



NEVADA STATE BOARD OF PHARMACY

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MINUTES

July 14 -15, 2021

BOARD MEETING

Pursuant to Governor Steve Sisolak's Emergency Directive 044, the meeting can be listened to or viewed live over Zoom remotely or at the following location:

Home2 Suites Las Vegas Strip South
7740 Las Vegas Blvd. South
Las Vegas, NV 89123

Via Videoconference at Zoom: <https://zoom.us/j/5886256671>

or

Via Teleconference at 1 (669) 900-6833
Meeting ID: 588 625 6671

Board Members Present:

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

Board Staff Present:

Dave Wuest	Yenh Long	Shirley Hunting	Kristopher Mangosing
Brett Kandt	Joe Dodge	Dena McClish	Rosalie Bordelove
Courtney Lee	Darlene Nases	Christian Schonlau	Monica Segedy

President Park read the mission statement of the Nevada State Board of Pharmacy to reiterate the Board's duty to carry out and enforce the provisions of Nevada Law to protect the health, safety, and welfare of the public.

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

1. Call to Order and Roll Call – Establishment of Quorum

President Park performed the roll call. All Board members were present and a quorum was established.

2. Public Comment July 14 2021, 9:00 AM

There was no public comment.

◆ CONSENT AGENDA ◆

3. Approval of the June 2-3, 2021 Meeting Minutes

President Park requested a correction to reflect Jade Jacobo recusing herself from item 4FFF.

Board Action:

Motion: Jade Jacobo moved to approve the June 2-3, 2021 Meeting Minutes with corrections as discussed.

Second: Wayne Mitchell

Action: Passed unanimously.

4. 4.1 Applications for Out-of-State Pharmacy License (NRS 639.2328) – Non-appearance (**FOR POSSIBLE ACTION**)

- A. A & M Pharmacy LLC – Orlando, FL
- B. Adelaide Apothecary – Lexington, KY
- C. Benecard Central Fill of FL, LLC – Bonita Springs, FL
- D. BILH Pharmacy Direct – Westwood, MA
- E. BILH Specialty Pharmacy – Westwood, MA
- F. Care Fusion Rx – Garden Grove, CA
- G. Colton Pharmacy – Colton, CA
- H. Lifeline Specialty Pharmacy – Ellicott City, MD
- I. Gretna Xpress Pharmacy – Terrytown, LA
- J. Medpack LLC – Brooklyn, NY
- K. Optum Pharmacy 701 – Flint, MI
- L. ReCept Pharmacy #75 – El Paso, TX
- M. Truax Patient Services, LLC – Bemidji, MN
- N. US MED, LLC – Miami, FL
- O. XeCare LLC – New Albany, OH

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

- P. Crimson Valley Pharmacy, LLC – Saint George, UT

- Q. Excel Pharmacy – Saint Peters, MO
- R. MedQuickRx – Los Angeles, CA

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

- S. AZ Diabetic Supply Inc. – Vienna, VA
- T. Care Airways Corp – Boca Raton, FL
- U. CRI – Towson, MD
- V. Curitec, LLC – New Smyrna Beach, FL
- W. Maximum DME Corporation – Placentia, CA
- X. Monitor Medical, Inc. – Sugar Land, TX
- Y. Preferred Medical – Camphill, PA
- Z. Preferred Medical – Conway, AR
- AA. Preferred Medical – Jacksonville, FL
- BB. Preferred Medical – Kansas City, KS
- CC. Preferred Medical – Waco, TX
- DD. Sleep Central – Murray, KY
- EE. United States Medical Supply, LLC – Doral, FL
- FF. US MED, LLC – Miami, FL
- GG. Visible Supply Chain Management – West Jordan, UT
- HH. Wolf Medical – Sunrise, FL

4.4 Applications for Nevada Medical, Devices, Equipment and Gases License (NAC 639.6942) – Non-appearance (**FOR POSSIBLE ACTION**)

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

Background Check Not Required by Law.

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

4.5.2 Manufacturer (NAC 639.593(7)(d))

- II. AMAG Pharmaceuticals, Inc. – Waltham, MA
- JJ. Avadel CNS Pharmaceuticals, LLC – Chesterfield, MO
- KK. Corium, Inc. – Grand Rapids, MI
- LL. Covis Pharma US, Inc. – King of Prussia, PA
- MM. Darmerica, LLC – Casselberry, FL
- NN. Glenmark Therapeutics Inc. USA – Mahwah, NJ
- OO. Horizon Therapeutics USA, Inc. – Deerfield, IL
- PP. Juno Therapeutics Inc. – Bothell, WA
- QQ. Landmark Supply, Inc. – Highland Park, NJ
- RR. Nostrum Laboratories, Inc. – Kansas City, MO
- SS. TechLab, Inc. – Radford, VA

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

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

TT. Owens & Minor Distribution, Inc. – Ontario, CA
UU. SRCL Expert Solutions LLC – Indianapolis, IN

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

Cardinal Health 200, LLC – Riverside, CA

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

VV. Amicus Therapeutics US, LLC – Philadelphia, PA
WW. APL Sales I LLC – Waltham, MA
XX. Applied Therapeutics, Inc. – Englewood Cliffs, NJ
YY. Celgene Corporation – Summit, NJ
ZZ. Dexcom, Inc. – San Diego, CA
AAA. G1 Therapeutics, Inc. – Research Triangle Park, NC
BBB. Helius Medical, Inc – Newtown, PA
CCC. Novavax, Inc. – Gaithersburg, MD
DDD. Parcus Medical, LLC – Sarasota, FL
EEE. Pharming Healthcare, Inc. – Warren, NJ
FFF. Tetrphase Pharmaceuticals, Inc. – Waltham, MA

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

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

GGG. Organon LLC – Kenilworth, NJ

4.6 Application for Nevada Wholesaler License (NRS 639.233) – Non-appearance
(FOR POSSIBLE ACTION)

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

HHH. Silver State Drug – Alamo – Alamo, NV

Jade Jacobo recused herself from participation from Item 4K as she works for the company.

President Park commented that Item 4S has been continued to a future Board Meeting and should be removed from the Consent Agenda.

Dave Wuest, Executive Secretary for the Nevada Board of Pharmacy, commented that Item 9C can be added to the Consent Agenda and can be addressed last.

Krystal Freitas recused herself from participation from Item 9C as she works for the company.

Board Action:

Motion: Wayne Mitchell moved to approve the Consent Agenda excluding items 4S and 4K.

Second: Rolf Zakariassen

Action: Passed unanimously.

Board Action:

Motion: Wayne Mitchell moved to approve Agenda Item 4K.

Second: Rolf Zakariassen

Action: Passed unanimously (Jacobobo recused).

Board Action:

Motion: Wayne Mitchell moved to approve Agenda Item 9C.

Second: Richard Tomasso

Action: Passed unanimously (Freitas recused).

◆ REGULAR AGENDA ◆

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

- | | |
|---------------------------------|------------------|
| F. Richard Jensen, RPH | (21-036-RPH-A-N) |
| G. Jerry Potmesil, RPH | (21-036-RPH-B-N) |
| H. Flying Diamond Pharmacy, LLC | (21-036-PH-N) |

Wayne Mitchell disclosed that he has a business relationship with Mr. Jensen but stated that he could participate in this matter fairly and without bias.

Lynn Beggs appeared as counsel representing Flying Diamond Pharmacy, Mr. Potmesil, and Mr. Jensen.

Mr. Jensen appeared and was sworn in by President Park prior to answering questions and offering testimony. Flying Diamond Pharmacy and Mr. Potmesil were not present.

Brett Kandt, Nevada Board of Pharmacy General Counsel, prosecuted the case regarding a misfilled prescription and presented a proposed Stipulation and Order for the Board's consideration.

Mr. Potmesil, Certificate of Registration No. 05137, stipulates to the following penalties:

- Respondent pays a fine of \$250 for the violations.
- Respondent pays a fine of \$250 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.
- Respondent completes two extra hours of continuing education on error prevention within 60 days of the effective date of this Order.

Mr. Jensen, Certificate of Registration No. 05963, stipulates to the following penalties:

- Respondent accepts this Stipulation and Order as a public reprimand regarding his duties and responsibilities as a managing pharmacist when delegating tasks to personnel who are not registered pharmacists.
- Respondent pays a fine of \$2,500 for the violations.
- Respondent pays a fine of \$250 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Flying Diamond Pharmacy, LLC License No. PH02114, stipulates to the following penalties:

- Respondent pays a fine of \$2,500 for the violations.
- Respondent pays \$250 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

The Board questioned how the pharmacy will prevent these errors in the future.

Ms. Beggs responded that the company uses a new delivery company, and customers must confirm that they received the correct medication.

Board Action:

Motion: Richard Tomasso moved to approve the Stipulation and Order as presented by Mr. Kandt for the following cases: 21-036-RPH-A-N, 21-036-RPH-B-N, and 21-036-PH-N.

Second: Wayne Mitchell

Action: Passed unanimously.

I. Steven Klomp, MD

(19-265-CS-N)

Wayne Klomp appeared as counsel representing Dr. Klomp and disclosed that he is Dr. Klomp's son.

Dr. Klomp was not present.

Mr. Kandt prosecuted the case regarding Dr. Klomp prescribing controlled substances without an active Nevada license. Mr. Kandt presented a proposed a Stipulation and Order for the Board's consideration.

Dr. Klomp, Certificate of Registration No. CS01397, stipulates to the following penalties:

- Respondent accepts this Stipulation and Order as public reprimand regarding his duties and responsibilities as a prescribing practitioner.
- Respondent pays a fine of \$5,000 for the alleged violations.
- Respondent pays \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.
- Respondent complies with all federal and state statutes and regulations regarding controlled substances and dangerous drugs.

The Board questioned how Dr. Klomp was prescribing controlled substances without renewing his registration.

Mr. Klomp commented that it was an oversight.

Board Action:

Motion: Wayne Mitchell moved to approve the Stipulation and Order as presented by Mr. Kandt for Case No. 19-265-CS-N.

Second: Krystal Freitas

Action: Passed unanimously.

M. Jeff Chen, MD

(20-001-CS-N)

Edward Lemons appeared as counsel representing Dr. Chen.

Dr. Chen was not present.

Mr. Kandt prosecuted the case regarding Dr. Chen allowing his staff to counsel patients and allowing access and administering of dangerous drugs without his supervision. Mr. Kandt presented a proposed a Stipulation and Order for the Board's consideration.

Dr. Chen, Certificate of Registration No. CS18013, stipulates to the following penalties:

- Respondent shall accept this Stipulation and Order as a caution regarding his duties and responsibilities as a practitioner when authorizing registered nurses to possess and administer drugs to patients.
- Respondent pays a fine of \$1,500 for the alleged violations.
- Respondent pays a fine of \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter within 30 days of the effective date of this Order.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Stipulation and Order as presented by Mr. Kandt for Case No. 20-001-CS-N.

Second: Wayne Mitchell

Action: Passed unanimously.

- | | |
|--|-----------------|
| B. Direct Compounding and Outsourcing, LLC | (19-070-PH-S) |
| C. Scot Silber, RPH | (19-070-RPH-S) |
| D. Michael Thomas, PT | (19-070-PT-A-S) |
| E. Krystal Hernandez, PT | (19-070-PT-B-S) |

Courtney Lee, General Counsel for the Nevada Board of Pharmacy, commented that she would like to amend The Amended Notice of Intended Action and Accusation to include the correct Pharmacy License Number for Direct Compounding which is PHC04006, Mr. James Boyle, counsel for Direct Compounding and Silber, agreed to the correction.

James Boyle appeared as counsel representing Direct Compounding and Mr. Silber.

Scot Silber appeared and was sworn in by President Park prior to answering questions and offering testimony.

Ms. Lee provided background on the case regarding Mr. Silber allowing two pharmaceutical technicians to unlawfully access Direct Compounding without a pharmacist present.

Ms. Lee presented the Stipulation and Order regarding Mr. Silber for the Board's consideration.

Board questioned Mr. Silber regarding if the pharmaceutical technicians had access before his start date at Direct Compounding and if Mr. Silber checked the compounded drug at his discretion.

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

Board discussion ensued regarding if the Stipulation and Order is enough to protect the public based on the factual allegations and Mr. Silber's past discipline with the Board.

Rosalie Bordelove, Deputy Attorney General, provided the process if the Board decides to deny the Stipulation and Order.

Board Action:

Motion: Jade Jacobo moved to deny the proposed Stipulation and Order for Mr. Silber.

Second: President Park

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

Nay: Mitchell

Action: Motion carries.

Ellie Gerber (General Manager), Michael Thomas (Pharmaceutical Technician), and Krystal Hernandez (Pharmaceutical Technician) appeared and were sworn in by President Park prior to answering questions and offering testimony.

Ms. Lee provided background on the case regarding two pharmacy technicians having access without a pharmacist present at Direct Compounding and Outsourcing.

Mr. Boyle commented that they are not disputing the factual allegations listed in the accusation. However, Direct Compounding has been very cooperative with the Board and requested to work with the Board on this issue.

Mr. Thomas commented that he did not intend to run the pharmacy, but he was contacting patients to inform them the pharmacy was closed.

Ms. Hernandez commented that she did not intend to run the pharmacy, but she was trying to bring more business into the pharmacy.

Mr. Silber commented that he resigned as the Managing Pharmacist on June 1, 2021.

Ms. Lee presented stipulated exhibits 1-7 which included a statement from Ellie Gerber, Michael Thomas, Krystal Hernandez, timesheets for Ms. Hernandez and Mr. Thomas, Direct Compounding's prescription log, and photos from the pharmacy.

President Park wanted confirmation from Ms. Hernandez and Mr. Thomas that they are okay with the evidence being presented. Both had no objections.

Mr. Wuest wanted confirmation that Ms. Hernandez did not provide an Answer and Notice of Defense to the Board regarding the Statement to the Respondent and Notice of Hearing.

Ms. Hernandez confirmed that she did not provide an Answer and Notice of Defense to the Board.

Mr. Boyle commented that misinformation was provided regarding the notification for the change in managing pharmacist. Ms. Gerber did send an email to the Board on April 4, 2019 to request the process to change the managing pharmacist.

In addition, Mr. Boyle would like to comment that the evidence provided is not severe enough to close the company down two years later.

Lastly, Mr. Boyle objected to Mr. Silber's prior discipline as evidence. He does not see the relevancy as it was in the past.

President Park overruled Mr. Boyle's objection. She clarified that past discipline can demonstrate qualifications of the managing pharmacist.

Board discussion ensued regarding the evidence presented and the events that occurred regarding the allegations.

Ms. Lee requested that the Board has jurisdiction over this matter as stated in paragraph 1. She requested that the Board make Findings of Fact consistent with paragraphs 2-8 of the Amended Notice of Intended Action and Accusation.

Board Action:

Motion: Richard Tomasso moved that Board has jurisdiction over this matter as stated in paragraph 1 and make Findings of Fact as proposed by Ms. Lee consistent with paragraphs 2-8 of the Amended Notice of Intended Action and Accusation.

Second: Jade Jacobo

Action: Passed unanimously.

Ms. Lee requested that the Board make Conclusions of Law consistent with paragraphs 9-21 of the Amended Notice of Intended Action and Accusation.

Board Action:

Motion: Richard Tomasso moved to make Conclusions of Law as presented by Ms. Lee.

Second: Jade Jacobo

Action: Passed unanimously.

Ms. Lee requested that the attorney's fees and costs be entered into the record on the basis that they were reasonable, necessary and actually incurred.

President Park entered the attorney's fees and costs into the record.

Board Action:

Motion: Wayne Mitchell moved to approve the attorney's fees and costs on the basis that they were reasonable, necessary and actually incurred.

Second: Jade Jacobo

Action: Passed unanimously.

Ms. Lee requested that the Board revoke Direct Compounding and Outsourcing License No. PHC04006. Direct Compounding pay a fine of \$3,400 for failure to change the managing pharmacist in charge, a fine of \$5,000 for failure to maintain security of the pharmacy and inventory, and a fine of \$2,000 for owner's responsibilities. In addition, Direct Compounding shall pay a fine of \$2,000 to the Nevada Board of Pharmacy for attorney's fees and costs prosecuting this matter. The total fine was \$10,400.

Board Action:

Motion: Wayne Mitchell moved to approve the revocation of Direct Compounding and Outsourcing Certificate of License No. PHC04006 effective immediately for one year. Direct Compounding pay a fine of \$10,400 as proposed by Ms. Lee and shall pay a fine of \$2,000 for attorney's fees and costs prosecuting this matter.

Second: Richard Tomasso

Gener Tejero commented that the revocation of licensure is too severe. He requested that the Board, stay the revocation and Direct Compounding be placed on probation.

Board discussion ensued.

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

Nay: Tejero

Action: Motion carries.

Ms. Lee stated that Scot Silber's Stipulation and Order for Certificate of Registration No. 08362 was denied by the Board, so she is referring to the Board to provide his discipline.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to revoke Scot Silber's Certificate of Registration No. 08362. Mr. Silber pay a fine of \$1,500 to the state and \$500 for attorney's fees and costs.

Second: Gener Tejero

Gener Tejero suggested that the Board put Mr. Silber on a one-year probation period.

Board discussion ensued.

Action: Gener Tejero and Wayne Mitchell withdrew their motion.

Board Action:

Motion: Wayne Mitchell moved to revoke Scot Silber's Certificate of Registration No. 08362 effective immediately. The revocation is stayed. Mr. Silber is placed on probation for one year and cannot be a Managing Pharmacist at any Nevada pharmacy. In addition, Mr. Silber must take two additional hours of pharmacist continuing education courses within 90 days. Mr. Silber shall pay a fine of \$1,500 and attorney's fees and costs of \$500 to the Nevada Board of Pharmacy payable within 30 days.

Second: Gener Tejero

Action: Passed unanimously.

Richard Tomasso was excused from the meeting at 11:44am.

Ms. Lee recommended that Michael Thomas Certificate of Registration No. PT05905 be revoked effective immediately. The revocation stayed and Mr. Thomas be placed on probation for one year. Mr. Thomas shall pay a fine of \$900 and \$246.12 in attorney's fees and costs.

Board Action:

Motion: Wayne Mitchell moved to revoke Michael Thomas Certificate of Registration No. PT05905 effective immediately. The revocation stayed and Mr. Thomas be placed on probation for one year. Mr. Thomas shall pay a fine of \$900 and \$246.12 in attorney's fees and costs.

Second: Jade Jacobo

Action: Passed unanimously.

Ms. Lee recommended that Krystal Hernandez Certificate of Registration No. PT10671 be revoked effective immediately. The revocation stayed and Ms. Hernandez be placed on

probation for one year. Ms. Hernandez shall pay a fine of \$800 and \$246.12 in attorney's fees and costs.

Board Action:

Motion: Wayne Mitchell moved to revoke Krystal Hernandez Certificate of Registration No. PT10671 effective immediately. The revocation stayed and Ms. Hernandez be placed on probation for one year. Ms. Hernandez shall pay a fine of \$800 and \$246.12 in attorney's fees and costs.

Second: Rolf Zakariassen

Board discussion ensued regarding the severity of Ms. Hernandez's penalty.

Aye: Park, Mitchell, Freitas, Zakariassen

Nay: Jacobo

Action: Motion carries.

L. Karen Arcotta, MD

(21-046-CS-S)

Richard Tomasso joined the meeting at 11:55am.

Karen Arcotta appeared and was sworn in by President Park prior to answering questions and offering testimony.

Dr. Arcotta stated that she is represented by Mace Yampolsky but he is not present for this meeting. Mr. Kandt requested clarification as whether Dr. Arcotta wished to proceed without her legal counsel and she confirmed that she wanted to proceed with the hearing.

Mr. Kandt prosecuted the case and dismissed the second, third and fourth causes of action and proceeded on the first cause of action regarding Dr. Arcotta surrendering her DEA Certificate of Registration No. FA2275673 for cause.

Dr. Arcotta and Mr. Kandt stipulated to enter the following exhibits into the record:

- The respondent's DEA 104 Surrender for Cause as Exhibit A
- The Board's Notice of Suspension as Exhibit B
- The respondent's documentation provided to the Board as Exhibit C

President Park admitted the documents as Exhibit A, B and C.

Mr. Kandt requested that the Board make Findings of Fact consistent with paragraphs 1-4 of the Accusation.

Board Action:

Motion: Krystal Freitas moved to make Findings of Fact as proposed by Mr. Kandt.

Second: Jade Jacobo

Action: Passed unanimously.

Mr. Kandt requested that the Board make Conclusions of Law consistent with paragraphs 6-7, 9, and 12-13 of the Accusation.

Board Action:

Motion: Krystal Freitas moved to make Conclusions of Law as proposed by Mr. Kandt.

Second: Jade Jacobo

Action: Passed unanimously.

Mr. Kandt requested that the Board revoke Dr. Arcotta's Certificate of Registration Nos. CS21374 and PD00421 effective immediately. Dr. Arcotta may petition for reinstatement after one year and would need to appear before the Board.

Board Action:

Motion: Jade Jacobo moved to revoke Dr. Arcotta's Certificate of Registration Nos. CS21374 and PD00421 effective immediately. Dr. Arcotta may petition for reinstatement after one year and would need to appear before the Board.

Second: Rolf Zakariassen

Action: Passed unanimously.

A. Aurora Bejto, RPH

(21-021-RPH-N)

Rolf Zakariassen recused himself from this matter since he works for the same company.

Hal Taylor appeared as counsel representing Ms. Bejto.

Aurora Bejto appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Kandt prosecuted the case and provided an opening statement that Ms. Bejto committed diversion at two different employers – Raley's and Omnicare.

Mr. Taylor provided his opening statement to the Board regarding Ms. Bejto's case.

Mr. Kandt called Camille Hauck, Omnicare's Pharmacy Manager, as a witness.

Mr. Taylor objected to Ms. Hauck's testimony.

President Park overruled the objection.

Ms. Hauck appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Kandt questioned Ms. Hauck regarding the diversion at Omnicare and documents bate-stamped 002-009.

Mr. Kandt requested the documents bate-stamped 002-009 be entered into the record as Exhibit 1. These documents contained loss theft reports at Omnicare, a narrative of Ms. Bejto's investigation, and an email indicating that Ms. Bejto was resigning.

Mr. Taylor objected to Ms. Hauck's testimony and the admission of the documents.

President Park overruled the objection and admitted the documents bate-stamped 002-009 as Exhibit 1.

Mr. Kandt requested a video clip of the diversion at Omnicare be entered into the record as Exhibit 2 by stipulation of the parties. Mr. Taylor had no objection.

President Park admitted the video-clip as Exhibit 2.

Mr. Kandt presented the video clip and further questioned Ms. Hauck.

Mr. Taylor questioned Ms. Hauck regarding the loss theft reports and the investigation on Ms. Bejto.

Mr. Kandt called Jennifer Hall, Raley's Pharmacy Supervisor, as a witness.

Ms. Hall appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Kandt questioned Ms. Hall regarding Ms. Bejto's employment and documents bate-stamped 0056-0067, the loss theft reports provided by Raley's Pharmacy #105, #109, #115 and #122.

Mr. Kandt requested documents bate-stamped 0056-0067 be entered into the record as Exhibit 3.

Mr. Taylor objected to the admission of the documents.

Mr. Kandt responded that the documents are not offered to prove that Ms. Bejto diverted the drugs, but to confirm that drugs were missing at the four Raley's Pharmacies during the time frames that she was work as a floater at those locations.

President Park overruled Mr. Taylor's objection and admitted and documents bate-stamped 0056-0067 as Exhibit 3.

Mr. Taylor questioned Ms. Hall regarding the loss theft reports and the investigation on Ms. Bejto.

President Park admitted into the record the document bate-stamped 0055 as Exhibit 3A by stipulation of the parties.

Mr. Kandt called Monica Segedy, Investigator for the Nevada Board of Pharmacy, as a witness.

Ms. Segedy appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Kandt requested the document bate-stamped 0038-0039, the admission by Ms. Bejto to diverting drugs, be entered into the record as Exhibit 4.

President Park admitted into the record the document bate-stamped 0038-0039 as Exhibit 4.

Mr. Kandt questioned Ms. Segedy regarding her two interviews with Ms. Bejto, the Exhibits, and her investigation.

Mr. Taylor questioned Ms. Segedy regarding the interviews with Ms. Bejto.

Mr. Taylor called Aurora Bejto as a witness.

Mr. Taylor questioned Ms. Bejto on her employment, the types of the drugs that she took due to her accident, the background of when she started her drug abuse, and the steps that she is taking to get help.

Mr. Kandt questioned Ms. Bejto regarding Exhibit 2.

Mr. Taylor made a closing argument.

Mr. Kandt requested that the Board has jurisdiction over this matter and make Findings of Fact consistent with paragraphs 2-5 of the Accusation.

Board Action:

Motion: Jade Jacobo moved that the Board has jurisdiction over this matter and make Findings of Fact as proposed by Mr. Kandt.

Second: Richard Tomasso

Action: Passed unanimously (Zakariassen recused).

Mr. Kandt requested that the Board make Conclusions of Law consistent with paragraphs 6-20 of the Accusation.

Board Action:

Motion: Jade Jacobo moved to make Conclusions of Law as proposed by Mr. Kandt.

Second: Richard Tomasso

Action: Passed unanimously (Zakariassen recused).

Mr. Kandt requested that documentation of attorney's fees and costs in the amount of \$3,487.07 be entered into the record as Exhibit 5.

President Park admitted into the record the documentation for the attorney's fees and costs as Exhibit 5.

Mr. Kandt moved that the Board make an additional finding of fact pursuant to NRS 622.400 that the attorney's fees and costs in the amount of \$3,487.07 were reasonable, necessary and actually incurred.

Board Action:

Motion: Jade Jacobo moved to make an additional finding of fact on the attorney's fees and costs in the amount of \$3,487.07 as proposed by Mr. Kandt.

Second: Richard Tomasso

Action: Passed unanimously (Zakariassen recused).

Mr. Kandt requested that the Board revoke Ms. Bejto's Certificate of Registration No. 18384 effective immediately. Ms. Bejto may petition for reinstatement after two years. Ms. Bejto shall pay a \$10,000 fine and \$3,487.07 in attorney's fees and costs, payable within 30 days of the effective date of the order.

Board Action:

Motion: Wayne Mitchell moved to revoke Ms. Bejto's Certificate of Registration No. 18384 effective immediately. Ms. Bejto may not petition for reinstatement for two years, and shall pay a fine of \$10,000 and \$3,487.07 in attorney's fees and costs for within 30 days of the effective date of the order.

Second: Jade Jacobo

Board discussion ensued regarding Ms. Bejto's actions.

Action: Passed unanimously (Zakariassen recused).

22. Report from Michael Hillerby, Kaempfer Crowell, on 81st Session (2021) of Nevada Legislature.

Michael Hillerby, Nevada Board of Pharmacy Lobbyist, was present.

Mr. Hillerby presented the legislative update to the Board's satisfaction.

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

A. Aaron Borecki

No representative on behalf of Mr. Borecki was present.

B. Lisa Fuentes

Lisa Fuentes appeared and was sworn in by President Park prior to answering questions and offering testimony.

Ms. Lee provided background on Ms. Fuentes disclosure regarding possession of a controlled substance and possession of a counterfeit bill.

Board discussion ensued regarding why she wants to be a Pharmaceutical Technician and her disclosures.

Ms. Fuentes acknowledged mistakes and commented that she has changed. She assures the Board that she will not make the same mistakes in the future.

Board Action:

Motion: Jade Jacobo moved to approve Lisa Fuentes Pharmaceutical Technician in Training Registration.

Second: Wayne Mitchell

Action: Passed unanimously.

D. Barbara Piedra

Barbara Piedra appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Kandt provided background to the Board regarding Ms. Piedra's disclosure of a misdemeanor battery.

Ms. Piedra provided background on her disclosure and commented that she was falsely accused of hitting her boyfriend.

Board discussion ensued regarding the events that occurred with her disclosure and how they should proceed since her charge is still pending.

Board Action:

Motion: Jade Jacobo moved to approve Barbara Piedra's Pharmaceutical Technician in Training Registration pending the final disposition of her case to the Board.

Second: President Park

Action: Passed unanimously.

C. Odetta Kilgore

Odetta Kilgore appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Kandt provided background on Ms. Kilgore's disclosures. He clarified that the appearance before the Board is mostly to address the revocation of her driver's license in Minnesota.

Ms. Kilgore went to Minnesota to get more information. She clarified to the Board that her license was revoked due to her not having insurance or a driver's license when she got pulled over.

Ms. Kilgore read an apology letter into the record.

Board discussion ensued. They appreciate Ms. Kilgore's efforts to find out what occurred with the revocation of her driver's license.

Board Action:

Motion: Jade Jacobo moved to approve Odetta Kilgore's Pharmaceutical Technician in Training Registration.

Second: Krystal Freitas

Action: Passed unanimously.

E. Clinton Rickman

No representative on behalf of Mr. Rickman was present.

F. Julie Sonekeo

Julie Sonekeo appeared and was sworn in by President Park prior to answering questions and offering testimony.

Ms. Lee provided background on her disclosure regarding stealing over \$200 worth of clothing.

Ms. Sonekeo provided clarification on her disclosure and the results of her discipline.

Ms. Sonekeo commented that she got a DUI, but it was not mentioned on the application.

Board discussion ensued regarding her disclosures and if she wants to be a Pharmaceutical Technician.

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

Mr. Wuest commented that he will have Board staff visit the location to confirm if she needs the Pharmaceutical Technician in Training registration.

President Park offered Ms. Sonekeo the opportunity to table her application in order to see if she wants to pursue this certificate of registration. Ms. Sonekeo agreed.

President Park tabled Ms. Sonekeo's application at her request.

G. David Tilsen

No representative on behalf of Mr. Tilsen was present.

7. Applications for Pharmaceutical Technician Registration
(NAC 639.240) – Appearance. **(FOR POSSIBLE ACTION)**

A. Lizbeth Lara

Lizbeth Lara appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Wuest provided background on disclosure regarding a battery charge and possession of a controlled substance.

Board questioned Ms. Lara asking if she disclosed with her past employers and why she wants to be a Pharmaceutical Technician.

Ms. Lara commented that she did disclose to Iowa Board of Pharmacy because of expungement. Also, her Iowa license is expired.

Board discussion ensued regarding if they should license Ms. Lara.

Mr. Wuest commented that she does not qualify to be a Pharmaceutical Technician, but she would need to apply as a Technician in Training.

President Park offered Ms. Lara the opportunity to table their application in order to send in the correct application. She agreed.

President Park tabled Ms. Lara's application at her request.

8. Applications for Advance Practice Registered Nurse – Prescribe Registration (NAC 639.850) – Appearance. **(FOR POSSIBLE ACTION)**

A. Lindsay McComas

Lindsay McComas appeared and was sworn in by President Park prior to answering questions and offering testimony.

Ms. Lee provided background on Ms. McComas disclosure regarding a DUI and domestic violence.

Ms. McComas provided further clarification on her disclosures and stated that she has a Monitoring Agreement with the Nevada State Board of Nursing. Also, she commented that she is voluntarily seeing a therapist and is in psychiatric care to ensure her sobriety.

Board questioned Ms. McComas on the events that occurred with her disclosure.

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

Ms. McComas read her therapist assessment into the record.

Board discussion ensued regarding potential conditions on her licensure.

Board Action:

Motion: Jade Jacobo moved to approve Lindsay McComas Advance Practice Registered Nurse – Prescribe Registration pending positive evaluation from PRN PRN or equivalent. If evaluation is favorable, Ms. McComas can continue with her current provider's treatment program. If evaluation is not positive, Ms.

McComas would need to change treatment programs and find a provider who meets the qualifications of the Nevada State Board of Pharmacy.

Second: Richard Tomasso

Action: Passed unanimously.

B. Aubree Teribury

Aubrey Teribury appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Kandt provided background on Ms. Teribury's disclosure regarding public reprimand due to incorrect insulin dosage given.

Board questioned Ms. Teribury on the events that occurred with her disclosure.

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

Board Action:

Motion: Wayne Mitchell moved to approve Audree Teribury's Advance Practice Registered Nurse – Prescribe Registration.

Second: Jade Jacobo

Action: Passed unanimously.

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

A. Cure 4 The Kids Foundation Patient Pharmacy – Las Vegas, NV

President Park recused participation due to her employment at Roseman University.

Catherine Boutsikakis, Managing Pharmacist, and Annette Logan-Parker, Chief Executive Officer, appeared and were sworn in by Acting Presiding Officer Jacobo prior to answering questions and offering testimony.

The Board questioned Ms. Boutsikakis and Ms. Logan-Parker about the business model and Ms. Boutsikaki's work history.

Ms. Boutsikakis and Ms. Logan-Parker answered questions to the Board's satisfaction.

Board Action:

Motion: Richard Tomasso moved to approve Cure 4 The Kids Foundation Patient Pharmacy license.

Second: Wayne Mitchell

Action: Passed unanimously.

7. Applications for Pharmaceutical Technician Registration (NAC 639.240) – Appearance. **(FOR POSSIBLE ACTION)**

B. Antonio Madrid

Antonio Madrid appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Kandt provided background on disclosures on Mr. Madrid’s application regarding a DUI and failure to disclose petty theft.

Board questioned Mr. Madrid regarding his disclosures and plans to work in Nevada.

Mr. Madrid answered questions to the Board’s satisfaction.

Board Action:

Motion: Jade Jacobo moved to approve Antonio Madrid’s Pharmaceutical Technician Registration.

Second: Krystal Freitas

Action: Passed unanimously.

Public Comment at July 14 2021, 5:00pm

There was no public comment.

Board Members Present:

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

Board Staff Present:

Dave Wuest	Yenh Long	Shirley Hunting	Kristopher Mangosing
Brett Kandt	Joe Dodge	Dena McClish	
Courtney Lee	Darlene Nases	Christian Schonlau	

President Park read the mission statement of the Nevada State Board of Pharmacy to reiterate the Board's duty to carry out and enforce the provisions of Nevada Law to protect the health, safety, and welfare of the public.

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

Call to Order and Roll Call – Establishment of Quorum

President Park performed the roll call. All Board members were present and a quorum was established.

Public Comment July 15 2021, 9:00 AM

There was no public comment.

28. Notice of Proposed Regulation Workshop Pursuant to NRS 233B.061(2) **(FOR POSSIBLE ACTION):**

- A. **Amendment of Nevada Administrative Code (NAC) Chapter 639.** The proposed amendment will implement the provisions of Senate Bill 408 requiring an applicant for registration as a pharmacist, pharmaceutical technician or pharmaceutical technician in training to undergo a criminal background check; increase the fees for the investigation or issuance or renewal of a license as a manufacturer or wholesaler; provide that an application for any certificate, license or permit issued by the Board is only valid for 1 year after the date it is received by the Board unless the Board extends its period of validity, and clarify the licensing requirements for an outsourcing facility or euthanasia technician.

Mr. Kandt provided background information and reviewed the proposed amendment.

Board discussion ensued.

Gener Tejero commented that section 6, item #3 should say "sodium pentobarbital".

President Park commented that section 4, item #2 is duplicated in the proposed language.

President Park opened public comment.

There was no public comment.

Board Action:

Motion: Jade Jacobo moved to approve the proposed amendment with modifications to include “sodium pentobarbital” in section 6, item #3 and to remove the duplicated language in section 4, item #2 and move forward to public hearing.

Second: Wayne Mitchell

Action: Passed unanimously.

B. Amendment of Nevada Administrative Code (NAC) 453.510: Schedule I. The proposed amendment to NAC 453.510 will add Eutylone (bk-EBDB, 1-(1,3-Benzodioxol-5-yl)-2-(ethylamino)butan-1-one, b-keto-ethylbenzodioxolylbutanamine) and fentanyl related substances (Fentanyl Carbamate (Ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate); Methyl methoxyacetyl fentanyl (some trade or other names: 2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide; (ortho-methyl methoxyacetyl)fentanyl; 2-methyl methoxyacetyl fentanyl); N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)propionamide (2'-fluoro ortho-fluorofentanyl; 2'-fluoro 2-fluorofentanyl); Fluoroacryl fentanyl; Fluoro furanyl fentanyl; Methyl acetyl fentanyl); Phenylpropanoyl fentanyl; Fluorobutyryl fentanyl); Phenyl fentanyl (some trade or other names: benzoyl fentanyl); Thiofuranyl fentanyl (some trade or other names: thiophene fentanyl).
to the list of controlled substances listed in Schedule I.

Ms. Long provided background information on proposed amendment.

President Park opened public comment.

There was no public comment for the proposed amendment.

Board Action:

Motion: Jade Jacobo moved to approve the proposed language for Amendment of Nevada Administrative Code (NAC) 453.510: Schedule I, and move forward to public hearing.

Second: President Park

Action: Passed unanimously.

C. Amendment of Nevada Administrative Code (NAC) 453.540: Schedule IV. The proposed amendment to NAC 453.540 will add lemborexant and remimazolam, to the list of controlled substances listed in Schedule IV.

Ms. Long provided background information on proposed amendment.

President Park opened public comment.

There was no public comment for the proposed amendment.

Board Action:

Motion: Krystal Freitas moved to approve the proposed language for Amendment of Nevada Administrative Code (NAC) 453.540: Schedule IV, and move forward to public hearing.

Second: Jade Jacobo

Action: Passed unanimously.

- D. **Amendment of Nevada Administrative Code (NAC 639).** The proposed amendments will add a new section to implement the provisions of Senate Bill 190, requiring the Board to adopt regulations that establish a protocol to allow a pharmacist to dispense a self-administered hormonal contraceptive to any patient.

Mr. Wuest and Ms. Lee provided background information on proposed amendment.

Board discussion ensued.

President Park opened public comment.

Elizabeth MacMenamin, VP of Government Affairs for the Retail Association of Nevada, thanked the Board and Board Staff for their work on the proposed language. Ms. MacMenamin expressed concern that, as written, the procedure may be onerous and may result in a lack of participation.

Cindy Pitlock, Doctor of Nursing Practice, expressed support of the proposed amendment.

Lauren Paul on behalf of CVS Health recommended several changes to the proposed amendment and questionnaire. The suggested comments include the below –

- In section 1B, Ms. Paul is requesting the Board to change the language from “Pharmacy” to “Pharmacist”.
- In the questionnaire, Ms. Paul is requesting the order of the questions be rearranged as it will allow pharmacist to go through the USMEC easier.

Christina Madison, Associate Professor of Pharmacy at Roseman University, commented that she is in favor of the proposed amendment. She recommended that the continuing education (CE) requirement be fulfilled in an ASHP accredited school prior to students graduating.

Lorri Walmsley on behalf of Walgreens recommended several changes to the proposed amendment. The suggested comments include the below –

- Ms. Walmsley agreed that the 2-hour CE is an appropriate level of training for pharmacist.
- Ms. Walmsley agreed with incorporating the CE in the college of pharmacy curriculum.
- Ms. Walmsley is requesting the Board to make changes to the language to ensure that a customer is not denied a refill. In the event, a new pharmacist has started and has not taken the CE requirement.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the proposed language for Amendment of Nevada Administrative Code (NAC 639) with changes to include 1) the required 2-hour CE can be satisfied at an ASHP accredited school 2) Item I will allow the non-initiating registered pharmacist to refill without the 2-hour CE 3) Assessment form can be modified or changed 4) The electronic forms can be satisfied as a written form, and move forward to public hearing.

Second: President Park

Action: Passed unanimously.

- E. Amendment of Nevada Administrative Code (NAC 639.)** The proposed amendments will create a new section to implement the provisions of Senate Bill 325 requiring the Board to adopt regulations that establish requirements to allow a pharmacist to dispense drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus.

Mr. Wuest provided background and presented supplemental documents and the proposed amendment to the Board.

President Park opened public comment.

Ms. MacMenamin on behalf of the Retail Association of Nevada is in favor of the proposed amendment.

Ms. Madison recommended several changes to the proposed amendment. The suggested comments include the below –

- Ms. Madison would like to see if the CE requirement can be fulfilled in the college of pharmacy curriculum.
- Ms. Madison requested access to HIV testing in the pharmacy setting.

President Park requested Ms. Madison provide a written statement regarding changes.

Board discussion ensued.

Kyle Folk, Pharmacist at Optum Specialty, commented that he would like to leave his contact information if a resource is needed for this proposed amendment.

Mr. Wuest commented no motion is needed. Board staff will work on updating proposed amendment for a future Board Meeting.

11. Applications for Out-of-State Pharmacy License (NRS 639.2328) – Appearance

A. Ed Snell's Pharmacy Shop & Oxygen – Pocatello, ID

Ben Snell (Pharmacy Manager), Sheyanne Nickerson (Managing Pharmacist), and Mark Miller (Compounding Technician) appeared and were sworn in by President Park prior to answering questions and offering testimony.

Mr. Dodge provided background on their application.

Mr. Dodge questioned Mr. Nickerson and Mr. Snell regarding the type of drugs being compounded and his experience with compounding.

Mr. Nickerson tried to answer questions to the Board's satisfaction, but he commented that he is still being trained on compounding.

Mr. Dodge expressed concern with the limited knowledge that Mr. Nickerson has on compounding.

President Park requested if Ed Snell's Pharmacy would like to table their application so that Mr. Nickerson can learn more about compounding. Mr. Snell agreed.

President Park tabled Ed Snell's Pharmacy application at their request.

B. Marley Drug, Inc. – Winston-Salem, NC

Neil Owens, President and Chief Operating Officer, and John Villanova, Staff Pharmacist, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Mr. Dodge provided background on their application.

Mr. Dodge questioned Marley Drug regarding their business model, products being shipped into Nevada, any operational changes with the company, and how Dave Marley is associated with the company.

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

Board discussion ensued regarding what type of manufacturer the company is and the amount of fines paid for their disclosures.

LeeAnn Taylor, Compliance Officer, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Ms. Taylor provided the information regarding the amount of fines paid with their disclosures.

Board Action:

Motion: Jade Jacobo moved to approve the change of ownership for Marley Drug, Inc.

Second: President Park

Action: Passed unanimously.

C. MedWiseRx – Austin, TX

Ashley Coleman, Vice President of Pharmacy Operations, and Chad Stonecipher, Vice President for Pharmacy Operations in Texas, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Mr. Dodge provided background on application.

Mr. Dodge questioned MedWiseRx on their business model, any operational changes within the company, the medication therapy management (MTM) services offered in Nevada, and more information regarding their disclosure.

Ms. Coleman and Mr. Stonecipher answered questions to the Board's satisfaction.

Board discussion ensued regarding if MedWiseRx has someone licensed in Nevada to provide services.

Ms. Coleman confirmed that they did not.

Mr. Wuest commented that they have been out of compliance since 2019.

President Park requested if they would like to table their application to ensure that they are in compliance with Nevada law. Ms. Coleman agreed.

President Park tabled MedWiseRx application at their request.

D. Pyramids Infusion Center – Webster, TX

Dalia Kasseb, Director, and Rawad Nasr, Managing Pharmacist, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Mr. Dodge questioned if they were providing sterile compounding and if they have a pharmacist licensed in Nevada.

Ms. Kasseb confirmed that they will be doing sterile compounding, and she requested the application be tabled until they have a Nevada licensed pharmacist.

President Park tabled Pyramids Infusion Center's application at their request.

E. UCSD Home Infusion Pharmacy

Binh Ngo, Managing Pharmacist, and Jason Bailey, Pharmacy Manager, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Mr. Wuest provided background on the applicant's disclosure regarding the company shipping into Nevada without a license.

Mr. Dodge questioned Ms. Ngo and Mr. Bailey regarding their business model, products being shipped into Nevada, how they would train customers on injectables, if they have a Nevada Pharmacist, and the results of their disclosures.

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

Board Action:

Motion: Jade Jacobo moved to approve Nevada Compounding Pharmacy License for UCSD Home Infusion Pharmacy.

Second: Richard Tomasso

Action: Passed unanimously.

12. Applications for Out-of-State Compounding Pharmacy License (NRS 639.2328) – Appearance (**FOR POSSIBLE ACTION**)

A. Northmark Pharmacy – Cincinnati, OH

Deepali Chachare, Managing Pharmacist, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Dodge provided background on their application.

Mr. Dodge questioned Ms. Chachare on the partnership for the pharmacy.

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

Board discussion ensued regarding Nevada law where practitioners are not able to own more than 10 percent of the pharmacy shares.

President Park offered the option to table their application so that the attorneys can discuss the ownership of the pharmacy. Ms. Chachare agreed.

President Park tabled Northmark Pharmacy's application at Ms. Chachare's request.

B. Soleo Health Inc. – Dublin, OH

Jason Doenges, Managing Pharmacist, appeared and was sworn in by President Park prior to answering questions and offering testimony.

President Park requested a letter of authorization for Mr. Doenges to speak on behalf of the company.

Mr. Dodge provided background on application.

Board discussion ensued regarding if the company has a Nevada licensed pharmacist.

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

Mr. Doenges requested to table the application as they do not have a Nevada licensed pharmacist.

President Park tabled Soleo Health Inc. application at their request.

13. Applications for Nevada Medical, Devices, Equipment and Gases License (NAC 639.6942) – Appearance (**FOR POSSIBLE ACTION**)

A. Cranial Technologies, Inc. – Las Vegas, NV

Gener Tejero was excused from the meeting at 1:39pm.

Kelly Johnson, Administrator, and Caren Molsbury, Compliance Officer, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Mr. Wuest requested a letter of authorization for Ms. Johnson and Ms. Molsbury to speak on behalf of the company.

Ms. Johnson commented to the Board that she is the current MDEG Administrator until they hire someone full-time to take over her current role.

Board questioned Ms. Johnson regarding the products and services that they will provide.

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

Board Action:

Motion: Jade Jacobo moved to approve the Medical, Devices, Equipment and Gases application for Cranial Technologies, Inc.

Second: Wayne Mitchell

Action: Passed unanimously.

17. Request for waiver from managing pharmacist pursuant to NRS 639.220 (3)

Kodilichi Izuora

Gener Tejero joined the meeting at 1:48pm.

Kodilichi Izuora appeared and was sworn in by President Park prior to answering questions and offering testimony.

Ms. Izuora is requesting a waiver to become a managing pharmacist for two locations per NRS 639.220 3. (a).

President Park questioned Ms. Izuora on how she would handle being the Managing Pharmacist at two locations.

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

Board Action:

Motion: Jade Jacobo moved to approve the waiver from managing pharmacist pursuant to NRS 639.220 (3).

Second: Krystal Freitas

Action: Passed unanimously.

18. Request for Approval of Change of Managing Pharmacist pursuant to NRS 639.220
(FOR POSSIBLE ACTION)

Pharmerica Reno

Daniel Franke appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Wuest provided background on appearance regarding Mr. Franke's previous DUI.

Board questioned Mr. Franke on if he has any other issues with the law, how long has he been a pharmacist, and if his license in good standing.

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

Mr. Wuest commented that he finds Mr. Franke competent.

President Park requested that Mr. Franke receive a positive PRN PRN evaluation or equivalent.

Board Action:

Motion: Jade Jacobo moved to approve request for approval of Managing Pharmacist pursuant to NRS. 639.220 pending a positive PRN PRN evaluation or equivalent.

Second: Rolf Zakariassen

Action: Passed unanimously.

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

Danielle Plummer

Krystal Freitas recused from participation in this matter since Danielle Plummer is an employee.

Danielle Plummer appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Wuest provided background on Ms. Plummer's request to engage in the Practice of Pharmacy at a site other than a licensed pharmacy.

Mr. Wuest questioned Ms. Plummer about the services that she would be providing.

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

Board Action:

Motion: Jade Jacobo moved to approve request to engage in the Practice of Pharmacy at a site other than a licensed pharmacy.

Second: President Park

Action: Passed unanimously.

21. Application for Pharmacy Registration by Reciprocity – Appearance (**FOR POSSIBLE ACTION**)

Armin Aryan

Armin Aryan appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Wuest provided background on Mr. Aryan's appearance regarding a past arrest for the possession of marijuana and a DUI.

Board questioned Mr. Aryan regarding his disclosures and requested further clarification on his charges and the events that occurred.

Board discussion ensued regarding concerns with licensing Mr. Aryan in Nevada.

Board Action:

Motion: Jade Jacobo moved to approve application for Pharmacy Registration by Reciprocity for Armin Aryan.

Second: Richard Tomasso

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

Action: Motion carries.

13. Applications for Nevada Medical, Devices, Equipment and Gases License (NAC 639.6942) – Appearance (**FOR POSSIBLE ACTION**)

B. Patients Choice, LLC – North Las Vegas, NV

Daniel Graves Jr., MDEG Administrator, and Todd Davis, Compliance Officer, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Mr. Wuest provided background on application.

The Board questioned Mr. Graves regarding his work history.

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

Ms. Long commented that the company has no license to work out of their current location in Nevada.

Mr. Davis commented that they have an out-of-state license.

Board discussion ensued regarding Patient's Choice doing unlicensed activity in their current Nevada location.

Delbert Rinquist, Owner, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Rinquist requested clarification as to where they went wrong with the application.

Mr. Wuest provided clarification to Mr. Rinquist and stated that the company needs to cease operations in their current Nevada location.

Mr. Rinquist requested to table application to work with Board staff to confirm the unlicensed activity at this location.

President Park tabled application at Patient Choice's request.

14. Application for Nevada Wholesaler License (NRS 639.233) – Appearance
(FOR POSSIBLE ACTION)

B. Dia-foot – Las Vegas, NV - Background Check completed in compliance with NRS 639.500 –No Disqualifying Events

Robert Gaynor (President and Chief Executive Officer), Dawn Gaynor (Vice President), and Sara Michelle Simonson (Facility Manager) appeared and were sworn in by President Park prior to answering questions and offering testimony.

Mr. Wuest provided background on application.

Mr. Wuest questioned Dia-foot regarding their business model, the products the company is shipping into Nevada, and employee training.

Mr. and Mrs. Gaynor answered questions to the Board's satisfaction.

Board Action:

Motion: Jade Jacobo moved to approve the Wholesaler application for Dia-foot pending positive inspection.

Second: Wayne Mitchell

Action: Passed unanimously.

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

A. Amsino Medical, Inc. – Aurora, IL – Background Check Not Required – Manufacturer (NAC 639.593(7)(d)) – Disclosure

Gavin Zhang, Quality Assurance Manager, appeared and was sworn in by President Park prior to answering questions and offering testimony.

President Park requested a letter of authorization for Mr. Zhang to speak on behalf of the company.

Mr. Wuest provided background on application and stated that a disclosure was noted for the owner, Richard Lee, regarding two previous DUI's.

President Park commented that she would have liked the owner present for this appearance, but she is comfortable with licensing the company.

Board Action:

Motion: Jade Jacobo moved to approve the Out of State Wholesaler application for Amsino Medical, Inc.

Second: Wayne Mitchell

Action: Passed unanimously.

C. Solaris Pharma Corporation – Bridgewater, NJ – Background Check completed in compliance with NRS 639.500 – No Disqualifying Events

Shalin Jani, Executive Vice President, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Dodge provided background on the company and the FDA Inspection findings.

Mr. Dodge questioned about FDA 400A and reviewed observations.

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

Board Action:

Motion: Wayne Mitchell moved to approve the Out of State Wholesaler application for Solaris Pharma Corporation.

Second: Jade Jacobo

Action: Passed unanimously.

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

E. The Desert Hope Center – Las Vegas, NV

Jade Jacobo was excused from meeting at 3:04pm.

Krystal Freitas disclosed that the Managing Pharmacist was a classmate but stated that she could participate in this matter fairly and without bias.

Liz Sorokac appeared as counsel representing The Desert Hope Center.

Board Staff wanted clarification on the location name.

Ms. Sorokac confirmed that it was an oversight by the attorney who drafted the application. The correct name for the application is “The Desert Hope Treatment Center”.

Ms. Sorokac commented that the change in ownership is with the parent company. The parent company has changed, but the operations will remain the same.

Board discussion ensued.

Ms. Sorokac answered questions to the Board’s satisfaction.

Board Action:

Motion: Wayne Mitchell moved to approve the change of ownership for The Desert Hope Treatment Center.

Second: Krystal Freitas

Action: Passed unanimously.

27. Executive Secretary Report:

A. Financial Report

Christian Schonlau, Chief Financial Officer of the Nevada Board of Pharmacy, presented the financial report to the Board’s satisfaction.

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

B. Crown Laboratories – Johnson City, TN – Background Check Not Required -
Manufacturer and VAWD-Accredited (NAC 639.593(7)(c) and (d) – Disclosure

Morgan Monroe, Compliance Specialist, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Wuest requested a letter of authorization for Ms. Monroe to speak on behalf of the company.

Mr. Wuest provided background on application and provided background on disclosures.

Ms. Monroe provided clarification to the Board regarding administrative action taken by other Boards.

Jade Jacobo joined the meeting at 3:26pm.

Board commented that they are comfortable with licensing company.

Board Action:

Motion: Wayne Mitchell moved to approve the Out of State Wholesaler application for Crowne Laboratories.

Second: Rolf Zakariassen

Action: Passed unanimously.

23. Discussion and possible action on proposal to conduct future Board meetings at a physical location with public access, while 1) permitting members of the general public the option of attending via remote technology; 2) permitting applicants for licensure or renewal the option of appearing on their application via remote technology; and 3) requiring parties and witnesses in contested cases to appear in-person. **(FOR POSSIBLE ACTION)**

Board discussion ensued regarding a hybrid model or in-person model.

16. Application for Out-of-State Outsourcing Facility (NRS 639.100) – Appearance **(FOR POSSIBLE ACTION)**

- A. Empower Pharmacy – Houston, TX

Jade Jacobo was excused from the meeting at 3:47pm.

Shaun Noorian, Chief Executive Officer, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Dodge questioned Mr. Noonian regarding if they have a licensed pharmacist in Nevada, the type of products that they compound, and the results of their FDA 483 observations.

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

The Board commented that the FDA observations for Empower Pharmacy are confusing to understand.

Mr. Noorian commented that outsourcing facilities are fairly new, so the FDA tends to combine the pharmacy and outsourcing facility in their inspections that are located in the same location. This is the reason that the company is looking to separate it.

Gener Tejero agreed with Mr. Noorian's comments.

Board discussion ensued as they are not comfortable with the information provided. They would need more clarification to proceed and discussed having an inspection done at their location.

Mr. Noorian commented that he would welcome an inspection by the Board.

President Park requested if they would like to table the application to get further clarification on FDA Inspection's findings. Mr. Noorian agreed.

President Park tabled Empower Pharmacy's application at their request.

B. Exela Pharma Sciences, LLC – Lenoir, NC

Emily Dumas (Quality Assurance Compliance Specialist), Bridget Archer (Managing Pharmacist), and Rita Boucher (Vice President for Quality Assurance) appeared and were sworn in by President Park prior to answering questions and offering testimony.

Mr. Dodge provided background on application and their FDA Inspection findings.

Mr. Dodge commented that Exela Pharma Sciences is in good standing with the FDA.

Board Action:

Motion: Rolf Zakariassen moved to approve Out-of-State Outsourcing Facility for Exela Pharma Sciences, LLC.

Second: Wayne Mitchell

Action: Passed unanimously.

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

D. Genoa Healthcare, LLC – Las Vegas

Krystal Freitas disclosed that she is personal friends with the Managing Pharmacist but stated that she could participate in this matter fairly and without bias.

Kyle Folk, Managing Pharmacist, and Jason Kan, Regional Vice President, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Board commented that the personal history form was filled out incorrectly which caused confusion.

Mr. Kan provided background information on the disciplinary disclosures to the Board.

Yenh Long, Deputy Secretary of the Nevada Board of Pharmacy, questioned Mr. Kan about what changes the company has made to ensure compliance.

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

Board Action:

Motion: Richard Tomasso moved to approve Genoa Healthcare's Pharmacy license pending a corrected personal history form for Joseph Douglas and Tom Mullin.

Second: Wayne Mitchell

Action: Passed unanimously.

20. Application for Pharmacist Registration by Examination – Appearance (**FOR POSSIBLE ACTION**)

Adam Katschke

Adam Katschke appeared and was sworn in by President Park prior to answering questions and offering testimony.

Franklin Katschke appeared as counsel representing Mr. Katschke.

Mr. Kandt provided background on application and his disclosure regarding insurance fraud.

Board questioned Mr. Katschke regarding results of his final restitution and what occurred with his disclosure.

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

President Park commented that Board should not go forward with application.

Mr. Franklin Katschke commented that Mr. Katschke is working to rebuild his life and ask the Board to reconsider his licensure.

Mr. Katschke commented to the Board that he is sorry for everything that he's done.

Board discussion ensued on how to proceed with application.

Board Action:

Motion: Richard Tomasso moved to deny application for Pharmacist Registration by Examination for Adam Katschke.

Second: Wayne Mitchell

Action: Passed unanimously.

14. Application for Nevada Wholesaler License (NRS 639.233) – Appearance
(FOR POSSIBLE ACTION)

- A. Biologic, LLC – Las Vegas, NV – Background Check completed in compliance with NRS 639.500 – Disqualifying Events – Disclosure

No representative on behalf of Biologic was present.

29. Date and Location of Next Scheduled Board Meeting:

September 1-2, 2021 – Las Vegas, NV

30. Public Comment at July 14 2021, 5:00pm

There was no public comment.

Public comment July 15 2021, 5:00pm

Randy Case, Chief Executive Officer of Elemental Pharmacy, commented that he wanted his agenda item to be addressed.

Mr. Wuest commented that Board staff will add him to the next Board Meeting.

31. Adjournment