

July 5, 2006

AGENDA

◆ PUBLIC NOTICE ◆

NEVADA STATE BOARD OF PHARMACY

BOARD MEETING

at the

Las Vegas Chamber of Commerce  
3720 Howard Hughes Parkway  
Las Vegas, Nevada

Wednesday, July 19<sup>th</sup>, 2006 – 9:00 am

Thursday, July 20<sup>th</sup>, 2006 – 9:00 am

Please Note: 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.

Public comment is welcomed by the Board, but will be heard only when that item on the agenda is reached and will be limited to five minutes per person. The president may allow additional time to a given speaker as time allows and in his sole discretion.

◆ 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.

## July 2006 Board Meeting Agenda

- \* 1. Approval of June 8, 2006, Minutes
- \* 2. Applications for Out-of-State MDEG – Non Appearance:
  - A. Apria Healthcare, Inc. – Phoenix, AZ
  - B. McKesson Medical-Surgical MediMart Inc. – Golden Valley, MN
  - C. McKesson Medical-Surgical MediMart Inc. – Beaverton, OR
  - D. Shields Orthotic Prosthetic Services, Inc. – Salt Lake City, UT

### Applications for Out-of-State Pharmacy – Non Appearance:

- E. Apothecary Shop of Tucson – Tucson, AZ
- F. Central Express Pharmacy, Inc. – Pemrboke Pines, FL
- G. GlobalNet Pharmacies, LLC – Boca Raton, FL
- H. Home Medical Enhancement Services, Inc. – Florence, KY
- I. McKesson Specialty Pharmaceuticals LLC – Pittsburgh, PA
- J. Oncology Rx Care Advantage – Ft Worth, TX
- K. Patient Care Pharmacy, Inc. – Gulfport, MS
- L. PETNET Pharmaceuticals, Inc. – Palo Alto, CA
- M. USDrugs.com – Moorhead, MN

### Application for Out-of-State Pharmacy – Ownership Change – Non Appearance:

- N. Savon.com #5805 – Carlsbad, CA

### Applications for Out-of-State Wholesaler – Non Appearance:

- O. AmerisourceBergen Drug Corporation – Lockbourne, OH
- P. Preferred Pharmaceuticals, Inc. – Anaheim, CA

### Applications for Nevada MDEG – Non Appearance:

- Q. Bennett Medical Services – Elko
- R. Bennett Medical Services – Ely
- S. Desert Medical Equipment – Las Vegas
- T. Orthopedic Motion, Inc. – Las Vegas
- U. Regent Care Center of Reno – Reno

### Applications for Nevada Pharmacy – Non Appearance:

- V. Costco Pharmacy #646 – Sparks
- W. CVS/pharmacy #9770 – Henderson

## July 2006 Board Meeting Agenda

### Applications for Nevada Pharmacy – Ownership Change – Non Appearance:

- X. Huntridge Drug – Las Vegas
- Y. Sav-on Pharmacy #149 – Reno
- Z. Sav-on Pharmacy #170 – Reno
- AA. Sav-on Pharmacy #172 – Sparks
- BB. Sav-on Pharmacy #173 – Reno
- CC. Sav-on Pharmacy #175 – Reno
- DD. Sav-on Pharmacy #178 – Carson City
- EE. Sav-on Pharmacy #179 – Carson City
- FF. Sav-on Pharmacy #185 – Sparks
- GG. Sav-on Pharmacy #186 – Winnemucca
- HH. Sav-on Pharmacy #194 – Carson City
- II. Sav-on Pharmacy #6002 – Henderson
- JJ. Sav-on Pharmacy #6004 – Las Vegas
- KK. Sav-on Pharmacy #6009 – Las Vegas
- LL. Sav-on Pharmacy #6010 – Las Vegas
- MM. Sav-on Pharmacy #6014 – Henderson
- NN. Sav-on Pharmacy #6015 – Las Vegas
- OO. Sav-on Pharmacy #6016 – Las Vegas
- PP. Sav-on Pharmacy #6018 – Las Vegas
- QQ. Sav-on Pharmacy #6019 – Henderson
- RR. Sav-on Pharmacy #6021 – Las Vegas
- SS. Sav-on Pharmacy #6022 – Las Vegas
- TT. Sav-on Pharmacy #6027 – Las Vegas
- UU. Sav-on Pharmacy #6043 – Henderson
- VV. Sav-on Pharmacy #6046 – Las Vegas
- WW. Sav-on Pharmacy #6061 – Las Vegas
- XX. Sav-on Pharmacy #6062 – Las Vegas
- YY. Sav-on Pharmacy #6091 – Las Vegas
- ZZ. Sav-on Pharmacy #6093 – Boulder City
- AAA. Spring Valley Medical Center – Las Vegas

### ◆ REGULAR AGENDA ◆

- \* 3. Application for Nevada Pharmacy – Appearance:

Las Vegas Pharmacy – Las Vegas

- \* 4. Applications for Canadian Pharmacy – Non Appearance:

- A. Minit Drugs – Calgary, Alberta
- B. Health One Pharmacy – Richmond, British Columbia

July 2006 Board Meeting Agenda

- \* 5. Disciplinary Action: 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.

A.	UMC Outpatient Pharmacy	(05-058-PH-S)
B.	James J. Vesce, R.Ph	(05-049-RPH-S)
C.	Walgreens #05014	(05-049-PH-S)
D.	Praxair Healthcare Services, Inc.	(05-052-MP-S)
E.	James Yered, R.Ph	(06-032-RPH-S)
F.	Kurt Hanks, R.Ph	(06-002-PPH-S)
G.	William Eisler, R.Ph	(06-014-RPH-S)
H.	Michelle Badten, R.Ph	(05-055-RPH-S)
I.	Sav-on Drugs #9020	(05-055-PH-S)
J.	Eugene J. Neves, PT	(06-036-PT-S)

- \* 6. Request for Reinstatement of PT License – Appearance Required:

Tami Miller

- \* 7. Appearance Requests:

- A. Bob Hansen – Asteres Inc.
- B. Daren Winckelman – Department of Health – Approval of Dispensing Site
- C. John Bailey – Dutchess Settlement Agreement

- \* 8. PT Program Evaluation Committee Report

- \* 9. General Counsel Report

- \*10. Executive Secretary Report:

- A. Financial Report
- B. Investment Report
- C. Temporary Licenses
- D. Pending Policy Questions
- E. Staff Activities

- \*11. Discussion and Determinations:

Handling a schedule II prescription that the patient wants returned

July 2006 Board Meeting Agenda

W O R K S H O P – Thursday, July 20<sup>th</sup>, 2006 – 9:00 am

- \*12. **Proposed Regulation Amendment Workshop** – The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations.
1. **Amendment of Nevada Administrative Code 639.NEW Compounding**  
This amendment defines the conditions under which preparation of sterile and non-sterile compounded prescription drugs are prepared.
  2. **Amendment of Nevada Administrative Code NAC 453.540 Schedule II Prescriptions** This amendment clarifies certain requirements regarding prescriptions for controlled substances in schedule II.
  3. **Amendment of Nevada Administrative Code NAC 639.5007 Pharmacy Licensure Changes** This amendment modifies existing requirements on pharmacies not owned by a licensed pharmacist or public corporation.
  4. **Amendment of Nevada Administrative Code NAC 639.245 Pharmaceutical Technician Changes** This regulation clarifies issued related to the technician-to-pharmacist ratio and changes prescription data entry to being a technician function.
  5. **Amendment of Nevada Administrative Code NAC 639.6941 MDEG Licensees** This amendment changes some licensure requirements and adds language about the licensure of practitioners of orthotics and prosthetics.
  6. **Amendment of Nevada Administrative Code NAC 639.NEW Workload Balancing** This new language establishes regulations regarding the storing of prescription information by pharmacies who utilize common databases and software.
13. Next Board Meeting:  
  
September 6 & 7, 2006 – Reno, Nevada
14. Public Comments and Discussion of and Deliberation Upon Those Comments

Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken. (NRS 241.020)

## July 2006 Board Meeting Agenda

\* Board action may be taken on these items.

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, 555 Double Eagle Court, Suite 1100, Reno, Nevada 89521, or call Jeri Walter at (775) 850-1440, as soon as possible.

Anyone desiring additional information regarding the meeting is invited to call the board office at (775) 850-1440.

Mailing a copy of the Nevada State Board of Pharmacy meeting agenda to any person who has requested it will not continue unless a request for reinstatement on the mailing list is made in writing every six months. Accredited Continuing Education credit of 1 hour will be given per day of Board meeting attendance of a minimum of 4 hours. A pharmacist can receive Nevada Law Credit for attending the board meeting for a minimum of 4 hours.

This notice has been posted at the following locations:

Elko County Courthouse – Elko  
Mineral County Courthouse – Hawthorne  
Washoe County Courthouse – Reno  
Nevada State Board of Pharmacy – Reno and Las Vegas

## BOARD MEETING

Las Vegas Chamber of Commerce  
3720 Howard Hughes Parkway  
Las Vegas, Nevada

Wednesday, July 19<sup>th</sup>, 2006

Thursday, July 20<sup>th</sup>, 2006

The meeting was called to order at 9:00 a.m. by Joe Kellogg, Board President.

### Board Members Present:

Dave Wuest  
Leo Basch  
Ray Seidlinger

Keith Macdonald  
Katie Craven

Joe Kellogg  
Ann Peterson

### Board Members Absent:

### Board Staff Present:

Larry Pinson

Jeri Walter

Louis Ling

Dianna Hegeduis

## CONSENT AGENDA

1. Approval of June 8, 2006, Minutes
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- ZZ. Sav-on Pharmacy #6093 – Boulder City
- AAA. Spring Valley Medical Center – Las Vegas

Discussion:

The consent agenda applications and supporting documents were reviewed.

NOTE: Ray Seidlinger recused from participation in Items 2N, W, and Y through ZZ as he was formerly employed by Sav-On.

Board Action:

Motion: Katie Craven read the information related to the consent items and found the information to be accurate and complete and moved for approval of items 1 and 2 with the exception to Items 2N, W, and Y through ZZ.

Second: Ray Seidlinger

Action: Passed Unanimously

Motion: Katie Craven moved to approve to Items 2N, W, and Y through ZZ.

Second: Dave Wuest

Action: Passed Unanimously

REGULAR AGENDA

3. Application for Nevada Pharmacy – Appearance:

Las Vegas Pharmacy – Las Vegas

Lori Ortale and Douglas Copsey appeared and were sworn by President Kellogg prior to answering questions or offering testimony.

NOTE: Joe Kellogg disclosed that Lori Ortale is his boss.

Ms. Ortale and Mr. Copsey described the purpose and operation of Las Vegas Pharmacy. It would be a cash only prescription pharmacy with the intent of servicing workman's compensation prescriptions. When asked if they planned to serve nursing homes they stated they did not. Mr. Copsey works for a management company and would be performing the administrative duties of the pharmacy and Ms. Ortale will be the pharmacist. They indicated they would be using CD Smith as their wholesaler.

Board Action:

Motion: Dave Wuest moved to approve the application for pharmacy for Las Vegas Pharmacy pending inspection.

Second: Katie Craven

Action: Passed Unanimously

4. Applications for Canadian Pharmacy – Non Appearance:

A. Minit Drugs – Calgary, Alberta

Mr. Ling presented the application for Minit Drugs, a Canadian pharmacy applying to be an approved supplier. This pharmacy had complaints over three years old for using offshore suppliers, however they have corrected their business practices and no longer use such sources.

Board Action:

Motion: Dave Wuest moved to approve the application for Canadian pharmacy pending inspection.

Second: Keith Macdonald

Action: Passed With Two Negative Votes

B. Health One Pharmacy – Richmond, British Columbia

There were no issues with this application.

Board Action:

Motion: Dave Wuest moved to approve the application for Canadian pharmacy pending inspection.

Second: Keith Macdonald

Action: Passed With Two Negative Votes

5. Disciplinary Action:

A. UMC Outpatient Pharmacy (05-058-PH-S)

A stipulated agreement regarding a dispensing error was presented to the Board and was accepted.

Board Action:

Motion: Ray Seidlinger moved to accept the stipulated agreement as presented.

Second: Leo Basch

Action: Passed Unanimously

B. James J. Vesci, R.Ph (05-049-RPH-S)

C. Walgreens #05014 (05-049-PH-S)

NOTE: Leo Basch recused from participation in this matter as he is employed by Walgreens.

Rob Graham and Dwayne Piniñ were present and representing both Mr. Vesci and Walgreens #05014.

Louis Ling advised the Board that this matter was regarding an error that was made while filling a prescription for a 14 month old baby. Mr. Vesci filled a prescription for amoxicillin with Augmentin. During the investigation of this matter Board staff could not find records in the computer or the hard copy of the prescription. Mr. Ling noted that he would like to dismiss the Second Cause of Action as Mr. Vesci found the original prescription misfiled with another days records.

James Vesci appeared and was sworn by President Kellogg prior to answering questions or offering testimony.

Mr. Vesci apologized to the Board for this error. The prescription was typed into the computer incorrectly at data entry. Mr. Vesci counseled Patient R's mother that amox-clav would be hard on the baby's stomach. Mrs. R went home, and before administering the medication to the baby, called Patient R's physician and questioned why she would have prescribed a medication that would be hard on her baby's stomach when the baby already had a sensitive stomach. It was discovered then that the prescription had been filled with the wrong medication.

When Mrs. R brought the error to Mr. Vesce's attention, the insurance would not allow him to enter the correct amoxicillin prescription without canceling the one for amox-clav. Mr. Vesce cancelled the first prescription in an effort to rectify the situation for Mrs. R.

Matt Forster, district pharmacy supervisor for Walgreens, appeared and was sworn by President Kellogg prior to answering questions or offering testimony.

Mr. Forster explained that a closed prescription stays in the system and shows on a report and stays in the active patient profile. A deleted prescription will not show on the patient profile, but will show on the daily transaction report. Mr. Forster noted that an investigator can go to the managing pharmacist and he can pull the information – it just does not disappear. He stated that all pharmacists in Nevada know how to pull the report on a local level. Even though Board staff was not given a transaction report for this investigation, Mr. Forster indicated that the report would be provided to our investigators if Walgreens ever has another case.

Mr. Ling recommended a \$100 fine for the First Cause of Action, dismiss the Second Cause of Action, the Third Cause of Action regarding the computer issues and the Fourth Cause of Action citing ownership, Mr. Ling recommended a \$100 fine and the costs and fees in this matter.

Board Action:

Motion: Dave Wuest moved to find Mr. Vesce guilty of the First Cause of Action.

Second: Katie Craven

Action: Passed Unanimously

Motion: Dave Wuest moved to fine Mr. Vesce \$100.

Second: Katie Craven

Action: Passed Unanimously

Motion: Dave Wuest moved to dismiss the Second Cause of Action.

Second: Katie Craven

Action: Passed Unanimously

Motion: Dave Wuest moved to find Walgreens #05014 guilty of the Third Cause of Action.

Second: Ann Peterson

Action: Passed With One Negative Vote

Motion: Dave Wuest moved that Walgreens pay the Board's fees and costs for the Third Cause of Action.

Second: Ann Peterson

Action: Passed Unanimously

Motion: Dave Wuest moved to find Walgreens #05014 guilty of the Fourth Cause of Action.

Second: Katie Craven

Action: Passed Unanimously

Motion: Dave Wuest moved to fine Walgreens #05014 \$100.

Second: Katie Craven

Action: Passed Unanimously

D. Praxair Healthcare Services, Inc. (05-052-MP-S)

Nancy Groves appeared and was sworn by President Kellogg prior to answering questions or offering testimony.

Marie Ellerton appeared as legal counsel.

Louis Ling advised the Board that this is the first discipline brought before them for an MDEG provider.

Praxair was contracted to provide oxygen to Patient C who was being released from the hospital after surgery for lung cancer. Patient C was released with enough oxygen to last between two to four hours. When Patient C arrived home on October 20, 2005 he called Praxair to arrange for delivery. Because he arrived home after Praxair's business hours, Patient C spoke with the answering service. Ms. Grove explained that when they looked into this situation that the answering service routed the call to a driver who was not on call that night. The driver that was not on call tried to reach the driver who was on call, however that driver did not respond to the first driver or to Patient C. Ms. Grove testified that Patient C contacted Praxair again on October 21, 2006 about receiving his oxygen delivery. She said the driver tried repeatedly to contact Patient C to arrange for delivery but Patient C did not answer his telephone and no delivery attempt was made. The evening of October 21, 2006 Patient C contacted Praxair again regarding his oxygen delivery. Ms. Grove indicated that his oxygen was delivered within ten minutes of the call and when the driver arrived Patient C refused delivery as he had arranged for

a different provider. Ms. Grove indicated that they had changed their policies and procedures for after-hours deliveries so that now a driver who receives a call remains responsible until the delivery is made.

Mr. Ling had no recommendation in this matter as he has nothing to compare this situation with. He noted that the patient had not made the complaint but Patient C's physician.

Ms. Ellerton said they did not violate any law and have already addressed their internal procedures. She also noted that the patient was provided with oxygen, however chose to refuse delivery.

After several failed motions, the following was ordered.

Board Action:

Motion: Dave Wuest moved to find Praxair guilty of the alleged violations.

Second: Katie Craven

Action: Passed With Two Negative Votes – Including the President's Vote

Motion: Keith Macdonald moved to have Praxair pay the fees and costs in this matter.

Second: Ann Peterson

Action: Passed With One Negative Vote

E. James Yered, R.Ph (06-032-RPH-S)

Mr. Yered did not appear for hearing on the matter of the Nevada CE law examination he did not return to fulfill his obligation for the 2005 audit.

Board Action:

Motion: Keith Macdonald moved to find Mr. Yered guilty of the alleged violation.

Second: Leo Basch

Action: Passed Unanimously

Motion: Keith Macdonald moved to have Board staff send Mr. Yered a letter inviting him to appear at the September Board meeting. If he does not appear to explain his circumstances the Board will revoke his license.

Second: Dave Wuest

Action: Passed Unanimously

Mr. Yered appeared late and plead to the Board for reconsideration. He is sole owner and pharmacist of his pharmacy and it is difficult to get a relief pharmacist to serve his patients. He explained the circumstances to the Board and asked for another chance to fulfill his continuing education obligation.

Board Action:

Motion: Dave Wuest moved to find Mr. Yered guilty of the alleged violation.

Second: Ann Peterson

Action: Passed Unanimously

Motion: Dave Wuest moved to have Mr. Yered take and pass the written Nevada law examination, attain two hours of Nevada CE law – one of which can be to attend a Board meeting or a live CE program where Board staff does a presentation, and pay an administrative fee of \$250.

Second: Katie Craven

Action: Passed Unanimously

F. Kurt Hanks, R.Ph (06-002-PPH-S)

NOTE: Katie Craven recused from participation in this matter as she worked with Mr. Hanks in the past.

Mr. Hanks did not appear for hearing. The Board directed staff to see if he could be located through the Utah Board of Pharmacy.

Board Action:

Motion: Leo Basch moved to find Mr. Hanks guilty of the alleged CE violations.

Second: Keith Macdonald

Action: Passed Unanimously

Motion: Leo Basch moved to have Board staff send Mr. Hanks a letter inviting him to appear at the September Board meeting. If he does not appear to explain his circumstances the Board will revoke his license.

Second: Keith Macdonald

Action: Passed Unanimously

G. William Eisler, R.Ph (06-014-RPH-S)

Mr. Eisler did not appear for hearing on a CE related matter. Mr. Ling explained that he did not do the CE law examination he was sent and recommended suspension until he takes the law examination and passes and sits through four hours of a Board meeting.

Board Action:

Motion: Keith Macdonald moved to do nothing in regard to Mr. Eisler.

Second: Leo Basch

Action: Passed With One Negative Vote

H. Michelle Badten, R.Ph (05-055-RPH-S)

I. Sav-on Drugs #9020 (05-055-PH-S)

NOTE: Ray Seidlinger recused from participation as he was formerly employed by Albertson's/Sav-On.

A stipulated agreement was presented to the Board regarding Ms. Badten not doing 29 of the 30 required continuing education units during the last renewal period and Sav-On #9020 employing and working Ms. Badten even though she had not renewed her license in a timely manner. Ms. Badten worked for seven days unlicensed.

Board Action:

Motion: Leo Basch moved to accept the oral stipulated agreement for Michelle Badten of a \$950 fine, complete 29 CE's within 45 days, do 60 additional hours of CE for the renewal period ending October 31, 2007 plus two hours of Nevada law CE and be audited again in 2007 to ensure she has done all CE's as noted.

Second: Keith Macdonald

Action: Passed Unanimously

Motion: Leo Basch moved to accept the oral stipulated agreement for Sav-On #9020 of a \$950 fine to be paid within 60 days of the signing of the Order.

Second: Dave Wuest



Action: Passed Unanimously

J. Eugene J. Neves, PT

(06-036-PT-S)

NOTE: Joe Kellogg noted for the record that he works for Smith's as did Mr. Neves.

Mr. Neves did not appear for hearing. Mr. Ling advised the Board that Mr. Neves failed an initial employment drug screen by testing positive for cocaine.

Board Action:

Motion: Keith Macdonald moved to find Mr. Neves guilty of the alleged violation.

Second: Ann Peterson

Action: Passed Unanimously

Motion: Keith Macdonald moved to revoke Mr. Neves pharmaceutical technician registration.

Second: Ann Peterson

Action: Passed Unanimously

6. Request for Reinstatement of PT License – Appearance Required:

Tami Miller

Tami Miller appeared and was sworn by President Kellogg prior to answering questions or offering testimony.

Ms. Miller admitted to the Board that she had made mistakes and poor choices in her past. She stated that she worked for Mary Grear and got help for her marijuana abuse. She testified that she learned a hard lesson from her mistakes but she has a new life now, successfully went back to school and now has children to care for. Ms. Miller asked the Board to consider reinstatement of her pharmaceutical technician registration.

Board Action:

Motion: Keith Macdonald moved that Ms. Miller be evaluated by PRN-PRN.

Second: Ray Seidlinger

Action: Passed Unanimously

7 Appearance Requests:

A. Bob Hansen – Asteres Inc.

Cookie Quandt, representing Long's, requested that the Board seriously look at the ScriptCenter technology. Long's uses it in five of their California stores and would like to introduce it into their Nevada stores.

Mr. Hansen gave a presentation and took questions from the Board. After discussion President Kellogg asked if the Board had an appetite to allow this type of prescription delivery machine to be used in Nevada.

Board Action:

Motion: Leo Basch moved to write regulations to allow automatic prescription delivery systems to be used in Nevada for refills only, dangerous drugs, CIII, IV and V (no CII's), stores that provide 24 hour service and stores that share a common data base only. The machine has to be part of the pharmacy with access from the inside of the store and not be used as a drive-up

Second: Ray Seidlinger

Action: Passed Unanimously

B. Daren Winckelman – Department of Health – Approval of Dispensing Site

Marina Works, from the Department of Health, appeared for Mr. Winckelman. Ms. Works explained their service and noted that they operate on a sliding scale and are a non-profit organization that provides community nursing services. Carson City now is its own health authority. The services they provide will include family planning, well baby checks, immunizations, sexually transmitted disease checks and lab testing for pregnancy, hepatitis and HIV. The facility will be staffed by an APN or a PA, a RN and a medical assistant. They will practice under the direction of a collaborating physician which will be the medical director. NRS 454.215 requires that a RN may dispense in a public health program approved by the Board, hence they are seeking approval.

After discussion, the Board determined that the only person not licensed with the Board of Pharmacy is the RN. If there were to be a disciplinary matter, the Board would take action against the clinic's dispensing physician.

Board Action:

Motion: Keith Macdonald moved to approve the dispensing site for this facility.

Second: Dave Wuest

Action: Passed Unanimously

C. John Bailey – Dutchess Settlement Agreement

John Bailey did not appear as there is still no settlement agreement with Dutchess.

8 PT Program Evaluation Committee Report

Dr. Renee Coffman appeared and gave a PT Program Evaluation Committee report to the Board. The committee found that ASHP was the gold standard as they are active and consistently update their standards and procedures. Further, the committee recommended to the Board that for a PT program to be approved by the Board, it must be ASHP accredited.

Board Action:

Motion: Dave Wuest moved to accept the recommendation of the committee and move forward with regulations.

Second: Leo Basch

Action: Passed Unanimously

9 General Counsel Report

- The FMC Puerto Rico case has been dismissed.
- The federal law suits against Keith Macdonald and Louis Ling are concluded.
- The Dutchess/Legend matter is before the Supreme Court. They filed a 67 page brief in 9 point type which is over the limit of pages allowed for a brief. Louis Ling filed a motion to strike the brief because of its length. In the matter where Louis Ling and Keith Macdonald were barred from the hearing in the Dutchess/Legend case, a motion by Dutchess/Legend is due to be filed in court today. John Bailey may be asked to file the appeal since Mr. Ling is cited.

10. Executive Secretary Report:

- A. Financial Report
- B. Investment Report

Larry Pinson gave the financial and investment reports to the Board's satisfaction. He also presented the Budget for review and asked for a motion to accept it.

Board Action:

Motion: Keith Macdonald moved to accept the Budget as presented.

Second: Leo Basch

Action: Passed Unanimously

B. Temporary Licenses

Mr. Pinson approved one temporary license since the last Board meeting.

B. Pending Policy Questions

B. Staff Activities

- Website is looking good and being used by the public. If the Board has not had an opportunity to look at it yet, he invited them to do so at [bop.nv.gov](http://bop.nv.gov).
- Jeri Walter proposed Board meeting dates for 2007 and the Board was asked to check their calendar's and advise so meeting rooms can be confirmed. After discussion and changes, the Board approved the decided upon dates.
- The Canadian issue passed the Senate but it looks as if it will not pass the Assembly.
- Mr. Pinson noted that Governor Schwarzenegger is not appointing new Board members in California when a Board member's term is up.
- Washington state has passed regulations that require prescriptions and chart orders to be printed – no cursive will be allowed.
- Mr. Pinson attended a meeting along with other healthcare Boards and they reviewed the 2007 bill draft requests. He noted that #60 read, "Abolish the Board of Pharmacy". After attending that meeting he advised the Board that he was going to prepare a synopsis of what was accomplished at our Board meetings and distribute it to the governor and legislators.
- Larry Pinson and Joe Depczynski closed HOPES clinic and noted that there were drugs left in the pharmacy. They were waiting to hear from someone to determine what to do with them. The patients have all been referred elsewhere.
- Walgreens changes – Audrey Neeley has been replaced by Helen Fong and Robbie Jacobs has taken Koon Seiwabessy's place as the go to person for IT information.
- Mr. Pinson gave a report on the MDEG meeting held on July 7, 2006.

11. Discussion and Determinations:

Handling a schedule II prescription that the patient wants returned

This question is occasionally asked of Board staff by either a pharmacist or a patient. General consensus was to let the patient have the paper prescription back even if it has been written on during the filling process. A pharmacy receiving a cancelled

prescription must call the original pharmacy to verify that it had indeed not been filled. The original pharmacy must account for the prescription number and indicate in its records that the drug had been returned to stock.

## WORKSHOP

### 12. **Proposed Regulation Amendment Workshop**

#### 1. **Amendment of Nevada Administrative Code 639.NEW Compounding**

This amendment defines the conditions under which preparation of sterile and non-sterile compounded prescription drugs are prepared.

Diana Bond, UMC, Gener Tejero, Solutions Specialty Pharmacy, Liz Macmenamin, RAN, and Mark Hincer, Kronos appeared and gave opinions regarding the Compounding language as presented.

It was determined independent Workshops would be held in the North and the South to gather specific information from compounding pharmacies, incorporate ideas, and bring the Compounding regs back to the Board.

#### 1. **Amendment of Nevada Administrative Code NAC 453.540 Schedule II**

**Prescriptions** This amendment clarifies certain requirements regarding prescriptions for controlled substances in schedule II.

There was no public comment. The Board discussed why there should only be one schedule II drug on a prescription blank. It was determined that it was for record keeping purposes that our law required original prescribers signatures on a schedule II. The Board indicated staff should reintroduce this reg allowing physicians to write whatever they want on one prescription blank.

#### 3. **Amendment of Nevada Administrative Code NAC 639.5007**

**Pharmacy Licensure Changes** This amendment modifies existing requirements on pharmacies not owned by a licensed pharmacist or public corporation.

There was no public comment. The Board directed staff to move forward with the process and bring this amendment to Public Hearing.

#### 4. **Amendment of Nevada Administrative Code NAC 639.245**

**Pharmaceutical Technician Changes** This regulation clarifies issued related to the technician-to-pharmacist ratio and changes prescription data entry to being a technician function.

Larry Pinson explained that this regulation amendment would change the current direction of pharmacy, as clerks would not be allowed to enter prescriptions into the

pharmacy computer. Board staff considers that the most important function in the prescription processing chain of events. Mr. Pinson noted how many disciplinary cases the Board had seen where the data entry was incorrect and had the ripple effect all the way to the patient receiving a misfilled prescription. The least qualified people are doing the most important function.

Liz Macmenamin, representing RAN, requested the Board consider increasing the technician ration if clerks were not going to be able to do the data entry.

Cookie Quandt, representing Long's, stated that she did not think this regulation amendment would help, but hinder the pharmacists adding to their workload. Ms. Quandt also indicated that there would be monetary considerations, too, since pharmaceutical technicians make more money than clerks.

It was noted that Arizona has no ratio, but everyone in the pharmacy is registered as a pharmaceutical technician or pharmaceutical technician-in-training.

James Yered indicated that data entry was critical and felt that a pharmacist or a pharmaceutical technician should input for patient safety.

Mary Ryan, representing Medco, questioned if a clerk could begin the refill process by inputting the prescription number.

Mark Hinchler, representing Kronos, had concerns that this scenario could cause failure in the processing of prescriptions.

Tim Coston noted that he was for increasing the pharmaceutical technician ratio, but has concerns about patient safety and counseling.

Bill Nicollet indicated that the costs between pharmaceutical technicians and clerks should not be an issue for the Board. He opposes increasing the ratio.

Dan Luce, representing Walgreens, noted that he would be in favor of increasing the pharmaceutical technician ratio.

Diana Bond noted that she supports the concept of pharmaceutical technicians inputting data on new prescriptions.

The Board discussed the comments and repercussions of making a change of this sort. Ray Seidlinger voiced concerns but ultimately supported increasing the ratio. Keith Macdonald thought that requiring pharmaceutical technicians to input new prescriptions was a good idea and increasing the ratio to three to one would be adequate. Ray Seidlinger noted that he feels the ratio should be changed to four to one and that would solve all the problems concerned. Dave Wuest agrees that the inputting function should be a pharmaceutical technician rather than a clerk, but indicated that the technician ratio

issue should be addressed separately. Leo Basch felt that a three to one ratio would be alright, but was not sure about four to one.

The Board directed staff to write language to increase the pharmaceutical technician ratio to three to one, take out the three hour language limitation and require pharmaceutical technicians or pharmacists to input initial prescriptions – not clerks.

**4. Amendment of Nevada Administrative Code NAC 639.6941 MDEG Licensees** This amendment changes some licensure requirements and adds language about the licensure of practitioners of orthotics and prosthetics.

The MDEG regulations had not been amended since their inception and it came to Board staff's attention that some changes needed to be made. This language defines the standards of the two accrediting Boards and binds them to practice by the authority of the Code of Ethics. It would prevent self referral, allow for providing donated equipment on an "as is" condition, would not allow a person to run their business out of their car or home, only certified persons would be allowed to provide services to patients using particular insulin pumps, and leave redundant equipment if a patient is on life sustaining equipment if there is no support.

It was suggested to add mastectomy fitters to number 8 and move forward to Public Hearing.

**6. Amendment of Nevada Administrative Code NAC 639.NEW Workload Balancing** This new language establishes regulations regarding the storing of prescription information by pharmacies who utilize common databases and software.

This concept was initially brought to the Board by Walgreens and Board staff drafted language to define the parameters of the concept. Holly Prieto and Matt Forster made a presentation to the Board at a previous meeting. It would allow that prescription data could be shared within commonly owned pharmacies. It would allow busy pharmacies to scan a prescription into the computer and give it a number. Another pharmacy that was not busy would have access to the scanned prescription by checking a cue, giving it a second number and doing the DUR and preparing the label and sending it back to the original pharmacy for filling.

Linda McMillan and Khanh Pham appeared and advised the Board that they did not want the liability of this process.

Liz Macmenamin stated that she had concerns that this process would become mandatory and was assured that it would not.

Dan Luce of Walgreens noted for the Board that this process is in place in twenty-three states and Puerto Rico and is very successful.

There was a concern that the prescription would not be checked by a pharmacist until it has gone into the data base.

Jane Johnson asked how the pharmaceutical technician ratio would work with this scenario.

The Board directed staff to rework the language presented and bring it back to Workshop.

13.

Next Board Meeting:

September 6 & 7, 2006 – Reno, Nevada

14. Public Comments and Discussion of and Deliberation Upon Those Comments

There were no public comments.