

May 23, 2007

AGENDA

◆ PUBLIC NOTICE ◆

NEVADA STATE BOARD OF PHARMACY

BOARD MEETING

at the

Las Vegas Chamber of Commerce
3720 Howard Hughes Parkway
Las Vegas

Wednesday, June 6, 2007 – 9:00 am

Thursday, June 7, 2007 – 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.

June 2007 Board Meeting Agenda

- * 1. Approval of April 18-19, 2007, Minutes
- * 2. Applications for Out-of-State MDEG – Non Appearance:
 - A. Dura Medic LLC – Austin, TX
 - B. Home Oxygen 2U – Palmdale, CA
 - C. Liberty Medical – Golden, CO
 - D. MedCare Diabetic Supply, LLC – Palm Coast, FL
 - E. MEDirect Latino, Inc. – Pompano Beach, FL
 - F. Pharmex, Inc. – Phoenix, AZ
 - G. Rite Aid Medical, Inc. – Miami, FL

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

- H. BCP Veterinary Pharmacy – Houston, TX
- I. BCWA Health Services – Bellingham, WA
- J. Concern Care Inc. – Pensacola, FL
- K. FCS Pharmacy II – Fairfield, CA
- L. Health Dimensions Inc. – Farmington Hills, MI
- M. Health Research Institute – Warrenville, IL
- N. Key Pharmacy – Kent, WA
- O. Roadrunner Pharmacy – Phoenix, AZ
- P. University of Arizona College of Pharmacy – Tucson, AZ
- Q. University of Utah Redwood Pharmacy – Salt Lake City, UT

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

- R. J Knipper and Co., Inc. – Lakewood, NJ
- S. Novis Pharmaceutical, LLC – Elk Grove Village, IL
- T. Novis Pharmaceutical L.L.C. – Miami, FL

Applications for Nevada MDEG – Non Appearance:

- U. Asset Trade Management Inc. – Las Vegas
- V. Bennett Medical Services – Carson City
- W. Dependacare Medical System – Las Vegas

Applications for Nevada Pharmacy – Non Appearance:

- X. CVS/pharmacy #6059 – Las Vegas
- Y. Southern Nevada Adult Mental Health Pharmacy Downtown – Las Vegas
- Z. Wellcare Pharmacy, LLC – Las Vegas

Application for Nevada Warehouse – Non Appearance:

- AA. Specialty Pharmaceutical Services – Reno

June 2007 Board Meeting Agenda

Applications for Nevada Pharmacy – Ownership/Name Change –
Non Appearance:

- BB. AnazaoHealth Corporation – Las Vegas
- CC. Longs Drug Store #120 – Sun Valley
- DD. Longs Drug Store #121 – Sparks
- EE. Longs Drug Store #122 – Reno
- FF. Longs Drug Store #123 – Reno
- GG. Longs Drug Store #124 – Carson City
- HH. Longs Drug Store #125 – Fallon

◆ REGULAR AGENDA ◆

- * 3. Application for Nevada Pharmacy – Appearance:
 - Pharmix Center, LLC – Las Vegas
- * 4. Applications for Out-of-State Pharmacy – Appearance:
 - A. BioScrip Pharmacy Services, Inc. – Burbank, CA
 - B. Coram Healthcare Corporation of Northern California – Sacramento, CA
 - C. Palm Beach Pharmaceuticals – Palm Beach Gardens, FL
- * 5. Requests for Technician in Training Registration – Appearance:
 - A. Jason A. Jorgensen
 - B. Vanessa S. Simon
- * 6. Request for Reinstatement of Pharmacy Technician License – Appearance:
 - Lisa Monteiro
- * 7. Appearance Request:
 - William Berliner – Antibiotic Awareness
- * 8. Executive Secretary Report:
 - A. Financial Report
 - B. Investment Report
 - C. Temporary Licenses
 - D. Staff Activities
 - 1. Meetings
 - 2. Miscellaneous
 - 3. Activities Report

June 2007 Board Meeting Agenda

- * 9. General Counsel Report

- *10. Personnel Review – 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. Personnel Evaluation and Salary Review
 - B. Executive Secretary Evaluation

- *11. 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. John B. Rasche, R.Ph (06-068A-RPH-N)
 - B. Ying Yuan, R.Ph (06-068B-RPH-N)
 - C. CVS/pharmacy #8792 (06-068-PH-N)
 - D. Elizabeth A. Perez, PT (07-044-PT-S)
 - E. CVS/pharmacy #5068 (07-044-PH-S)
 - F. John A. Dixon, PT (07-042-PT-S)
 - G. CVS/pharmacy #5144 (07-042-PH-S)
 - H. Cristina A. Belarmino, PTT (07-039-PTT-S)
 - I. CVS/pharmacy #4495 (07-039-PH-S)
 - J. Dorothy R. Wantz, PT (07-036-PT-S)
 - K. CVS/pharmacy #8782 (07-036-PH-S)
 - L. Ruth V. Encina, PT (07-037-PT-S)
 - M. CVS/pharmacy #8782 (07-037-PH-S)
 - N. Norma A. Gonzales, PTT (07-038-PTT-S)
 - O. CVS/pharmacy #4495 (07-038-PH-S)
 - P. Melissa L. Sexton-Buford, PT (07-040-PT-S)
 - Q. CVS/pharmacy #8795 (07-040-PH-S)
 - R. Lisa Livingston, PT (07-052-PT-S)
 - S. CVS/pharmacy #8821 (07-052-PH-S)
 - T. Kasey M. Greathouse, PT (07-053-PT-S)
 - U. CVS/pharmacy #2990 (07-053-PH-S)
 - V. Daniel D. Small, PT (07-035-PT-S)
 - W. CVS/pharmacy #4495 (07-035-PH-S)
 - X. Evelyn A. Lomax, PT (07-017-PT-O)
 - Y. Ihsaan J. Abdul-Hamid, PT (07-029-PT-S)
 - Z. Cambra L. Nye, PT (07-028-PT-S)
 - AA. Jessica Motta, PT (07-024-PT-S)
 - BB. Amanda L. Weaver, PT (07-021-PT-S)
 - CC. Walgreens #06310 (07-021-PH-S)
 - DD. Karen A. Kinan, R.Ph (07-012-RPH-S)
 - EE. Craig W. Moon, R.Ph (07-026-RPH-O)
 - FF. Valley View Medical Supply (06-075-MP-S)

June 2007 Board Meeting Agenda

- *12. Approval of 2008 Board Meeting Dates
- *13. Discussion and Determination:
 - A. Mandatory Internet Access
 - B. "Bearproof"
 - C. "The Green Sign"
 - D. Electronic Fingerprinting
 - E. Review of Medications in the Emergency Room

W O R K S H O P – Thursday, June 7, 2007 – 9:00 am

- *14. 1. **Amendment of NAC 639.NEW Language** Compounding Regulations
- 2. **Amendment of NAC 639.4914, 639.3915, 639.NEW** Off Site Cognitive Services

P U B L I C H E A R I N G – Thursday, June 7, 2007 – 9:00 am

- *15. Notice of Intent to Act Upon a Regulation:
 - 1. **Amendment of NAC 453.460 Partial Filling of Controlled Substances in Schedules III, IV and V** This amendment will allow a pharmacist to partially fill a controlled substance prescription in schedules III, IV, or V for a patient who may only be able to afford a portion of the medication. This will allow the patient to obtain their medication in smaller amounts and continue their therapy without a financial burden.
 - 2. **Amendment of NAC 453.530 Scheduling Human Growth Hormone as a Controlled Substance** By adding HGH to Schedule III it will be more difficult to obtain and hopefully diminish substance abuse.
 - 3. **Amendment of NAC 639.593, 639.605 and NEW LANGUAGE Wholesaler Changes Regarding Manufacturers and VAWD-Certified Wholesalers** This amendment will loosen some of the requirements for licensure of manufacturers and wholesalers if they are VAWD certified by NABP.
 - 4. **Amendment of NAC 639.7425 Education Requirements for Dispensing Technicians** By removing the educational requirements for dispensing technicians it parallels the pharmaceutical technician educational requirements.

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5. **Amendment of NAC 639.NEW Positive Identification of User of Pharmacy Computer Systems** This language will require the person using the pharmacy computer to be identified by a unique identifier and the pharmacy computer will need the ability to automatically log that person off the computer after four minutes of inactivity so another person will not be able to access the computer under that persons identity.

16. Next Board Meeting:

July 25-26, 2007 – Las Vegas, Nevada

17. 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)

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

This notice has been posted at the following locations:

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

Wednesday, June 6, 2007
Thursday, June 7, 2007

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

Board Members Present:

Dave Wuest
Leo Basch

Barry Boudreaux
Katie Craven

Ray Seidlinger
Ann Peterson

Board Members Absent:

Keith Macdonald

Board Staff Present:

Larry Pinson

Jeri Walter

Louis Ling

Nancy Savage

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- HH. Longs Drug Store #125 – Fallon

Discussion:

The consent agenda applications and supporting documents were reviewed. Leo Basch noted that the April minutes did not reflect that he recused from participation in Items 7 C and D. He also advised that the First Cause of Action finding Ms. Craghill guilty was not noted.

Items I, P, and Q were held out of the consent agenda for discussion.

Board Action:

Motion: Leo Basch read the information related to the consent items and found the information to be accurate and complete and moved for approval of item 2 with the exception of items I, P, and Q.

Second: Ray Seidlinger

Action: Passed Unanimously

Motion: Barry Boudreaux moved to approve the minutes with the noted changes.

Second: Leo Basch

Action: Passed Unanimously

Larry Pinson contacted Board staff to inquire about Items P and Q on the Consent Agenda. Staff was unsure why the University of Utah and the University of Arizona were applying for out-of-state pharmacy licenses but thought they probably have Nevada patients that they are maintaining their drug therapy.

Board Action:

Motion: Ray Seidlinger moved to approve the out-of-state application for pharmacy for Item Q.

Second: Katie Craven

Action: Passed Unanimously

Motion: Katie Craven moved to table Item P and request an explanation of their business plan.

Second: Ray Seidlinger

Action: Passed Unanimously

President Wuest advised that he looked at BCWA Health Services website and it has a link to a Canadian pharmacy that is not one of the Canadian pharmacies that the Board has approved.

Board Action:

Motion: Ann Peterson moved to require BCWA Health Services (Item I) to appear before the Board to address their business plan and explain the Canadian link.

Second: Katie Craven

Action: Passed Unanimously

REGULAR AGENDA

3. Application for Nevada Pharmacy – Appearance:

Pharmix Center, LLC – Las Vegas

Daniel Gelber and Hoang Thai appeared and were sworn by President Wuest prior to answering questions or offering testimony.

Mr. Gelber and Mr. Thai re-appeared to present their new business model. They explained that they will not be billing the doctors and they will be working directly with their patients.

Board Action:

Motion: Barry Boudreaux moved to approve the application for pharmacy for Pharmix Center, LLC.

Second: Katie Craven

Action: Passed With One Negative Vote

4. Applications for Out-of-State Pharmacy – Appearance:

A. BioScrip Pharmacy Services, Inc. – Burbank, CA

Marcel Sousola appeared and was sworn by President Wuest prior to answering questions or offering testimony.

Mr. Sousola described BioScrip's operation, policies and procedures to the Board's satisfaction.

Board Action:

Motion: Katie Craven moved to approve the application for out-of-state pharmacy license for BioScrip Pharmacy Services, Inc.

Second: Leo Basch

Action: Passed Unanimously

B. Coram Healthcare Corporation of Northern California – Sacramento, CA

Khin Swe Barron and Hy Ton appeared and were sworn by President Wuest prior to answering questions or offering testimony.

They explained that they will be closing their Sparks location and the patients in northern Nevada will be served from their location in Sacramento.

Board Action:

Motion: Katie Craven moved to approve the application for out-of-state pharmacy for Coram Healthcare Corporation of Northern California.

Second: Ann Peterson

Action: Passed Unanimously

C. Palm Beach Pharmaceuticals – Palm Beach Gardens, FL

David Upson appeared and was sworn by President Wuest prior to answering questions or offering testimony.

Mr. Upson described the operation, policies and procedures for Palm Beach Pharmaceuticals. Mr. Upson was questioned regarding any legal matters that were pending for any of the owners or operators of Palm Beach Pharmaceuticals. Mr. Upson stated that there was a pending legal matter for Glenn Stephanos, the President and CEO of Palm Beach Pharmaceuticals, but he was unaware of the specific circumstances of the issue. Mr. Upson stated that he could find out what the issues were and send a letter to Board staff when he returned to Florida.

Board Action:

Motion: Leo Basch moved to table the application for out-of-state pharmacy for Palm Beach Pharmaceuticals pending notification to Board staff of the circumstances regarding the legal matter.

Second: Ann Peterson

Action: Passed Unanimously

5. Requests for Technician in Training Registration – Appearance:

A. Jason A. Jorgensen

Jason Jorgensen appeared and was sworn by President Wuest prior to answering questions or offering testimony.

Mr. Jorgensen testified that one of his family members found marijuana in his car in 2002 and threatened to call the police. Rather than have them call the police, Mr. Jorgensen turned himself in to the police department and confessed. Mr. Jorgensen was charged with possession within a vehicle and his drivers license was suspended for one year plus he had to pay a fine of \$200. Mr. Jorgensen testified that he attends Pima Medical Institute and really wants to become a pharmaceutical technician.

Board Action:

Motion: Ray Seidlinger moved to accept the application for pharmaceutical technician-in-training and require Mr. Jorgensen to be evaluated by PRN-PRN.

Second: Ann Peterson

Action: Passed With One Negative Vote

B. Vanessa S. Simon

Vanessa Simon appeared and was sworn by President Wuest prior to answering questions or offering testimony.

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

Ms. Simon testified that she had been pulled over by a police officer in Wisconsin and they found marijuana in her car. Ms. Simon was charged with possession of THC and her drivers license was suspended for six months. Ms. Simon was caught driving while her license was suspended and was charged with bail jumping because she had violated her court order by driving. Ms. Simon stated that she then sold her car so she would not drive any more. Since that time, Ms. Simon has moved to Nevada and is living with her grandparents and her living environment is much more stable. Ms. Simon stated that she used poor judgment for having the marijuana to begin with and then for driving on a suspended license.

Board Action:

Motion: Barry Boudreaux moved to accept the PTT application for Ms. Simon and require her to have a PRN-PRN evaluation.

Second: Ray Seidlinger

Action: Passed With One Negative Vote and President Wuest's Affirmative Vote

6. Request for Reinstatement of Pharmacy Technician License – Appearance:

Lisa Monteiro

Lisa Monteiro did not appear.

7. Appearance Request:

William Berliner – Antibiotic Awareness

Dr. Berliner appeared and requested a donation from the Board to help fund and continue his Antibiotic Awareness program.

Board Action:

Motion: Leo Basch moved to donate \$5,000 to the Antibiotic Awareness program to be paid after fiscal year July 1, 2007, and to come from the Board's educational fund.

Second: Katie Craven

Action: Passed Unanimously

8. Executive Secretary Report:

- A. Financial Report
- B. Investment Report

Larry Pinson gave the financial and investment reports to the Board's satisfaction.

- C. Temporary Licenses

Mr. Pinson granted two temporary licenses since the last Board meeting.

- D. Staff Activities
 - 1. Meetings

Larry Pinson, Joe Depczynski and Ron Shockey are all busy doing CE programs. Mr. Pinson indicated that he and Mr. Depczynski had three or four in northern Nevada that they would be doing and Mr. Shockey would be doing the CE program at the pharmacy college in southern Nevada again beginning in September.

- 2. Miscellaneous

Larry Pinson noted that he attended a memorial service for Jack Paige, former Board inspector.

Mr. Pinson announced that there is a new CE certificate procedure for attending a Board meeting. Board meeting attendees need to stay for the entire day and after the President adjourns the meeting, see Ron Shockey and he will issue a certificate good for one hour of Nevada law and three hours of regular CE credit.

Board staff is considering an office move to a more central location.

3. Activities Report

The Activities Report from the last Board meeting that is sent to Legislators is included in the Board book for the Board's information.

9. General Counsel Report

Louis Ling advised that there were no updates on legal issues.

Louis Ling, Larry Pinson, and Keith Macdonald gave a presentation at the NABP Annual Meeting regarding the wholesaler pedigree program. It was well received and Board staff has been approached by California to speak there regarding this concept. Several vendors have contacted Mr. Ling regarding their products. Mr. Ling advised that they will present it regionally first and see where it goes from there.

Mr. Ling announced that he will be speaking in Boston at an HDMA meeting on the same wholesaler pedigree topic.

Louis Ling advised that the wholesalers that are reporting presently have provided very useful information.

10. Personnel Review

- A. Personnel Evaluation and Salary Review
- B. Executive Secretary Evaluation

Larry Pinson reviewed the proposed salary recommendations. Leo Basch indicated that he thought Lisa Hedaria, Candy Nally, Lisa Adams and Arlene Marshall should be increased more than the rest of the staff. After discussion it was determined to include Jeri Walter.

Board Action:

Motion: Barry Boudreaux moved to approve the salary recommendations except for the five lowest paid employees and their raise would be one percent higher than the recommendation.

Second: Ann Peterson

Action: Passed Unanimously

The Board all agreed that Larry Pinson is doing an excellent job as the Executive Secretary for the Board and that he represents them well.

11. Disciplinary Action:

- A. John B. Rasche, R.Ph (06-068A-RPH-N)
- B. Ying Yuan, R.Ph (06-068B-RPH-N)
- C. CVS/pharmacy #8792 (06-068-PH-N)

NOTE: Ray Seidlinger recused from participation as his daughter works at CVS #8792.

Larry Pinson acknowledged that CVS has been very accommodating to Board staff in their investigations of CVS pharmacies.

Rich Mazzoni, Susan Delmonico and Chad Lubke, representing CVS, appeared and were sworn by President Wuest prior to answering questions or offering testimony.

Mike Dyer represented Mr. Rasche and CVS #8792. A stipulated agreement between Mr. Ling and Mr. Dyer was distributed to the Board prior to the Board hearing. Louis Ling and Mike Dyer agreed to dismiss the Second Cause of Action regarding Ms. Yuan as they could not substantiate that the charges against her regarding pulling the original prescription when she spoke with the patient were factual.

Patient D was being treated for infertility by her physician and he prescribed clomiphene 50 mg. tablets #5 with directions to take one tablet by mouth daily. Patient D took her prescription to CVS #8792 to be filled. When Patient D picked up her new prescription she was not counseled. She took the prescription home with her and began taking the medication as prescribed. Patient D took all five of the tablets during which time she experienced symptoms of anxiety and agitation which she attributed to being hormonal. The following month Patient D had her prescription refilled. Because Patient D was concerned about the side effects she experienced the first time she took the medication, she decided to research the medication on-line. She read from the label on the prescription vial "clomipramine". When she researched "clomipramine" she learned that that drug was used for treatment of mental disorders, not infertility.

Mr. Dyer explained the circumstances of how the error was made. He stated that the technician used a drop-down list that appeared after she input only three letters of the drug name. The list was long and the technician selected the wrong drug. He noted that CVS has changed their computer system so in the future the technician will have to input the whole name of the drug so the drop-down list will not be so long, eliminating the possibility of an error.

The counseling log that CVS #8792 used was discussed. It was found that the log did not meet the requirements of Nevada law. After CVS investigated that issue it was determined that the wrong logs were sent to this store only. They were meant for use in

another state. CVS #8792 was the only store in Nevada that these counseling logs were sent to.

Mr. Dyer submitted Mr. Rasche's statement as Exhibit 1. Exhibit 1 was admitted into the record.

Mr. Dyer commended Mr. Rasche for admitting to the error even though he has no specific recollection of the event.

The Seventh Cause of Action addressed the managing pharmacist issue. CVS #8792 failed to have a managing pharmacist for 152 days. CVS representatives stated that they had difficulty obtaining a managing pharmacist for that store but someone took the job only because they thought the store would close and they would not have to do that job for long.

Mr. Ling made recommendations that he and Mr. Dyer had agreed to.

Board Action:

Motion: Katie Craven moved to find Mr. Rasche guilty of the First Cause of Action.

Second: Ann Peterson

Action: Passed Unanimously

Motion: Katie Craven moved to fine Mr. Rasche \$250 plus one half of the fees and costs in this matter. Mr. Rasche will complete 6 hours of CE in pharmacy error prevention within 90 days in addition to the 30 CE's required for renewal of his license.

Second: Leo Basch

Action: Passed Unanimously

Motion: Ann Peterson moved to dismiss the Second Cause of Action regarding Ms. Yuan.

Second: Katie Craven

Action: Passed Unanimously

Motion: Leo Basch moved to find CVS #8792 guilty of the Third Cause of Action regarding counseling.

Second: Katie Craven

Action: Passed Unanimously

Motion: Leo Basch moved to fine CVS #8792 \$750 for the Third Cause of Action.

Second: Ann Peterson

Action: Passed Unanimously

Motion: Leo Basch moved to find CVS #8792 guilty of the Fourth, Fifth, and Sixth Causes of Action.

Second: Katie Craven

Action: Passed Unanimously

Motion: Leo Basch moved that there be no penalty in the Fourth, Fifth, and Sixth Causes of Action.

Second: Barry Boudreaux

Action: Passed Unanimously

Motion: Leo Basch moved to find CVS #8792 guilty of the Eighth Cause of Action.

Second: Katie Craven

Action: Passed Unanimously

Motion: Leo Basch moved to fine CVS #8792 \$250 plus one half of the fees and costs in this matter.

Second: Barry Boudreaux

Action: Passed Unanimously

Motion: Leo Basch moved to find CVS #8792 guilty of the Seventh Cause of Action regarding the lack of a managing pharmacist for 152 days.

Second: Katie Craven

Action: Passed Unanimously

Motion: Leo Basch moved to place CVS #8792 on probation for one year and mandate that they obtain a managing pharmacist for that store within 30 days.

Discussion: After discussion Mr. Basch withdrew his motion.

Motion: Barry Boudreaux moved to fine CVS #8792 \$1,500.

Second: Ann Peterson

Amend: Katie Craven asked to amend the motion to add one year of probation.

The amendment was accepted by the First and the Second.

Action: Passed With One Negative Vote and President Wuest's Affirmative Vote

D.	Elizabeth A. Perez, PT	(07-044-PT-S)
E.	CVS/pharmacy #5068	(07-044-PH-S)
F.	John A. Dixon, PT	(07-042-PT-S)
G.	CVS/pharmacy #5144	(07-042-PH-S)
H.	Cristina A. Belarmino, PTT	(07-039-PTT-S)
I.	CVS/pharmacy #4495	(07-039-PH-S)
J.	Dorothy R. Wantz, PT	(07-036-PT-S)
K.	CVS/pharmacy #8782	(07-036-PH-S)
L.	Ruth V. Encina, PT	(07-037-PT-S)
M.	CVS/pharmacy #8782	(07-037-PH-S)
N.	Norma A. Gonzales, PTT	(07-038-PTT-S)
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S.	CVS/pharmacy #8821	(07-052-PH-S)
T.	Kasey M. Greathouse, PT	(07-053-PT-S)
U.	CVS/pharmacy #2990	(07-053-PH-S)

Louis Ling advised that all of these cases involved pharmaceutical technicians that did not renew their registrations and worked without a license.

NOTE: Ray Seidlinger disclosed that he knows several of the respondents.

Mike Dyer was present to represent all of the technicians except for Mr. Small and all of the CVS pharmacies. Mr. Dyer indicated that CVS investigated this issue and could not determine why they did not detect that the pharmaceutical technicians had not renewed their registrations. Mr. Dyer indicated that CVS now has a new policy that all pharmacy licensees will need to have their licenses renewed by October 15th. All pharmacy personnel will be checked and if they find that someone has not renewed by that date there will be fifteen days to rectify the situation so this will not happen again.

Mr. Dyer presented Exhibit 1 – a PIC Tracking System document that was accepted into the record.

Susan Delmonico reviewed this CVS system to the Board and advised that the system will be in place in Nevada by July 30, 2007.

CVS has implemented numerous changes to ensure all pharmacy personnel are registered with the Board.

Louis Ling gave closing statements. He advised the Board that the law allows a fine of \$100 for each day pharmaceutical technicians work without a license, but he does not recommend that in these cases as the amount would be prohibitive. Board staff leaves the appropriate amount to be determined by the Board. Mr. Ling advised leniency for the pharmaceutical technicians as they can not afford large fines.

Mr. Dyer gave closing statements and indicated that large fines would not be appropriate since CVS has already spent considerable money on the PIC Tracking System that will be implemented in Nevada and have instituted other policies and procedures to ensure this situation will not happen again.

Mr. Ling advised the Board that 11 H and N were pharmaceutical technicians-in-training and their hours will not count towards their 1500 hours required to obtain their pharmaceutical technician registrations.

Ray Seidlinger read a statement on his thoughts and feels a law test might be in order.

Board Action:

Motion: Ray Seidlinger moved to find the technicians in items 11 D – U guilty of the First Cause of Action.

Second: Ann Peterson

Action: Passed Unanimously

Motion: Ray Seidlinger moved to find the CVS pharmacies in items 11 D – U guilty of the Second Cause of Action.

Second: Ann Peterson

Action: Passed Unanimously

Motion: Ray Seidlinger moved to find the CVS pharmacy in item 11 W guilty of the Fourth Cause of Action.

Second: Ann Peterson

Action: Passed Unanimously

After numerous failed motions, the following was passed:

Board Action:

Motion: Katie Craven moved to fine the technicians \$250 each, do three hours of continuing education and a special CE presented by Larry Pinson followed by a test.

Second: Ann Peterson

Action: Passed Unanimously

Motion: Ray Seidlinger moved to fine CVS \$250 for each pharmacy plus fees and costs in this matter.

Second: Ann Peterson

Action: Passed Unanimously

V. Daniel D. Small, PT (07-035-PT-S)

Daniel Small appeared and was sworn by President Wuest prior to answering questions or offering testimony.

Louis Ling advised the Board that Mr. Dyer was not representing Mr. Small as he no longer works for CVS.

Mr. Small failed to renew his pharmaceutical technician registration and worked unlicensed for 150 days. When Mr. Small did renew his license in May, 2007, he indicated that he had been charged, arrested or convicted of a felony or misdemeanor. Mr. Small provided a written explanation that he had been arrested for possession of a controlled substance without a valid prescription.

Mr. Small explained that he is now participating in a program mandated by drug court. Mr. Small advised the Board that he did not want his license revoked because he did not want to have to answer positive on applications for the rest of his life that he had had a license revoked. Mr. Small indicated that he is in compliance with his court order.

When the Board questioned Mr. Small as to why he did not renew his license when he was supposed to he indicated that he did not know he needed to renew his license with Nevada because he thought his PTCB license took precedence.

Mr. Ling advised that the First and Fourth Causes of Action should be separated from this matter as Mr. Dyer will handle the CVS portion of this Accusation in the cases that has not been heard yet.

Board Action:

Motion: Barry Boudreaux moved to find Mr. Small guilty of the Second Cause of Action with the exception of the Fioricet that was listed in that Cause.

Second: Ann Peterson

Action: Passed Unanimously

Motion: Barry Boudreaux moved to find Mr. Small guilty of the Third Cause of Action with the exception of the Fioricet that was listed in that Cause.

Second: Ann Peterson

Action: Passed Unanimously

Motion: Barry Boudreaux moved to revoke Mr. Small's pharmaceutical technician registration.

Second: Ann Peterson

After Board discussion, Mr. Boudreaux withdrew his motion.

Motion: Ray Seidlinger moved to leave Mr. Small's status as expired and if he re-applies to the Board for reinstatement he would need to be evaluated by PRN-PRN prior to his request.

Second: Katie Craven

Action: Passed Unanimously

W. CVS/pharmacy #4495 (07-035-PH-S)

Item 11 W, CVS Pharmacy #4495, is included in Items 11 D through U

X. Evelyn A. Lomax, PT (07-017-PT-O)

Ms. Lomax participated by telephone as she is currently living in North Carolina.

Ms. Lomax was sworn by President Wuest prior to answering questions or offering testimony.

Louis Ling explained that Board staff was notified by the North Carolina Board of Pharmacy that Ms. Lomax had problems in North Carolina that she did not disclose on her application for pharmaceutical technician in Nevada.

Ms. Lomax testified that she answered the question on the application as to whether she had been charged, arrested or convicted of a misdemeanor or felony in the negative because she was not handcuffed and taken to jail in a squad car. She stated that she drove herself to the police department so she did not think that was an arrest. Ms. Lomax was charged and arrested for theft of drugs. Ms. Lomax also answered in the negative as to whether she had been the subject of an administrative action whether completed or pending which was also untrue since the North Carolina Board of Pharmacy was investigating her and she was aware of the investigation.

Ms. Lomax stated that she had been to court two days previous to this hearing and the charges against her were dismissed. Board staff asked if she had documentation of the dismissal and she advised that we could contact her attorney for copies. Ms. Lomax also indicated that the North Carolina Board of Pharmacy has approved her request for reinstatement.

Board Action:

Motion: Katie Craven moved to find Evelyn Lomax guilty of the alleged violations.

Second: Leo Basch

Action: Passed Unanimously

Motion: Katie Craven moved to continue the suspension of Ms. Lomax's registration until she submits documents to the Nevada Board of Pharmacy that prove that the charges against her in her legal matter were dismissed and that the North Carolina Board has reinstated her license.

Second: Barry Boudreaux

Action: Passed With One Negative Vote

Y. Ihsaan J. Abdul-Hamid, PT (07-029-PT-S)

Ms. Abdul-Hamid was represented by legal counsel, Arthur Fuentes.

Ihsaan Abdul-Hamid appeared and was sworn by President Wuest prior to answering questions or offering testimony.

Ms. Abdul-Hamid was observed by a security camera, in the Costco pharmacy where she was employed, removing controlled substances and concealing them on her person. Ms. Abdul-Hamid admitted that she removed six bottles of 100 of hydrocodone. Ms. Abdul-Hamid testified that she had endometriosis and was in constant pain. She had a prescription to control her pain at one time, but she was still in pain and began self-medicating. Ms. Abdul-Hamid gave a history of her medical condition and admitted that she used poor judgment when she took the drugs from her employing pharmacy. Ms. Abdul-Hamid advised the Board that she returned three unopened bottles of hydrocodone to Costco when she was terminated. Ms. Abdul-Hamid advised that she had surgery and her condition has improved and she is not taking any pain medication at this time. She apologized to the Board for her actions and noted that she is the sole breadwinner in her family – her boyfriend is on disability and she has two children.

Board Action:

Motion: Ray Seidlinger moved to find Ms. Abdul-Hamid guilty of the alleged violations.

Second: Katie Craven

Action: Passed Unanimously

Motion: Ray Seidlinger moved to have Ms. Abdul-Hamid get an evaluation from PRN-PRN. If the evaluation indicates that she has a substance abuse problem she will sign a contract with PRN-PRN and adhere to their conditions. If the evaluation finds that Ms. Abdul-Hamid does not have a substance abuse problem, she will be on three years probation with the Board. Ms. Abdul-Hamid will pay restitution to Costco and notify the Board where she is working. Ms. Abdul-Hamid will advise any future employer of this Order.

Second: Katie Craven

Amend: Ann Peterson would like to amend the motion to include notification of her current employer of this Order.

The amendment was accepted by the First and the Second.

Action: Passed Unanimously

Z. Cambra L. Nye, PT (07-028-PT-S)

Cambra Nye did not appear even though she did receive the Accusation as indicated by the signed green card. A letter advising her of the time of the hearing was not returned and presumed to have been received by Ms. Nye.

Louis Ling reviewed the circumstances for the Board. Ms. Nye was terminated from employment from CVS #2989 as she was observed by a security camera removing controlled substances and concealing them on her person. Ms. Nye admitted in a written statement that she had been stealing drugs from CVS #2989 for approximately ten or eleven months. Ms. Nye indicated in her statement that she had stolen approximately \$90,000 to \$100,000 worth of drugs.

Board Action:

Motion: Barry Boudreaux moved to find Cambra Nye guilty of the alleged violations.

Second: Leo Basch

Action: Passed Unanimously

Motion: Barry Boudreaux moved to revoke Cambra Nye's pharmaceutical technician registration.

Second: Ann Peterson

Amend: Leo Basch asked to amend to include proof of restitution if Ms. Nye ever asks for reinstatement.

The amendment was accepted by the First and the Second.

Action: Passed Unanimously

AA. Jessica Motta, PT (07-024-PT-S)

Jessica Motta appeared and was sworn by President Wuest prior to answering questions or offering testimony.

Ms. Motta admitted that she added refills to her Lortab and Xanax prescriptions. Ms. Motta stated that she had lost her job and could not afford visits to her physician to obtain new prescriptions so she added refills to the prescription she received from her doctor.

Board Action:

Motion: Leo Basch moved to find Ms. Motta guilty of the alleged violations.

Second: Katie Craven

Action: Passed Unanimously

Motion: Leo Basch moved to suspend Ms. Motta's pharmaceutical technician registration, stay the suspension, require a PRN-PRN evaluation or probation.

Second: Katie Craven

Action: Motion Failed

Motion: Katie Craven moved to suspend Ms. Motta's pharmaceutical technician registration, stay the suspension, require a PRN-PRN evaluation. If Ms. Motta has a substance abuse problem she will sign a PRN-PRN contract for the terms and conditions of the contract. If she does not have a substance abuse problem she will be on two years probation with the Board. Ms. Motta must notify her employer of this Order.

Second: Barry Boudreaux

Action: Passed Unanimously

BB. Amanda L. Weaver, PT (07-021-PT-S)

CC. Walgreens #06310 (07-021-PH-S)

Amanda Weaver appeared and was sworn by President Wuest prior to answering questions or offering testimony.

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

Ms. Weaver testified on her own behalf and apologized to the Board for letting her license lapse for 16 days. Ms. Weaver testified that she had taken a leave of absence from Walgreens and was doing an internship at Disneyland. She returned and was asked to return to work but she did not receive her renewal while she was out of state and forgot that her license was due to renew. Ms. Weaver took complete responsibility for not renewing her license. She indicated that she is currently working for Catalyst Rx where there are no drugs involved but she does need her pharmaceutical technician license to work there.

Mr. Ling noted that in light of the CVS cases he recommended a \$250 fine for Ms. Weaver and a \$250 fine plus fees and costs for Walgreens.

Board Action:

Motion: Barry Boudreaux moved to find Amanda Weaver guilty of the alleged violations.

Second: Ann Peterson

Action: Passed Unanimously

Motion: Barry Boudreaux moved to fine Ms. Weaver \$250, do three hours of continuing education and a special CE presented by Larry Pinson followed by a test.

Second: Ann Peterson

Amend: Katie Craven asked to amend the motion to fine Ms. Weaver only \$125 rather than \$250 since the circumstances were completely different than the other cases.

After discussion, the First and the Second accepted the amendment.

Action: Passed Unanimously

Motion: Barry Boudreaux moved to find Walgreens #06310 guilty of the alleged violations.

Second: Ann Peterson

Action: Passed Unanimously

Motion: Barry Boudreaux moved to fine Walgreens #06310 \$250 plus fees and costs in this matter.

Second: Ann Peterson

Action: Passed Unanimously

DD. Karen A. Kinan, R.Ph (07-012-RPH-S)

Karen Kinan and Larry Espadero, PRN-PRN monitor, appeared and were sworn by President Wuest prior to answering questions or offering testimony.

NOTE: Barry Boudreaux recused from participation as he employs Ms. Kinan's ex-husband.

Louis Ling gave the history of this matter. Ms. Kinan was fined \$20,000 in Case No. 01-125A-RPH-S. The discipline resulted from Ms. Kinan's ownership of a pharmacy through which she directly participated in the diversion of discounted drugs into the secondary source pharmaceutical market. Ms. Kinan still owes \$18,150 and had not made payments since May 11, 2006, even though she had made arrangements with Board staff to send a payment in September, 2006.

Mr. Ling advised that after the Accusation was sent, Board staff received notice from Jerry Primavera that Rite Aid had terminated Ms. Kinan's employment for adding an unauthorized refill to her own Ambien prescription. An Amended Accusation was sent to include this charge.

Ms. Kinan explained to the Board that she is not good at paying her bills and since it had gotten her into trouble she has hired someone to handle her finances.

As to the refill she added to her Ambien prescription, she stated that she had an appointment to see her physician on Monday to get a refill but she needed to sleep over the weekend so she added the refill to her prescription on Friday and intended to bring the new prescription in the following Monday.

Mr. Espadero indicated that he has issues with Ms. Kinan. He recommended a psychiatric evaluation as she has trouble with responsibility issues and has poor impulse control. Ms. Kinan agreed that a psychiatric evaluation would be a good idea.

Louis Ling recommends suspension of Ms. Kinan's pharmacist license and a psychiatric evaluation. He also recommends a monthly payment schedule of \$250 after she begins working again.

Board Action:

Motion: Katie Craven moved to find Ms. Kinan guilty of the First and Second Causes of Action.

Second: Ray Seidlinger

Action: Passed Unanimously

Motion: Katie Craven moved in the First Cause of Action that Ms. Kinan pay \$250 a month, when she is employed again, due on the 15th of every month. If payment is not received on the 15th of each month her license will be suspended on the 16th.

Second: Ann Peterson

Action: Passed Unanimously

Motion: Katie Craven moved in the Second Cause of Action to suspend Ms. Kinan's pharmacist license, have a psychiatric evaluation, sign a new five year contract with PRN-PRN and she may not request reinstatement for at least three months from the date of her Order.

Second: Ray Seidlinger

Action: Passed Unanimously

EE. Craig W. Moon, R.Ph

(07-026-RPH-O)

A stipulated agreement was presented by Louis Ling to parallel a sister state action. Mr. Moon's license is placed on probation with conditions. He may not work in Nevada unless he appears before the Board and must provide the Board with written evidence that his license is no longer suspended in Wisconsin.

Board Action:

Motion: Leo Basch moved to accept the stipulated agreement as presented.

Second: Katie Craven

Action: Passed Unanimously

FF. Valley View Medical Supply

(06-075-MP-S)

Mr. Ling noted for the record that Valley View Medical Supply refused delivery of the Accusation in this matter. The letter advising the time of this hearing was returned "Unable to Deliver."

Mr. Ling asked Danny Garcia to testify.

Danny Garcia appeared and was sworn by President Wuest prior to answering questions or offering testimony.

Mr. Garcia testified that he went to Valley View to inspect the premises for their annual inspection. He noted that the facility was extremely dirty with a heavy layer of dust on everything and the bathroom was filthy, they displayed no business license and could not produce one when asked and they had no inventory to sell. Mr. Garcia indicated he thought perhaps they were using the business as a front for some other type of endeavor. Mr. Garcia asked for patient records and was told they had about 25 patients and made approximately \$12,000 a month. The patient records contained very limited documentation. Mr. Garcia asked Mr. Atoyan, the owner of Valley View Medical Supply, to total the charges for the 25 patients and it totaled only \$1,200 for a six month period.

Board Action:

Motion: Ann Peterson moved to find Valley View Medical Supply guilty of the alleged violations in the First, Second, Third, Fourth, and Fifth Causes of Action.

Second: Katie Craven

Action: Passed Unanimously

Motion: Ann Peterson moved to revoke Valley View Medical Supply.

Second: Katie Craven

Action: Passed Unanimously

12. Approval of 2008 Board Meeting Dates

The proposed 2008 Board meeting dates were reviewed.

Board Action:

Motion: Ann Peterson moved to approve the meeting dates as proposed.

Second: Barry Boudreaux

Action: Passed Unanimously

13. Discussion and Determination:

A. Mandatory Internet Access

The Controlled Substance Task Force has requested internet access for pharmacies to request patient profiles. If they had internet access this could be accomplished quickly and easily. Louis Ling also advised that the Board is working on making our own licensing program and we would be able to send instant hot line information to pharmacies. The Board indicated that they did not want to mandate internet access and it should be left as it is now as an option. Board staff was directed to let pharmacies know the benefits in a Newsletter article.

B. "Bearproof" Containers for Medication Disposal

Disposing of outdated or unwanted medications by flushing is not against the law but it is not an environmentally friendly approach to the problem. Washington state is piloting a program and has placed tamperproof containers for drug disposal in participating pharmacies. The deposited medications are then transported by a licensed reverse distributor to a hazardous waste destruction site for environmentally safe disposal. Mr. Pinson asked the Board if they would like to implement a program of this nature in Nevada. Ann Peterson thought it was a good idea. Barry Boudreaux noted that Congressman Porter introduced a bill through the legislature for a plan of this type and suggested that Board staff contact him to inquire about the status of the bill. Leo Basch considered it a good idea but indicated it should be voluntary not mandatory.

C. "The Green Sign"

The North Carolina Board of Pharmacy has provided its pharmacy licensees a sign for voluntary display that advises the public why sometimes there are delays in filling prescriptions. The sign reads:

"Pharmacists must follow a strict set of laws and regulations that place specific limits on prescription refills and may require prior contact with your doctor. Your pharmacist may also need to clarify or confirm the contents of a prescription before its filling. We trust you will understand that this could delay the filling of your prescription."

Board staff asked if this would be something they would like to offer pharmacies in Nevada. The Board directed staff to move forward with this concept after checking with North Carolina to see if they would mind if we used their idea and language.

D. Electronic Fingerprinting

Board staff submitted nearly 600 fingerprint "cards" of different sorts to the Nevada Department of Public Safety for processing. The majority of these cards were rejected for various reasons, prompting staff to ask the Board to consider requiring electronic fingerprinting only with respect to the application process. Board staff was directed to move forward with this concept and write a regulation amendment to make that requirement.

E. Review of Medications in the Emergency Room

The Joint Commission has taken the position that all medication orders generated and dispensed by an emergency room be reviewed by a pharmacist prior to dispensing. Board staff asked for direction. The Board directed staff to consider including that as a requirement when the hospital regulations are updated.

WORKSHOP

14. 1. **Amendment of NAC 639.NEW Language** Compounding Regulations

President Wuest noted for the record that Board staff takes their direction from the Board and that they do not write regulations for their own benefit.

Larry Pinson advised the Board that the meeting at the Governor's office last Friday was a surprise to him. More than just the compounding regulations were addressed. Mr. Pinson suggested a committee be formed to write something acceptable to them with reference to the Compounding regulations. He does not want a long standing committee but something with a short turn around so language could be brought to Workshop at the July Board meeting. Mr. Pinson reiterated that patient safety is paramount, not what is convenient for hospital pharmacies. Louis Ling asked the Board for direction.

Board Action:

Motion: Ray Seidlinger moved to form a committee keeping some form of 797 in mind and to include record keeping.

Second: Barry Boudreaux

Discussion: Barry Boudreaux and Ann Peterson want as much record keeping as possible. Katie Craven does not like the part of the motion that includes record keeping. Barry Boudreaux wants accountability for who made the bag that is hung on any given patient in a hospital and does not like when the bag goes in the garbage and there is no way to trace back.

Action: Passed With One Negative Vote

Nancy Bridges, representing Bill Welch of the Hospital Association, does not think the Board followed the requests they made previously and want a North/South video conference to reconsider the regulations.

Paul Vitkus, of Saint Mary's, wants regulations that will have the same standards for all pharmacies.

Diana Bond, of UMC, indicated that patient safety is a balancing act for large facilities.

Julie Larsen, of Renown, feels that Paul Vitkus is right – that patient safety considerations need to be considered across the board, even in the rural hospitals. Ms.

Larsen indicated that that is where the need is greatest. She also did not feel that record keeping was appropriate in the compounding regs but should be considered in the hospital regs when they are updated.

Diana Bond said there is a trail on chemo or high risk compounds at UMC. Julie Larsen said Renown is the same. Paul Vitkus stated that Saint Mary's was the same, also.

Harvey Riceberg stated that he does not want the compounding regs lumped together and that there are three areas that need to be addressed separately.

President Wuest stated that he would appoint an eight person committee and would give them two weeks to come to a resolution for the next Board meeting. Diana Bond noted that two weeks was not an adequate amount of time.

President Wuest appointed the following people to the committee: Katie Craven, Ann Peterson, Bill Welch, Robin Keith, Lori Isaacs, Kevin Desmond, Genner Tejero, and Dave Engstrom. He also stated that they would be notified by Board staff after the physical locations could be arranged. President Wuest then charged the committee to make a recommendation to the Board with respect to the remaining details of the Compounding regulations. He also charged the committee to consider USP 797 and the accountability/record keeping issue. He reminded the committee that much of the Compounding regulation has already been passed, however they could revisit some of those issues.

2. Amendment of NAC 639.4914, 639.3915, 639.NEW Off Site Cognitive Services

Louis Ling advised that this amendment would clarify the language and define remote chart order processing services.

There was no public comment and President Wuest asked for direction for Board staff.

Board Action:

Motion: Ann Peterson moved to go forward to Public Hearing as presented.

Second: Barry Boudreaux

Action: Passed With One Negative Vote

PUBLIC HEARING

15. Notice of Intent to Act Upon a Regulation:

1. Amendment of NAC 453.460 Partial Filling of Controlled Substances in Schedules III, IV and V This amendment will allow a pharmacist to partially fill a controlled substance prescription in schedules III, IV, or V for a patient who

may only be able to afford a portion of the medication. The partial fill would not be counted as a complete refill. This will allow the patient to obtain their medication in smaller amounts and continue their therapy without a financial burden.

President Wuest opened the Public Hearing.

There was no comment.

President Wuest closed the Public Hearing and asked for a motion.

Board Action:

Motion: Barry Boudreaux moved to adopt the regulation amendment as presented.

Second: Ray Seidlinger

Action: Passed Unanimously

2. **Amendment of NAC 453.530 Scheduling Human Growth Hormone as a Controlled Substance** By adding HGH to Schedule III it will be more difficult to obtain and hopefully diminish substance abuse.

President Wuest opened the Public Hearing.

There was no comment.

President Wuest closed the Public Hearing and asked for a motion.

Board Action:

Motion: Ray Seidlinger moved to adopt the regulation amendment as presented.

Second: Barry Boudreaux

Action: Passed Unanimously

3. **Amendment of NAC 639.593, 639.605 and NEW LANGUAGE Wholesaler Changes Regarding Manufacturers and VAWD-Certified Wholesalers** This amendment will loosen some of the requirements for licensure of manufacturers and wholesalers if they are VAWD certified by NABP.

President Wuest opened the Public Hearing.

Liz Macmenamin and Cookie Quandt wanted assurance that this regulation amendment would not affect retail distribution centers and Scolari's. They were assured, again, that their clients were not affected by this amendment.

President Wuest closed the Public Hearing and asked for a motion.

Board Action:

Motion: Ann Peterson moved to adopt the regulation amendment as presented.

Second: Barry Boudreaux

Action: Passed Unanimously

4. **Amendment of NAC 639.7425 Education Requirements for Dispensing Technicians** By removing the educational requirements for dispensing technicians it parallels the pharmaceutical technician educational requirements.

President Wuest opened the Public Hearing.

Mary Staples noted again that NACDS wants pharmaceutical technicians and dispensing technicians to have the same standards and the same hours of training.

Louis Ling explained that dispensing technicians only deal with a few drugs and the job is very different from pharmaceutical technicians. When a dispensing technician leaves one physician and goes to work for another the dispensing technician has to retrain again for the new location where the pharmaceutical technician does not.

President Wuest closed the Public Hearing and asked for a motion.

Board Action:

Motion: Barry Boudreaux moved to adopt the language as presented with a minor change as suggested by Leo Basch to add the word "provisional" in section 3.

Second: Leo Basch

Action: Passed Unanimously

5. **Amendment of NAC 639.NEW Positive Identification of User of Pharmacy Computer Systems** This language will require the person using the pharmacy computer to be identified by a unique identifier and the pharmacy computer will need the ability to automatically log that person off the computer after four minutes of inactivity so another person will not be able to access the computer under that persons identity.

Board staff added the four minute timeout at the direction of the Board resultant from testimony of Phil Burgess of Walgreens and Vic Vercammen of Albertson/Sav-on.

Board staff distributed letters from Vic Vercammen and NACDS prior to public hearing for their review recinding their previous approval of the four minute concept.

President Wuest opened the Public Hearing.

Liz Macmenamin, representing RAN and Mary Staples, representing NACDS, appeared and were sworn by President Wuest prior to answering questions or offering testimony.

They advised the Board that this would be a burden to pharmacies and is not acceptable to RAN or NACDS. Ms. Macmenamin also noted that the Notice of Intent to Act Upon A Regulation indicated that there would be no adverse financial effect on the business and she stated that was not true and the Notice needed to be corrected. Board staff stands by the no financial effect because businesses are not mandated to make this change and they can still hand initial the paperwork.

Dan Luce, of Walgreens, appeared and was sworn by President Wuest prior to answering questions or offering testimony.

Mr. Luce stated that patient safety is a priority at Walgreens. He noted that the more you reduce manual work through technology the more it allows time with the patient. Mr. Luce said that pharmacists are professionals and capable of being responsible to keep their passwords secure. By having a four minute timeout it would be an additional mental hook for pharmacists to worry about and cause stressful situations.

Kam Gandhi, of Super Value, appeared and was sworn by President Wuest prior to answering questions or offering testimony.

Mr. Gandhi noted that their pharmacies have a biometric system but it still does not meet Nevada law requirements.

Ray Seidlinger and Katie Craven thought screen saver technology would answer all of the issues being discussed.

Chad Lubke, of CVS, appeared and was sworn by President Wuest prior to answering questions or offering testimony.

Mr. Lubke noted that a pharmacist would be limited to one terminal and would not be able to go to various computers in the pharmacy to perform his duties.

Cookie Quandt, of Longs, appeared and was sworn by President Wuest prior to answering questions or offering testimony.

Ms. Quandt questioned Ray Seidlinger's theory regarding screen savers as all computer systems are different. She was also concerned about cost.

Leo Basch suggested changes to NAC 639.910 and gave instances where the company would be responsible to design a program to accurately reflect who was signed on to a specific computer.

David Vasenden, of Don's Pharmacy, appeared and was sworn by President Wuest prior to answering questions or offering testimony.

Mr. Vasenden reflected that he did not see a problem with the four minute timeout.

Diana Bond, of UMC, appeared and was sworn by President Wuest prior to answering questions or offering testimony.

Ms. Bond supported Leo Basch's suggestion of changing the computer regulations.

Mary Ryan, representing Medco, appeared and was sworn by President Wuest prior to answering questions or offering testimony.

Ms. Ryan gave the genesis of the four minute rule as it was adopted in Ohio and noted that it works well.

President Wuest closed the Public Hearing.

Leo Basch commended Board staff for following their direction and then having a complete turnaround on this issue at the Public Hearing.

President Wuest advised that if the Board strayed too far from what was presented, such as going with Leo Basch's suggestion, we would have to start the process over again.

Mr. Ling asked for a clear direction the Board would like staff to take.

Board Action:

Motion: Ray Seidlinger moved to table this regulation amendment and rewrite.

Second: Ann Peterson

Action: Passed With One Negative Vote

Leo Basch gave specific changes he felt were appropriate to fix this situation.

16. Next Board Meeting:

July 25-26, 2007 – Las Vegas, Nevada

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

There was no public comment.