT. Valley Vet Supply – Marysville, KS

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the Consent Agenda.

Second: Jade Jacobo

Action: Passed unanimously.

◆ REGULAR AGENDA ◆

5. Disciplinary hearings pursuant to NRS 639.247. **(FOR POSSIBLE ACTION)**

- A. Richard Teh, MD (20-021-CS-A-B-S)
- B. Cynthia Teh, MD (20-021-CS-C-S)

Crane Pomerantz appeared as counsel on behalf of Richard and Cynthia Teh.

Richard Teh and Cynthia Teh appeared and were sworn in by President Park prior to answering questions and offering testimony.

Courtney Lee, General Counsel for the Nevada Board of Pharmacy, prosecuted the case regarding unlawful prescribing of controlled substances while out of the country.

Ms. Lee presented a proposed Stipulation and Order for the Board's consideration with the following updates: 1) modify paragraph 9B on page 3 to change "Teh 1 to Teh 2" and change the pronouns to "she"; 2) modify page 4 to remove an extra space in paragraph 12; and 3) complete language change to paragraph 14 that Ms. Lee read into the record.

The penalties for Respondent Richard Teh ("Teh 1") Certificate of Registration Nos. CS19708 and CS31633 are the following: 1) the suspension is stayed and is placed on probation for a period of two years; 2) accept this Stipulation and Order as a public reprimand; 3) pay a fine of \$4,000; 4) pay attorney's fees and costs of \$2,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; and 5) comply with all federal and state statutes and regulations regarding controlled substances and dangerous drugs, and have no additional charges filed against him whole on probation.

The penalties for Respondent Cynthia Teh ("Teh 2") Certificate of Registration No. CS09236 is the following: 1) the suspension is stayed and is placed on probation for a period of two years; 2) accept this Stipulation and Order as a public reprimand; 3) pay a fine of \$4,000; 4) pay attorney's fees and costs of \$2,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; and 5) comply with all federal and state statutes and regulations regarding controlled substances and dangerous drugs, and have no additional charges filed against her whole on probation.

In addition, the Board shall conduct scheduled quarterly inspections of Respondents' practice for a period of 12 months from the effective date of the Order, and Respondents shall bear and reimburse the Board for inspection costs in the amount not to exceed \$500 per quarterly inspections.

Richard and Cynthia Teh commented to the Board that they made mistakes and apologized for their errors.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the proposed Stipulation and Order with the proposed changes by Ms. Lee.

Second: Rolf Zakariassen

Action: Passed unanimously.

C. Ann Childress, MD

(20-250-CS-S)(20-250-PD-S)

Joseph Reynolds appeared as counsel on behalf of Ann Childress.

Ann Childress appeared and was sworn in by President Park prior to answering questions and offering testimony.

Courtney Lee prosecuted the case regarding Ms. Childress dispensing clinical study medication consisting of controlled substances and dangerous drugs without a valid practitioner dispensing registration.

Ms. Lee presented a proposed Stipulation and Order for the Board’s consideration.

The penalties for Respondent Childress are the following: 1) pay a fine of \$5,000; 2) pay attorney’s fees and costs of \$500 to partially reimburse the Board for recoverable attorney’s fees and costs incurred in investigating and prosecuting this matter.

Ms. Lee clarified paragraph 7 is one singular violation.

Ms. Childress provided testimony to the Board on the events that occurred with this issue.

Board discussion ensued.

Mr. Reynolds would consider a more lenient discipline for Ms. Childress at the Board’s consideration.

Mr. Reynolds requested Board to continue with the proposed Stipulation and Order presented by Ms. Lee.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the proposed Stipulation and Order for Ann Childress.

Second: Krystal Freitas

Aye: Park, Jacobo, Freitas, Mitchell, Zakariassen

Nay: Tejero, Tomasso

Action: Motion carries.

D. Christopher Olsen, RPH

(21-171-RPH-N)

E. Olsen’s Corner Drug Store Compounding Center

(21-171-PH-N)

Gil Khan appeared as counsel on behalf of the respondents.

Christopher Olsen appeared and was sworn in by President Park prior to answering questions and offering testimony.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the case regarding Mr. Olsen failing to maintain accurate and complete records for controlled substance inventories for Olsen's Corner Drug Store Compounding Center.

Mr. Kandt wanted to clarify that the Notice of Intended Action and Accusation should list pharmacy license no. PH01913 not PH03816. Pharmacy License No. PH01913 had the change of ownership approved 4/15/21, and Pharmacy License No. PH03186 ceased all operations.

Mr. Kandt presented a Stipulation and Order for the Board's consideration with a change to the pharmacy license number – PH01913.

The penalties for Christopher Olsen Certificate of Registration No. 11156 are the following: 1) the revocation is stayed and placed on probation for a period of five years; 2) Respondent Olsen may not work as a managing pharmacist for any pharmacy licensed by the Board or hold an ownership interest in any pharmacy licensed by the Board; 2) pay a fine of \$5,000 3) pay attorney's fees and costs of \$500 to partially reimburse the Board for reasonable attorney's fees and recoverable costs incurred in investigating this matter. Upon successful completion of probation, Respondent's Certificate of Registration No. 11156 will be fully restored.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the proposed Stipulation and Order for Christopher Olsen and Olsen's Corner Drug Store Compounding Center with the corrected pharmacy license no. PH01913.

Second: Rolf Zakariassen

Action: Passed unanimously.

F. Morton Hyson, MD

(22-146-CS-S)

No representative was present on behalf of Morton Hyson.

Peter Keegan prosecuted the case regarding Dr. Hyson's license being suspended by the Nevada State Board of Medical Examiners (NSBME) for violations of NRS Chapter 630.

Mr. Keegan presented a Stipulation and Order for the Board's consideration with updates to page 2, paragraph 7 with it to reflect item "C" since "B" is listed twice.

The penalties for Respondent Hyson's Certificate of Registration No. CS05851 are the following: 1) suspension of his controlled substance registration until Dr. Hyson demonstrates reinstatement of his Nevada Medical License No. 6020; 2) pay attorney's fees and costs of \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Mr. Keegan clarified that Dr. Hyson no longer qualifies to hold a controlled substance license since his medical license was suspended.

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve Stipulation and Order for Dr. Morton Hyson with changes presented by Mr. Keegan.

Second: Jade Jacobo

Action: Passed unanimously.

G. Wesley Robertson, MD (21-063-CS-S)

This matter was continued to a future Board Meeting.

H. Richard Washinsky, MD - Second Order to Show Cause (22-094-CS-S)

No representative was present on behalf of Richard Washinsky.

Brett Kandt prosecuted the case regarding Dr. Washinsky's Second Order to Show Cause where he prescribed controlled substances on a suspended registration in violation of the previous Orders.

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

The penalties for Respondent Washinsky's Certificate of Registration No. CS06491 are the following: 1) revocation of his controlled substance registration; 2) respondent may not possess, administer, prescribe or dispense a controlled substance until he has petitioned the Board for reinstatement; 3) respondent may not petition for reinstatement of his certificate of registration for a period of five years from the effective date of this Order; 4) In the event, the respondent applies for reinstatement of his certificate of registration, or applies for any other certificate, license or permit with the Board, he shall appear before the Board.

Mr. Kandt commented that previous counsel entered a withdrawal of representation, and he was working with Dr. Washinsky directly on this matter who accepts the terms.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve Stipulation and Order for the Second Order to Show Cause for Dr. Richard Washinsky.

Second: Jade Jacobo

Action: Passed unanimously.

I. Stephen Dubin, MD

(20-020-S)

Crane Pomerantz appeared as counsel on behalf of Dr. Stephen Dubin.

Stephen Dubin appeared and was sworn in by President Park prior to answering questions and offering testimony.

The Board heard part 1 of this case on December 1, 2021. The matter was continued to today's hearing due to scheduling conflicts. Courtney Lee prosecuted the case regarding Dr. Dubin unlawfully prescribing controlled substances while out of the country.

Ms. Lee presented a list of Stipulated Facts on page 1766 of the Board book that counsel for Dubin previously agreed.

Ms. Lee re-called Mary Allen Domondon as a witness.

Mary Allen Domondon appeared and was sworn in by President Park prior to answering questions and offering testimony.

Ms. Lee questioned Ms. Domondon.

Mr. Pomerantz cross-examined Ms. Domondon.

Ms. Lee re-crossed Ms. Domondon.

Ms. Lee called Stephen Dubin as a witness.

Ms. Lee questioned Dr. Dubin.

Ms. Lee requested public records of Dr. Dubin's previous suspension/revocation of his medical license be entered into the record as Exhibit 11.

Mr. Pomerantz objected to the exhibit as it is not related to this issue.

President Park denied exhibit due to the age of the disciplinary action and would only consider actions taken within the past five years.

Mr. Pomerantz cross-examined Dr. Dubin.

Mr. Pomerantz requested Exhibits 11-15 be entered into the record.

Ms. Lee objects to Exhibit 13 being entered as lacking foundation (no assurance of authenticity and or modification) and is not the best evidence (the medical records themselves are the best evidence).

President Park entered Exhibits 11-15 into the record.

Mr. Pomerantz questioned Dr. Dubin on Exhibits 11-15.

Ms. Lee re-crossed Dr. Dubin.

Ms. Lee provided a closing statement regarding Dr. Dubin, as the only medical director, should have properly supervised or been aware of his staff's actions. Also, Dr. Dubin did not establish a bona fide therapeutic relationship with some of his patients or follow the laws for emergency CII prescriptions.

Mr. Pomerantz provided a closing statement regarding Dr. Dubin was not aware that the prescriptions were being filled and believes there is a lack of evidence to charge him.

Board discussion ensued.

Peter Keegan read the Causes of Action into the record.

Ms. Lee requested the Board to find the Findings of Fact consistent with paragraphs 2-3, 5-13, and the entirety of the Stipulated Facts.

Board Action:

Motion: Jade Jacobo moved to make Findings of Fact consistent with paragraphs 2-3, 5-13 of the Notice of Intended Action and Accusation and the entirety of the Stipulated Facts.

Second: President Park

Board discussion ensued.

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

Nay: Tejero

Action: Motion Carries.

Board Action:

Motion: Jade Jacobo moved to find that the Board has jurisdiction over this matter consistent with paragraph 1.

Second: Wayne Mitchell

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to find Dr. Dubin not guilty of the First Cause of Action.

Second: Gener Tejero

Gener Tejero withdraws his second motion.

Second: Richard Tomasso

Board discussion ensued.

Aye: Tomasso, Jacobo

Nay: Park, Freitas, Mitchell, Tejero, Zakariassen

Action: Motion fails.

Board Action:

Motion: Jade Jacobo moved to find Dr. Dubin not guilty of the Second Cause of Action.

Second: Gener Tejero

Board discussion ensued.

Aye: Park, Jacobo, Freitas, Tomasso, Tejero

Nay: Mitchell, Zakariassen

Action: Motion carries.

Board Action:

Motion: Jade Jacobo moved to find Dr. Dubin guilty of the Third Cause of Action.

Second: Wayne Mitchell

Board discussion ensued.

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

Nay: Tomasso

Action: Motion carries.

Board Action:

Motion: Jade Jacobo moved to find Dr. Dubin guilty of the Fourth Cause of Action.

Second: President Park

Board discussion ensued.

Aye: Park, Jacobo, Freitas, Mitchell, Zakariassen

Nay: Tomasso, Tejero

Action: Motion carries.

Board Action:

Motion: President Park moved to find Dr. Dubin guilty of the First Cause of Action.

Second: Gener Tejero

Board discussion ensued.

Aye: Park, Freitas, Tejero, Mitchell, Zakariassen

Nay: Tomasso, Jacobo

Action: Motion carries.

Ms. Lee requested the Board to enter the attorney's fees and cost as Exhibit 15.

President Park entered into the record as Exhibit 15.

Board Action:

Motion: President Park moved to award the attorney's fees and costs of \$3,834.50 on the basis that they were reasonable, necessary, and actually incurred.

Second: Jade Jacobo

Action: Passed unanimously.

Ms. Lee proposed the following penalties for Dr. Dubin's Certificate of Registration No. CS19164: 1) suspension is stayed immediately and Dr. Dubin be placed on probation for two years from the date of the Order; 2) pay a fine of \$5,000 within 30 days; 3) pay the attorney's fees and costs of \$3,834.50 on the basis that they were reasonable, necessary and actually incurred; 4) complete four additional continuing education (CE) courses relating to proper prescribing of controlled substances.

Dave Wuest, Executive Secretary of the Nevada Board of Pharmacy, recommended that Dr. Dubin meet with the Darla Zarley and Joe Dodge who can train him over the PMP and how to properly prescribe.

Mr. Pomerantz requested the Board consider a fine of \$1,000 rather than \$5,000.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to make the following penalties for Dr. Dubin's Certificate of Registration No. CS19164: 1) placed on probation for two years; 2) one hour of training with Darla Zarley on the PMP and one hour of training with Joe Dodge on proper prescribing of controlled substances; 3) additional four hours of CE's on proper controlled substance prescribing; 4) pay a fine of \$5,000 with a payment plan agreed upon by Board staff; 5) pay the attorney's fees and costs of \$3,834.50 on the basis that they were reasonable, necessary and actually incurred with a payment plan agreed upon by Board staff, effective immediately.

Second: Rolf Zakariassen

Aye: Park, Jacobo, Freitas, Mitchell, Zakariassen

Nay: Tejero, Tomasso

Action: Motion carries.

J. Abdel Khalek, MD	(19-003-CS-A-S)
K. Robert Chancellor, MD	(19-003-CS-B-S)
L. Lindsay Hoffman, PA-C	(19-003-CS-C-S)

These matters were continued to a future Board meeting.

6. Appeal hearing pursuant to NRS 639.2895(2) -Appearance:(**FOR POSSIBLE ACTION**)

Vinay Bararia, MD (19-003-S)

This matter was continued to a future Board meeting.

Public Comment September 8, 2022, 5:00 PM

There was no public comment.

President Park recessed the meeting for the night and reconvened the meeting the next morning.

Board Members Present:

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

Board Staff Present:

Dave Wuest	Yenh Long	Shirley Hunting	Kristopher Mangosing
Brett Kandt	Peter Keegan	Darlene Nases	Courtney Lee
Joe Dodge	Leo Basch	Luis Curras	Ken Scheuber
Homa Woodrum			

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.

Dave Wuest stated that this Board Meeting is being held over Zoom and is in compliance with the Governor's directive and Open Meeting Laws for Nevada.

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.

Public Comment September 7, 2022, 9:00 AM

Ken Kunke from the Nevada Society of Health Systems Pharmacist and the Nevada Pharmacy Alliance invites the public to attend their annual meeting on September 24 at Renown Health in Reno, Nevada from 8am-3pm. For more information, please visit the Nevada Pharmacy Alliance Website under "News & Events".

◆ PUBLIC HEARING ◆

Thursday September 8, 2022 – 9:00 am

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

(FOR POSSIBLE ACTION):

- A. **Amendment to Nevada Administrative Code (NAC) 639.** The proposed amendments relate to licensing and regulation of Medical Products Wholesalers as Wholesalers in order to conform the requirements of existing law. (LCB File No. R085-22)

Peter Keegan provided background on public hearing item and proposed language changes.

President Park opened the floor to public comment.

There was no public comment.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to adopt the proposed Amendment to NAC 639 (LCB File No. R085-22) with conforming amendments.

Second: Wayne Mitchell

Action: Passed unanimously.

- B. **Amendment to Nevada Administrative Code (NAC) 453.** The proposed amendments relate to controlled substances, provide for the registration of a law enforcement officer engaged in training a canine in drug detection, and add methoxetamine to the controlled substances listed in Schedule I. (LCB File No. R050-22)

Dave Wuest provided background on public hearing item and proposed language changes.

President Park opened the floor to public comment.

There was no public comment.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to adopt Amendment to NAC 453 (LCB File No. R050-22).

Second: Krystal Freitas

Action: Passed unanimously.

- C. **Amendment of Nevada Administrative Code (NAC) 453.540: Schedule IV.** The proposed amendment to NAC 453.540 will add daridorexant to the list of controlled substances listed in Schedule IV. (LCB File No. R170-22)

Yenh Long, Deputy Secretary of the Nevada Board of Pharmacy, provided background on public hearing item and proposed language changes.

President Park opened the floor to public comment.

There was no public comment.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to adopt Amendment to NAC 453.540 (LCB File No. R170-22).

Second: Rolf Zakariassen

Action: Passed unanimously.

◆ REGULAR AGENDA ◆

19. Discussion and Possible Action on Adoption of Emergency Regulation pursuant to NRS 233B.0613 to amend NAC 639.250 relating to the number of pharmaceutical technicians and pharmaceutical technicians in training that a pharmacist may supervise at one time. **(FOR POSSIBLE ACTION)**

Lorri Walmsley, Walgreen's Director of Pharmacy Affairs, requested the Nevada Board of Pharmacy to consider an emergency regulation relating to the number of pharmaceutical technicians and pharmaceutical technicians in training that a pharmacist can supervise at one time.

Dave Wuest provided background on emergency regulation request to the Board.

Ms. Walmsley is in support of this emergency regulation request as it will help pharmacist with their workload and alleviate some stress for staff.

Mr. Wuest commented that several letters of support of this emergency regulation request were received and available for the public to review.

President Park opened the floor to public comment.

Liz McMnamin from the Retail Association of Nevada expressed support of this emergency regulation request. She commented that patient demand is greater due to COVID, and she would like this regulation to become permanent.

Holly Privo, Health Supervisor of Walgreens for Las Vegas, expressed support of this emergency regulation request. She commented that pharmaceutical technicians doing certain tasks allows the pharmacist to work on other things, and she received a lot of feedback from pharmacist when the emergency regulation expired.

Reyshelle Tucker, Pharmacist from Walgreens, expressed support of this emergency regulation request. She commented that it allows pharmaceutical technicians to take on certain tasks so that pharmacist can focus on other things.

Melissa Shake, Pharmacist from Walgreens, expressed support of this emergency regulation request. She commented that the limited capacity is hindering care for the public and supervising pharmaceutical technicians and pharmaceutical technicians in training ratios is an extra stressor to her duties.

Board discussion ensued.

Catherine Leiana Oswald, Pharmacist, encouraged Board consider the public safety if this emergency regulation is passed rather than the ease of work.

Jennifer Lindgren, Pharmacist, supported President Park and Ms. Oswald's testimony and is not in favor of the emergency regulation request.

Kelsey Maxim, Pharmacist from Community Health Alliance, is not in support of the emergency regulation request.

Lauren Paul from CVS Health commented that the increased ratio did not increase errors during the pandemic. Therefore, she is in support of the emergency regulation request and commented that the waiver to increase ratio during pandemic.

Achille Tiam, Pharmacist, expressed support of the emergency regulation request. He commented that this will allow him to focus on more clinical tasks for his patients.

Jennifer Wheeler, Chief Medical Officer from Community Health Alliance and represents ASHP Community Retail Pharmacy Committee, commented that she is not in favor of the emergency regulation request and stated in her experience with pharmacies that they need more pharmacist not pharmaceutical technicians.

Mary Grear, Pharmacist, is not in favor of the emergency regulation request. Pharmacies should hire more pharmacist and not pharmaceutical technicians.

Board discussion ensued.

Board Action:

Motion: President Park moved to deny adoption of Emergency Regulation pursuant to NRS 233B.0613 to amend NAC 639.250 relating to the number of pharmaceutical technicians and pharmaceutical technicians in training that a pharmacist may supervise at one time as there is no emergency.

Second: Gener Tejero

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

Nay: Jacobo

Action: Motion carries.

Dave Wuest commented that he will agendize a discussion regarding pharmaceutical technician ratio on a future meeting.

5. Disciplinary hearings pursuant to NRS 639.247. **(FOR POSSIBLE ACTION)**

Q. David Edwards, MD

(22-133-CS-N)

David Edwards appeared and was sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan prosecuted the case regarding Dr. Edwards prescribing controlled substances with an expired controlled substance registration.

Mr. Keegan proposed a Stipulation and Order for the Board's consideration.

The penalties for Respondent Edwards Certificate of Registration No. CS01332 are the following: 1) pay a fine of \$5,000; 2) pay attorney's fees and costs of \$500 to partially reimburse the Board for recoverable attorney's fees and costs in investigating and prosecuting this matter.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Stipulation and Order for Dr. David Edwards.

Second: Rolf Zakariassen

Action: Passed unanimously.

14. Applications for Controlled Substance Registration (NRS 453.226) – Appearance
(FOR POSSIBLE ACTION)

A. David Edwards

Dr. David Edwards would like to withdraw his controlled substance application.

Dave Wuest explained that Dr. Edwards will not be able to hold a DEA if he does not have a controlled substance registration.

Dr. Edwards rescinded his withdrawal of his controlled substance application.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve controlled substance registration for Dr. David Edwards.

Second: Wayne Mitchell

Action: Passed unanimously.

5. Disciplinary hearings pursuant to NRS 639.247. **(FOR POSSIBLE ACTION)**

R. Graham Simpson, MD

(22-199-CS-S)

Graham Simpson appeared and was sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan prosecuted the case regarding Dr. Simpson prescribing controlled substances with an expired controlled substance registration.

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

The penalties for Respondent Simpson's Certificate of Registration No. CS01982 are the following: 1) pay a fine of \$10,000; 2) pay attorney's fees and costs of \$750 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Dr. Simpson provided testimony on the events that occurred with this issue and has concerns with the question on the controlled substance application stating, "Have you been the subject of a board citation or an administrative action whether completed or pending in any state?". He requests clarification on what Board that they are referring to.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Stipulation and Order for Dr. Graham Simpson.

Second: Wayne Mitchell

Action: Passed unanimously.

14. Applications for Controlled Substance Registration (NRS 453.226) – Appearance
(FOR POSSIBLE ACTION)

B. Graham Simpson

Board Action:

Motion: Jade Jacobo moved to approve controlled substance registration for Dr. Graham Simpson.

Second: Wayne Mitchell

Board discussion ensued.

Action: Passed unanimously.

5. Disciplinary hearings pursuant to NRS 639.247. **(FOR POSSIBLE ACTION)**

M. Sherman Washington, MD (21-104-CS-N)
P. Sherman Washington, MD (19-243-CS-S)

Michael Mee appeared as counsel on behalf of Dr. Sherman Washington.

Dr. Sherman Washington was not present for the hearing.

Brett Kandt made an opening statement on the charges that Dr. Washington unlawfully prescribed controlled substances, was disciplined by the Nevada State Board of Medical Examiners for violations related to drugs and failed to disclose discipline by other jurisdictions on his pending controlled substance applications and his 2020 renewal application for Controlled Substance Registration No. CS24310.

Mr. Kandt presented a proposed stipulation and order for the Board's consideration.

Sherman Washington, Certificate of Registration No. CS24310, stipulates to the following penalties: 1) revocation of registration; 2) respondent may not petition for reinstatement for 2 years; 3) fine of \$5,000; 4) \$600 attorney's fees and costs for case 19-243-CS-S; and 5) \$4,000 attorney's fees and costs for case 21-104-CS-N.

Board discussion ensued.

Board Action:

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

Second: Wayne Mitchell

Action: Passed unanimously.

14. Applications for Controlled Substance Registration (NRS 453.226) – Appearance
(FOR POSSIBLE ACTION)

- E. Sherman Washington - Iuventus Medical Center – Las Vegas, NV
- F. Sherman Washington - Iuventus Medical Center – Las Vegas, NV

Dr. Sherman Washington has withdrawn both controlled substance applications.

17. Applications for Intern Pharmacist Registration– Appearance. **(FOR POSSIBLE ACTION)**

Tyler Hill

Lyn Beggs appeared as counsel on behalf of Tyler Hill.

Tyler Hill appeared and was sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest provided background on appearance.

President Park disclosed that she knows Tyler Hill due to her previous employment with Roseman University but stated that she could participate in this matter fairly and without bias.

Ms. Beggs provided background on discipline charges against Mr. Hill.

President Park requested assurances from Mr. Hill that his discipline history will not be an issue with his future practice.

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

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve Intern Pharmacist Registration for Tyler Hill pending favorable evaluation.

Second: Jade Jacobo

Action: Passed unanimously.

12. Applications for Pharmaceutical Technician in Training Registration (NAC 639.242) – Appearance. **(FOR POSSIBLE ACTION)**

James Taylor

James Taylor appeared and was sworn in by President Park prior to answering questions and offering testimony.

Yenh Long provided background on application and disclosures.

Richard Tomasso was excused from the meeting at 11:53 AM and returned at 11:54 AM.

Mr. Taylor explained the events that occurred with his disclosures regarding stolen property and theft.

The Board questioned Mr. Taylor on why he wants to be pharmacy technician, the discipline charges against him, and what he has been doing since his disclosures.

Mr. Taylor answered the Board's questions.

Board discussion ensued as they have concerns with approving his application.

President Park offered Mr. Taylor an opportunity to withdraw his application.

Mr. Taylor withdrew his application.

5. Disciplinary hearings pursuant to NRS 639.247. **(FOR POSSIBLE ACTION)**

N. Las Vegas Scripts Rx	(19-243-PH-S)
O. Nathan Edouard, RPH	(19-243-RPH-S)

Chandon Alexander appeared as counsel on behalf of Respondents Las Vegas Scripts Rx and Nathan Edouard, RPH.

Nathan Edouard appeared and was sworn in by President Park prior to answering questions and offering testimony.

Courtney Lee prosecuted the case and read into the record the Stipulated Facts with the following amendments: deletion of paragraphs 6A, 6C, and 6E and modification of language to paragraph 6B as presented.

Mr. Alexander provided background on the allegations and requested the Board to enter Exhibit 9 which are CE's and Exhibit 10 which are letters of recommendation into the record.

President Park admitted Exhibit 9-10 into the record.

Mr. Alexander started providing testimony on the issue.

Ms. Lee objects to counsel's statements to the extent that counsel is testifying on facts and exhibits that were already stipulated. Counsel has agreed that the facts and exhibits support certain violations, and that the only consideration for the Board is the conditions/penalties or discipline.

President Park sustained objection.

Ms. Lee requested the Board to make Conclusions of Law consistent with paragraphs 7-21 and to dismiss Count Three (paragraph 18) and Count Five (paragraph 20) of the Notice of Intended Action and Accusation.

Yenh Long has concerns based on testimony provided by Mr. Alexander if Count Three (paragraph 18) should be dismissed and the process if it was stipulated.

Homa Woodrum, Senior Deputy Attorney General for the Attorney General's Office (AGO), provided counsel to Board staff.

Board discussion ensued.

Ms. Lee requested revision to Count Three to reference law NAC 639.712 instead of NAC 639.707.

Ms. Long read NAC 639.712 into the record.

Mr. Alexander agreed to not dismiss Count Three in the Notice of Intended Action and Accusation and accepted Board staff to revise the violation of law from NAC 639.707 to NAC 639.712.

Ms. Lee requested the Board to make Conclusions of Law consistent with paragraphs 7-21 and to dismiss Count Five (paragraph 20) and the revision of Count Three in the Notice of Intended Action and Accusation.

Board Action:

Motion: Jade Jacobo moved to make Conclusions of Law consistent with paragraphs 7-21 and to dismiss Count Five (paragraph 20) and the revision of Count Three as proposed by Ms. Lee in the Notice of Intended Action and Accusation.

Second: Krystal Freitas

Action: Passed unanimously.

Ms. Lee requested the Board to enter the attorney's fees and cost as Exhibit 11.

President Park admitted Exhibit 11 into the record.

Board Action:

Motion: Jade Jacobo moved to award the attorney's fees and costs of \$940.50 on the basis that they were reasonable, necessary, and actually incurred.

Second: Krystal Freitas

Action: Passed unanimously.

Ms. Lee proposed the following penalties for Las Vegas Scripts Rx Pharmacy License No. PH03930: 1) revocation (effective immediately) and is unable to petition for re-instatement for two years; 2) pay a fine of \$10,000; 3) pay attorney's fees and costs of \$940.50 for investigating and prosecuting this matter; and 4) discipline is reportable to the National Practitioner Data Bank.

Mr. Alexander thinks that revocation of the license is severe and recommends only a fine or additional CE's.

Board discussion ensued.

Ms. Woodrum advised that there was no motion to enter the Stipulated Facts into the record.

Board Action:

Motion: Jade Jacobo moved to find that the Board has jurisdiction consistent with paragraph 1 of the Notice of Intended Action and Accusation.

Second: President Park

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to adopt the Stipulated Facts and the Facts consistent with paragraphs 2-5, 6B, and 6D of the Accusation.

Second: Gener Tejero

Action: Passed unanimously.

Board discussion ensued on potential penalties for respondents.

Joe Dodge, Investigator for the Nevada Board of Pharmacy, provided testimony that Board has inspected pharmacy and if any issues were found that they would have been brought to Board's attention.

Ms. Lee proposed the following penalties for Nathan Edouard Certificate of Registration No. 19462: 1) revocation effective immediately and placed on probation for two years, 2) pay a fine of \$5,000; 3) pay attorney's fees and costs of \$900 investigating and prosecuting this matter; and 5) discipline is reportable to the National Practitioner Data Bank.

Mr. Edouard provided testimony to the Board and apologized for his errors.

Mr. Alexander commented that the revocation is too severe and suggested that the revocation be stayed for Mr. Edouard.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the following penalties for Nathan Edouard Certificate of Registration No. 19462: 1) revocation which is immediately stayed and placed on probation for five years; 2) may not be a managing pharmacist for two years; 3) pay a fine of \$5,000; 4) pay \$900 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; 5) attend two discipline days for Board Meetings within one year.

Second: Jade Jacobo

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to approve the following penalties for Las Vegas Scripts Rx Pharmacy License No. PH03930: 1) quarterly inspections at the owner's expense for two years; 2) revocation (which is immediately stayed) and on probation for two years; 3) compounding training for all registered pharmacist(s) who compound within six months (Board staff to approve); 4) pay a fine of

\$10,000; 5) pay \$940.50 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Second: Rolf Zakariassen

Action: Passed unanimously.

8. Applications for Nevada Pharmacy License (NRS 639.2328) – Appearance (**FOR POSSIBLE ACTION**)

CrowdRx – Black Rock City, NV

Juliana Zschoche, Registered Pharmacist, and Connor Fitzpatrick, Executive Director, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest provided background on application.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Nevada Pharmacy License for CrowdRx.

Second: Krystal Freitas

Action: Passed unanimously.

11. Application for Ambulatory Surgery Center License (NAC 639.4992) - Appearance (**FOR POSSIBLE ACTION**)

A. Elko Community Health Center, LLC – Elko, NV

Kevin Brown (Administrator), David Lutz (Managing Director), Andrea Haslehurst (Operating Room Officer), Mary Gear (Contracted Pharmacist), and Jarrett Portz (Managing Partner) appeared and were sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest commented that a temporary license was provided, but they are not operating.

Yenh Long provided background on application and disclosures for Mr. Portz regarding pending lawsuits for an architecture firm seeking recovery fees for an abandonment of a job and fraudulent statements for a company that he invested in.

The Board questioned on the business model of the company.

Mr. Lutz answered to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Ambulatory Surgery Center License for Elko Community Health Center.

Second: President Park

Action: Passed unanimously.

B. Silver State Surgery Center West LLC – Las Vegas, NV

President Park commented that Mary Grear (Contracted Pharmacist) is still sworn in from a previous matter.

Selaiman Noori (Co-Owner), Rolonda Johnson (Coordinator), and Mallory Martin (Director of Nursing) appeared and were sworn in by President Park prior to answering questions and offering testimony.

Yenh Long provided background on the application and a disclosure regarding a DUI for Mr. Noori.

Mr. Noori provided background on the events that occurred with his disclosure.

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve the change of ownership for Silver State Surgery Center West LLC.

Second: Jade Jacobo

Action: Passed unanimously.

7. Application for Nevada Compounding Pharmacy License (NRS 639.230) – Appearance (**FOR POSSIBLE ACTION**)

A. American Wellness Pharmacy – Las Vegas, NV

George Maiorano, Co-Owner, and Eytan Klepach, Co-Owner, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge provided background on change of ownership application.

Mr. Dodge wanted clarification from Mr. Maiorano on if they intend to do sterile compounding or if they would like the affidavit removed.

Mr. Maiorano requested that the affidavit be removed from the application.

Mr. Dodge questioned on the change of ownership, any changes in processes, location of the pharmacy, and Mr. Klepach's work history.

Mr. Maiorano and Mr. Klepach answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve the change of ownership and name change for American Wellness Pharmacy.

Second: Jade Jacobo

Action: Passed unanimously.

B. Capsules Rx LLC – Las Vegas, NV

President Park disclosed that she knows Mouna Mazloumi and Ani Avetyan due to her previous employment with Roseman University but stated that she could participate in this matter fairly and without bias.

Krystal Freitas disclosed that she worked with Mouna Mazloumi at her previous employment but stated that she could participate in this matter fairly and without bias.

Mouna Mazloumi and Ani Avetyan appeared and were sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge provided background on application and questioned on the business model and their experience with non-sterile compounding.

Mr. Dodge has concerns that their knowledge of non-sterile compounding is still new.

Ms. Mazloumi and Ms. Avetyan request that they go forward with the application to only do retail pharmacy and will work to get approval to do non-sterile compounding later.

The Board questioned on the business model, their experience as managing pharmacist, and their past work history.

Ms. Mazlouni and Ms. Avetyan answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Nevada Pharmacy License for Capsules Rx LLC pending updated application to remove the service of non-sterile compounding, quarterly inspections at the owner's expense for one year, and a favorable inspection.

Second: Krystal Freitas

Action: Passed unanimously.

C. Indigo Pharmaceutical LLC – Las Vegas, NV

President Park disclosed that she knows Eric Sparks due to her previous employment with Roseman University but stated that she could participate in this matter fairly and without bias.

Eric Sparks, Managing Pharmacist, and Sima Koegel, Owner, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge provided background on application and wanted clarification on if they intend to do sterile compounding and if they would like the affidavit removed.

Mr. Sparks would like the affidavit removed.

Joe Dodge questioned the business model, products being shipped, and Mr. Sparks past work history with compounding.

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

Mr. Dodge is comfortable with Mr. Sparks experience with compounding experience.

Mr. Dodge questioned Ms. Koegel on her experience with pharmacy and what her role for the pharmacy will be.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Nevada Compounding Pharmacy License for Indigo Pharmaceutical LLC.

Second: Krystal Freitas

Action: Passed unanimously.

Mr. Sparks requested the Board for a temporary license, so he can start the pharmacy.

Dave Wuest commented that he can call the Nevada Board of Pharmacy and discuss with him.

D. KabaFusion NV – Henderson, NV

Gener Tejero recused himself since he was a previous owner of KabaFusion NV.

Smita Njeru (Vice President of Regulatory and Licensing), Felicia Vargo-Johnson (Paralegal), Tina Benkendorfer (Pharmacist and Chief Operating Officer), Jennifer Lindgren (Managing Pharmacist), Tamara Boshans, Pharmacist and Regional Vice President of Operations, appeared and were sworn in by President Park prior to answering questions and offering testimony.

President Park disclosed that she knows Jennifer Lindgren due to her previous employment with Roseman University but stated that she could participate in this matter fairly and without bias.

Joe Dodge provided background on the application and wanted clarification if the Managing Pharmacist has changed.

Ms. Lindgren commented that the Managing Pharmacist has changed an updated application was sent back in June.

Mr. Dodge questioned on the business model, services that they will provide, and Ms. Lindgren's experience with compounding.

Ms. Benkendorfer and Ms. Lindgren answered questions to the Board's satisfaction.

Mr. Dodge feels comfortable with the application.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve change of ownership for KabaFusion NV.

Second: Wayne Mitchell

Action: Passed unanimously.

G. Monicos Pharmacy, LLC – Las Vegas, NV

Jade Jacobo disclosed that she is friends with Adebola Durosawo but stated that she could participate in this matter fairly and without bias.

President Park disclosed that she knows Adebola Durosawo due to her previous employment with Roseman University but stated that she could participate in this matter fairly and without bias.

Adebola Durosawo, Co-Owner and Managing Pharmacist, and Elaine Robles, Co-Owner, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge provided background on application.

Mr. Dodge questioned on the change of ownership, any staffing changes, and products that they plan to compound.

Ms. Durosawo and Ms. Robles answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve change of ownership for Monicos Pharmacy.

Second: Krystal Freitas

Action: Passed unanimously.

18. Discussion and possible action to request an Attorney General opinion pursuant to NRS 228.150 on the authority of homeopathic physicians to possess, administer, prescribe, and dispense controlled substances and dangerous drugs (**FOR POSSIBLE ACTION**)

Dave Wuest and Brett Kandt provided background on item.

Board discussion ensued.

Board Action:

Motion: President Park moved to request Attorney General Opinion pursuant to NRS 228.150 on the authority of homeopathic physicians to possess, administer, prescribe, and dispense controlled substances and dangerous drugs.

Second: Jade Jacobo

Action: Passed unanimously.

14. Applications for Controlled Substance Registration (NRS 453.226) – Appearance
(FOR POSSIBLE ACTION)

C. Kent Swaine

Kent Swaine, Mark Chase (Owner of PRN Program), and Praveen Saran (Dr. Swaine's preceptor) appeared and were sworn in by President Park prior to answering questions and offering testimony.

Brett Kandt provided background on disclosures regarding domestic violence, a conviction for obtaining controlled substances by deception, a probation violation, a DUI, and his history of his registration to practice medicine.

The Board questioned on the events that occurred with Dr. Swaine's disclosures, any triggers that could cause him to relapse, what medications would his practice usually prescribe, and the PRN program that Dr. Swaine is admitted in.

Dr. Swaine, Dr. Saran, and Mr. Chase answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve controlled substance registration with conditions that Dr. Swaine can only prescribe Schedule IV's and V's and buprenorphine only.

Second: Gener Tejero

Action: Passed unanimously.

15. Request to Engage in the Practice of Pharmacy at a Site Other than a Licensed Pharmacy – Appearance **(FOR POSSIBLE ACTION)**

Stephen McMillan

Krystal Freitas recused herself due to Stephen McMillan being a co-worker that she worked with closely.

Annette Logan Parker, Founder and CEO for Cure 4 the Kids Foundation, and Stephen McMillan appeared and were sworn in by President Park prior to answering questions and offering testimony.

Yenh Long provided background on the appearance regarding Mr. McMillan's request to engage in the practice of pharmacy at a site other than a licensed pharmacy for Cure 4 the Kids Foundation.

The Board questioned Mr. McMillan on the services that he plans to provide.

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

Board discussion ensued.

Board Action:

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

Second: Rolf Zakariassen

Action: Passed unanimously.

7. Application for Nevada Compounding Pharmacy License (NRS 639.230) – Appearance (**FOR POSSIBLE ACTION**)

E. Kindred Hospital Las Vegas (E. Flamingo) – Las Vegas, NV

F. Kindred Hospital Las Vegas (Sahara) – Las Vegas, NV

Gabe Scott appeared as counsel on behalf of Kindred Hospital.

Josh Dalton, Director of Pharmacy, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge provided background on application.

Mr. Dodge questioned about the ownership change and if there is any staffing or operation changes.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve change of ownership for Kindred Hospital Las Vegas at E. Flamingo and Sahara locations.

Second: Krystal Freitas

Action: Passed unanimously.

13. Application for Pharmacist Registration by Reciprocity (NRS 639.134) – Appearance
(**FOR POSSIBLE ACTION**)

Michael Schember

Michael Schember appeared and was sworn in by President Park prior to answering questions and offering testimony.

Courtney Lee provided background on application and questioned on if he has been disciplined in Arizona.

Mr. Schember confirmed that he was disciplined in Arizona and would like to update his application to reflect “yes” for the question “Been the subject of a board citation or administrative action or board citation whether completed or pending in any state?”.

Ms. Lee requested more information regarding his disclosure since Mr. Schember did not provide supporting documentation.

Mr Schember explained that the discipline was regarding a miscalculated a prescription and the discipline taken against him.

Ms. Lee wanted confirmation if he is subject of a court order for the support of a child.

Mr. Schember confirmed that he has not children, so the answer is “no”.

The Board requested Mr. Schember to provide an updated application to reflect updated answers.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve application for pharmacist registration by reciprocity for Michael Schember pending updated application.

Second: President Park

Action: Passed unanimously.

16. Request for Pharmacist Applicant to Retake the NAPLEX Exam (NRS 639.120(1)) – Appearance: (**FOR POSSIBLE ACTION**)

Ameer Alhaj

Ameer Alhaj appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Alhaj requested another chance to take the NAPLEX as the state of Michigan will not allow him to.

The Board questioned on what occurred with his five NAPLEX attempts and where he intends to practice.

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

Board discussion ensued.

Board Action:

Motion: Richard Tomasso moved to approve Ameer Alhaj one more attempt at the NAPLEX exam.

Second: Jade Jacobo

Action: Passed unanimously.

10. Applications for Out-of-State Wholesaler License (NRS 639.233)
– Appearance (**FOR POSSIBLE ACTION**)

A. Maquet Cardiovascular, LLC – Wayne, NJ - Background Check Not Required –
Manufacturer (NAC 639.593 (7)(d)) – Disclosure

Pierre Kernizan, Designated Representative, appeared and was sworn in by President Park prior to answering questions and offering testimony.

President Park requested a Letter of Authorization from Mr. Kernizan so that he can speak on behalf of the company.

Dave Wuest provided background on application and questioned on the details of their disclosure regarding an FDA administrative fine.

Mr. Kernizan is not familiar with the disclosure.

President Park gave Mr. Kernizan an opportunity to table the application so that he can get a representative who is familiar with the disclosure.

Mr. Kernizan would like to table application.

President Park tabled application at Mr. Kernizan's request.

14. Applications for Controlled Substance Registration (NRS 453.226) – Appearance
(FOR POSSIBLE ACTION)

D. Tri Truong

There was no representative present on behalf of Tri Truong.

21. Executive Secretary Report:

- A. Financial Report
- B. Issuance of Temporary Licenses and Registrations
- C. Change of Address Business List
- D. Meetings with Other Health Care Regulatory Boards
- E. COVID-19 Response
- F. Licensing Software Update
- G. Licensing Activities Report
- H. PMP Integration
- I. Citations & Fines issued pursuant to NRS 632.2895

Dave Wuest provided the Financial Report to the Board's satisfaction.

Board discussion ensued.

20. 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).

There was no General Counsel Report.

23. Date and Location of Next Scheduled Board Meeting:

October 12-13, 2022 – Las Vegas, NV

24. Public Comment September 8, 2022, 5:00 PM

There was no public comment.

25. Adjournment