BOARD MEETING

at the

Las Vegas Chamber of Commerce
Turnberry Town Square
6671 Las Vegas Boulevard, South
Building D, Suite 300
Las Vegas

October 29 and 30, 2008

The meeting was called to order at 9:00 a.m. by Barry Boudreaux Board President.

Board Members Present:

Barry Boudreaux	Keith Macdonald	Leo Basch
Ray Seidlinger	Donald Fey	Chad Luebke

Board Members Absent:

Mary Lau

Board Staff Present:

Larry Pinson Jeri Walter Carolyn Cramer Nancy Savage

CONSENT AGENDA

1. Approval of September 3-4, 2008, Minutes

Chad Luebke noted that he recused from participation on items 6 E and F and asked that the September minutes reflect that.

Board Action:

Motion: Leo Basch moved to accept the September minutes with the correction noted by Mr. Luebke.

Second: Chad Luebke

Action: Passed Unanimously

2. Motion to Remove Louis Ling from Financial Records and Change to Carolyn J. Cramer

Board Action:

Motion: Ray Seidlinger moved to remove Louis Ling from the financial records and add Carolyn Cramer.

Second: Don Fey

Action: Passed Unanimously

3. Applications for Out-of-State MDEG – Non Appearance:

A. CCS Medical – Anaheim, CA
B. Eagle Health Care, LLC – Blue Bell, PA
C. Medical Solutions of Arkansas – Jonesboro, AR

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

D. Advanced Compounding Pharmacy – North Hollywood, CA
E. Escalante Solutions – Phoenix – Phoenix, AZ
F. Escalante Solutions LLC – Sacramento, CA
G. Immediate Pharmaceutical Services, Inc. – Avon Lake, OH
H. Kindred Pharmacy Services – Mt View, CA
I. Lake Arrowhead Village Pharmacy – Lake Arrowhead, CA
J. Live Well Drug Store – Green Cove Springs, FL
K. O'Brien Pharmacy – Mission, KS
L. PMSI, Inc. – Tampa, FL
M. US Med, Inc. – Miami, FL

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

N. Amneal Pharmaceuticals of New York, LLC 1 – Hauppauge, NY
O. Amneal Pharmaceuticals of New York, LLC 2 – Hauppauge, NY
P. Biotest Pharmaceuticals Corporation – Boca Raton, FL
Q. Carlsbad Technology, Inc. – Carlsbad, CA
R. Gavis Pharmaceuticals LLC – Somerset, NJ
S. Guaranteed Returns – Holbrook, NY
T. JOM Pharmaceutical Services, Inc. – Somerset, NJ
U. National Cornerstone Healthcare Services, Inc. – Loma Linda, CA
V. PSS World Medical, Inc. – West Columbia, SC
W. The Procter & Gamble Distributing, LLC – Iowa City, IA
X. UPS Supply Chain Solutions, Inc. – Duluth, GA

Applications for Nevada Pharmacy – Non Appearance:

Y. Box Canyon Surgery Center, LLC – Las Vegas
Z. Drug Plus Pharmacy – Henderson
AA. Las Vegas Regional Surgery Center – Las Vegas
BB. Longs Drug Store #767 – Sparks
CC. Walgreens #11899 – Las Vegas

Applications for Nevada MDEG – Non Appearance:

DD. Advanced Medical Enterprises LP – Henderson
EE. Destiny Medical Supply – Las Vegas
FF. Hanger Prosthetics and Orthotics – Las Vegas
GG. Nocturna Sleep Center LLC – Henderson
HH. Oxytech – Sparks
II. Pacific Biomedical DME, LLC – Henderson
JJ. Recovery Medical Services, LLC – Las Vegas

Discussion:

The consent agenda applications and supporting documents were reviewed.

Leo Basch recused from participation in the vote on item 3 CC as he is employed by Walgreens. Chad Luebke recused from participation in the vote on items 3 BB, E and F as Longs Drug Stores were purchased by his employer, CVS, and Escalante Solutions is a subsidiary of Longs Drug Stores.

Leo Basch noted that he telephoned the toll free number for Escalante and found it to be a Verison conference call number. The number needs to be corrected on items 3 E and F. Gavis Pharmaceuticals application, item R, needs to have the box checked for veterinary products.

Board Action:

Motion: Ray Seidlinger found the consent agenda application information to be accurate and complete and moved for approval with the exception of items 3 BB, CC, E and F with the correction as noted in item R.

Second: Leo Basch

Action: Passed Unanimously

Motion: Ray Seidlinger moved to approve item 3 BB.

Second: Leo Basch

Action: Passed Unanimously

Motion: Ray Seidlinger moved to approve item 3 CC.

Second: Keith Macdonald

Action: Passed Unanimously

Motion: Ray Seidlinger moved to approve the remaining applications with corrections.

Second: Leo Basch

Action: Passed Unanimously

REGULAR AGENDA

4. Application for Nevada Pharmacy – Appearance:

Horizon Specialty Hospital – Las Vegas

Ernest Godfrey, CEO of Principal Pharmacy Group, and Sean Burroughs, Regional Director of Operations, appeared and were sworn by President Boudreaux prior to answering questions or offering testimony.

Mr. Godfrey and Mr. Burroughs testified that this was a change in ownership and gave specifics of their pharmacy practices.

Board Action:

Motion: Don Fey

Second: Keith Macdonald

Action: Passed Unanimously

5. Applications for Nevada MDEG – Appearance:

A. Ist Medical Supply – Las Vegas

Rafael Rey and Tatyana White appeared and were sworn by President Boudreaux prior to answering questions or offering testimony.

Ms. White explained that she is returning with an administrator she hired to operate her business. Mr. Rey has completed the personal history application and is present to answer any questions the Board may have.

The Board questioned Mr. Rey regarding his past experience in the medical devices, equipment and gasses business. Mr. Rey stated that he ran the respiratory department at Mesa Medical and described his duties at that location. He owned his own business until 2005 but had not worked in the MDEG business since that time. Mr. Rey indicated that they would be a full service MDEG provider that would handle parenteral and enteral equipment and orthotics and prosthetics He was then asked specific questions regarding the difference between parenteral and enteral equipment and he could not answer them. He was asked about being trained to fit prosthetics and he stated he was not trained and then said that they would not carry them.

Ms. White was advised that she needed to find a trained administrator to operate her business before a license would be granted for 1st Medical Supply.

B. Fairview Medical Supplies Inc. – Las Vegas

No one from Fairview Medical Supplies Inc. appeared.

C. Kinskay Group Inc. – Pahrump

Oluwakemi Kayode-Akinsilo appeared and was sworn by President Boudreaux prior to answering questions or offering testimony.

Mr. Kayode-Akinsilo answered detailed questions regarding his MDEG operation including medical gases, respiratory equipment, life-sustaining equipment, assistive equipment, parenteral and enteral equipment, orthotics and prosthetics, wound care and diabetic footwear and supplies. Mr. Kayode-Akinsilo was knowledgeable in all aspects of the MDEG operation.

Board Action:

Motion: Don Fey

Second: Keith Macdonald

Action: Passed Unanimously

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

A. DCRX Infusion – Sunrise, FL

DCRX Infusion will appear at the December Board meeting.

B. PharMEDium Services, LLC – Memphis, TN

Richard Kruzynski appeared and was sworn by President Boudreaux prior to answering questions or offering testimony.

Mr. Kruzynski was questioned regarding the practices of their out of state pharmacy. It was noted that the application did not reflect mail service and asked Mr. Kruzynski to correct this on the application, which he did.

Board Action:

Motion: Keith Macdonald moved to approve the application for out of state pharmacy for PharMEDium Services, LLC.

Second: Ray Seidlinger

Action: Passed Unanimously

C. Rx3 Pharmacy – Richmond, VA

Rx3 Pharmacy will appear at the December Board meeting.

7. Disciplinary Action:

A. Mohammad A. Pourteymaur, R.Ph (08-044-RPH-S)

NOTE: Don Fey recused from participation in this matter as he used to work with Mr. Pourteymaur.

Mohammad Pourteymaur appeared and was sworn by President Boudreaux prior to answering questions or offering testimony.

Carolyn Cramer reviewed the circumstances regarding Mr. Pourteymaur not having completed 30 hours of CE as he attested to on his renewal. Ms. Cramer also indicated that she had concerns that Mr. Pourteymaur lied on his application and noted that she felt this was a lack of responsibility on his part.

Mr. Pourteymaur testified on his own behalf and advised the Board that he had extenuating circumstances. He explained that he was going to medical school for the last six years and was not practicing pharmacy during the two year period of the audit. Mr. Pourteymaur did not feel he was guilty of unprofessional conduct since he was not practicing. He also noted that there were deaths in his family and he and his wife had a baby and he just answered the question regarding having 30 CE's automatically without thinking about whether he had the CE's or not.

The Board advised Mr. Pourteymaur that as a professional he was expected to do continuing education to keep up with his knowledge of pharmacy for patient safety.

Since he had a license with the Board of Pharmacy it was his responsibility to answer questions truthfully and follow Nevada's laws regarding continuing education. They indicated that they found these circumstances of paramount concern.

Board Action:

Motion: Ray Seidlinger moved to find Mr. Pourteymaur guilty of the alleged violations.

Second: Leo Basch

Action: Passed Unanimously

Motion: Ray Seidlinger moved to fine Mr. Pourteymaur $1,000.00, make up the missing CE in addition to what Mr. Pourteymaur has already provided, do 60 hours of CE for the next renewal period from today's date forward, take and pass a written law examination provided by Board staff and be audited for the 2007-2009 renewal period. Mr. Pourteymaur may not request inactive status during this timeframe.

Second: Chad Luebke

Action: Passed Unanimously

B. Todd R. Bleak, R.Ph (08-049-RPH-S)

NOTE: Don Fey recused from participation in this matter as he used to work for Mr. Bleak.

Todd Bleak appeared and was sworn by President Boudreaux prior to answering questions or offering testimony.

Carolyn Cramer reviewed the circumstances regarding Mr. Bleak not having completed 30 hours of CE as he attested to on his renewal.

Mr. Bleak testified on his own behalf and explained that he did not make copies of his CE's but that he kept his records in his computer. Mr. Bleak stated that his computer became corrupted and he could not recover the certificates when he was requested to do so for the CE audit. When questioned by the Board as to why he did not go to the providers and ask them to provide copies, he stated that he could not remember what CE he had taken and consequently did not know who to contact to make such a request. Mr. Bleak indicated that he attended live CE presented by drug companies, however when he contacted them he found that the drug representatives were no longer with the companies and that they no longer had records for the programs he said he attended. He could not accurately recall the subject matter nor locations of the CE he attended.

Board Action:

Motion: Keith Macdonald moved to find Mr. Bleak guilty of the alleged violations.

Second: Ray Seidlinger

Action: Passed Unanimously

Motion: Keith Macdonald moved to fine Mr. Bleak $1,000.00, make up the missing CE, do 60 hours of CE for the next renewal period from today's date forward, take and pass a written law examination provided by Board staff and be audited for the 2007-2009 renewal period.

Second: Chad Luebke

Action: Passed Unanimously

C. Donald O. Cowles, R.Ph (08-045-RPH-S)

Donald Cowles appeared and was sworn by President Boudreaux prior to answering questions or offering testimony.

Carolyn Cramer reviewed the circumstances regarding Mr. Cowles not having completed 30 hours of CE as he attested to on his renewal.

Mr. Cowles testified on his own behalf and explained that he retired from Rite Aid in April of 2007. He found he needed to return to work to supplement his income and was hired by UMC. Mr. Cowles noted that he went through extensive training at UMC and thought he could use that training to fulfill his CE requirements to renew his license. He also stated that besides working at UMC he cares for his ailing wife. Mr. Cowles took responsibility for his actions.

Ms. Cramer advised the Board that this was not the first time Mr. Cowles had lied on his application for renewal and that he had appeared before them in 2000 for not having done his CE's as he had attested to on his application for renewal.

Board Action:

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

Second: Ray Seidlinger

Action: Passed Unanimously

Motion: Leo Basch moved to fine Mr. Cowles $1,000.00, make up the missing CE, do 60 hours of CE for the next renewal period from today's date forward, take and pass a written law examination provided by Board staff and be audited for the 2007-2009 renewal period. Mr. Cowles may not request inactive status during this timeframe.

Second: Keith Macdonald

Action: Passed With One Negative Vote

D. Kenneth M. To, R.Ph (08-043-RPH-S)

NOTE: President Boudreaux asked Mr. Fey to preside over this matter as Mr. To worked for President Boudreaux. Chad Luebke recused from participation in this matter as he knows Mr. To.

Kenneth To appeared and was sworn by Mr. Fey prior to answering questions or offering testimony.

Carolyn Cramer reviewed the circumstances regarding Mr. To not having completed 30 hours of CE as he attested to on his renewal.

Mr. To explained that he did not receive any of the correspondence sent by Board staff requesting that he supply them with copies of his CE. He indicated that during the time the letters went out for the CE audit he was temporarily living with a family member which is why he had not provided copies of his CE as requested. Mr. To provided 31 hours of CE to Ms. Cramer. Mr. Pinson reviewed the CE's and advised the Board that the CE's that Mr. To provided were done between November 1, 2005 and October 31, 2007 and were complete.

Board Action:

Motion: Keith Macdonald moved to dismiss this matter and send Mr. To a letter of admonishment for not keeping his address current with Board staff.

Second: Ray Seidlinger

Action: Passed Unanimously

E. Ronald DiMatteo, R.Ph (08-047-RPH-S)

Ronald DiMatteo appeared and was sworn by President Boudreaux prior to answering questions or offering testimony.

Carolyn Cramer reviewed the circumstances regarding Mr. DiMatteo not having completed 30 hours of CE as he attested to on his renewal.

Mr. DiMatteo testified on his own behalf and explained that he was a 40 year pharmacist and had never been in a situation like this before. He explained that he had a flood in his home and he and his family had to vacate for three months. Mr. DiMatteo stated that his home was literally destroyed along with everything in it. He indicated that when he renewed his license he was not thinking clearly when he attested to having completed 30 CE's on his renewal application. When he received his audit letter he found he could only provide proof of nine CE's and the rest were forever gone in the flood. Mr. DiMatteo took responsibility for his actions and apologized to the Board.

Board Action:

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

Second: Don Fey

Action: Passed Unanimously

Motion: Leo Basch moved to fine Mr. DiMatteo $1,000.00, make up the missing CE, do 60 hours of CE for the next renewal period from today's date forward, take and pass a written law examination provided by Board staff and be audited for the 2007-2009 renewal period.

Second: Chad Luebke

Action: Passed Unanimously

F. Kim N. Phan, R.Ph (08-045-RPH-S)

NOTE: Keith Macdonald recused from participation as he and Ms. Phan are employed by Wal-Mart.

Kim Phan appeared and was sworn by President Boudreaux prior to answering questions or offering testimony.

Carolyn Cramer reviewed the circumstances regarding Ms. Phan not having completed 30 hours of CE as she attested to on her renewal.

Ms. Phan testified on her own behalf and explained that she thought the CE's she completed for California would work for Nevada but learned that her California CE's were not done in the appropriate timeframe.

Board Action:

Motion: Don Fey moved to find Ms. Phan guilty of the alleged violations.

Second: Chad Luebke

Action: Passed Unanimously

Motion: Don Fey moved to fine Ms. Phan $1,000.00, make up the missing CE, do 60 hours of CE for the next renewal period, take and pass a written law examination provided by Board staff and be audited for the 2007-2009 renewal period.

Second: Ray Seidlinger

Action: Passed Unanimously

G. Molih O. Orock, R.Ph (08-046-RPH-S)

NOTE: Chad Luebke recused from participation as he and Mr. Orock are both employed by the same employer.

Molih Orock appeared and was sworn by President Boudreaux prior to answering questions or offering testimony.

Carolyn Cramer reviewed the circumstances regarding Mr. Orock not having completed 30 hours of CE as he attested to on his renewal.

Mr. Orock testified on his own behalf and admitted that he was deficient in obtaining his CE's. Even though he did not use it as an excuse, it was his first time to renew his license after obtaining his license and did not realize exactly what needed to be done regarding CE's. Mr. Orock provided 2.5 CE's to Ms. Cramer. Mr. Pinson checked the CE's and agreed that they were appropriate for the 2005-2007 renewal period.

Board Action:

Motion: Keith Macdonald moved to find Mr. Orock guilty of the alleged violations.

Second: Leo Basch

Action: Passed Unanimously

After several failed motions the following passed:

Motion: Keith Macdonald moved to fine Mr. Orock $1,000.00, make up the missing CE, do 60 hours of CE for the next renewal period, take and pass a written law examination provided by Board staff and be audited for the 2007-2009 renewal period.

Second: Leo Basch

Action: Passed Unanimously

H. Mayra Arreola, PT (08-054-PT-S)

NOTE: Keith Macdonald recused from participation as he is employed by Wal-Mart.

Mayra Arreola appeared and was sworn by President Boudreaux prior to answering questions or offering testimony.

Ms. Cramer asked the Board to dismiss the First Cause of Action charging Ms. Arreola with diverting controlled substances. In her written statement it looked like she admitted to removing Lortab from her employing pharmacy, however it was learned that she had actually removed Lovastatin – a dangerous drug. She asked that the Board consider adding the Lovastatin to the Second Cause of Action. Ms. Cramer continued and described a scheme that Ms. Arreola had devised to sell patients their prescriptions at reduced prices from her car.

Ms. Arreola explained that she had admitted to taking 60 dosage units of Metformin and 15 or 20 dosage units of Lovastatin for her parents use. Ms. Arreola testified that she needed money and thought she could provide patients that did not have insurance their medications at a reduced price. She made sticky notes with patient's names and phone numbers and the medications they took and was going to contact them to make them an offer. Ms. Arreola stated that this was the first time she had tried to sell a patient their medication and was caught by Wal-Mart security before she could complete the transaction.

Two exhibits were admitted into evidence:

Exhibit A – Copy of the sticky notes found in Ms. Arreola's car with patient information
Exhibit B – Ms. Arreola's written statement

The Board admonished Ms. Arreola for removing patient information from the pharmacy and counseled her on the seriousness of her actions.

Board Action:

Motion: Ray Seidlinger moved to dismiss the First Cause of Action.

Second: Chad Luebke

Action: Passed Unanimously

Motion: Ray Seidlinger moved to find Ms. Arreola guilty of the Second and Third Causes of Action.

Second: Chad Luebke

Action: Passed Unanimously

Motion: Ray Seidlinger moved to revoke Ms. Arreola's pharmaceutical technician registration.

Second: Chad Luebke

Action: Passed Unanimously

I. Humberto R. Marquez, PT (08-055-PT-S)

NOTE: Mr. Luebke recused from participation in this matter as he is, and Mr. Marquez was, employed by CVS.

Mr. Marquez was called, however he was not present. The Board moved forward with the proceedings in his absence.

Carolyn Cramer advised that this matter came about from a notice of termination of employment. CVS loss prevention personnel found that Mr. Marquez had filled four prescription numbers over and over again for a total of 28 times between January and June, 2008. Mr. Marquez admitted that he would cancel and fill prescriptions for 240 count bottles of hydrocodone 10/500 mg. tablets. He would then contact a friend who would come to the pharmacy to pick up the prescription. Mr. Marquez would ring up a soft drink or other small item and then bag the filled prescription without ringing it up or receiving payment. Mr. Marquez estimated that he had received over $20,000.00 for this scheme.

Board Action:

Motion: Ray Seidlinger moved to find Mr. Marquez guilty of the alleged violations.

Second: Keith Macdonald

Action: Passed Unanimously

Motion: Ray Seidlinger moved to revoke Mr. Marquez's pharmaceutical technician registration. If Mr. Marquez ever applies for reinstatement, he will have to provide proof of restitution to CVS.

Second: Leo Basch

Action: Passed Unanimously

NOTE: Mr. Marquez appeared after the vote. He explained that he did not know he could enter the room and was waiting in the hall. President Boudreaux explained that the Board had already ruled in this matter and that his registration had been revoked, however gave Mr. Marquez an opportunity to make a statement.

J. Taylor E. Murray, PTT (08-064-PTT-S)

NOTE: Leo Basch recused from participation in this matter as Ms. Murray was employed by Walgreens.

Ms. Murray was called, however she was not present. The Board moved forward with the proceedings in her absence.

Carolyn Cramer advised that this matter came about from a notice of termination of employment. Ms. Murray would disguise her voice and call in refill prescriptions for herself for Lortab and Xanax. Ms. Murray called in three refills for 120 dosage units of Lortab 10 mg. tablets and two refills for 60 dosage units of Xanax 2 mg. tablets. In a written statement she admitted to these instances and paid Walgreens restitution in the amount of $244.35.

Board Action:

Motion: Keith Macdonald moved to find Ms. Murray guilty of the alleged violations.

Second: Don Fey

Action: Passed Unanimously

Motion: Keith Macdonald moved to revoke Ms. Murray's pharmaceutical technician registration. If Ms. Murray requests reinstatement of her registration she is to have a mental health evaluation and also be evaluated by PRN-PRN.

Second: Don Fey

Action: Passed Unanimously

K. Jessica Motta, PT (08-072-PT-S)

Ms. Motta was called, however she was not present. The Board moved forward with the proceedings in her absence.

Mr. Espadero appeared and testified that Ms. Motta had contacted him and is not contesting the facts in the matter, however she is unable to continue participation in the PRN-PRN program at this time. Mr. Espadero thought perhaps Ms. Motta was having financial difficulty and was unable to pay for her participation. He also indicated that no

one has ever been removed from the program strictly for financial reasons. He explained that they have a fund set aside to help when necessary.

Board Action:

Motion: Keith Macdonald moved to find Ms. Motta guilty of violating her previous Order by not participating in the PRN-PRN program.

Second: Don Fey

Action: Passed Unanimously

Motion: Keith Macdonald moved to revoke Ms. Motta's pharmaceutical technician registration

Second: Chad Luebke

Action: Passed Unanimously

8. Request for Reinstatement of Pharmacist License – Appearance:

A. Karen A. Kinan (07-012-RPH-S)

Ms. Kinan was not present.

Board Action:

Motion: Ray Seidlinger moved to deny the request for reinstatement of Ms. Kinan's pharmacist license.

Second: Keith Macdonald

Action: Passed Unanimously

B. Roger Ly (04-045-RPH-S

Roger Ly and Larry Espadero appeared and was sworn by President Boudreaux prior to answering questions or offering testimony.

Ms. Cramer explained the court ruling that Mr. Ly had pled guilty to one count of health care fraud, noting that Mr. Ly is in compliance with his order and is on probation for 36 months with standard conditions.

Mr. Ly pled for his license to be reinstated. He answered questions from the Board regarding what he has learned from this experience with sincerity and confidence.

Mr. Espadero testified in support of Mr. Ly's request for reinstatement. He reiterated that Mr. Ly has grown significantly since he has been participating in the PRN-PRN program and has matured and learned from his experience. He is now married and has a child and has turned his life around.

Ms. Cramer recommended that the Board not reinstate Mr. Ly's license.

Board Action:

Motion: Leo Basch moved to reinstate Mr. Ly's pharmacist license providing that he continue with PRN-PRN to parallel his federal probation, have the Order reflect the standard PRN-PRN requirements, advise any potential employer of the Order and have them acknowledge to Board staff that they are aware of the Order, be current with his continuing education, and be audited at the 2009 renewal.

Second: Keith Macdonald

Action: Passed Unanimously

9. Request for Reinstatement of Pharmaceutical Technician License – Appearance:

A. Cynthia Blake (03-027-PT-S)

Ms. Blake was not present. The Board noted that this has been the third or fourth request Ms. Blake has made and not appeared.

Board Action:

Motion: Ray Seidlinger moved to deny Ms. Blake's request for reinstatement of her pharmaceutical technician registration.

Second: Don Fey

Action: Passed Unanimously

B. Stacy E. Cronshaw (03-057-PT-S)

NOTE: Ray Seidlinger recused from participation in this matter as Mr. Cronshaw was terminated from employment from Sav-On in 2003 – Mr. Seidlinger's previous employer.

Stacy Cronshaw appeared and was sworn by President Boudreaux prior to answering questions or offering testimony.

Mr. Cronshaw testified that since the issue in 2003 he has put his life in order and has grown up considerably. He indicated that he and his girlfriend are expecting a baby and

he plans to marry within the next six months. He liked working in the pharmacy atmosphere and would like to consider a career in pharmacy with goals to become a clinical pharmacist.

The Board questioned Mr. Cronshaw about the circumstances of the case in 2003 that ultimately resulted in revocation of his pharmaceutical technician registration. Mr. Cronshaw explained that his doctor regularly telephoned in prescriptions for him and his family and would then call them to advise what he had done and tell them where he called so they could pick up their medication. In the instance in 2003, Mr. Cronshaw stated that a refill prescription for Lortab was telephoned to a Sav-On pharmacy across town from where Mr. Cronshaw worked but that the Sav-On pharmacy that the doctor called was closer to his home. The Board gave Mr. Cronshaw the opportunity tell the truth in this matter, but he was still telling the same story he told in 2003.

Carolyn Cramer advised the Board that it appeared that Mr. Cronshaw was not being forthcoming and noted that the Board did not believe him then any more than they believed him now.

Board Action:

Motion: Keith Macdonald moved to deny the request for reinstatement of Mr. Cronshaw's pharmaceutical technician registration.

Second: Chad Luebke

Action: Passed Unanimously

C. William Tinghitella (00-063-PT-S)

Mr. Tinghitella was not present.

Board Action:

Motion: Ray Seidlinger moved to deny the request for reinstatement of Mr. Tinghitella's pharmaceutical technician registration.

Second: Keith Macdonald

Action: Passed Unanimously

10. Request for Pharmacist License – Reciprocation – Appearance:

John Perry

John Perry appeared and was sworn by President Boudreaux prior to answering questions or offering testimony.

Mr. Perry advised the Board that he would like to reciprocate to Nevada to be near family members who live in Las Vegas. Mr. Perry indicated that his uncle and his dad were a pharmacists in Ohio and his dad at one time was on their Board. Mr. Perry has also participated in pharmacist's associations and various church groups and has tried to redeem himself with his profession. Mr. Perry indicated that he was employed by Wal-Mart and would be able to transfer to Nevada with the company.

President Boudreaux asked if the gentleman in the back of the room was with him. Mr. Perry stated that he was Gary Bodnar and was present to give a character reference if need be. President Boudreaux noted that Mr. Bodnar was employed by Medco and he recused from participation in this matter and he then asked Don Fey to preside. Mr. Fey disclosed that he knows Mr. Bodnar. Keith Macdonald recused from participation in this matter as he is also employed by Wal-Mart.

Gary Bodnar appeared and was sworn by Don Fey prior to answering questions or offering testimony.

Mr. Bodnar testified that Mr. Perry is a good pharmacist and representative of the community and gave instances of Mr. Perry's good deeds. The Board asked Mr. Bodnar if he owned a pharmacy if he would employ Mr. Perry and he indicated that he would have no reservations.

Mr. Perry described the circumstances of how he came to fill fraudulent prescriptions in 1994. His license was suspended in Ohio and Pennsylvania and Illinois paralleled the action. He was arrested and spent 22 months in federal prison followed by two years of probation. Illinois and Pennsylvania have reinstated Mr. Perry's licenses. He does not plan to live in Ohio and has not pursued reinstatement in that state. Mr. Perry noted that he has also reciprocated his license to West Virginia and has applied to Indiana.

Board Action:

Motion: Leo Basch moved to approve the application for reciprocation.

Second: Ray Seidlinger

Action: Passed Unanimously

11. Probation Review – Appearance:

Kenton Crowley

Carolyn Cramer noted that Mr. Crowley was present to advise the Board of the status of his license in California. As of the last meeting Mr. Crowley's license had been revoked in California but Mr. Crowley, through his attorney had filed a Petition for Reconsideration. Because of that petition, the California Board stayed the effective

date of the revocation until October 31, 2008, when his Petition for Reconsideration will be heard. The Board has been provided with the latest information from Mr. Crowley's attorney that Board staff received yesterday.

President Boudreaux asked Mr. Crowley how he has reduced the stressors in his life since he appeared at the September Board meeting.

Mr. Crowley indicated to President Boudreaux that he was confused about Ms. Cramer's statement that he had an appearance before the California Board tomorrow. He was not aware of such a meeting. Ms. Cramer read him the Stay of Effective Date received from his attorney. President Boudreaux advised Mr. Crowley that the Board would not be making any decisions today because they want to know how the Board of Pharmacy in California is going to rule on Mr. Crowley's license, however since he was present, he would give Mr. Crowley the opportunity to tell them how he has reduced the stressors in his life.

Mr. Crowley began to read a statement he had prepared from his computer. President Boudreaux stopped him and asked him to answer his question. Mr. Crowley stated that he had been offered two jobs that would give him 30 hours a week. He indicated that he would prefer taking one over the other but the preferred job does not pay as well. If he took the less preferred offer his financial difficulties would be relieved. He had to make a decision.

Keith Macdonald stated that Mr. Crowley appears to find himself a victim of financial circumstances, a victim of attorneys and a victim of the California Board. Sister state actions are important in evaluating what conditions our Board will consider in a disciplinary matter. He indicated that he does not take anything away from the letters of recommendation provided by his attorney, but our Board is going to take a broader view of all the circumstances brought to them, including Mr. Crowley's extremely long work hours, traveling back and forth between California and Nevada to practice, the practice evaluation and Mr. Espadero's considerations.

Mr. Crowley did not think that what happened a long time ago in California should be at issue today. He stated that he was addicted to Demerol. He has been free from his disease of addiction. The California Board does not like him because he made them do things they did not like. They were able to take it out on him when he became addicted to Demerol by revoking his license and closing his pharmacy. He only abused alcohol once and now they are dredging up all the old issues. Mr. Crowley cited Dr. Levy's evaluation noting that he is in remission from using Demerol and it had nothing to do with alcohol. Mr. Crowley feels that he can have an occasional drink as he is not addicted to alcohol, only Demerol. Don Fey read from Dr. Levy's evaluation and stated that Mr. Crowley was correct regarding his remission from using Demerol but did not appreciate the definition of sobriety as complete and total abstinence from all mind-altering substances. Mr. Fey stated that Mr. Crowley and Dr. Levy differ from one another.

Carolyn Cramer noted that she is new to the Board however she is an experienced prosecutor and has prosecuted over 5,000 DUI cases. Dr. Levy clearly indicates in his report that Mr. Crowley continued to use alcohol which subsequently resulted in the DUI in May of 2007. It is clear he has not addressed his issues. Mr. Crowley has an addictive personality and whether it is Demerol or alcohol, stressors in his life have triggered his abuse. The Board has asked him what he has done to relieve the stressors and he still has not answered the question.

Mr. Crowley indicated that he is attending more 12 step programs, cut back his work hours so he can spend more time with his family, still has not resolved the issue with Applied Pharmacy Solutions yet, but hopes to get it resolved within the next month or two, he exercises which helps him relieve stress. Apparently he is not expressing himself well. He is not working in Nevada at this time so he is not traveling back and forth. He only works at one location in California and it has relieved the stress of all the travel and expense he had been incurring. Mr. Luebke asked Mr. Crowley how many hours he was working and he responded between 30 and 45 hours a week.

Board Action:

Motion: Keith Macdonald moved to table until the Board hears the outcome of the California Board's decision on the Request for Reconsideration. Mr. Crowley will appear again and advise the Board how he intends to change his practice if his license is revoked in California.

Second: Don Fey

Action: Passed Unanimously

12. Request for Technician in Training License – Appearance:

Savannah Kennedy

Carolyn Cramer explained that Ms. Kennedy was before them because she answered that she had been charged, arrested or convicted of a misdemeanor on her application for pharmaceutical technician in training.

Savannah Kennedy appeared and was sworn by President Boudreaux prior to answering questions or offering testimony.

Ms. Kennedy is a student at Kaplan College and is in their pharmaceutical technician program. Ms. Kennedy indicated that in May of 2007 she leased a residence and she had a roommate. At some point, policemen came to her door looking for the roommate who was not at home. The policemen looked through the house, found marijuana that belonged to the roommate, but arrested her because her name was on the lease for the residence. Ms. Kennedy testified that she spent some time in jail because she did not

have bail money and was remanded to community service, which she completed. She firmly stated that she did not use drugs and no longer associated with people who did.

Ms. Cramer advised the Board that a first offense for marijuana is usually only a fine, not jail time and community service.

Board Action:

Motion: Keith Macdonald moved to table the application for Ms. Kennedy until Board staff can find the circumstances of the charges. Also, Ms. Kennedy is to have a PRN-PRN evaluation.

Second: Ray Seidlinger

Action: Passed Unanimously

13. Request for Dispensing Technician in Training License – Appearance:

Kristy Miller

Kristy Miller appeared and was sworn by President Boudreaux prior to answering questions or offering testimony.

Carolyn Cramer advised the Board that Ms. Miller applied for a dispensing technician in training license and answered “no” to all of the questions, however provided a letter from the District Attorney’s office indicating that two charges were in their office for consideration. Count 1 was Transport of a Controlled Substance and Count 2 was Possession Dangerous Drug W/O Prescription. She has provided a letter that the District Attorney was not going to file charges.

Ms. Miller explained that she worked at the State of Nevada Youth Correctional Facility in Caliente and was staying there for three days at a time and returning home in Las Vegas for the remainder of the week. She was the only nurse on duty at the facility and was treating a patient. Ms. Miller explained that she had an unopened vial of Haladol with her and did not use it on the patient. She testified that she put it in her pocket and had forgotten it was there and left the facility to return to Las Vegas. When she arrived home she realized she had the Haladol and put it in her purse to take back to Caliente when she returned to the facility. Ms. Miller’s boyfriend was driving her back to Caliente and on the drive he was pulled over by a police officer. The police officer asked for identification from each of them and he found the Haladol in her purse.

Larry Pinson advised the Board that he receives calls from police officers and investigators regularly to clarify what a controlled substance is. Haladol is not a controlled substance and she shouldn’t have been charged with transporting a controlled substance to begin with.

Board Action:

Motion: Keith Macdonald moved to approve the application for dispensing technician in training for Ms. Miller.

Second: Ray Seidlinger

Action: Passed Unanimously

14. Requests for Appearance:

A. Central Admixture Pharmacy Services – John Brandon

Roger Morris, pharmacist/attorney for Central Admixture Pharmacy Services, introduced John Brandon, CAPS Regional Director, Mike Cook, Vice President of Sales and Support, and Bill Jones, Regional Director of Operations. Mr. Morris indicated that Mr. Brandon would be doing most of the presentation and they believe the CAPS system would comply with the Nevada compounding law and fulfills the requirement for patient specifity. It would also be in compliance with Nevada law as a fulfillment pharmacy for the hospital dispensing pharmacy.

CAPS is a sterile preparation compounding system that would be marketed to hospitals and alternate site providers. CAPS is 797 compliant, provides patient-specific prescriptions and will provide anticipatory compounded products. Prescription labeling, operational logistics, customer interest in Nevada, and other Boards of Pharmacy that have approved the CAPS system for their states were discussed.

Board Action:

Motion: Keith Macdonald moved to find the CAPS system acceptable for Nevada.

Second: Don Fey

Action: Passed Unanimously

B. Medco Health Services – Jeff Sinko

Mary Ryan appeared for Medco and requested that the Board broaden the scope of the central fill regulations. Ms. Ryan stated that they were too restrictive and they do not allow a central fill pharmacy to mail direct to the patient. The regulations as they are written require the central fill pharmacy to return the filled prescription to the drop-off pharmacy. They have contracts in other states that allow the central fill pharmacy to ship direct to the patient and it works well. Ms. Ryan provided language that has been adopted in Indiana and gave examples of how this concept would be helpful to Medco and other central fill pharmacies.

Leo Basch provided the Board with proposed language to be considered to address the Medco situation and the central fill models used by Longs and Raley's. Mr. Basch stated that he had spoken with Dave Fluitt, the Raley's district pharmacy manager, and Mr. Fluitt indicated that it would be helpful to be able to ship patient's medications directly to them in rural areas in particular.

Cookie Quandt agreed with Ms. Ryan and Mr. Basch and indicated that she has found that the accuracy at the central fill pharmacies is exceptional as she expressed at the last Board meeting. Ms. Quandt said that Longs patients generally want to come to the pharmacy to pick up their prescriptions and interact with the pharmacy staff. She also indicated that she has found that the pharmacists in the local pharmacies are able to spend more time interacting with their patients when the central fill pharmacies are used.

Larry Pinson agreed to bring new language to Workshop at the December Board meeting.

15. Antibiotic Awareness – Appearance:

William Berliner, MD

Dr. Berliner appeared before the Board to request continued funding for the Antibiotic Awareness program. He reviewed some new aspects that have transpired during the past year. The Board discussed possible help from Dr. Berliner to distribute information on the drug disposal flyer that was discussed previously. Dr. Berliner was amenable to helping with the distribution of the drug disposal flyer because they already have the means to get information distributed.

Board Action:

Motion: Keith Macdonald moved to donate $5,000.00 to the Antibiotic Awareness program with the caveat that they help distribute the drug disposal flyer.

Second: Leo Basch

Action: Motion Failed

Motion: Leo Basch moved to donate $2,500.00 to the Antibiotic Awareness program with the caveat that they help distribute the drug disposal flyer.

Second: Leo Basch

Action: Passed Unanimously

16. 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 approved five temporary licenses since the last Board meeting.

D. Staff Activities
Meetings

- Carolyn Cramer will attend ASPL in November for Mr. Pinson since he has been away for so many other meetings
- Larry Pinson has been asked to speak at the APhA annual meeting in San Antonio in June, 2009. The topic will be his perspective on the inspection process and may work with ISMP to focus on inspection with the focus on safety.
- District 6/7/8 report
- CBI presentation report – provided scores and comments on his AB128 presentation
- CE presentations

E. Report to Board

- Mr. Pinson noted that he had completed his interviews for a new inspector and would announce his choice in November. There were several applicants and he found that the travel and salary were not appealing since there will be a considerable amount of traveling required and pharmacists salaries are generally higher.
- The Harold Rogers Grant was not awarded to Nevada this year as it has been since the Task Force as been operational. The Board may have to think about supplementing their operation if other grants cannot be obtained.
- The Medco "work at home" program is almost ready to implement and they will have about ten pharmacists participating to begin with.
- Drug disposal is getting a lot of interest. Perhaps we can educate by preparing and distributing a flyer on proper disposal of unused or unwanted medications.
- Mr. Pinson clarified the new PhRMA code of conduct recently adopted.
- Mr. Pinson advised that the Immunization Coalition Registry had been inundated with requests for training. He sent a FAX Broadcast advising pharmacists that the statute does not require compliance until July 1, 2009 and that immunizing pharmacists could proceed with their immunization practices. They can schedule their training anytime between now and July 1, 2009 and

then begin using WebIZ after their training was complete.

F. Board Related News

- NABP acknowledged that both PTCB and ICPT qualify as a means of recognized certification programs for technicians.
- There is new prescription vial technology that knows when and how you are supposed to take your medications. It locks the patient out and will not allow the patient to take the medication sooner than it was prescribed. If tampered with the medication is destroyed in the container.
- UCSF memo on the proposed pharmacy tobacco ban legislation

G. Activities Report

17. Election of Officers

Mr. Pinson advised the Board that President Boudreaux has accepted a promotion and will be leaving Nevada before the end of the year. Now the Board will need to elect a new president.

Board Action:

Motion: Ray Seidlinger moved to elect Don Fey as president when President Boudreaux leaves.

Second: Keith Macdonald

Action: Passed Unanimously

Mr. Pinson noted that at this time it would also be appropriate to vote for the position of Treasurer.

Board Action:

Motion: Keith Macdonald moved to re-elect Leo Basch as treasurer.

Second: Don Fey

Action: Passed Unanimously

18. Discussion:

Strategic Planning Topics

Larry Pinson advised the Board that this discussion topic was the result of Mary Lau's request to have a strategic planning session and asked for input. Review of hospital

regulations, inspection forms and how to finance the Task Force should grant money become scarce were suggested topics. Mr. Pinson asked the Board to e-mail him any other suggestions and he would schedule the discussion at the end of the December Board meeting.

19. General Counsel Report

Remand – Supreme Court Ruling

Carolyn Cramer gave an update on the Dutchess matter. She indicated that the remand is back in Judge Adair's hands and we should know more by the December Board meeting.

PUBLIC HEARING

20. Notice of Intent to Act Upon a Regulation:

Amendment of Nevada Administrative Code 453.440 Computer ID This language requires a person using the pharmacy computer to be identified by unique identifier. The pharmacy computer will need the ability to automatically log that person off the computer after a period of inactivity so another person will not be able to access the computer under that persons identity.

President Boudreaux opened the Public Hearing.

Leah Lipscomb, representing RAN, and Vic Vercammen, representing Supervalu, appeared and were sworn by President Boudreaux prior to answering questions or offering testimony.

Ms. Lipscomb and Mr. Vercammen discussed the language on page 3 section 3. Ms. Lipscomb wondered why the language in blue in page 3 section 3 was still there because Ms. Macmenamin was under the impression that those requirements would be removed. Mr. Pinson noted that they wouldn't have to put their initials anywhere if we took all that language out and we wouldn't know who did anything. Mr. Vercammen thought that address and similar changes do not need to be initialed. Those changes it would make it a requirement. He would also like to see all the blue and green language removed.

President Boudreaux closed the Public Hearing.

Keith Macdonald addressed item (III) on page 6 which currently requires a method that ensures the signature or initials accurately depict the identity of the person entering the information to have a personal identification number, password or other code. Mr. Macdonald noted that the company he works for has policies and procedures that address security of passwords and if the policies and procedures are violated that person is already held responsible for the acts of another using their code. He also

noted that section 4 on page 7 requires handwritten initials and he suggested that that language is contrary to the intent of this regulation amendment.

After discussion, the Board directed staff to remove the last part of section 3 page 3 that are depicted in blue and green and on page 7 remove 4(b) and 4(e).

Board Action:

Motion: Ray Seidlinger moved to adopt LCB File No. R050-07 with the minor changes referenced.

Second: Leo Basch

Action: Passed Unanimously

21. Next Board Meeting:

December 3-4, 2008 – Reno

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

There were no public commenets.