

NEVADA STATE BOARD OF PHARMACY

BOARD MEETING Supplemental Information

October 14-15, 2020

Zoom

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

Meeting ID: 5886256671

Please do not remove the book from the meeting room.



Nevada State Board of Pharmacy

985 DAMONTE RANCH PARKWAY • SUITE 206 • RENO, NEVADA 89521
 (775) 850-1440 • 1-800-364-2081 • FAX (775) 850-1444
 E-mail: pharmacy@pharmacy.nv.gov • Website: bop.nv.gov

Date Posted: October 8, 2020

THIRD AMENDED AGENDA

◆ PUBLIC NOTICE ◆

The Nevada State Board of Pharmacy will conduct a meeting beginning Wednesday, October 14, 2020 at 9:00 am. The meeting will continue, if necessary, on Thursday October 15, 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 Teleconference 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 September 2-3, Minutes (**FOR POSSIBLE ACTION**)
4. 4.1 Applications for Out-of-State Pharmacy License – Non-appearance (**FOR POSSIBLE ACTION**)
 - A. Advanced InfusionCare – Dallas, TX
 - B. ApothecoRX – New York, NY
 - C. Ascension Michigan Pharmacy – Farmington Hills, MI
 - D. Biologics by McKesson – Cary, NC
 - E. Biologics by McKesson – Cary, NC
 - F. Complete Medical Supplies, Inc – Coral Springs, FL
 - G. divvyDOSE – Moline, IL
 - H. Eagle Pharmacy – Virginia Beach, VA
 - I. Galaxy Pharmacy – Long Beach, CA
 - J. LA Pharmacy LLC – Alhambra, CA
 - K. Magnolia Pharmacy – Cumming, GA
 - L. MedWiseRx – Tucson, AZ
 - M. MK Pharmacy – Houston, TX
 - N. Morris Apothecary LLC – Parsippany, NJ
 - O. Pharmxpress Pharmacy – Tampa, FL
 - P. Princeton Medical Pharmacy LLC – Princeton, NJ
 - Q. Spring Creek Pharmacy, LLC – Edmond, OK
- 4.2 Application for Out-of-State Compounding Pharmacy License – Non-appearance (**FOR POSSIBLE ACTION**)
 - S. Saveway Market Pharmacy – Salmon, ID

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

- T. Bonds Therapeutics LLC – Columbiana, OH
- U. Capital Medical Corporation – Tallahassee, FL
- V. DJO, LLC – Carlsbad, CA
- W. Gordian Medical, Inc. – Irvine, CA
- X. Gordian Medical II, Inc. – Spring, TX
- Y. Gordian Medical IV, Inc. – Riverside, CA
- Z. Gordian Medical V, Inc. – Houston, TX
- AA. Gordian Medical VI, Inc. – Irvine, CA
- BB. Hanger Clinic – Salt Lake City, UT
- CC. Mendtronix Inc. – Poway, CA
- DD. Nexel Health – Katy, TX
- EE. Next Level Medical Supply LLC – Ft. Lauderdale, FL
- FF. Permobil, Inc. – Lebanon, TN
- GG. SourceMark, LLC – Hebron, KY

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))

- HH. Exelead, Inc. – Indianapolis, IN
- II. RVL Pharmaceuticals, Inc. – Sayreville, NJ
- JJ. Slayback Pharma, LLC – Princeton, NJ
- KK. Time-Cap Laboratories, Inc. – Melville, NY
- LL. QED Therapeutics, Inc. – Brisbane, CA

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

- MM. McKesson Medical-Surgical Government Solutions LLC – Henrico, VA
- NN. McKesson Medical-Surgical Minnesota Supply Inc. – Henrico, VA

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

- OO. MD Logistics, LLC – Plainfield, IN
- PP. RxCrossroads 3PL LLC – Mason, OH

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

- QQ. MD Logistics, LLC – Plainfield, IN
 RR. MD Logistics, LLC – Plainfield, IN

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

- SS. Rhythm Pharmaceuticals, Inc. – Boston, MA

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

- TT. McKesson Medical-Surgical Inc. – Clear Brook, VA
 UU. McKesson Medical-Surgical Inc. – Rock Hill, SC
 VV. McKesson Specialty Distribution, LLC
 WW. McKesson Specialty Distribution, LLC

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

- XX. SC Wholesale – St. George, UT

4.6 Application for Nevada Compounding Pharmacy License – Non-appearance
(FOR POSSIBLE ACTION)

- YY. Renown Pharmacy – Reno, NV

4.7 Application for Ambulatory Surgery Center License- Non-appearance **(FOR POSSIBLE ACTION)**

- ZZ. Affordable Excellence Surgery Center – Las Vegas, NV
 AAA. Desert Orthopaedic Pain Center – Las Vegas, NV
 BBB. First Specialty Surgery Center – Las Vegas, NV
 CCC. Signature Surgery Center – Las Vegas, NV
 DDD. Ultimate Specialty Surgery Center – 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. Katherine Kuehl, RPH | (19-035-RPH-B-S) |
| B. Lily Akana, PT | (19-075-PT-S) |
| C. Ashley Carrier, APRN | (19-089-CS-S) |
| D. Theodore Herrera | (19-079-IN-S) |

- E. Jerald Clyde, RPH (19-061-RPH-S)
- F. Smith's Pharmacy #366 (19-061-PH-S)
- G. Abdel M. Khalek, MD (19-003-CS-A-S)
- H. Robert Chancellor, MD (19-003-CS-B-S)
- I. Lindsay Hoffman, PA-C (19-003-CS-C-S)
- J. Bernard Kofi Addo-Quaye, MD (19-242-CS-A-S)
- K. Mukwel Aiyuk, APRN (19-242-CS-B-S)
- L. Jeff Chen, MD (20-001-CS-N)
- M. Kirash Mirkia, MD (19-090-CS-S-A)

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)**

Vinay Kumar Bararia, MD (19-003-CS-D-S)

7. Petition for Reinstatement of Pharmacist 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)**

Daniel Niel, RPH

8. 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)**

Michael Shimoide

9. Applications for Pharmaceutical Technician in Training 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. Gina Chiofolo
- B. Jasmine McLaurie

10. Application for Veterinarian Authority to Dispense Drugs 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. Carrie Lambert, DVM

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

(FOR POSSIBLE ACTION)

- A. APS Pharmacy – Palm Harbor, FL
- B. Carolina Infusion – Ridgeland, SC
- C. Hunt Valley PharmaLAB – Cockeysville, MD
- D. Olympia Pharmacy – Orlando, FL
- E. Option Care – Roseville, MN
- F. Pope Shenouda LLC – Holiday, FL
- G. Procure Pharmaceutical Services – Burgettstown, PA

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

- A. ActiveStyle, Inc. – Reno, NV
- B. Evolve Prosthetics & Orthotics – Henderson, NV
- C. First Care Medical Supply LLC – Las Vegas, NV
- D. Nevada Limb & Brace, LLC – Henderson, NV

13. Application for Nevada Wholesaler License – Appearance **(FOR POSSIBLE ACTION)**
None

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

Background Check Not Required by Law.

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

14.2 Manufacturer (NAC 639.593(7)(d))

- A. Sheffield Pharmaceuticals LLC – New London, CT
- B. Sun Pharmaceuticals Industries, Inc. – Billerica, MA
- C. Zydus Pharmaceuticals (USA) Inc. – Pennington, NJ

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

14.4 VAWD-Accredited (NAC 639.593(7)(c))
None

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

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

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

14.8 **Background checks completed in compliance with NRS 639.500. Disqualifying Events.**

D. Apnar Pharma LP – Chino, CA

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

None

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

- A. Optum Compounding Services, LLC – Phoenix, AZ
- B. Imprimis NJOF, LLC – Ledgewood, NJ
- C. KRS Global Biotechnology, Inc. – Boca Raton, FL
- D. Nephron Sterile Compounding Center, LLC – West Columbia, SC
- E. Olympia Pharmacy – Orlando, FL
- F. QuVa Pharma, Inc. – Sugar Land, TX
- G. QuVa Pharma, Inc. – Temple, TX
- H. Sincerus Florida, LLC – Pompano Beach, FL
- I. Wedgewood Connect, LLC – San Jose, CA

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

- A. Plus One Pharmacy, LLC – Las Vegas, NV
- B. All City Pharmacy LLC – Las Vegas, NV

17. Request for Pharmacist Applicant to Retake the Nevada MPJE Exam – Appearance: (**FOR POSSIBLE ACTION**)

- A. Sathish Ariarra Cariappa
- B. Matthew Phillips

18. 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**)

Natalie Wynn, APRN

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

A. KayLynn Bowman, RPH

B. James Kim, RPH

20. Approval of Revised Wholesaler Application **(FOR POSSIBLE ACTION)**
21. Rehearing of Order in Case No. 20-008-PT-S on Application of Jevons Wang pursuant to NRS 639.252 **(FOR POSSIBLE ACTION)**
22. 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)**

Kim Kemmerly, DMD

23. 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).
24. 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. Licensing Software Update
 - F. Licensing Activities Report
 - G. PMP Integration

◆ PUBLIC HEARING ◆

Thursday October 15, 2020 – 9:00 am

25. Notice of Proposed Regulation Public Hearing Pursuant to NRS 233B.061(2) **(FOR POSSIBLE ACTION):**

Amendment of Nevada Administrative Code (NAC) 453.510 Schedule I; 453.550 Schedule V. The proposed amendment adds certain substances to schedule 1; provides that certain drug products are not a controlled substance; and removes certain drug products from schedule V. (LCB File No. R090-20)

◆ WORKSHOP ◆

Thursday October 15, 2020 – 9:00 am

26. Notice of Proposed Regulation Workshop Pursuant to NRS 233B.061(2)
(FOR POSSIBLE ACTION):
- A. **Amendment of Nevada Administrative Code (NAC) 639.501 Inspections; provision of self-assessment form.** The proposed amendment to NAC 639.501 will remove the requirement to complete an assessment of workplace and modifies the requirement of an annual inspection.
 - B. **Amendment of Nevada Administrative Code (NAC) 639.** The proposed amendment adds a new section thereto authorizing the issuance of a citation to and assessment of an administrative fine against a registered pharmacist and a licensed pharmacy pursuant to NRS 639.2895 for a prescription misfill in violation of Nevada law in certain instances.
 - C. **Amendment of Nevada Administrative Code (NAC) 639.010 Definitions, (NAC) 639.403 Application required for pharmacist to engage in practice of pharmacy at site other than licensed pharmacy; exemption for pharmacists who administer immunizations, (NAC) 639.406 Hearing to approve or deny application from pharmacist, (NAC) 639.409 Grounds for revocation, suspension or placement of restrictions on approval granted to pharmacist to practice pharmacy at site other than licensed pharmacy, (NAC) 639.412 Application for licensed pharmacy to use services of one or more pharmacists at site other than licensed pharmacy, (NAC) 639.415 Hearing to approve or deny application from licensed pharmacy, (NAC) 639.418 Grounds for revocation, suspension or placement of restrictions on approval granted to licensed pharmacy to use services of one or more pharmacists at site other than licensed pharmacy.** The proposed amendment to these regulations will modify the locations where a pharmacist may practice pharmacy.

27. Date and Location of Next Scheduled Board Meeting:

December 2-3, 2020 – Las Vegas, NV

28. 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)
29. 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.

5C

FILED

OCT 06 2020

NEVADA STATE BOARD OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

) CASE NO. 19-089-CS-S

Petitioner,

) ANSWER AND NOTICE
) OF DEFENSE

v.

ASHLEY CARRIER, APRN

Certificate of Registration No. CS27118,

Respondent.

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 received this notice on 9/14/20, and immediately reached out to ask for my case file to determine if legal representation was warranted. I was not provided this information until 9/30/20. I reached out again on 9/30/20 as I did not see any reports or evidence of the prescriptions that were filled using my DEA unbeknownst to me. I will be attending the hearing on 10/14/20 under protest that I do not have access to the information gathered, in relation to the prescriptions, being used against me so that I may properly defend myself.

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

In the matter of causes of action 1, 2, 3, 4, 5, and 10, I accept, and admit, responsibility for my actions. In the matter of causes 6, 7, 8, and 9, I deny each of these allegations.

~~Since 4/30/19, I have not represented myself as, worked as, nor have a prescribed as a nurse Practitioner. My DEA number was used unlawfully and without my permission.~~

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 2 day of October, 2020.



 ASHLEY CARRIER, APRN

5D

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

THEODORE HERRERA,
Certificate of Registration No. IN04741,

Respondent.

Case Nos. 19-079-S

STIPULATION AND ORDER

Courtney K. Lee, General Counsel for Petitioner the Nevada State Board of Pharmacy (“Board”), and Respondent Theodore Herrera (“Herrera”), Certificate of Registration No. IN04741 (now closed), by and through counsel, Charles Diaz, Esq.,

HEREBY STIPULATE AND AGREE THAT:

1. The Board has jurisdiction over Respondent and this matter because at the time of the events alleged in the Notice of Intended Action and Accusation (“Accusation”), Respondent held an active Certificate of Registration No. IN04741 as a pharmacy intern.
2. On or about March 9, 2020, the Board was informed that Herrera officially withdrew from Roseman University of Health Sciences College of Pharmacy. Herrera’s withdrawal was effective on February 17, 2020. As Herrera was no longer qualified to hold a pharmacy intern registration, Herrera’s Certificate of Registration No. IN04741 was rendered inactive.
3. On or about July 23, 2020, Board Staff properly served Respondent with the Accusation on file in this matter together with the Statement to Respondent and Notice of Hearing.
4. On or about September 18, 2020, Respondent Herrera, through counsel, filed an Answer and Notice of Defense to the Accusation.
5. Respondent Herrera is fully aware of the right to seek the advice of counsel in this matter, and obtained the advice of counsel prior to entering into this Stipulation.

6. Respondent Herrera is aware of the right to a hearing on the matters alleged in the Accusation, the right to reconsideration, the right to appeal and any and all other rights which may be accorded pursuant to NRS Chapter 233B, Nevada Administrative Procedure Act, NRS Chapter 622A, Administrative Procedure Before Certain Regulatory Bodies, and NRS Chapter 639, Nevada Pharmacy Act.

7. Conditioned on the acceptance of this Stipulation by the Board, Respondent Herrera hereby freely and voluntarily waives his right to a hearing, reconsideration, appeal and any and all other rights related to this action that may be accorded to him by NRS Chapter 233B, Nevada Administrative Procedure Act, NRS Chapter 622A, Administrative Procedure Before Certain Regulatory Bodies, and NRS Chapter 639, Nevada Pharmacy Act.

8. Respondent Herrera admits that evidence exists, and that Board staff prosecuting this case could present such evidence at an administrative hearing, to establish a factual basis for the violations alleged in the Accusation, that Respondent Herrera:

A. Was employed by Walgreens Pharmacy (“Walgreens”) as a pharmacist intern from approximately June 2018 to April 2019;

B. During Respondent’s employment with Walgreens, Respondent diverted a portion of controlled substance prescriptions for patients containing at least sixty-six (66) tablets of Alprazolam and Oxycodone. Respondent Herrera unlawfully acquired, possessed, and diverted controlled substances in violation of NRS 453.331(1)(d), NRS 453.336(l), NAC 639.945(1)(g), 21 U.S.C. § 841(a), 21 U.S.C. § 842(a), and 21 U.S.C. § 844. Those violations are pled with particularity in the Accusation, and are grounds for action pursuant to NRS 453.236, NRS 453.241, NRS 639.210 and/or NRS 639.255.

9. In order to resolve this matter without incurring any further costs or the expense associated with a hearing, the Board and Herrera stipulate to the following penalties and conditions. Respondent Theodore Herrera, now inactive Certificate of Registration No. IN04741, shall:

- A. Accept this Stipulation and Order as a public reprimand regarding Respondent Herrera's duties and responsibilities as a pharmacy intern;
- B. Pay a fine of One Thousand Dollars (\$1,000.00) for the alleged violations;
- C. Pay Five Hundred Dollars (\$500.00) to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter;
- D. Herrera may not work in any facility licensed by the Board, including a pharmacy, where he would be able to access/possess controlled substances and/or dangerous drugs, unless and until he has applied to the Board for reinstatement and the Board reinstates his registration; and
- E. In the event Herrera applies to the Board for reinstatement of his Certificate of Registration No. IN04741 or any other license/registration issued by the Board, he must appear before the Board.

10. Any failure by Respondent to comply with the terms of this Order, including failure to adhere to the payment schedule specified in paragraph 14, may result in issuance by the Executive Secretary of an order to show cause pursuant to NAC 639.965 directing that Respondent to appear before the Board at the next regularly-scheduled meeting for a show cause hearing. If such a hearing results in a finding of a violation of this Order by Respondent Herrera, then the Board may impose discipline consistent with the provisions of NRS Chapter 639.

11. General Counsel will present this Stipulation to the Board for approval pursuant to NRS 622.330 at the Board's regularly scheduled public meeting on October 14, 2020. Respondent Herrera will appear telephonically or *via Zoom* at the meeting to answer questions from the Board Members and/or Board Staff. The Board Members and Staff may discuss and deliberate regarding this Stipulation, even if Respondent or counsel are not present at the meeting.

12. The Board has discretion to accept this Stipulation, but it is not obligated to do so. If this Stipulation is approved by the Board it shall be a public record pursuant to NRS 622.330.

13. If the Board rejects any part or all of this Stipulation, and unless they reach an alternative agreement on the record during the hearing, the parties agree that a full hearing on the merits of this matter may be heard by the Board at a later date. The terms and admissions herein may not be used or referred to in a full hearing on the merits of this matter.

14. Upon approval of this Stipulation by the Board, Respondent shall pay the fines agreed to herein by *cashier's check* or *certified check* or *money order* made payable to "State of Nevada, Office of the Treasurer," to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within ninety (90) days of the effective date of this Order.

15. Upon approval of this Stipulation by the Board, Respondent shall pay the attorney's fees and costs agreed to herein by *cashier's check* or *certified check* or *money order* made payable to "Nevada State Board of Pharmacy," to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within thirty (30) days of the effective date of this Order.

16. Subject to the approval of this Stipulation by the Board, the Board and Respondent agree to release one another from any and all additional claims arising from the facts set forth in the Accusation on file herein, whether known or unknown that might otherwise have existed on or before the effective date of this Order.

Respondent has fully considered the charges and allegations contained in the *Notice of Intended Action and Accusation* in this matter, and the terms of this Stipulation, and have freely and voluntarily agreed to the terms set forth herein, and waived certain rights, as stated herein.

AGREED:

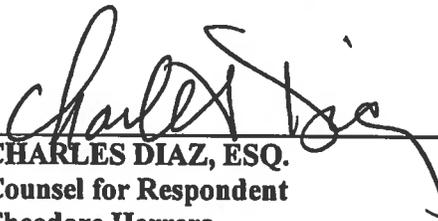
Signed this 7th day of October, 2020



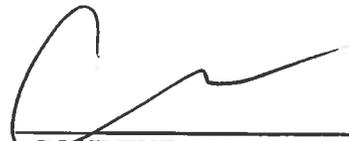
THEODORE HERRERA

APPROVED AS TO FORM AND
CONTENT this 7th day of October, 2020

Signed this 7th day of October, 2020



CHARLES DIAZ, ESQ.
Counsel for Respondent
Theodore Herrera



COURTNEY K. LEE, ESQ.
General Counsel
Nevada State Board of Pharmacy

ORDER

The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as to Respondent Theodore Herrera, Certificate of Registration No. IN04741, in Case No. 19-079-S and hereby orders that the terms of the foregoing Stipulation be made effective upon execution below.

IT IS SO ORDERED.

Entered this ___ day of October, 2020.

Helen Park, President
Nevada State Board of Pharmacy

16B

NEVADA STATE BOARD OF PHARMACY

985 Damonte Ranch Pkwy Suite 206– Reno, NV 89521 – (775) 850-1440

APPLICATION FOR NEVADA PHARMACY LICENSE

\$500.00 Fee made payable to: Nevada State Board of Pharmacy

(non-refundable and not transferable money order or cashier's check only)

Application must be printed legibly or typed

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

New Pharmacy or Ownership Change (Provide current license number if making changes: PH 03609)
 Check box below for type of ownership and complete all required forms. **If LLC use Non Public Corporation or Partnership. ADDRESS CHANGE
 Publicly Traded Corporation – Pages 1,2,3,10,11a&b Partnership - Pages 1,2,6,10,11a&b
 Non Publicly Traded Corporation – Pages 1,2,4,10,11a&b Sole Owner – Pages 1,2,8,10,11a&b

GENERAL INFORMATION to be completed by all types of ownership

Pharmacy Name: All city Pharmacy LLC
 Physical Address: 821 N Lamb Blvd STE 5
 City: LAS Vegas State: NV Zip Code: 89110 Telephone: 702 834 7704
(702) 834-7704 Fax: 702 834-7705 Toll Free Number: _____
 E-mail: hrc allcity pharmacy.com
 Website: www.allcitypharmacy.com
 Managing Pharmacist: JANICE ROSE License Number: 13727

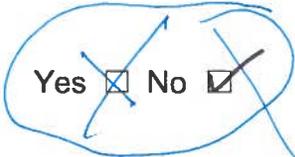
TYPE OF PHARMACY AND SERVICES PROVIDED

Yes/No	AND	Yes/No
<input checked="" type="checkbox"/> <input type="checkbox"/> Retail		<input type="checkbox"/> <input type="checkbox"/> Off-site Cognitive Services
<input type="checkbox"/> <input type="checkbox"/> Hospital (# beds _____)		<input type="checkbox"/> <input type="checkbox"/> Parenteral
<input type="checkbox"/> <input type="checkbox"/> Internet		<input type="checkbox"/> <input type="checkbox"/> Parenteral (outpatient)
<input type="checkbox"/> <input type="checkbox"/> Nuclear		<input type="checkbox"/> <input type="checkbox"/> Outpatient/Discharge
<input type="checkbox"/> <input type="checkbox"/> Ambulatory Surgery Center		<input type="checkbox"/> <input type="checkbox"/> Mail Service
<input type="checkbox"/> <input type="checkbox"/> Community		<input type="checkbox"/> <input type="checkbox"/> Long Term Care
<input type="checkbox"/> <input type="checkbox"/> Other: _____		<input type="checkbox"/> <input type="checkbox"/> Sterile Compounding
		<input type="checkbox"/> <input type="checkbox"/> Non Sterile Compounding
All boxes must be checked		<input type="checkbox"/> <input type="checkbox"/> Mail Service Sterile Compounding
For the application to be complete		<input type="checkbox"/> <input type="checkbox"/> Other Services: _____

APPLICATION FOR NEVADA PHARMACY LICENSE

This page must be submitted for all types of ownership.

Within the last five (5) years:

- 1) Has the corporation, any owner(s), shareholder(s) or partner(s) with any interest, ever been charged, or convicted of a felony or gross misdemeanor (including by way of a guilty plea or no contest plea)? Yes No
- 2) Has the corporation, any owner(s), shareholder(s) or partner(s) with any interest, ever been denied a license, permit or certificate of registration? Yes No
- 3) Has the corporation, any owner(s), shareholder(s) or partner(s) with any interest, ever been the subject of an administrative action, board citation, site fine or proceeding relating to the pharmaceutical industry? Yes No 
- 4) Has the corporation, any owner(s), shareholder(s) or partner(s) with any interest, ever been found guilty, pled guilty or entered a plea of nolo contendere to any offense federal or state, related to controlled substances? Yes No
- 5) Has the corporation, any owner(s), shareholder(s) or partner(s) with any interest, ever surrendered a license, permit or certificate of registration voluntarily or otherwise (other than upon voluntary close of a facility)? Yes No

If the answer to question 1 through 5 is "yes", a signed statement of explanation must be attached. Copies of any documents that identify the circumstance or contain an order, agreement, or other disposition may be required.

I hereby certify that the answers given in this application and attached documentation are true and correct. I understand that any infraction of the laws of the State of Nevada regulating the operation of an authorized pharmacy may be grounds for the revocation of this permit.

I have read all questions, answers and statements and know the contents thereof. I hereby certify, under penalty of perjury, that the information furnished on this application are true, accurate and correct. I hereby authorize the Nevada State Board of Pharmacy, its agents, servants and employees, to conduct any investigation(s) of the business, professional, social and moral background, qualification and reputation, as it may deem necessary, proper or desirable.

Janice Rose

Original Signature of Person Authorized to Submit Application, no copies or stamps

Janice Rose

9-24-20

Print Name of Authorized Person

Date

Board Use Only	Date Processed: _____	Amount: _____
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APPLICATION FOR NEVADA PHARMACY LICENSE

OWNERSHIP IS A NON PUBLICLY TRADED CORPORATION

State of Incorporation: NEVADA

Parent Company if any: _____

Mailing Address: 821 N. LAUB BLDG STE 5

City: LAS VEGAS State: NV Zip: 89110

Telephone: (702) 834-7704 Fax: (702) 834-7705

Contact Person: ERICA VITAL ESPINOSA

For any corporation non publicly traded, disclose the following:

1) List top 4 persons to whom the shares were issued by the corporation?

a) N/A
Name Business Address

b) _____
Name Business Address

c) _____
Name Business Address

d) _____
Name Business Address

2) Provide the number of shares issued by the corporation. _____

3) What was the price paid per share? _____

List any physician shareholders and percentage of ownership.

Name: N/A %: _____

Name: _____ %: _____

Hours of Operation for the pharmacy:

Monday thru Friday 9 am 6 pm Saturday _____ am _____ pm
Sunday _____ am _____ pm 24 Hours CLOSED

A Nevada business license is not required, however if the pharmacy has a Nevada business license please provide the number: NV20161161525

APPLICATION FOR NEVADA PHARMACY LICENSE

OWNERSHIP IS A SOLE OWNER. All information relates to the person listed as the owner.

Owner's Name: Garen Garakhanyan

Business Name: All City pharmacy LLC

Current Business Address: 821 N. LAMB BLVD STE 5

City: Las Vegas State: NV Zip Code: 89110

Telephone: (702) 834-7704 Fax: (702) 834-7705

List any physician shareholders and percentage of ownership.

Name: N/A %: _____

Name: _____ %: _____

Name: _____ %: _____

Name: _____ %: _____

Hours of Operation for the pharmacy:

Monday thru Friday 9 am 6 pm Saturday _____ am _____ pm

Sunday _____ am _____ pm 24 Hours CLOSED

CLOSED

A Nevada business license is not required, however if the pharmacy has a Nevada business license please provide the number: NV20161161525

STATEMENT OF RESPONSIBILITY – Nevada Pharmacy
FOR Corporations, Partnership or Sole Owners

I, Janice ROSE

Responsible Person of All City Pharmacy LLC

hereby acknowledge and understand that in addition to the corporation's, any owner(s), shareholder(s) or partner(s) responsibilities, may be responsible for any violations of pharmacy law that may occur in a pharmacy owned or operated by said corporation.

I further acknowledge and understand that the corporation's, any owner(s), shareholder(s) or partner(s) may be named in any action taken by the Nevada State Board of Pharmacy against a pharmacy owned by or operated by said corporation.

I further acknowledge and understand that the corporation's, any owner(s), shareholder(s) or partner(s) cannot require or permit the pharmacist(s) in said pharmacy to violate any provision of any local, state or federal laws or regulations pertaining to the practice of pharmacy.

Janice Rose

Original Signature of Person Authorized to Submit Application, no copies or stamps

Janice Rose

9-24-20

Print Name of Authorized Person

Date

Managing Pharmacist

Pharmacist Name: Janice ROSE License #: 13727
Pharmacy Name: All City Pharmacy LLC

As a managing pharmacist of the above referenced pharmacy, I understand within 48 hours after I report for duty as the managing pharmacist, I shall cause an inventory of all controlled substances of the pharmacy according to the method prescribed by the provision of 21 CFR Part 1304; and cause a copy of the inventory to be on file at the pharmacy.

I understand that as the managing pharmacist I am responsible for compliance by the pharmacy and its personnel with all state and federal laws and regulations relating to the operation of the pharmacy and the practice of pharmacy. I understand my license can be revoked or that I can be the subject of disciplinary action if such laws or regulations are knowingly violated in the pharmacy in which I am managing pharmacist.

I understand that if I cease to be managing pharmacist of the above named pharmacy I will jointly, with the new managing pharmacist, take an inventory of all controlled substances.

	Yes	No
Been diagnosed or treated for any mental illness, including alcohol or substance abuse, or physical condition that would impair your ability to perform the essential functions of your license?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1. been charged, arrested or convicted of a felony or misdemeanor in any state?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. been the subject of a board citation or an administrative action whether completed or pending in any state?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. had your license subjected to any discipline for violation of pharmacy or drug laws in any state?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you marked YES to any of the numbered questions above, please include the following information

Board Administrative Action:	State: _____	Date: _____	Case #: _____
And/or Criminal Action:	State: _____	Date: _____	Case #: _____
	County: _____	Court: _____	

PHARMACY MANAGER'S RESPONSIBILITIES
(PHARMACY MANAGER TO READ, DATE, AND SIGN THIS SECTION)

- 1. Insure the pharmacy is operated in accordance with all state and federal laws and regulations. (NRS 639.220)
- 2. Maintain all outdated, mislabeled or adulterated medications in an isolated area separated from medications for current use. (NRS 639.282, NAC 639.510, NAC 639.473<2>)
- 3. Notify the Nevada State Board of Pharmacy of all employment changes of pharmacy staff within 10 days of the change. (NAC 639.540)
- 4. Maintain documentation of pharmacy technician in-service records or technician in training daily logs available for inspection at the pharmacy. (NAC 639.254<2>)
- 5. A complete controlled substance inventory must be taken every 2 years and whenever there is a pharmacy manager change (must be completed within 48 hours). (CFR 1304.11, NAC 453.475)
- 6. Report any loss or theft of controlled substances to the Nevada State Board of Pharmacy, Department of Public Safety, and Drug Enforcement Administration within 10 days of the occurrence. (NRS 453.568)
- 7. Maintain prescription records/logs for 2 years (2 years from last fill date for original paper prescription). NRS 639.236, NAC 453.480)
- 8. Maintain records of sales to practitioners or other licensed providers as invoices for 2 years. (NRS 639.268, NAC 453.485)
- 9. Maintain invoice records separated as required for 2 years. (NRS 454.286, NAC 639.487)

I have read all questions, answers and statements and know the content thereof. I hereby certify, under penalty of perjury, that the information furnished on this application is true, accurate and correct.



Signature

9-24-20

Date

SECRETARY OF STATE



**CERTIFICATE OF EXISTENCE
WITH STATUS IN GOOD STANDING**

I, Barbara K. Cegavske, the duly qualified and elected Nevada Secretary of State, do hereby certify that I am, by the laws of said State, the custodian of the records relating to filings by corporations, non-profit corporations, corporations sole, limited-liability companies, limited partnerships, limited-liability partnerships and business trusts pursuant to Title 7 of the Nevada Revised Statutes which are either presently in a status of good standing or were in good for a time period subsequent of 1976 and am the proper officer to execute this certificate.

I further certify that the records of the Nevada Secretary of State, at the date of this certificate, evidence, **ALL CITY PHARMACY L.L.C.**, as a **DOMESTIC LIMITED-LIABILITY COMPANY (86)** duly organized under the laws of Nevada and existing under and by virtue of the laws of the State of Nevada since 03/16/2016, and is in good standing in this state.

I further certify that the above **DOMESTIC LIMITED-LIABILITY COMPANY (86)** has its formation document and no amendments on file in this office as of the date of this certificate.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of State, at my office on 09/21/2020.

Barbara K. Cegavske

BARBARA K. CEGAVSKE
Secretary of State

Certificate Number: B202009211089753

You may verify this certificate
online at <http://www.nvsos.gov>

THIS DOCUMENT CONTAINS A TRUE WATERMARK - HOLD UP TO LIGHT TO VIEW

Western Union WU

WESTERN UNION FINANCIAL SERVICES INC. - ISSUER - Englewood, Colorado
Payable at Wells Fargo Bank, Grand Junction, Colorado

MONEY ORDER

19-145338543

A 736097 B 092120
T 2144 10
191453385430 L 009979

\$

NOT GOOD OVER \$500

PAY EXACTLY
PAY TO THE ORDER OF

NEVADA STATE BOARD OF PHARMACY

821 N LAMBDA BLVD #89110

lic # PH03609

PURCHASER'S SIGNATURE
PURCHASER BY SIGNING YOU AGREE TO THE TERMS ON THE REVERSE SIDE

⑆102100400⑆ 40191453385430⑆

MONEY ORDER RECEIPT - NON NEGOTIABLE

LOAD THIS DIRECTION, THIS SIDE UP

LOAD THIS DIRECTION, THIS SIDE UP

WESTERN UNION FINANCIAL SERVICES INC. - ISSUER - Englewood, Colorado

Payable to:
RETAIN THIS MONEY ORDER RECEIPT. IT MUST BE INCLUDED WITH ALL RE-SEND REQUESTS. BE SURE TO READ IMPORTANT INFORMATION BELOW AND ON BACK. For your own records, it is recommended that you make a photocopy of the completed Money Order before providing it to the receiver.
PURCHASE AGREEMENT: You the purchaser agree that Western Union Financial Services Inc. (WUFSI) need not stop payment on, or replace, or refund a lost or stolen WUFSI Money Order unless (1) you fill in the face of the Money Order at the time of purchase, and (2) you report the loss or theft to Western Union Financial Services Inc. in writing immediately, and (3) you provide WUFSI with this original Money Order receipt issued by Western Union Financial Services Inc., Englewood, Colorado. For customer service, call 1-800-999-0660.

* 19145338543 *





Nevada State Board of Pharmacy

For licensing inquiries please send an email to, pharmacy@pharmacy.nv.gov (mailto:pharmacy@pharmacy.nv.gov).

For current information on [disciplinary actions taken against licensees](#), please send an email to shunting@pharmacy.nv.gov (mailto:shunting@pharmacy.nv.gov).

VERIFY LICENSE

Last Name	First Name	License#	City	State	Country	Discipline	Action
Rose	Janice	13727	HENDERSON	NV	United States	None	

License Number : 13727
Name : Rose, Janice
License Type : Pharmacist
License Status : Active
License Date : 07/28/1997
Discipline :
Expiration Date : 10/31/2021



ENTITY INFORMATION

ENTITY INFORMATION

Entity Name:

ALL CITY PHARMACY L.L.C.

Entity Number:

E0124232016-8

Entity Type:

Domestic Limited-Liability Company (86)

Entity Status:

Active

Formation Date:

03/16/2016

NV Business ID:

NV20161161525

Termination Date:

Perpetual

Annual Report Due Date:

3/31/2021

Series LLC:

Restricted LLC:

REGISTERED AGENT INFORMATION

Name of Individual or Legal Entity:

ELEN ZAKARYAN

Status:

Active

CRA Agent Entity Type:

Registered Agent Type:

Non-Commercial Registered Agent

NV Business ID:

Office or Position:

Jurisdiction:

Street Address:

821 N. LAMB BLVD, LAS VEGAS, NV, 89110, USA

Mailing Address:

821 N. LAMB BLVD, LAS VEGAS, NV, 89110

Individual with Authority to Act:

Fictitious Website or Domain Name:

OFFICER INFORMATION

VIEW HISTORICAL DATA

Title	Name	Address	Last Updated	Status
Managing Member	GAREN GARAKHANYAN	821 NORTH LAMB BLVD SUITE 4, LAS VEGAS, NV, 89110, USA	03/15/2019	Active
Managing Member	GAREN GARAKHANYAN	821 NORTH LAMB BLVD SUITE 4, LAS VEGAS, NV, 89110, USA	03/15/2019	Active

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[Filing History](#) [Name History](#) [Mergers/Conversions](#)

ENTITY INFORMATION

ENTITY INFORMATION

Entity Name:

ALL CITY PLAZA, LLC

Entity Number:

E0378002015-6

Entity Type:

Domestic Limited-Liability Company (86)

Entity Status:

Active

Formation Date:

08/06/2015

NV Business ID:

NV20151470702

Termination Date:

Perpetual

Annual Report Due Date:

8/31/2021

Series LLC:

Restricted LLC:

REGISTERED AGENT INFORMATION

Name of Individual or Legal Entity:

ANGELA FURNCHYAN

Status:

Active

CRA Agent Entity Type:

Registered Agent Type:

Commercial Registered Agent

NV Business ID:

Office or Position:

Jurisdiction:

Street Address:

3446 W HACIENDA AVE, LAS VEGAS, NV, 89118, USA

Mailing Address:

Individual with Authority to Act:

SARKIS FURNCHYAN

Fictitious Website or Domain Name:

OFFICER INFORMATION

VIEW HISTORICAL DATA

Title	Name	Address	Last Updated	Status
Managing Member	SARKIS FURNCHYAN	3446 W HACIENDA AVE, LAS VEGAS, NV, 89118, USA	08/30/2018	Active
Managing Member	JANET FURNCHYAN	3446 W HACIENDA AVE, LAS VEGAS, NV, 89118, USA	08/30/2018	Active

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[Filing History](#) [Name History](#) [Mergers/Conversions](#)

DEC 13 2018

NEVADA STATE BOARD OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,)	CASE NO. 17-070-RPH-S
)	17-070-PH-S
Petitioner,)	
v.)	
)	
JAIME CORDOBA-HERNANDEZ, RPH)	NOTICE OF INTENDED ACTION
Certificate of Registration No. 17533, and)	AND ACCUSATION
)	
ALL CITY PHARMACY, LLC)	
Certificate of Registration No. PH03609,)	
)	
Respondents.)	
	/	

Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, makes the following that will serve as both a notice of intended action under Nevada Revised Statutes (NRS) 233B.127(3) and as an accusation under NRS 639.241.

JURISDICTION

I.

The Nevada State Board of Pharmacy (Board) has jurisdiction over this matter and these respondents because at the time of the alleged events, respondents Jaime Cordoba-Hernandez (Cordoba-Hernandez), Certificate of Registration No. 17533, was a pharmacist registered by the Board, and respondent All City Pharmacy, LLC, Certificate of Registration No. PH03609 (All City Pharmacy), was a pharmacy registered by the Board.

DISCIPLINARY HISTORY

II.

In September 2012, the Board entered a Findings of Fact, Conclusions of Law and Order (Order) in the case of *Board of Pharmacy v. Jaime Cordoba-Hernandez*, Case No. 12-056-RPH-S. In that case, Cordoba-Hernandez dispensed a dangerous drug without a legitimate medical need and without a lawful prescription. He created a fraudulent prescription and dispensed the

dangerous drug to a patient who was a personal friend. As a result, the Board revoked Cordoba-Hernandez's pharmacist registration.

III.

In March 2014, Cordoba-Hernandez appeared before the Board and requested reinstatement of his pharmacist registration. The Board reinstated Cordoba-Hernandez's pharmacist registration subject to a two-year probation with conditions.

IV.

In February 2015, the Board entered another Order against Cordoba-Hernandez in *Board of Pharmacy v. Jaime Cordoba-Hernandez*, Case 14-086-RPH-S. In that Order, the Board found Cordoba-Hernandez guilty of unprofessional conduct for failing to fully comply with the terms and conditions of his probation set forth by the Board at the March 2014, board meeting and September 2012 Order. The Board revoked Cordoba-Hernandez's pharmacist registration, stayed the revocation, and placed his pharmacist registration on probation for two years with conditions.

FACTUAL ALLEGATIONS

V.

On July 18, 2017, Dr. Dhaval Shah sent a prescription to Alta Care Home Health (Alta Care) for IV Vancomycin 1G every 12Hr for 2 weeks for patient P.L. The physician clearly stated on the prescription that "Pharm to dose Abx" and "Vanco trough weekly".

VI.

Justin Reyes, a quality assurance representative from Alta Care, called Cordoba-Hernandez regarding the prescription. Cordoba-Hernandez was the managing pharmacist at All City Pharmacy. Cordoba-Hernandez represented that All City Pharmacy could provide the intravenous medication for the patient and the prescription was subsequently transmitted by facsimile machine to All City Pharmacy.

VII.

Thereafter, without consulting Dr. Shah, Cordoba-Hernandez accepted a verbal prescription from Mr. Reyes, who is not a clinician and not an agent of the prescribing physician, to change the Vancomycin quantity to 30 vials instead of the prescribed 28. The label for this medication lists Dr. Shah as the ordering practitioner.

VIII.

On July 19, 2017, Cordoba-Hernandez prepared 30 Vancomycin 1gm vials that were delivered to the patient's home unreconstituted. Cordoba-Hernandez dispensed the Vancomycin lyophilized powder without a diluent and had no discussion with health professionals at Alta Care on how the product should be mixed.

IX.

R.N. Gerlie Comahig of Alta Care subsequently contacted Cordoba-Hernandez inquiring as to missing infusion supplies and medications. Thereafter, without consulting Dr. Shah, Cordoba-Hernandez accepted a verbal prescription from R.N. Comahig, who was not an agent of the prescribing physician, for Sodium Chloride 0.9% flushing solution and Heparin 100u/ml flushing solution. The labels for each of these medications list Dr. Shah as the ordering practitioner.

X.

Cordoba-Hernandez admitted to Board investigators that he lacks clinical knowledge and training on infusions and the requirements of Dr. Shah's prescription, specifically:

(1) That he dispensed the Vancomycin lyophilized powder without a diluent and without a discussion with Alta Care on how the product should be mixed, and that he wasn't aware that the product had to be mixed.

(2) That he was unable to verbalize what strength of Heparin would be utilized to flush a central line.

- (3) That he was unable to verbalize the name of any central lines (i.e. PICC, Port, Hickman, Groshong)
- (4) That he was unable to verbalize normal Vancomycin trough levels.
- (5) That he was unable to verbalize side effects related to Vancomycin.
- (6) That he had no discussions with Alta Care regarding BUD of the product.
- (7) That he had no discussions with Alta Care regarding when Vancomycin levels would be drawn and how the results would be provided to the pharmacist.
- (8) That he had no verbal discussion with the patient regarding side effects.

XI.

P.L. experienced edema after the medication was administered and was hospitalized with congestive heart failure and renal failure.

FIRST CAUSE OF ACTION

Unprofessional Conduct and Conduct Contrary to the Public Interest (Respondent Cordoba-Hernandez)

XII.

Unprofessional conduct and conduct contrary to the public interest includes the failure by a registrant to follow strictly the instructions of the prescribing practitioner when labeling and dispensing a prescription. NAC 639.945(1)(d). Unprofessional conduct also includes failing to confer with the prescribing practitioner if there is an error or omission in a prescription which should be questioned. NAC 639.945(1)(e). Unprofessional conduct also includes performing one's duties as a registrant in an "incompetent, unskillful or negligent manner." NAC 639.945(1)(i). Furthermore, NAC 639.690(2) provides: "The managing pharmacist shall ensure that all pharmacists engaging in compounding parenteral solutions have the proper training in the safe handling, compounding and therapy related to parenteral solutions, including cytotoxic agents."

Respondent Cordoba-Hernandez engaged in unprofessional conduct and conduct contrary to the public interest in violation of NAC 639.945(1)(d), (e) and (i), and violated NAC 639.690(2) as the managing pharmacist, by attempting to fill and dispense the prescription for P.L. without the necessary knowledge and proper training, by accepting verbal prescriptions from a nurse and a non-clinician who were not agents of the prescribing physician, by failing to follow the prescription written by the prescribing physician, and by failing to consult Dr. Shaw as the prescribing physician. For that conduct, Cordoba-Hernandez is subject to discipline pursuant to NRS 639.210(4) and (12), and NRS 639.255.

SECOND CAUSE OF ACTION

Failure to Adequately Counsel
(Respondent Cordoba-Hernandez)

XIII.

NRS 639.266 requires a pharmacist, on receipt of a prescription and after review of the patient's record, to communicate with the patient, or a person caring for the patient, matters that will enhance the patient's therapy through drugs. NAC 639.707(1) and (2) require that discussion to include, among other things, the name of the drug, dosage and administration instructions, the intended use of the drug, common side effects, and other information that is necessary for the safe and effective use of the drug. A pharmacist who performs those duties in an "incompetent, unskillful or negligent manner" is guilty of unprofessional conduct pursuant to NAC 639.945(1)(i).

Respondent Cordoba-Hernandez violated NRS 639.266, NAC 639.707(1) and (2) and engaged in unprofessional conduct and conduct contrary to the public interest as defined in NAC 639.945(1)(i) by failing to counsel P.L. regarding the prescription. That error, combined with Cordoba-Hernandez's lack of clinical knowledge and proper training in parenteral solutions, caused harmed to P.L. For that conduct, Cordoba-Hernandez is subject to discipline pursuant to NRS 639.210(4) and (12), and NRS 639.255.

THIRD CAUSE OF ACTION
Pharmacy/Pharmacy Owner Responsibility
(Respondent All City Pharmacy)

XIV.

NRS 639.230(5) provides: “Any violation of any of the provisions of this chapter [NRS Chapter 639] by a managing pharmacist or by personnel of the pharmacy under the supervision of the managing pharmacist is cause for the suspension or revocation of the license of the pharmacy by the Board.”

Additionally, “[t]he owner of a pharmacy, the managing pharmacist of the pharmacy and the registered pharmacist on duty at the pharmacy are responsible for the acts and omissions of pharmaceutical technicians and other personnel who are not pharmacists working in or for the pharmacy, including, but not limited to, any errors committed or unauthorized work performed by such personnel, if the owner, managing pharmacist or registered pharmacist knew or reasonably should have known of the act or omission.” NAC 639.702.

Further, the owner of any business or facility licensed, certified or registered by the Board is responsible for the acts of all personnel in his or her employ. NAC 639.945(2).

As the pharmacy/pharmacy owner at which the violations of law alleged herein occurred, All City Pharmacy is responsible for those violations, including those of Respondent Cordoba-Hernandez pursuant to NRS 639.230(5), NAC 639.702 and NAC 639.945(2). All City Pharmacy is therefore subject to discipline pursuant to NRS 639.210(4) and (12) and NRS 639.255.

XV.

For the errors, misconduct and violations alleged above in the First, Second and Third Causes of Action, Respondents, and each of them, are subject to discipline pursuant NRS 639.210, as well as NRS 639.230(5) and/or NRS 639.255.

XVI.

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the certificates of registration of these respondents.

Signed this 13th day of December 2018.



J. David Wuést, Deputy Executive Secretary
Nevada State Board of Pharmacy on behalf of
Larry L. Pinson, Executive Secretary

NOTICE TO RESPONDENT

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements regarding your certificate of registration. To do so, you must mail to the Board within 20 days of your receipt of this Notice of Intended Action and Accusation a written statement showing your compliance.

1. The Board has jurisdiction over this matter and Respondent Cordoba-Hernandez because Cordoba-Hernandez was a pharmacist registered by the Board at the time of the events alleged in the Accusation on file in this action.

Past Discipline

2. Cordoba-Hernandez has been disciplined by the Board on two other occasions prior to this action, including in September 2012, in the case *Board of Pharmacy v. Jaime Cordoba-Hernandez*, Case No. 12-056-RPH-S, and in February 2015, in the case *Board of Pharmacy v. Jaime Cordoba-Hernandez*, Case 14-086-RPH-S.

Present Action

3. On July 18, 2017, Dr. Dhaval Shah faxed a prescription to Alta Care Home Health (Alta Care) for IV Vancomycin 1G every 12 Hr for 2 weeks for patient P.L.

4. The physician stated on the prescription that “Pharm to dose Abx” and “Vanco trough weekly.”

5. Cordoba-Hernandez was the managing pharmacist at All City Pharmacy at that time.

6. Justin Reyes from Alta Care Home Health (Alta Care) called Cordoba-Hernandez at All City Pharmacy regarding the prescription.

7. Cordoba-Hernandez told Reyes that All City Pharmacy could provide the intravenous medication for the patient, but would be sending only the Vancomycin without supplies. Alta Care faxed the prescription received from Dr. Shah to the pharmacy.

8. Cordoba-Hernandez claims he believed Justin Reyes was a nurse who was acting on behalf of Dr. Shah and asked if he could change the prescription to 30 vials, which was the number of vials in a box.

9. Without verifying that Reyes was acting on Dr. Shah’s behalf, and without consulting Dr. Shah, Cordoba-Hernandez accepted a verbal prescription from Ms. Reyes to

change the Vancomycin quantity to 30 vials, instead of the 28 vials Dr. Shah prescribed. Ms. Reyes is not a practitioner and is not an agent of Dr. Shah.

10. The label on the medication lists Dr. Shah as the ordering practitioner.

11. On July 19, 2017, Cordoba-Hernandez prepared and dispensed 30 Vancomycin 1gm vials of lyophilized powder that were delivered to the patient's home without the diluent for intravenous administration.

12. R.N. Gerlie Comahig of Alta Care later contacted Cordoba-Hernandez to inquire about the missing infusion supplies and medications.

13. Cordoba-Hernandez claims he believed Ms. Comahig was a nurse practitioner and was authorized to order a prescription on behalf of Dr. Shah.

14. Without verifying that Ms. Comahig was a nurse practitioner, and without consulting Dr. Shah, Cordoba-Hernandez accepted a verbal prescription from R.N. Comahig for Sodium Chloride 0.9% flushing solution and Heparin 100u/ml flushing solution. Ms. Comahig is not a practitioner and is not an agent of Dr. Shah.

15. The labels for each of those medications list Dr. Shah as the ordering practitioner.

16. After the Board received a complaint, and during the investigation of this matter, Cordoba-Hernandez responded to Board investigators' questions by stating that he did not know the answers to their questions regarding Vancomycin, including the following:

- a. The strength of Heparin that would be utilized to flush a central line;
- b. The name(s) of any central lines (i.e. PICC, Port, Hickman, Groshong);
- c. What normal Vancomycin trough levels were, how trough levels would be drawn, or how the results would be provided to the Pharmacist;
- d. The side effects related to Vancomycin;
- e. The beyond use date (BUD) of Vancomycin once it is reconstituted; and
- f. How to dose Vancomycin based on the physician's order.

17. Additionally, the Board finds that Board Staff incurred costs and expenses of at least two thousand five hundred dollars (\$2,500.00) to investigate and prosecute this matter.

CONCLUSIONS OF LAW

18. The Board has jurisdiction over this matter and both of these Respondents because at the time of the events alleged herein, Cordoba-Hernandez and All City Pharmacy were registered or licensed with the Board.

19. Cordoba-Hernandez engaged in unprofessional conduct and conduct contrary to the public interest in violation of NAC 639.945(1)(d), (e) and (i), and violated NAC 639.690(2) as the managing pharmacist, by attempting to fill and dispense the prescription for P.L. without the necessary knowledge and proper training, by accepting verbal prescriptions from non-practitioners who were not agents of the prescribing physician, by failing to follow the prescription written by the prescribing physician and by failing to consult Dr. Shaw as the prescribing physician. For that conduct, Cordoba-Hernandez is subject to discipline pursuant to NRS 639.210(4) and (12), and NRS 639.255.

20. As the pharmacy at which the foregoing violations occurred, All City Pharmacy is responsible for those violations, including those of Respondent Cordoba-Hernandez, pursuant to NRS 639.230(5), NAC 639.702 and NAC 639.945(2). All City Pharmacy is therefore subject to discipline pursuant to NRS 639.210(4) and (12) and NRS 639.255.

21. Board Staff withdrew the Second Cause of Action alleging inadequate counseling.

22. The Board hereby finds and concludes that the costs and attorney fees Board Staff incurred to investigate and prosecute this case are fair and reasonable, necessary and actually incurred by Board Staff in its investigation and prosecution of this case.

ORDER

23. Based upon the foregoing, the BOARD HEREBY ORDERS as to Respondent Cordoba-Hernandez:

a. Cordoba-Hernandez's pharmacist registration, Certificate of Registration No. 17533, is revoked effective immediately. The revocation is stayed on the condition that Cordoba-Hernandez shall:

i. Take and pass the NAPLEX examination within six (6) months of the effective date of this Order.

ii. Take and pass the MPJE examination within six (6) months of the effective date of this Order.

iii. Pay a fine of five thousand dollars (\$5,000.00).

iv. Pay an administrative fee of one thousand two hundred and fifty dollars (\$1,250.00) to partially reimburse the Board for its costs and attorney fees associated with investigating and prosecuting this matter.

b. Cordoba-Hernandez's pharmacist registration shall be placed on probation for a period of four (4) years from the effective date of this Order. During that probationary period, Cordoba-Hernandez shall:

i. Not work as a managing pharmacist/pharmacist in charge of any Nevada-licensed pharmacy.

ii. Not engage in any form of compounding or specialty pharmacy. He shall limit his practice to retail pharmacy practice only.

iii. Attend the entire day of at least two of the Board's regularly scheduled board meetings each year (a total of eight meetings over four years) on the day the Board hears disciplinary matters (typically the first day). As evidence of his attendance at each meeting, Cordoba-Hernandez must (a) sign the attendance sheet made available at the meeting, and (b) make his attendance known by introducing himself to the Executive Secretary of the Board.

24. Based upon the foregoing, the BOARD HEREBY ORDERS that All City Pharmacy shall:

- a. Pay a fine of five thousand dollars (\$5,000.00).
- b. Pay an administrative fee of one thousand two hundred and fifty dollars (\$1,250.00) to partially reimburse the Board for its costs and attorney fees associated with investigating and prosecuting this matter.
- c. All City Pharmacy shall be subject to quarterly inspections for a period of one year at its own expense, up to a limit of five hundred dollars (\$500.00) per inspection.

25. Respondents shall pay the fines ordered herein by *cashier's check* or *certified check* or *money order* made payable to "State of Nevada, Office of the Treasurer" to be received by the Board's Reno office at 985 Damonte Ranch Parkway, Suite 206, Reno, Nevada, 89521, within sixty (60) days of the effective date of this Order.

26. Respondents shall pay the administrative fees ordered herein by *cashier's check* or *certified check* or *money order* made payable to the "Nevada State Board of Pharmacy" to be received by the Board's Reno office at 985 Damonte Ranch Parkway, Suite 206, Reno, Nevada, 89521, within sixty (60) days of the effective date of this Order.

[THIS AREA INTENTIONALLY LEFT BLANK]

27. Any failure by Respondents, or either of them, to comply with any term in this Order may result in additional discipline, including the possible suspension or revocation of their respective license or registration until the default is cured. Furthermore, any failure to pay any fine, fee, or cost ordered herein will also result in such legal action as Board Staff determines to be necessary to collect the unpaid fine, fee, or cost.

IT IS SO ORDERED.

Signed and effective this 26 day of April 2019.



Jason Penrod, President
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,)	CASE NO. 17-070-RPH-S
)	17-070-PH-S
Petitioner,)	
v.)	
)	
JAIME CORDOBA-HERNANDEZ, RPH)	STIPULATED FACTS
Certificate of Registration No. 17533, and)	(Jaime Cordoba-Hernandez Only)
)	
ALL CITY PHARMACY, LLC)	
Certificate of Registration No. PH03609,)	
)	
Respondents.)	
	/	

S. PAUL EDWARDS, ESQ., prosecutor for the State of Nevada, State Board of Pharmacy (Board) and Respondent Jaime Cordoba-Hernandez (Cordoba-Hernandez), Certificate of Registration No. 17533, represented by WILLIAM J. STILLING, ESQ., of Stilling & Harrison Health Care Law,

HEREBY STIPULATE AND AGREE THAT

1. The Board has jurisdiction over this matter and Respondent Cordoba-Hernandez because Cordoba-Hernandez was a pharmacist registered by the Board at the time of the events alleged in the Accusation on file in this action.

Past Discipline

2. Cordoba-Hernandez has been disciplined by the Board on two other occasions prior to this action.

a. In September 2012, the Board entered a Findings of Fact, Conclusions of Law and Order (Order) in the case of *Board of Pharmacy v. Jaime Cordoba-Hernandez*, Case No. 12-056-RPH-S. In that case, the Board found Cordoba-Hernandez guilty of creating a fraudulent prescription and dispensing a dangerous drug to a friend. The Board revoked Cordoba-Hernandez’s pharmacist registration in that action. In March 2014, Cordoba-Hernandez appeared before the Board and requested reinstatement of his pharmacist registration. The Board

reinstated Cordoba-Hernandez's pharmacist registration subject to a two-year probation with conditions.

b. In February 2015, the Board entered another Order against Cordoba-Hernandez in *Board of Pharmacy v. Jaime Cordoba-Hernandez*, Case 14-086-RPH-S. In that Order, the Board found Cordoba-Hernandez guilty of unprofessional conduct for failing to fully comply with the terms and conditions of his probation set forth by the Board at the March 2014, board meeting and September 2012 Order. The Board revoked Cordoba-Hernandez's pharmacist registration, stayed the revocation, and placed his pharmacist registration on probation for two years with conditions.

Present Action

3. On July 18, 2017, Dr. Dhaval Shah sent a prescription to Alta Care Home Health (Alta Care) for IV Vancomycin 1G every 12 Hr for 2 weeks for patient P.L.

4. The physician stated on the prescription that "Pharm to dose Abx" and "Vanco trough weekly".

5. Cordoba-Hernandez was the managing pharmacist at All City Pharmacy at that time.

6. Justin Reyes from Alta Care Home Health (Alta Care) called Cordoba-Hernandez at All City Pharmacy regarding the prescription.

7. Cordoba-Hernandez told Reyes that All City Pharmacy could provide the intravenous medication for the patient, but would be sending only the Vancomycin without supplies. Alta Care faxed the prescription to the pharmacy.

8. Cordoba-Hernandez claims he believed Justin Reyes was a nurse who was acting on behalf of Dr. Shah and asked if he could change the prescription to 30 vials, which was the number of vials in the box.

9. Without verifying that Reyes was acting on Dr. Shah's behalf, and without consulting Dr. Shah, Cordoba-Hernandez accepted a verbal prescription from Ms. Reyes to

change the Vancomycin quantity to 30 vials, instead of the 28 vials Dr. Shah prescribed. Ms. Reyes is not a practitioner and is not an agent of Dr. Shah.

10. The label on the medication lists Dr. Shah as the ordering practitioner.

11. On July 19, 2017, Cordoba-Hernandez prepared and dispensed 30 Vancomycin 1gm vials of lyophilized powder that were delivered to the patient's home without the diluent for intravenous administration.

12. R.N. Gerlie Comahig of Alta Care later contacted Cordoba-Hernandez to inquire about the missing infusion supplies and medications.

13. Mr. Cordoba claims he believed Ms. Comahig was a nurse practitioner and was authorized to order a prescription on behalf of Dr. Shah.

14. Without verifying that Ms. Comahig was a nurse practitioner, and without consulting Dr. Shah, Cordoba-Hernandez accepted a verbal prescription from R.N. Comahig for Sodium Chloride 0.9% flushing solution and Heparin 100u/ml flushing solution. Ms. Comahig is not a practitioner and is not an agent of Dr. Shah.

15. The labels for each of those medications list Dr. Shah as the ordering practitioner.

16. After the Board received a complaint, and during the investigation of this matter, Cordoba-Hernandez responded to Board investigators' questions by stating that he did not know the answers to their questions regarding Vancomycin, including the following:

- a. The strength of Heparin would be utilized to flush a central line;
- b. The name(s) of any central lines (i.e. PICC, Port, Hickman, Groshong);
- c. What normal Vancomycin trough levels were, how trough levels would be drawn, or how the results would be provided to the Pharmacist;
- d. The side effects related to Vancomycin;
- e. The beyond use date (BUD) of Vancomycin once it is reconstituted; and
- f. How to dose Vancomycin based on the physician's order.

AGREED:

Signed this 10th day of April 2019



S. Paul Edwards, Esq.
General Counsel
Nevada State Board of Pharmacy

Signed this 10th day of April 2019



William J. Stilling, Esq.
Counsel for
Respondent Jaime Cordoba-Hernandez

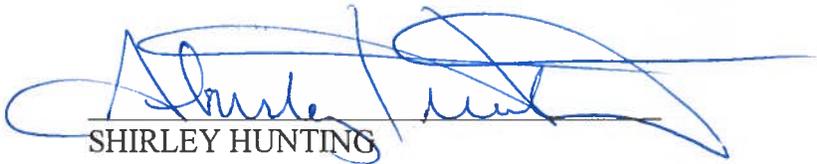
CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Pharmacy, and that on this 1st day of May 2019, I served a true and correct copy of the foregoing document by Certified U.S. Mail to the following:

Jaime Cordoba Hernandez, RPh
4333 Reno HWY, #19
Fallon, NV 89406

William Stilling, Esq.
215 S. State St., Suite 500
Salt Lake City, Utah 84111

All City Pharmacy
821 N. Lamb Blvd., #4
Las Vegas, NV 89110



SHIRLEY HUNTING

17B

Kristopher Mangosing

To: David Wuest
Subject: RE: Petition for another Nevada MPJE Attempt

From: Matthew Phillips <____@isu.edu>
Sent: Monday, October 5, 2020 5:03 PM
To: Mark I. Sedar
Subject: Petition for another Nevada MPJE Attempt

Good afternoon,

My name is Matthew Phillips and I had been inquiring about what it would take to reattempt the MPJE for Nevada. I had sent a letter to the Board on Wednesday September 23rd. I had called the following Monday morning to follow up on whether or not if the letter had been received. I was told that they were unsure and were in the middle of checking the mail for the day and that I would be contacted if they had received it or not. I called today and was made aware that the letter had been received.

However, I was also notified that the Board would consider this matter on the next agenda meeting that would occur in December. In the past I had called and asked questions about what I needed to do on my part to get this process started. I had asked how long the letter needed to be and what it needed to entail, etc. I was not notified of how soon I needed to get the letter submitted in order to have the topic be on the Board's agenda in a reasonable time frame. I am anxiously awaiting on what the Board's decision will be in regards to whether or not I am permitted to sit for the Nevada MPJE again. Please let me know at the soonest of what can be done regarding this matter. Thank you and have a good evening.

Thank you,

Matthew S. Phillips, PharmD
(208)

!@isu.edu

26

26A

Proposed Regulation of the Nevada State Board of Pharmacy

Workshop – October 15, 2020

Explanation – Language in *blue italics* is new; language in *red text* [*omitted material*] is language to be omitted, and language in *green text* indicates prior Board-approved amendments that are in the process of being codified.

AUTHORITY: NRS 639.070; NRS 639.100

A REGULATION relating to the locations where a pharmacist may practice pharmacy; and providing other matters properly relating thereto.

Section. 1. NAC Chapter 639 of NAC is hereby amended by adding thereto the following provisions:

NAC 639.501 Inspections; provision of self-assessment form. (NRS 639.070)

1. Before the Board will issue a new license to operate a pharmacy to any person, a satisfactory inspection of the premises of the pharmacy must be conducted by a member of the staff of the Board.

2. ~~A member of the staff~~ *The Executive Secretary* of the Board shall *develop and implement a program for the inspection of* each licensed pharmacy annually ~~and~~ *or* at any other time deemed necessary ~~by the staff of the Board~~.

3. Before an annual inspection of a licensed pharmacy, the Board will provide a self-assessment form to the pharmacy that includes:

(a) A questionnaire concerning statutory and regulatory compliance pursuant to which the pharmacy must assess its physical plant and operations to assure that the pharmacy is in compliance with all applicable statutes and regulations; and

~~—(b) An assessment of the workplace pursuant to which the pharmacy must assess its volume of work and prescriptions, personnel, workflow and technological devices that assist in the work of the pharmacy.~~

4. The managing pharmacist of a pharmacy or the designee of the owner of the pharmacy may obtain self-assessment forms from the Board in addition to the form provided pursuant to subsection 3 at any time for his or her own use.

(Added to NAC by Bd. of Pharmacy by R162-99, eff. 3-1-2000)

~~**NAC 639.5012 Confidentiality and use of self-assessment and accompanying documentation. (NRS 639.070)**~~

~~—1. An assessment of the workplace completed by a pharmacy as part of the self-assessment, and all documentation accompanying the assessment, that are submitted to a member of the staff of the Board pursuant to NAC 639.5016 are confidential. The Board will destroy such an assessment of the workplace and all accompanying~~

~~documentation within 6 months after the Board receives the assessment and documentation.~~

~~2. The staff of the Board may compile and analyze such data provided in assessments of the workplace as the Board deems appropriate, except that the staff shall not provide to any member of the Board or otherwise publish any compilation or analysis completed by the staff unless the staff has redacted from the compilation or analysis all information by which an individual pharmacy could be identified. The Board will not use data provided in an assessment of the workplace against the pharmacy that completed the assessment for any disciplinary purpose.~~

~~—(Added to NAC by Bd. of Pharmacy by R162-99, eff. 3-1-2000)~~

NAC 639.5014 Completion of self-assessment form before annual inspections; suggestions relating to compliance by or improvement of pharmacy. (NRS 639.070)

1. The managing pharmacist of a pharmacy or the designee of the owner of the pharmacy shall complete a self-assessment form before each annual inspection of the pharmacy by a member of the staff of the Board.

2. The managing pharmacist or the designee of the owner who completes a self-assessment form may make:

(a) Notes and comments on the self-assessment form to explain his or her answers; and

(b) Suggestions on the self-assessment form relating to the compliance by or improvement of the pharmacy.

3. If the managing pharmacist or the designee of the owner makes any suggestion on a self-assessment form of the pharmacy relating to the compliance by or improvement of the pharmacy, he or she shall submit, in accordance with any policies and procedures of the pharmacy, a copy of the self-assessment form to the senior management of the pharmacy. If the managing pharmacist or designee of the owner believes that his or her suggestions are necessary for the care of the patients of the pharmacy and that the senior management of the pharmacy has not responded appropriately, the managing pharmacist or the designee of the owner may contact the Board, which will take such action relating to the suggestion as the Board deems appropriate.

(Added to NAC by Bd. of Pharmacy by R162-99, eff. 3-1-2000)

NAC 639.5016 Annual inspections: Review of self-assessment form; notes regarding discrepancies or deficiencies; correction of discrepancies or deficiencies. (NRS 639.070)

1. Whenever a member of the staff of the Board conducts an annual inspection of a pharmacy, the managing pharmacist of the pharmacy or the designee of the owner of the pharmacy shall provide the member of the staff of the Board with a completed self-assessment form of the pharmacy. A member of the staff of the Board conducting an

annual inspection of a pharmacy shall review a self-assessment form of the pharmacy with the managing pharmacist of the pharmacy or a pharmacist on duty in the pharmacy at the time of the inspection to verify that all the information contained in the self-assessment form of the pharmacy is true and complete.

2. If, during the annual inspection of a pharmacy, the member of the staff of the Board conducting the inspection finds any discrepancies between the information contained in the self-assessment form of the pharmacy and the actual state or condition of the pharmacy, or if the member of the staff of the Board finds any other deficiencies or conditions in the pharmacy or its operation that are not otherwise in compliance with the applicable statutes and regulations governing the operation of a pharmacy and dispensing of drugs, the member of the staff of the Board shall make a note of the discrepancy, deficiency or condition in his or her inspection.

3. A pharmacy shall correct a discrepancy, deficiency or condition noted by a member of the staff of the Board pursuant to subsection 2 within a reasonable time, as determined by the member of the staff of the Board who noted the discrepancy, deficiency or condition. Any failure by a managing pharmacist or an owner of a pharmacy, or both, to correct a discrepancy, deficiency or condition in a timely manner as required by this subsection constitutes unprofessional conduct pursuant to subsection 4 of [NRS 639.210](#) and may serve as the basis for such disciplinary action against the managing pharmacist or owner of the pharmacy, or both, as the staff of the Board deems appropriate.

(Added to NAC by Bd. of Pharmacy by R162-99, eff. 3-1-2000)

WORKPLACE ASSESSMENT TOOL

For the week of *January 13, 2020 through January 19, 2020*, please provide the following information: wk202003

PERSONNEL ANALYSIS

	Mon.	Tues.	Weds.	Thurs.	Fri.	Sat.	Sun.
Total Pharmacist Hours							
Total Technician Hours							
Total Clerk Hours							
Total Man-Power Hours							
Total Hours Open							

Is your staffing adequate to allow your pharmacy to safely and efficiently serve the public? If not, what suggestions regarding the staffing of your pharmacy would you make?

PRESCRIPTION ANALYSIS

	Mon.	Tues.	Weds.	Thurs.	Fri.	Sat.	Sun.
New Prescriptions							
Refill Prescriptions							
Total Prescriptions							

Of the Total Prescriptions above, please categorize them as follows:

	Mon.	Tues.	Weds.	Thurs.	Fri.	Sat.	Sun.
Cash Prescriptions							
3rd-Party Prescriptions							
Compounded Prescriptions							
Parenteral Prescriptions							

EQUIPMENT AND WORK CONDITIONS

Please check each of the following that are in your pharmacy:

- | | | |
|---|--|---|
| <input type="checkbox"/> Pill counter
<input type="checkbox"/> Baker cell machine
<input type="checkbox"/> ScriptPro machine
<input type="checkbox"/> Scan verification system | <input type="checkbox"/> Regularly scheduled breaks for non-pharmacists
<input type="checkbox"/> Regularly scheduled breaks for pharmacists | <input type="checkbox"/> Direct telephone for physicians
<input type="checkbox"/> Voice mail for refills
<input type="checkbox"/> Drive-thru window |
|---|--|---|

WORKPLACE ASSESSMENT TOOL

For the week of *August 03, 2020 through August 09, 2020*, please provide the following information: wk202032

PERSONNEL ANALYSIS

	Mon.	Tues.	Weds.	Thurs.	Fri.	Sat.	Sun.
Total Pharmacist Hours							
Total Technician Hours							
Total Clerk Hours							
Total Man-Power Hours							
Total Hours Open							

Is your staffing adequate to allow your pharmacy to safely and efficiently serve the public? If not, what suggestions regarding the staffing of your pharmacy would you make?

PRESCRIPTION ANALYSIS

	Mon.	Tues.	Weds.	Thurs.	Fri.	Sat.	Sun.
New Prescriptions							
Refill Prescriptions							
Total Prescriptions							

Of the Total Prescriptions above, please categorize them as follows:

	Mon.	Tues.	Weds.	Thurs.	Fri.	Sat.	Sun.
Cash Prescriptions							
3rd-Party Prescriptions							
Compounded Prescriptions							
Parenteral Prescriptions							

EQUIPMENT AND WORK CONDITIONS

Please check each of the following that are in your pharmacy:

- | | | |
|---|--|---|
| <input type="checkbox"/> Pill counter
<input type="checkbox"/> Baker cell machine
<input type="checkbox"/> ScriptPro machine
<input type="checkbox"/> Scan verification system | <input type="checkbox"/> Regularly scheduled breaks for non-pharmacists
<input type="checkbox"/> Regularly scheduled breaks for pharmacists | <input type="checkbox"/> Direct telephone for physicians
<input type="checkbox"/> Voice mail for refills
<input type="checkbox"/> Drive-thru window |
|---|--|---|

What equipment or work condition(s) would improve the efficiency and safety of your pharmacy?

SUGGESTIONS FOR IMPROVEMENT OR COMPLIANCE

If the workflow of your pharmacy could be improved, what would your suggestions be?

Are you and all of your other pharmacists counseling every patient for whom counseling is required or would be advisable? If not, what suggestions would you make to improve your pharmacy's compliance with the counseling requirements?

Do you have any other suggestions that would improve the efficiency and safety of your pharmacy?



ASSOCIATION PERSPECTIVE | VOLUME 25, ISSUE 12, P8, DECEMBER 01, 2019

APhA is dedicated to your well-being, in 2020 and beyond

Thomas E. Menighan, BS Pharm, MBA, ScD (Hon), FAPhA

We've all got well-being on our minds. This month, we have well-being on our cover.

This is a trying time of year—flu shots adding to an already challenging workload, Medicare beneficiaries selecting new Part D plans, and the pressure to meet metrics that challenge your ability to provide the best possible patient care. The holidays on top of that? You'd have to be superhuman not to feel the strain.

Your well-being isn't a static snapshot of life. It's a dynamic ebb and flow of experiences and events, and how we respond. To assist you, APhA is making significant investments in pharmacy personnel well-being about which I want you to be aware.

Take a moment to view or review the recommendations that came out of the consensus conference on Enhancing Well-Being and Resilience Among the Pharmacist Workforce. The recommendations were organized into seven categories, including "data, information, and research on pharmacist well-being," and "well-being education and training." We've also got "pharmacist work conditions and patient safety," "payment models," and "relations between pharmacists and employers." All of these are given equal weight, and that reflects the reality that it's going to take progress on many fronts to fully ease pharmacists' pain.

So, how can you be a part of the solution? One easy way is to take the Well-being Index for Pharmacists at least once, and—as thousands of pharmacists do—on a monthly basis to longitudinally evaluate your fatigue, depression, burnout, anxiety, and both mental and physical quality of life. Are things improving? Getting worse? Are there areas where you're getting stronger and others where you're stuck? Survey-takers are connected to resources that help build individual



resilience, and APhA can use the objective, anonymous data to tailor our programming and advocacy to meet your needs. Visit <https://apha.us/WBI> to take the survey.

No matter your practice setting, you've got an advocate for empowerment to do what you've been trained to do in a supportive workplace and a sustainable business environment. To be effective, we need your membership and continued engagement. You're not alone! Use our tools on www.pharmacist.com to connect. We'll continue the fight to promote access and coverage for your services!

Thanks for reading *Pharmacy Today*. On behalf of the APhA Board of Trustees and staff, we wish you a healthy and happy holiday season and a bright 2020. Be well.

Article Info

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26B

Proposed Regulation of the Nevada State Board of Pharmacy

Workshop – October 15, 2020

Explanation – Language in *blue italics* is new; language in *red text* [~~omitted material~~] is language to be omitted, and language in *green text* indicates prior Board-approved amendments that are in the process of being codified.

AUTHORITY: NRS 639.070; NRS 639.100; NRS 639.2895

A REGULATION relating to the citation and fine of registered pharmacists and pharmacies for misfilled prescriptions in certain instances; and providing other matters properly relating thereto.

Section. 1. NAC Chapter 639 of NAC is hereby amended by adding thereto the following provisions:

1. The Executive Secretary or General Counsel of the Board may, pursuant to NRS 639.2895, issue a citation to and assess an administrative fine against a registered pharmacist with no prior history of discipline under NRS 639.255 who, in the course of filling or refilling a prescription, commits a violation of one or more of the following regulations:

- a) NAC 639.252(2);*
- b) NAC 639.702;*
- c) NAC 639.707; or*
- d) NAC 639.945(1)(d),*

↳ with no resulting harm to the patient.

2. The Executive Secretary or General Counsel of the Board may, pursuant to NRS 639.2895, issue a citation to and assess an administrative fine against the owner of a pharmacy responsible under NAC 639.702 and NAC 639.945(2) for a citation and fine imposed pursuant to subsection 1.

3. The Executive Secretary shall provide a report of all registered pharmacists and pharmacies cited and fined pursuant to this section at the next regularly-scheduled meeting of the Board.

26C

Proposed Regulation of the Nevada State Board of Pharmacy

Workshop – October 15, 2020

Explanation – Language in *blue italics* is new; language in *red text* [~~omitted material~~] is language to be omitted, and language in *green text* indicates prior Board-approved amendments that are in the process of being codified.

AUTHORITY: NRS 639.070; NRS 639.100

A REGULATION relating to the locations where a pharmacist may practice pharmacy; and providing other matters properly relating thereto.

Section. 1. NAC Chapter 639 of NAC is hereby amended by adding thereto a new section to read as follows:

1. A registered pharmacist who is employed by or under contract with a pharmacy other than an institutional pharmacy may perform the functions set forth in NRS 639.0124(2)-(4) and (7)-(9) at a site other than the site of the pharmacy subject to the requirements set forth in subsections 2 and 3.

2. A registered pharmacist engaged in the practice of pharmacy pursuant to this section shall:

a) Identify and update the current address of the site of practice in conformance with NAC 639.225;

b) Comply with all provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, the regulations adopted pursuant thereto, and all other federal and state laws and regulations concerning the privacy of information regarding health care;

c) Be provided with the same computerized system and access to data regarding a patient for whom a prescription has been submitted that would be available in the pharmacy, including, without limitation the information set forth in NAC 639.4916(1)(c);

d) Ensure that all required records are made readily accessible to members of the Board and employees, agents and designees of the Board; and

e) Comply with all applicable state and federal statutes, regulations and rules, including, without limitation:

(1) All recordkeeping requirements imposed upon the pharmacy; and

(2) All requirements for maintaining the confidentiality and security of patient data.

3. A registered pharmacist engaged in the practice of pharmacy pursuant to this section shall not:

a) Maintain an inventory of drugs at the site of practice;

b) Act as a managing pharmacist; or

c) Provide services pursuant to the provisions of:

(1) NAC 449.15347;

(2) NAC 449.6138;

(3) NAC 449.722;

(4) NAC 449.74531;

(5) NAC 449.9905 and 639.4996;

(6) Subsection 2 of NAC 639.465; or

(7) NAC 639.690.

Section. 2. NAC 639.403 of NAC is hereby amended to read as follows:

1. ~~Except as otherwise provided in subsection 2, a~~ A registered pharmacist *who is not employed by or under contract with a pharmacy must* ~~may~~ apply to the Board to engage in the practice of pharmacy at a site other than the site of a licensed pharmacy by submitting an application on a form prescribed by the Board. An application must be approved before a pharmacist may commence any practice pursuant to this section. The application must include, without limitation:

- (a) The name of the pharmacist;
- (b) A description of the services that the pharmacist intends to provide at the site, *which must be limited to one or more of the functions set forth in NRS 639.0124(2)-(4) and (7)-(9)*;
- (c) The location at which the pharmacist will provide the services;
- (d) An identification of the types of patients or other persons to whom the pharmacist intends to provide the services;
- (e) An identification of the types of pharmacies or other entities to whom the pharmacist intends to provide the services;
- (f) A description of all resources, both paper and electronic, that will be available to the pharmacist in the course of providing the services;
- (g) The days and hours during which the pharmacist intends to provide the services;
- (h) An explanation of the policy of the pharmacist for users of the services when the pharmacist is unavailable;
- (i) An explanation of the policy of the pharmacist regarding the confidentiality and security of the patient data that will be gathered, made and maintained as part of the services which are provided, including, without limitation, paper and electronic records;
- (j) ~~Whether the services provided will be affiliated with, an adjunct of or otherwise related to a licensed pharmacy~~ *The identity of the business under which the services will be performed, as registered with the domicile business registration agency*; and
- (k) A description of the business plan for the services provided.

2. ~~A registered pharmacist may not submit an application pursuant to subsection 1 if he or she provides services:~~

- ~~(a) Pursuant to the provisions of NAC 449.15347;~~
- ~~(b) Pursuant to the provisions of NAC 449.6138;~~
- ~~(c) Pursuant to the provisions of NAC 449.722;~~
- ~~(d) Pursuant to the provisions of NAC 449.74531;~~
- ~~(e) Pursuant to the provisions of NAC 449.9905 and 639.4996;~~
- ~~(f) Pursuant to the provisions of subsection 2 of NAC 639.465;~~
- ~~(g) Pursuant to the provisions of NAC 639.690;~~
- ~~(h) Voluntarily or without compensation, regardless of whether the services are provided individually or through an employer; or~~
- ~~(i) Pursuant to a medication therapy management program approved pursuant to 42 C.F.R. § 423.153(d).~~

~~3.~~ A registered pharmacist who administers immunizations pursuant to a written protocol established in accordance with NAC 639.297 to 639.2978, inclusive, is not required to submit an application pursuant to this section for purposes of administering the immunizations at the authorized location.

Section. 3. NAC 639.406 of NAC is hereby amended to read as follows:

1. Upon submission of an application pursuant to [NAC 639.403](#), the Board will schedule a hearing before the Board. At the hearing, the Board will consider the application and any other relevant information to determine whether the practice and services proposed in the application will be provided in a manner that is safe and in the best interests of the health, safety and welfare of the public. The Board may consider, without limitation, the following factors in determining whether to approve, deny or modify such an application:

- (a) The information contained in the application;
- (b) The education, experience and expertise of the applicant;
- (c) The disciplinary history of the applicant, if any; and
- (d) Whether the applicant has sufficient malpractice or other liability insurance.

2. At the hearing, the Board may request that the applicant modify his or her application.

3. If the Board approves an application, the Board will provide the applicant with documentation indicating the approval and setting forth the terms and conditions under which the applicant may provide the services approved by the Board, *which shall be subject to the requirements set forth in subsections 5 and 6.*

4. If the Board denies an application, the Board will provide the applicant with a written notice of the denial indicating the reasons for the denial and identifying any deficiencies in the application.

5. A registered pharmacist engaged in the practice of pharmacy pursuant to this section shall:

a) Identify and update the current address of the site of practice in conformance with NAC 639.225;

b) Comply with all provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, the regulations adopted pursuant thereto, and all other federal and state laws and regulations concerning the privacy of information regarding health care;

c) Ensure that all required records are made readily accessible to members of the Board and employees, agents and designees of the Board; and

d) Comply with all applicable state and federal statutes, regulations and rules, including, without limitation:

(1) All recordkeeping requirements imposed upon the pharmacy; and

(2) All requirements for maintaining the confidentiality and security of patient data.

6. A registered pharmacist engaged in the practice of pharmacy pursuant to this section shall not:

a) Maintain an inventory of drugs at the site of practice;

b) Act as a managing pharmacist; or

c) Provide services pursuant to the provisions of:

(1) NAC 449.15347;

(2) NAC 449.6138;

(3) NAC 449.722;

(4) NAC 449.74531;

(5) NAC 449.9905 and 639.4996;

(6) Subsection 2 of NAC 639.465; or

(7) NAC 639.690.

Section. 4. NAC 639.412 is hereby repealed:

~~—1.— Except as otherwise provided in subsection 2, a licensed pharmacy may apply to the Board to use the services of one or more registered pharmacists, including, without limitation, pharmacists employed by or under contract with the pharmacy, to engage in the practice of pharmacy at a site other than the site of the licensed pharmacy by submitting an application on a form prescribed by the Board. The application must include, without limitation:~~

~~—(a) The name of the pharmacy;~~

~~—(b) A description of the services that the pharmacy intends to provide at the site;~~

~~—(c) The location at which the pharmacy will provide the services;~~

~~—(d) An identification of the types of patients or other persons or entities to whom the pharmacy intends to provide the services;~~

~~—(e) A description of all resources, both paper and electronic, that will be available to the pharmacy in the course of providing the services;~~

~~—(f) The days and hours during which the pharmacy intends to provide the services;~~

~~—(g) An explanation of the policy of the pharmacy for users of the service when a pharmacist is unavailable;~~

~~—(h) An explanation of the policy of the pharmacy regarding the confidentiality and security of the patient data that will be gathered, made and maintained as part of the services which are provided, including, without limitation, paper and electronic records; and~~

~~—(i) A description of the business plan for the services provided.~~

~~—2.— A pharmacy may not submit an application pursuant to subsection 1 to use the services of a registered pharmacist who is prohibited from submitting an application pursuant to subsection 2 of NAC 639.403.~~

Section. 5. NAC 639.415 is hereby repealed:

~~—1.— Upon submission of an application pursuant to NAC 639.412, the Board will schedule a hearing before the Board. At the hearing, the Board will consider the application and any other relevant information to determine whether the practice and services proposed in the application will be provided in a manner that is safe and in the best interests of the health, safety and welfare of the public. The Board may consider, without limitation, the following factors in determining whether to approve, deny or modify such an application:~~

~~—(a) The information contained in the application;~~

~~—(b) The disciplinary history of the applicant, if any; and~~

~~—(c) Whether the applicant has sufficient malpractice or other liability insurance.~~

~~—2.— At the hearing, the Board may request that the applicant modify the application.~~

~~—3.— If the Board approves an application, the Board will provide the pharmacy whose application is approved with documentation indicating the approval and setting forth the terms and conditions under which the pharmacists employed by or under contract with the pharmacy may offer the services approved by the Board.~~

~~—4.— If the Board denies an application, the Board will provide the applicant with a written notice of the denial indicating the reasons for the denial and identifying any deficiencies in the application.~~

Section. 6. NAC 639.418 is hereby repealed:

~~*The Board may revoke, suspend or place restrictions on the approval granted to a licensed pharmacy to use the services of one or more registered pharmacists to engage in the practice of pharmacy at a site other than the site of the licensed pharmacy pursuant to NAC 639.415 based upon proof that:*~~

- ~~*—1. The pharmacy has violated the terms and conditions under which the pharmacy was approved by the Board to provide the services; or*~~
- ~~*—2. During the course of providing the services approved by the Board, the pharmacy has committed one or more acts that are grounds for disciplinary action pursuant to this chapter or chapter 639 of NRS.*~~

FOR REFERENCE ONLY:

NRS 639.0124 “Practice of pharmacy” defined. “Practice of pharmacy” includes, but is not limited to, the:

1. Performance or supervision of activities associated with manufacturing, compounding, labeling, dispensing and distributing of a drug, including the receipt, handling and storage of prescriptions and other confidential information relating to patients.
 2. Interpretation and evaluation of prescriptions or orders for medicine.
 3. Participation in drug evaluation and drug research.
 4. Advising of the therapeutic value, reaction, drug interaction, hazard and use of a drug.
 5. Selection of the source, storage and distribution of a drug.
 6. Maintenance of proper documentation of the source, storage and distribution of a drug.
 7. Interpretation of clinical data contained in a person’s record of medication.
 8. Development of written guidelines and protocols in collaboration with a practitioner which are intended for a patient in a licensed medical facility or in a setting that is affiliated with a medical facility where the patient is receiving care and which authorize collaborative drug therapy management. The written guidelines and protocols must comply with NRS 639.2629.
 9. Implementation and modification of drug therapy, administering drugs and ordering and performing tests in accordance with a collaborative practice agreement.
- ↪ The term does not include the changing of a prescription by a pharmacist or practitioner without the consent of the prescribing practitioner, except as otherwise provided in NRS 639.2583.

(1) NAC 449.15347 Pharmaceutical services. (NRS 449.0302)

1. Each facility shall have a pharmacy directed by a registered pharmacist or a drug room supervised by no less than a currently licensed professional nurse. The pharmacy or drug room must be administered in accordance with all applicable state and federal laws. The facility shall have a full-time, part-time or consulting pharmacist who is responsible for developing, supervising and coordinating all of the activities of the pharmacy service.

2. Each facility shall have and implement policies and procedures that minimize errors in the administration of drugs. The medical director of the facility and the pharmacist who is responsible for the pharmacy service shall approve the policies and procedures.

3. Drugs and biologicals must be controlled and distributed in accordance with applicable standards of practice and state and federal laws.

4. When a pharmacist is not available at the facility, drugs and biologicals may be removed from the pharmacy or drug area only by a member of the staff who is authorized to remove such substances by the policies and procedures of the facility, which must be established in accordance with state and federal laws.

5. Errors in administering a drug, adverse reactions by a client to a drug and incompatibilities between a drug and a client must be immediately reported to the attending physician of the client.

6. Abuses and losses of controlled substances must be reported to the pharmacist who is responsible for the pharmacy service, the administrator and the chief administrative nurse of the facility, in accordance with all applicable state and federal laws.

7. Information relating to drug interactions and information on drug therapy, side effects, toxicology, dosage indications for use and routes of administration must be available to the professional members of the staff of the facility.

(Added to NAC by Bd. of Health by R129-99, 11-29-99, eff. 1-1-2000)

(2) NAC 449.6138 Distribution and administration of drugs and controlled substances. (NRS 449.0302)

1. Each independent center for emergency medical care shall provide for the distribution and administration of drugs in conformance with all federal, state and local laws. A list of the drugs available for use at the center must be maintained.

2. All dangerous drugs and controlled substances distributed at an independent center for emergency medical care must be:

(a) Owned by and stored in a licensed pharmacy; or

(b) Owned by a licensed physician.

3. If a pharmacy is located on the premises of an independent center for emergency medical care, the pharmacy must be licensed by the State Board of Pharmacy.

4. If a pharmacy is not located on the premises of an independent center for emergency medical care, the center must contain an area for the storage, administration, quality control and dispensing of drugs. The storage area must include locked storage for drugs and double-locked storage for controlled substances, and refrigerated storage for both drugs and controlled substances. Refrigerators for the storage of drugs and controlled substances must be maintained between 36 degrees Fahrenheit and 46 degrees Fahrenheit. Room temperature for the storage of drugs and controlled substances must not exceed 86 degrees Fahrenheit. Facilities for washing hands must be located near the area of distribution.

5. A drug or controlled substance may not be administered at an independent center for emergency medical care without the order of a physician. The order must be entered in the medical record of the patient and signed by the physician. The order must include the name of the drug or controlled substance, the dosage, the time or frequency of administration and if the drug or controlled substance is not to be taken orally, the method of administration.

6. The development and training of the medical staff of an independent center for emergency medical care must include training provided by a pharmacist licensed by the State Board of Pharmacy. The training must include policies and procedures concerning the procurement, storage, repackaging and dispensing of drugs. The distribution of drugs at the center must be physically monitored at least quarterly by a licensed pharmacist, who shall report his or her findings and recommendations to the administrator or medical director of the center.

(Added to NAC by Bd. of Health, eff. 11-1-95)

(3) NAC 449.722 Pharmaceutical services. (NRS 449.0302)

1. If a facility does not employ a licensed pharmacist, it must have formal arrangements with a licensed pharmacist to provide consultation on methods and procedures for ordering, storage, administration, disposal and recording of drugs and biologicals.

2. Medications administered to a resident must be ordered either in writing or orally by the resident's attending or staff physician. Oral orders by a physician for prescription drugs must be given only to a licensed nurse, pharmacist or physician. All oral orders for medication must be recorded, signed by the person receiving them and countersigned by the attending physician within 72 hours.

3. Medications not specifically limited as to time or number of doses when ordered must be controlled by automatic stop orders or other methods in accordance with written policies. The attending physician must be notified.

4. Self-administered medication is allowed only with the permission of the attending physician of the resident.

5. The pharmacist and a registered nurse shall review each drug regimen of a resident monthly and shall notify the physician if problems occur or changes are appropriate.

6. Drug regimens must be reviewed quarterly by the attending or staff physician.
[Bd. of Health, Intermediate Care Facilities Reg. §§ 9.1-9.5.1, eff. 12-5-75]

(4) NAC 449.74531 Pharmaceutical services. (NRS 449.0302)

1. A facility for skilled nursing shall provide such pharmaceutical services, including, without limitation, acquiring, receiving, dispensing and administering drugs and biologicals, as are required to meet the needs of the patients in the facility. The facility shall provide such drugs and biologicals as are needed or obtain them from qualified outside sources pursuant to [NAC 449.74521](#).

2. A facility for skilled nursing shall employ or otherwise obtain the services of a registered pharmacist. The registered pharmacist shall:

(a) Provide consultations on all matters relating to the pharmaceutical services provided by the facility;

(b) Establish a system of records for the receipt and disposition of all controlled substances in the facility in sufficient detail to ensure an accurate reconciliation; and

(c) Ensure that those records are in order and that an account of all controlled substances in the facility is maintained and periodically reconciled.

3. The regimen of drugs for each patient in the facility must be reviewed at least once each month by a registered pharmacist. The pharmacist shall report any irregularities he or she discovers to the patient's attending physician and the chief administrative nurse of the facility. The physician and chief administrative nurse shall take such actions as they deem necessary in response to the report.

4. Drugs and biologicals used by a facility must be:

(a) Labeled in accordance with state and federal law and accepted professional standards. Each label must include the appropriate accessory and cautionary instructions and the expiration date, if applicable.

(b) Stored in accordance with state and federal law in locked compartments with proper controls for the temperature. Only authorized personnel may have access to the keys to unlock the compartments. Substances listed as schedule II controlled substances pursuant to [chapter 453](#) of NRS and other drugs that have the potential for abuse must be stored separately in a locked compartment that is immovable, unless the facility uses a system to distribute the substances or drugs in single-unit packages, the quantity stored is minimal and a dosage that is missing can be readily detected.

(Added to NAC by Bd. of Health by R051-99, eff. 9-27-99)

(5) NAC 449.9905 and 639.4996;

NAC 449.9905 Pharmacist employed by or contracted with center; records, storage and administration of drugs; center required to obtain license to operate pharmacy. ([NRS 441A.120](#), [449.0302](#))

1. A pharmacist employed by or contracted with an ambulatory surgical center pursuant to [NAC 639.4996](#) is responsible for all matters pertaining to the use of drugs in the ambulatory surgical center.

2. Records of all transactions must be in writing and maintained in accordance with the provisions of state and federal law so the receipt and disposition of any drug may be readily traced.

3. Drugs requiring refrigeration must be stored in a locked refrigerator or a refrigerator in a locked room.

4. In the absence of a full-time pharmacist, the director of nursing must be designated in writing as responsible for the control of dangerous drugs and controlled substances. Controlled substances as described in [chapter 453](#) of NRS must be stored in a storage area with two locks. If a box is used, it must be securely fastened and immovable. The keys or combinations to the locks must be accessible only to licensed health care professionals.

5. All drugs must be logged into and checked out of stock only by a licensed health care professional.

6. The ambulatory surgical center shall obtain a license to operate a pharmacy pursuant to [chapter 639](#) of NRS.

(Added to NAC by Bd. of Health, eff. 12-15-88; A by R049-99, 9-27-99; R096-08, 8-26-2008, eff. 10-25-2008; R181-09, 10-4-2013)

NAC 639.4996 Establishment and review of policies and procedures by pharmacist. (NRS 639.070, 639.071)

1. A surgical center for ambulatory patients shall employ or enter into a contract with a pharmacist to establish policies and procedures which:

- (a) Are consistent with the policies and procedures developed pursuant to [NAC 639.477](#);
- (b) Require the maintenance of records in accordance with the provisions of [NAC 639.485](#) and [639.486](#);
- (c) Address the purchase, storage, maintenance of records and dispensing of drugs and investigational drugs;
- (d) Require maintenance of a perpetual inventory of all controlled substances;
- (e) Prescribe the procedure for quarantining and destroying drugs and investigational drugs that are expired, adulterated, mislabeled or otherwise unsafe for human use;
- (f) Require the storage of drugs and investigational drugs in accordance with the specifications of the manufacturer;
- (g) Ensure that the surgical center dispenses drugs and investigational drugs in accordance with applicable state and federal laws; and
- (h) Ensure that all compounding is:
 - (1) Performed by a registered pharmacist in accordance with the provisions of this chapter and [chapter 639](#) of NRS; or
 - (2) If performed by an employee of the surgical center, other than a registered pharmacist, performed:
 - (I) In accordance with the provisions of this chapter and [chapter 639](#) of NRS;
 - (II) In a location designated for compounding that is clean and disinfected before each act of compounding; and
 - (III) By a person who has completed training for the type of compounding that will be performed.

2. The policies and procedures established pursuant to subsection 1 must be maintained, reviewed at least annually, and dated upon adoption and amendment.

3. The pharmacist employed by or contracted with a surgical center for ambulatory patients pursuant to subsection 1 may establish the policies and procedures required pursuant to that subsection with the assistance of a practitioner or an employee or contractor of the surgical center.

(Added to NAC by Bd. of Pharmacy, eff. 10-24-97; A by R116-08, 9-18-2008)

(6) Subsection 2 of NAC 639.465;

NAC 639.465 Managing pharmacist. (NRS 639.070, 639.071, 639.072)

- 1. A pharmacy located in a:
 - (a) Hospital with 100 beds or more; or
 - (b) Correctional institution housing 1,500 inmates or more,
 ↪ must have one full-time managing pharmacist. That pharmacist may be a managing pharmacist for only one such pharmacy.
- 2. Each pharmacy located in a:
 - (a) Hospital with less than 100 beds; or
 - (b) Correctional facility housing less than 1,500 inmates,

↪ must have one managing pharmacist who is retained as a consultant, or who is employed part-time or full-time.

(Added to NAC by Bd. of Pharmacy, eff. 3-27-90; A 9-12-91; R015-05, 10-31-2005; R098-07, 12-4-2007)

(7) NAC 639.690 Pharmacist: Consultation with patient; proper training in safe handling, compounding and therapy related to parenteral solutions. (NRS 639.070, 639.2807)

1. Any pharmacy furnishing parenteral solutions shall ensure that a pharmacist is available 24 hours a day for consultation with the patient and the patient's primary provider of care concerning the proper use of any parenterals and related supplies furnished by the pharmacy.

2. The managing pharmacist shall ensure that all pharmacists engaging in compounding parenteral solutions have the proper training in the safe handling, compounding and therapy related to parenteral solutions, including cytotoxic agents.

(Added to NAC by Bd. of Pharmacy, eff. 8-14-87; A 7-7-94)



NEVADA STATE BOARD OF PHARMACY

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Application to Practice at a Location other than the Site of a Licensed Pharmacy

Approval of this application is required for a registered pharmacist to practice at a location other than the site of a licensed pharmacy if the work performed by the pharmacist is not as an employee or contractor of a licensed pharmacy (within or outside the state of Nevada). See NAC 639.412. **A separate form is required for each place of practice.**

Complete and mail this form to the address indicated above. An appearance at a scheduled Board meeting may be necessary for approval. If an appearance is necessary, a notice will be sent to you with the date and time.

Pharmacist Information

First: _____ Middle: _____ Last: _____

Pharmacist Registration # _____

Phone: _____ Fax: _____ Email: _____

Business Information

Name of Business: _____ Business License #: _____

Business Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Practice Information (IF DIFFERENT FROM THE BUSINESS ADDRESS)

Practice Name: _____

Practice Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Provide the following (use a separate sheet if additional space is needed).

1. Description of services the pharmacist intends to provide at the site:

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Application to Practice at a Site other than the site of a Licensed Pharmacy
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2. Types of patients or other persons or entities the pharmacist intends to provide the services:
3. Description of all resources, both paper and electronic, that will be available and used in the course of providing the services:
4. Explanation of the policy for users of the service when the pharmacist is unavailability:
5. Explanation of the policy regarding the confidentiality and security of the patient data that will be gathered, made and maintained as part of the services which are provided, including, without limitation, paper and electronic records:
6. Description of the business plan for the services provided:

- Submit with this application a copy of your business license.
- Submit with this application any other documents you feel is necessary for approval of the application.

I hereby certify that the information given is true and correct to the best of my knowledge. I understand that a violation of any such statute, rules or regulations may be grounds for suspension or revocation of my Nevada pharmacist registration. **The application is not effective until approved by the Board, and/or executed by the Executive Secretary.**

Print Name of Pharmacist submitting Application for Approval

Original Signature of Pharmacist (copies or stamps not accepted)

Date

Board Use Only	Date Received/Reviewed: _____
	Approved: <input type="checkbox"/> Yes <input type="checkbox"/> No
	Executive Secretary Signature: _____ Date: _____