



NEVADA STATE BOARD OF PHARMACY

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MINUTES

October 13-14, 2021

BOARD MEETING

Pursuant to Governor Steve Sisolak's Emergency Directive 044 and AB 253, the meeting can be listened to or viewed live over Zoom remotely or at the following location:

Hampton Inn Las Vegas Strip South
7850 Giles Street
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	Sophia Long
Courtney Lee	Darlene Nases	Leo Basch	Ken Scheuber
Monica Segedy	Sophia Long	Luis Curras	Peter Keegan

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.

Yenh Long 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 except Richard Tomasso and a quorum was established.

2. Public Comment October 13 2021, 9:00 AM

Roger Morris, Registered Pharmacist and Attorney for Quarles & Brady, commented that he wants to follow up on whether Nevada law requires any pharmacist compounding or dispensing any prescription for a patient in Nevada to be registered with the Board. He would like the Board to amend their opinion request to the Attorney General Office to provide context so that a good interpretation of the law is provided.

Liz McMenamin from the Retail Association of Nevada commented that she supports Mr. Morris comments and would like this item added to the December Board Meeting.

David Webb, Retired Pharmacist and OB-GYN, commented that he would like to work with Board members on the language for SB190 which relates to the dispensing of self-administered hormonal contraceptives.

◆ CONSENT AGENDA ◆

3. Approval of the August 31 – September 2, 2021 Meeting Minutes (**FOR POSSIBLE ACTION**)

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the August 31 – September 2, 2021 Meeting Minutes.

Second: Wayne Mitchell

Action: Passed unanimously.

4. 4.1 Applications for Out-of-State Medical, Devices, Equipment and Gases License (NAC 639.6944) – Non-appearance (**FOR POSSIBLE ACTION**)

- A. ABF/ ROMCare Health Services, LLC – Sunset Hills, MO
- B. Access Closure, Inc. – Santa Clara, CA
- C. Biom'Up USA, Inc. – New York, NY
- D. Elevate Pharmacy – Leon Valley, TX
- E. Exact Sciences Corporation – Maidson, WI
- F. Koya Medical Inc. – Oakland, CA
- G. Livongo Health Inc. – Mountain View, CA
- H. Medivators Inc. – Minneapolis, MN
- I. NDC Homecare LLC – LaVergne, TN
- J. Penumbra Headquarters – Alameda, CA

- K. Somnics Health – Redwood City, CA
- L. Summit Services & Supplies LLC – Kemmerer, WY

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

Background Check Not Required by Law.

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

4.2.2 Manufacturer (NAC 639.593(7)(d))

- M. Abraxis BioScience, LLC – Phoenix, AZ
- N. Akorn, Inc. – Decatur, IL
- O. Cipla Therapeutics, Inc. – Warren, NJ
- P. Datascope Corp. – Mahwah, NJ
- Q. Getinge USA Sales, LLC – Wayne, NJ
- R. Medexus Pharma, Inc. – Chicago, IL
- S. Kartha Pharmaceuticals, Inc. – Matthews, NC
- T. Ossur Americas, Inc. – West Deptford, NJ
- U. Organon LLC – Jersey City, NJ
- V. Provepharm, Inc. – Collegeville, PA
- W. Radha Pharmaceuticals Inc. – Hauppauge, NY
- X. Sun Pharmaceutical Industries, Inc. – Cranbury, NJ
- Y. ZylVet Animal Health Inc. – Pennington, NJ

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

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

- Z. Akorn, Inc. – Gurnee, IL
- AA. UPS Supply Chain Solutions, Inc. – Moreno Valley, CA
- BB. Wellgistics LLC – Lakeland, FL

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

- CC. Vertical Pharmaceuticals, LLC – Sayreville, NJ

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

- DD. Jazz Pharmaceuticals, Inc. – Palo Alto, CA
- EE. Phatham Pharmaceuticals, Inc. – Florham Park, NJ

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

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

FF. PMW, Inc. – West Valley City, UT

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

GG. Smith’s Pharmacy #331 – Henderson, NV

HH. Well Care Apothecary, LLC – Reno, NV

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

II. Northern Nevada Sierra Medical Center Pharmacy – Reno, NV

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

JJ. Coastline Pharmacy LLC – Jupiter, FL

KK. Covetrus Pharmacy Services, LLC – Fort Worth, TX

LL. Prescription Mart – Beaumont, TX

MM. Roman Health Pharmacy LLC – Grand Prairie, TX

NN. Walgreens Central Fil #21372 – Tolleson, AZ

4.6 Application for Out-of-State Compounding Pharmacy License (NRS 639.230) – Non-appearance –
(FOR POSSIBLE ACTION)

OO. Medsync Pharmacy – Boise, ID

PP. Mixlab, Inc. – Los Angeles, CA

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

QQ. Dia-Foot - Las Vegas, NV

Yenh Long, Deputy Secretary of the Nevada Board of Pharmacy, commented that Item 4QQ will be removed from the Consent Agenda. Also, Item 4HH has several Designated Representatives (DR) provided, but a DR is not required as the pharmacy is owned by a pharmacist.

Krystal Freitas recused herself from Item 4II due to her employment.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Consent Agenda excluding Item 4II and 4QQ.

Second: Krystal Freitas

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to approve the Consent Agenda Item 4II.

Second: Wayne Mitchell

Action: Passed unanimously (Freitas recused).

Richard Tomasso joined the meeting at 9:13 AM.

◆ REGULAR AGENDA ◆

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

A. Walmart Stores Inc. (20-226-PH-N)

Cheryl O'Connor and Kimberly Frazier appeared as counsel representing Walmart Stores Inc.

Brett Kandt, Nevada Board of Pharmacy Counsel, made an opening statement noting that the Board on September 4 entered an order upholding a citation and fine against American Buffalo Xpress for engaging in the business of receiving, storing and delivering prescription drugs for Walmart, Inc., from Sacramento, CA, to pharmacies located in Nevada. American Buffalo Xpress is not licensed to engage in business as an authorized warehouse in Nevada.

Mr. Kandt presented a proposed stipulation and order on pages 1592-1595.

Walmart Stores Inc., License Nos. PH02899, PH02072, PH02112, PH01660, PH01026, PH00816, stipulates to the following penalties: 1) public reprimand 2) a fine of \$2,000 per named pharmacy; for a total of \$12,000 3) \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; 4) respondent represents and warrants that it will take all reasonable corrective action necessary to ensure that Walmart Inc. contracts with and/or utilizes wholesalers and authorized warehouse licensed to engage in business in Nevada to deliver prescription drugs to their pharmacies in Nevada.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the proposed stipulation and order for Walmart Stores Inc.

Second: Wayne Mitchell

Action: Passed unanimously.

C. Robert Webb, PA

(18-115-CS-S)

Kathleen Janssen appeared as counsel representing Robert Webb, PA.

Mr. Webb was not present for the hearing.

Mr. Kandt made an opening statement on the charges that Mr. Webb permitted unauthorized persons to act under his authority to operate CIMA Medical Center and/or Modern Wellness Clinic and to purchase, access, store, possess, administer, furnish, prescribe and/or dispense controlled substances and dangerous drugs

Mr. Kandt presented a proposed stipulation and order on pages 1629-1634.

Robert Webb, Certificate of Registration Nos. CS00063 and CS19994, stipulates to the following penalties: the registrations are suspended, the suspensions are stayed and Mr. Webb is placed on probation for two years subject to the following penalties: 1) public reprimand; 2) a fine of \$5,000; 3) \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; 4) respondent establish policies and procedures within his practice; 5) respondent shall not dispense controlled substances and dangerous drugs without first obtaining a dispensing practitioner registration form the Board; and 5) respondent shall have no new charges filed against him while on probation.

The Board questioned Ms. Janssen on how Mr. Webb minimized his scope of work, his work relationship with his son, and his practice.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the proposed stipulation and order for Robert Webb.

Second: Rolf Zakariassen

Action: Passed unanimously.

G. Sassan Kaveh, MD

(21-051-CS-N)

Melanie Thomas appeared as counsel representing Sassan Kaveh, MD.

Dr. Kaveh appeared and was sworn in by President Park prior to answering questions and testimony.

Mr. Kandt made an opening statement on the charges that Dr. Kaveh re-dispensed unused medication.

Mr. Kandt presented a proposed stipulation and order on pages 1686-1690.

Dr. Kaveh, Certificate of Registration No. CS08877, stipulates to the following penalties: 1) public reprimand; 2) a fine of \$3,000; 3) \$1,500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; 4) respondent establish policies and procedures within in his practice; and 5) respondent shall comply with all federal and state laws regarding controlled substances and dangerous drugs.

The Board questioned Dr. Kaveh regarding if illegal dispensing is a common practice at his office and assurances that he will not do this again.

Dr. Kaveh answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the proposed stipulation and order Sassan Kaveh.

Second: Wayne Mitchell

Action: Passed unanimously.

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| D. Akindele E. Kolade, MD | (19-237-CS-A-S) |
| E. Jean-Marie Swaine, APRN | (19-237-CS-B-S) |
| F. Nnenna A. Olubajo, APRN | (19-237-CS-C-S) |

Bridget Kelly appeared as counsel representing Akindele Kolade, MD.

Dr. Kolade was not present for the hearing.

Kevin Murphy appeared as counsel representing Nnenna Olubajo, APRN.

Ms. Olubajo was not present for the hearing.

Jean-Marie Swaine failed to appear for the hearing.

Mr. Kandt made an opening statement on the charges that Dr. Kolade pre-signed prescriptions and/or provided a signature stamp to Respondents Swain and Olubajo to

unlawfully issue controlled substance prescriptions under Kolade's name and credentials while Kolade was engaged in overseas travel, and that Olubajo prescribed controlled substances prior to being registered to do so.

Mr. Kandt presented a proposed stipulation and order for Dr. Kolade on pages 1653-1657.

Dr. Kolade, Certificate of Registration No. CS21917, stipulates to the following penalties: the registration is suspended; the suspension is stayed and Dr. Kolade is placed on probation for two years subject to the following penalties: 1) public reprimand; 2) a fine of \$5,000; 3) \$2,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; and 4) respondent shall comply with all federal and state laws regarding controlled substances and dangerous drugs, and 5) respondent shall have no new charges filed against him by the Board while on probation.

Ms. Kelly requested clarification on if the fourth cause of action can be dismissed on the basis that Dr. Kolade did have a bona fide therapeutic relationship with his patients.

Board discussion ensued.

Gener Tejero and Richard Tomasso would like to come back to this item after hearing Olubajo's and Swaine's agenda item.

President Park agreed.

Mr. Kandt presented a proposed stipulation and order for Ms. Olubajo with hard copies provided to the Board.

The first, second and third causes of action are dismissed. Ms. Olubajo, Certificate of Registration No. CS27850, stipulates to the following penalties: 1) public reprimand; 2) a fine of \$1,000; and 3) \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve the proposed stipulation and order for Nnenna Olubajo.

Second: Jade Jacobo

Action: Passed unanimously.

The Board returned to agenda item 5D for Dr. Kolade and Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the proposed stipulation and order for Akindele Kolade.

Second: Richard Tomasso

Action: Passed unanimously.

The Board returned to agenda item 5E for Jean-Marie Swaine and continued the hearing to a future Board Meeting.

B. Kimberly Astorino (18-051-RPH-S)

Kevin Murphy appeared as counsel on behalf of Ms. Kimberly Astorino, RPH.

Ms. Astorino was not present for the hearing.

Jade Jacobo disclosed that she is friends with Ms. Astorino but stated that she could participate in this matter fairly and without bias.

Mr. Kandt made an opening statement on the charges that Ms. Astorino directed a pharmaceutical technician to reconstitute medication for a prescription with an open and partially consumed bottle of drinking water.

Mr. Kandt presented a proposed stipulation and order with hard copies provided to the Board.

Ms. Astorino, Certificate of Registration No. 11536, stipulates to the following penalties: 1) public reprimand; 2) a fine of \$1,000 3) \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; and 4) shall complete two additional continuing education (CE) hours on supervising pharmaceutical technicians and two additional CEs on non-sterile compounding that include medication reconstitution.

Mr. Murphy commented that Ms. Astorino disputes the claims, but she will take responsibility as she was responsible for supervising the pharmaceutical technician.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the proposed stipulation and order for Kimberly Astorino.

Second: Jade Jacobo

Action: Passed unanimously.

P. Ghayda Alrass, RPH (21-065-RPH-N)

Persi Mishel appeared as counsel on behalf of Ghayda Alrass.

Ghayda Alrass appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Mishel presented a motion to suppress evidence of Ms. Alrass July 19th statement.

Mr. Kandt argued that Ms. Alrass has made no showing of unfair prejudice or presented evidence that she was not competent when she provided her statement to Board staff.

President Park denied the motion to suppress the evidence.

Mr. Mishel requested the sequestration of witnesses. President Park ordered the witnesses to be sequestered.

Mr. Kandt called Jennifer Hall, Raley's Pharmacy Regional Manager, as a witness. Ms. Hall appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Kandt examined Ms. Hall on documents bate-stamped 0001-0004 and requested that they be entered into evidence as Exhibit A.

Mr. Mishel objected.

President Park overruled Mr. Mishel's objection and admitted pages 0001-0004 into evidence as Exhibit A.

Mr. Kandt examined Ms. Hall on documents bate-stamped 0011-0017 and requested that they be entered into evidence as Exhibit B.

President Park admitted pages 0011-0017 into evidence as Exhibit B.

Mr. Kandt examined Ms. Hall on documents bate-stamped 0018-0022 and requested that they be entered into evidence as Exhibit C.

President Park admitted pages 0018-0022 into evidence as Exhibit C.

Mr. Kandt examined Ms. Hall on a document bate-stamped 0023 and requested that it be entered into evidence as Exhibit D.

President Park admitted page 0023 into evidence as Exhibit D.

Mr. Kandt examined Ms. Hall on documents bate-stamped 0024-0028 and requested that they be entered into evidence as Exhibit E.

President Park admitted pages 0024-0028 into evidence as Exhibit E.

Mr. Kandt examined Ms. Hall on documents bate-stamped 0029-0042 and requested that they be entered into evidence as Exhibit F.

President Park admitted pages 0029-0042 into evidence as Exhibit F.

Mr. Kandt examined Ms. Hall on Raley's surveillance video of Ms. Alrass in the pharmacy diverting drugs and requested that the video be entered into evidence as Exhibit G.

President Park admitted the video into evidence as Exhibit G.

Mr. Kandt examined Ms. Hall regarding the Raley's investigation and the supporting documentation provided.

Mr. Mishel cross-examined Ms. Hall on if she saw Ms. Alrass divert drugs personally and if she worked on certain dates that he provided.

The Board questioned Ms. Hall.

Mr. Kandt called Rajdeep Bhanver, Raley's Regional Pharmacy Supervisor, as a witness. Ms. Bhanver appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Kandt examined Ms. Bhanver regarding the Raley's investigation and the video previously admitted as Exhibit G.

Mr. Mishel cross-examined Ms. Bhanver.

The Board questioned Ms. Bhanver.

Mr. Kandt called Joseph Scurry, Raley's Asset Protection, as a witness. Mr. Scurry appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Kandt examined Mr. Scurry about investigating Ms. Alrass and pages 0018-0022 previously into evidence as Exhibit C.

Mr. Mishel cross-examined Mr. Scurry.

Mr. Kandt called Monica Segedy, Nevada Board of Pharmacy Investigator, as a witness. Ms. Segedy appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Kandt examined Ms. Segedy on documents bate-stamped 0005-0010 and requested that they be entered into evidence as Exhibit H.

President Park admitted pages 0005-0010 into evidence as Exhibit H.

Mr. Mishel cross-examined Ms. Segedy on if Ms. Alrass commented that she was on medication, if Ms. Alrass was threatened with suspension of her license if she did not do the written statement, and if Ms. Alrass showed dissatisfaction for Raley's.

Mr. Kandt called Dave Jones, Nevada Board of Pharmacy Compliance Coordinator, as a witness. Mr. Jones appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Kandt examined Mr. Jones on pages 0005-0010 previously entered into evidence as Exhibit H.

Mr. Mishel called Ms. Alrass as a witness and examined her on a list of medications that she was on at the time she signed the statements on pages 0005-007 previously entered into evidence as Exhibit H.

Mr. Kandt objected that it was not clear what documents Mr. Mishel is referring to.

The hearing was recessed so the documents could be identified.

Mr. Mishel requested that pages 1748-1755 of the Board Book be entered into evidence as Exhibit I, and that Ms. Alrass' Statement on pages 1728-1730 be entered into evidence as Exhibit J. Mr. Kandt had no objection.

President Park admitted pages 1748-1755 of the Board Book into evidence as Exhibit I and pages 1728-1730 as Exhibit J.

Mr. Mishel continued to question Ms. Alrass on if she had a rebuttal for these allegations, why she takes medicine, and the video previously entered into evidence as Exhibit G.

Mr. Kandt cross-examined Ms. Alrass on Exhibit G.

The Board questioned Ms. Alrass.

Mr. Kandt requested that the Board move to make findings of fact consistent with paragraphs 1-5 of the Notice of Intended Action and Accusation.

Board Action:

Motion: Jade Jacobo moved to make findings of fact consistent with paragraphs 1-5 of the Notice of Intended Action and Accusation.

Second: Rolf Zakariassen

Board discussion ensued.

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

Nay: Tejero

Action: Motion carries.

Mr. Kandt requested that the Board make conclusions of law consistent with paragraphs 6-13 and find respondent guilty of all five causes of action as set forth in paragraphs 14-18 of the Notice of Intended Action and Accusation.

Board Action:

Motion: Wayne Mitchell moved to make conclusions of law consistent with paragraphs 6-18 of the Notice of Intended Action and Accusation.

Second: Jade Jacobo

Board discussion ensued.

Action: Passed unanimously.

Mr. Kandt provided documentation of attorney's fees and costs totaling \$4,649.00 and requested that it be entered into evidence as Exhibit K. Mr. Mishel had no objection.

President Park admitted the documentation of attorney's fees and costs into evidence as Exhibit K.

Mr. Kandt proposed the following penalties for Ms. Alrass: 1) respondent's Certificate of Registration No. 13706 be revoked effective immediately; 2) respondent may not work in any facility licensed by the Board of Pharmacy until she petitions for reinstatement; 3) respondent may not petition for reinstatement for a period of two years; 4) respondent pay a fine of \$5,000; and 5) respondent pay \$4,649.00 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Mr. Mishel objected to the proposed discipline as not reasonable and recommends suspension rather than a revocation of Ms. Alrass' registration.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to revoke Ms. Alrass' Certificate of Registration No. 13706 effective immediately; 2) respondent may not work in any facility licensed by the Board until she petitions for reinstatement; 3) respondent may not petition for reinstatement for a period of two years and if she does petition must appear before the Board; 4) respondent pay a fine of \$5,000 within 60 days; and 5) respondent pay \$4,649.00 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter within 60 days.

Second: Rolf Zakariassen

Action: Passed unanimously.

- X. Trinity Pharmacy (19-240-PH-S)
- Y. Ma Lourdes Jauregui, RPH (19-240-RPH-S)

Lyn Beggs appeared as counsel on behalf of Trinity Pharmacy.

Francis Flaherty appeared as counsel on behalf of Ms. Ma Lourdes Jauregui.

Ma Lourdes Jauregui (Registered Pharmacist), Mark Hui (Operations Manager), and Jo Ann Bhatia (Owner) appeared and were sworn in by President Park prior to answering questions and offering testimony.

Courtney Lee, Nevada Board of Pharmacy Counsel, provided background on appearance regarding an annual Board inspection done on September 4, 2019. Board Inspector found unsigned faxed prescriptions for schedule II controlled substances. A total of forty-two controlled substance schedule II (CII) prescriptions were dispensed without a valid practitioners' handwritten signature, and none of the prescriptions meet the legal requirements to qualify as dispensing CII's by oral authorization in an emergency.

Ms. Lee presented a proposed Stipulation and Order for Trinity Pharmacy on pages 1873-1879.

Trinity Pharmacy, License No. PH03287, stipulates to the following penalties: 1) public reprimand; 2) pay a fine of \$8,400 for the violations; 3) \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; and 4) quarterly inspections for one year at Trinity's expense.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the Stipulation and Order for Trinity Pharmacy as presented by Ms. Lee.

Second: Jade Jacobo

Action: Passed unanimously.

Ms. Lee presented a proposed Stipulation Order for Ms. Lourdes Jauregui on pages 1893-1899.

Ms. Jauregui, Certificate of Registration No. 17035 was placed on probation for one (1) year and stipulates to the following penalties: 1) public reprimand; 2) pay a fine of \$4,200 for the

violations; 3) \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; 4) respondent completes an additional four hours of CE's within 90 days of this Order regarding controlled substance prescriptions; and 5) shall comply with all federal and state laws regarding controlled substances and dangerous drugs, and have no new charges filed against her by the Board while on probation. Upon completion, Ms. Jauregui's Certificate of Registration No. 17035 will be fully restored.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the Stipulation and Order for Ma Lourdes Jauregui as presented by Ms. Lee.

Second: Jade Jacobo

Action: Passed unanimously.

DD. Lin's Supermarket, Inc.	(18-028-PH-S)(20-063-PH-S)(21-107-PH-S)
EE. Katila Pipitone, RPh	(18-028-RPH-A-S)(20-063-RPH-S)
FF. Timothy Johnson, RPh	(18-028-RPH-B-S) (21-107-RPH-S)

William Stilling appeared as counsel on behalf of Lin's Supermarket, Katila Pipitone, RPh, and Timothy Johnson, RPh.

Chris Sheard (Operations Manager), Katila Pipitone (Managing Pharmacist), and Timothy Johnson (Staff Pharmacist) appeared and were sworn in by President Park prior to answering questions and offering testimony.

Gener Tejero disclosed that he has a business relationship with Mr. Stilling but stated that he could participate in this matter fairly and without bias.

Ms. Lee provided background on case number 18-028 where Ms. Pipitone and Mr. Johnson failed to timely report loss of controlled substances and failed to accurately keep records of controlled substances maintained and dispensed.

Ms. Lee presented a proposed Stipulation and Order on pages 1976-1979 for Lin's Supermarket, Katilla Pipitone, and Timothy Johnson for case number 18-028. The Stipulation was modified by the Board.

Ms. Pipitone, Certificate of Registration No. 18500, stipulates to the following penalties: 1) pay a fine of \$2,000 for the violations; and 2) \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Mr. Johnson, Certificate of Registration No. 19232, stipulates to the following penalties: 1) pay a fine of \$2,000 for the violations; and 2) \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Lin's Pharmacy, License No. PH01395, stipulates to the following penalties: 1) pay a fine of \$5,000 for the violations; 2) \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; 3) produce policies and procedures that require checking each bulk prescription against prescriptions listed in the computer screen within 30 days of the Order.

The Stipulation was modified to dismiss case number 20-063.

Ms. Lee provided background on case number 21-107 where Mr. Johnson mistakenly dispensed a controlled substance to the incorrect patient with the same last name.

Ms. Lee presented a proposed Stipulation and Order on pages 1976-1979 for Mr. Johnson and Lin's Pharmacy for case number 21-107.

Lin's Pharmacy, License No. PH01395 placed on probation for one (1) year, and stipulates to the following penalties: 1) pay a fine of \$5,000 for the violations; 2) \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; 3) quarterly inspections for one year at Lin's expense; and 4) produce policies and procedures that require checking each bulk prescription against prescriptions listed in the computer screen within 30 days of the Order. Upon successful completion of probation, Lin's pharmacy license PH01395 will be fully restored.

Mr. Johnson, Certificate of Registration No. 19232 placed on probation for one (1) year, and stipulates to the following penalties: 1) pay a fine of \$2,000 violations; 2) \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; and 3) Respondent shall comply with all federal and state laws regarding controlled substances and dangerous drugs, and have no new charges filed against him by the Board while on probation. Upon successful completion of probation, Mr. Johnson's Certificate of Registration No. 19232 will be fully restored.

Board discussion ensued.

Jade Jacobo commented that she would like case number 20-063 dismissed. For the best interest of her patient, she would do the same actions as Ms. Pipitone.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order as presented by Ms. Lee with the removal of any paragraphs related to case number 20-063. Also, Ms. Pipitone probation is removed from the record.

Second: Wayne Mitchell

Action: Passed unanimously.

T. David Howard Babit, PT

(21-098-PT-S)

David Babit failed to appear.

Mr. Kandt made an opening statement on the charges that Mr. Babit was convicted on two felony counts of coercion and enticement of a minor to engage in sexual activity in violation of 21 U.S.C. § 2422(b).

Mr. Kandt called Shirley Hunting, Ken Scheuber, and Kristopher Mangosing from the Nevada Board of Pharmacy as witnesses.

Ms. Hunting, Mr. Scheuber, and Mr. Mangosing were sworn in by President Park prior to answering questions and offering testimony on attempted service of the Notice of Intended Action and Accusation, Statement to Respondent and Notice of Hearing on Mr. Babit by personal service and by certified mail, return receipt requested, addressed to the Respondent at his last address of record.

Mr. Kandt requested Mr. Scheuber's written statement on the attempted service of Mr. Babit be entered into evidence as Exhibit A.

President Park admitted the statement into evidence as Exhibit A.

Mr. Kandt requested Mr. Babit's 21-day notice of appearance letter be entered into evidence as Exhibit B.

President Park admitted the notice into evidence as Exhibit B.

Mr. Kandt submitted that Mr. Babit was given sufficient legal notice of the hearing and that the allegations may be accepted as true.

Mr. Kandt requested Mr. Babit's plea agreement be entered into evidence as Exhibit C and his notice of suspension into evidence as Exhibit D.

President Park admitted the documents into evidence as Exhibit C and D.

Mr. Kandt requested that the Board make findings of fact consistent with paragraphs 1-3 of the Notice of Intended Action and Accusation and that Mr. Babit was given sufficient legal notice of the hearing.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to make findings of fact consistent with paragraphs 1-3 of the Notice of Intended Action and Accusation.

Second: Krystal Freitas

Action: Passed unanimously.

Mr. Kandt requested that the Board make conclusions of law consistent with paragraphs 4-8 of the Notice of Intended Action and Accusation.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to make conclusions of law consistent with paragraphs 4-8 of the Notice of Intended Action and Accusation.

Second: Rolf Zakariassen

Action: Passed unanimously.

Mr. Kandt proposed the following penalties for Mr. Babit: 1) respondent's Certificate of Registration No. PT10272 be revoked effective immediately; 2) respondent may not work in any facility licensed by the Board until he petitions for reinstatement; 3) respondent may not petition for reinstatement for a period of one year and if he does petition must appear before the Board.

Board discussion ensued regarding the penalties being too lenient.

Board Action:

Motion: Jade Jacobo moved to revoke Mr. Babit's: Certificate of Registration No. PT10272; respondent may not work in any facility licensed by the Board until he petitions for reinstatement; and respondent may not petition for reinstatement for a period of ten years and if he does petition must appear before the Board.

Second: Richard Tomasso

Action: Passed unanimously.

CC. Salvador Borromeo

(20-210-CS-A-S)

Larry Weinstein was retained counsel on behalf of Salvador Borromeo but did not appear at the hearing.

Dr. Borromeo was not present for the hearing.

Ms. Lee provided background on case regarding Dr. Borrromeo unlawfully prescribed controlled substances and dangerous drugs without a bona fide therapeutic relationship with four patients. In addition, Mr. Borrromeo permitted MaryAnne Phillips, anesthesiologist/pain management doctor, and Tammy Hankins, physician's assistant, to possess, administer, furnish or dispense controlled substances without a valid certificate of registration.

Ms. Lee presented a proposed Stipulation and Order on pages 1958-1961.

Dr. Borrromeo, Certificate of Registration No. CS09487 placed on probation for two (2) years and stipulates to the following penalties: 1) public reprimand; 2) pay a fine of \$5,000 for the violations; 3) \$2,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; 4) complete 4 hours of CE's regarding proper prescribing of controlled substances and dangerous drugs to be completed within 90 days of this Order; and 5) shall comply with all federal and state laws regarding controlled substances and dangerous drugs, and have no new charges filed against him by the Board while on probation. Upon completion, Dr. Borrromeo's Certificate of Registration No. CS09487 will be fully restored.

Jade Jacobo was excused from this meeting at 4:40 PM.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the Stipulation and Order for Salvador Borrromeo as presented by Ms. Lee.

Second: Krystal Freitas

Action: Passed unanimously.

Jade Jacobo returned to the meeting at 4:42 PM.

6. Appeal hearing pursuant to NRS 639.2895(2) (**FOR POSSIBLE ACTION**)

Aircare SMRT, LLC

(20-062-S)

Neil McKay, Owner, and Beatrice Erni, Corporate Secretary, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Ms. Lee provided background on Mr. McKay's appeal hearing regarding unlicensed practice. Aircare SMRT had a temporary license beginning in July or August 2020. Mr. McKay admitted to unlicensed activity prior to receiving a temporary license.

Mr. McKay provided his appeal before the Board. He commented that he should not be fined because the unlicensed activity only occurred for about a month.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to uphold the cite and fine for Aircare SMRT, LLC.

Second: Richard Tomasso

Action: Passed unanimously.

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

- E. VGM Group, Inc. – Waterloo, IA – Background Check completed in compliance with NRS 639.500 – Disqualifying Events – Disclosure
- F. VGM Group, Inc. – Phoenix, AZ - Background Check completed in compliance with NRS 639.500 – No Disqualifying Events – Disclosure
- G. VGM Group, Inc. – Nashville, TN – Background Check completed in compliance with NRS 639.500 – No Disqualifying Events – Disclosure

These matters were continued to a future Board Meeting.

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

- H. Alyssa Cocjin (20-109-TD-N)
- I. Sowjanya Reganti, MD (20-109-CS-A-N)
- J. Vodur Suresh Reddy, MD (20-109-CS-B-N)
- K. Emily Guerard, MD (20-109-CS-C-N)
- L. Santhosh Ambika, MD (20-109-CS-D-N)
- M. Tejvir Singh, MD (20-109-CS-E-N)
- N. Aaron Bowman, MD (20-109-CS-F-N)
- O. Juan Cattoni, MD (20-109-CS-G-N)
- Q. Kord T. Strebel, MD (19-053-CS-S)
- R. Thomas E Strebel, RPH (19-053-RPH-S)
- S. James Forsythe, MD (19-144-CS-N)
- U. Nathan Dahl, RPH (21-069-RPH-N)
- V. Dahl's Specialty Pharmacy of Carson (21-069-PH-N)
- W. Stephen Dubin, MD (20-020-CS-S)
- Z. Nevada Health RX, Inc. D/B/A Prax-Rx (18-043-PH-S)
- AA. Scot Silber, RPH (18-043-RPH-S)
- BB. Chad Hall, DO (21-108-CS-S)

These matters were continued to a future Board Meeting.

Public Comment October 13 2021, 5:00 PM

Michelle Huntsman from King and Spalding Law wanted to confirm when Agenda Item 10B will be addressed.

Dave Wuest, Executive Secretary of the Nevada Board of Pharmacy, commented that it will be addressed on October 14 after 1:30 PM.

Board Members Present:

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

Board Staff Present:

Dave Wuest	Yenh Long	Shirley Hunting	Kristopher Mangosing
Brett Kandt	Joe Dodge	Dena McClish	Sophia Long
Courtney Lee	Darlene Nases	Leo Basch	Ken Scheuber
Luis Curras	Darla Zarley	Christian Schonlau	Peter Keegan

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 except Richard Tomasso and a quorum was established.

Joe Dodge, Nevada Board of Pharmacy Staff, read the proclamation from Governor Sisolak into the record. Governor Sisolak announced that October 2021 is Pharmacist Month in Nevada.

Public Comment October 14 2021, 9:00 AM

Liz McMenamin from the Retail Association of Nevada appreciates the proclamation from Governor Sisolak being read into the record. She applauds all pharmacists and the work that they have done.

◆ PUBLIC HEARING ◆

Thursday October 14, 2021 – 9:00 am

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

A. Amendment of Nevada Administrative Code (NAC) 639.220 Schedule of fees; penalty for late renewal; exemptions from certain fees. The proposed amendment to NAC 639.220 will provide medical interns and residents reduced fees to prescribe or possess controlled substances and to biennially renew such authorization. (LCB File No. R003-21)

Ms. Long provided background information on the proposed amendment.

President Park opened public comment.

There was no public comment for the proposed amendment.

Board Action:

Motion: Jade Jacobo moved to adopt the proposed language for Amendment of Nevada Administrative Code (NAC) 639.220 Schedule of fees; penalty for late renewal; exemptions from certain fees.

Second: President Park

Action: Passed unanimously.

B. Amendment Of Nevada Administrative Code (NAC) Chapter 453: Prescription Monitoring Program Integration. The proposed amendments will regulate the integration of the records of patients in the database of the computerized program established pursuant to [NRS 453.162](#) with the electronic health records of practitioners. (LCB File No. R008-21)

Brett Kandt provided background information on the proposed amendment.

Board staff would like Section 5 of the proposed amendment to be removed.

President Park opened public comment.

Liz McMenamin from the Retail Association of Nevada is not in favor of the removal of section 5 and wants to know why it should be removed from the language.

Mr. Kandt commented that Nevada Law does not allow the Prescription Monitoring Program (PMP) be used as public data. If section 5 is kept in the proposed amendment, the PMP might be downloaded for an unauthorized purpose.

Mr. Wuest clarified that section 5 is not being removed, but it was never in the original language. It is new language.

Darla Zarley, Nevada Board of Pharmacy Staff, commented that this is to protect people's personal information.

Ms. McMenamain commented that she feels comfortable with language after explanation from Board staff.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to adopt the proposed language for Amendment of Nevada Administrative Code (NAC) Chapter 453: Prescription Monitoring Program Integration with the exclusion of section 5.

Second: Krystal Freitas

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.
(LCB File No. R024-21)

Ms. Long provided background information on the proposed amendment.

President Park opened public comment.

There was no public comment for the proposed amendment.

Board Action:

Motion: Krystal Freitas moved to adopt the proposed language for Amendment of Nevada Administrative Code (NAC) 453.540: Schedule IV.

Second: Rolf Zakariassen

Action: Passed unanimously.

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

Sandra Schroeder

Ms. Schroeder provided background on request and is asking for the Board's approval to engage in the practice of pharmacy at a site other than a licensed pharmacy.

The Board questioned Ms. Schroeder on what company she works for and what they do.

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

Mr. Wuest provided clarification of Ms. Schroeder's request to Board.

Board Action:

Motion: Jade Jacobo moved to approve Sandra Schroeder's request to engage in the practice of pharmacy at a site other than a licensed pharmacy.

Second: Wayne Mitchell

Action: Passed unanimously.

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

A. Humana Pharmacy, Inc. – Tampa, FL

Roger Morris from Quarrels & Brady appeared as counsel on behalf of Humana Pharmacy.

Melissa Meyers, Managing Pharmacist, and William Clark, Pharmacy Professional Practice, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan, Nevada Board of Pharmacy Counsel, provided background on application and their disciplinary actions relating to filling prescriptions without sufficient documentation or approval and improper licensing issues.

Mr. Clark clarified that these disclosures occurred prior to the change of ownership of the pharmacy. The pharmacy is under new management and has a different quality compliance team to ensure that they are compliant.

The Board questioned Humana Pharmacy on the products that they are shipping into Nevada and if they have other pharmacies that are licensed with the Board.

Mr. Clark and Mr. Morris answered questions to the Board's satisfaction.

Board Action:

Motion: Krystal Freitas moved to approve Humana's out-of-state pharmacy license.

Second: Gener Tejero

Action: Passed unanimously.

B. Pyramids Infusion Center – Webster, TX

Rawad Nasr, 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. Nasr to speak on behalf of the company.

Mr. Dodge provided background on application and asked if they would like to remove the affidavit stating that they will not ship sterile products into Nevada.

Mr. Nasr confirmed that he would like the affidavit removed as it was a clerical error.

The Board questioned Mr. Nasr on what type of products that they are shipping into Nevada, their business model, Mr. Nasr's experience with sterile compounding, how many people they currently service, and who are they accredited with.

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

Mr. Dodge provided Pyramids Infusion Center's inspection results from 2019.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Pyramids Infusion Center out-of-state pharmacy license pending Letter of Authorization.

Second: Gener Tejero

Action: Passed unanimously.

C. Revival Animal Health – Orange City, IA

Lori Sheehan, 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 Ms. Sheehan to speak on behalf of the company.

Mr. Keegan provided background on application for a change of ownership and their disclosures regarding not properly notifying the Board of a Pharmacist in Charge (PIC) change in a timely manner.

The Board questioned Ms. Sheehan regarding what services they provide, how do they plan to get business, what processes are in place to ensure timely notification of changes, and who they are shipping to.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve change of ownership for Revival Animal Health out-of-state pharmacy license pending Letter of Authorization.

Second: Gener Tejero

Action: Passed unanimously.

12. Application for Out-of-State Compounding Pharmacy License (NRS 639.230) – Appearance – **(FOR POSSIBLE ACTION)**

A. MedQuest Pharmacy, Inc. – North Salt Lake, UT

Jeffrey Bray, Chief Executive Officer, and Hali O'Malley, Vice President of Pharmacy and Compliance, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Mr. Dodge provided background on application regarding a change in ownership.

The Board questioned Mr. Bray regarding any operational changes, services that the company provides, and information regarding last inspection.

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

Mr. Dodge provided background regarding MedQuest Pharmacy's disciplinary actions relating to a license lapsing, not being properly licensed, and not timely notifying Board of a change, and not properly record keeping.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve change of ownership for out-of-state compounding pharmacy license for MedQuest Pharmacy, Inc.

Second: Rolf Zakariassen.

Action: Passed unanimously.

B. Optum Infusion Services 500, Inc. – Irwindale, CA

Jade Jacobo recused herself due to her employment.

Yatin Patel, 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. Patel to speak on behalf of the company.

Mr. Dodge provided background on the application.

The Board questioned Mr. Patel regarding his work history, the business model of the company, Mr. Patel's background as a pharmacist, how they ship the products, and the results of their last inspection.

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

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve out-of-state compounding pharmacy license for Optum Infusion Service 500, Inc. pending Letter of Authorization.

Second: Wayne Mitchell

Action: Passed unanimously (Jacobico recused).

C. Tailor Made Compounding – Nicholasville, KY

Ross Jordan, Owner, and Blake McCleod, Managing Pharmacist, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Mr. Dodge provided background on application regarding a change in ownership.

The Board questioned Tailor Made Compounding on any operation changes, background on their disclosure, results of their Board inspection, their business model, and information about the ownership change.

Mr. McCleod and Mr. Jordan answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobico moved to approve change of ownership for out-of-state compounding pharmacy license for Tailor Made Compounding.

Second: Krystal Freitas

Action: Passed unanimously.

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

A. Hikma Specialty USA Inc. – Columbus, OH – Background Check Not Required –
Manufacturer (NAC 639.593(7)(d)) – Disclosure

This matter was continued to a future Board Meeting.

B. Medline Industries, Inc. – Greyslake, IL – Background Check completed in compliance
with NRS 639.500 – No Disqualifying Events – Disclosure
C. Medline Industries, Inc. – Southaven, MS – Background Check completed in
compliance with NRS 639.500 – No Disqualifying Events – Disclosure

Tommy Roberts, Senior Director of Operations for Pharmacy Practice and Operations,
appeared and was sworn in by President Park prior to answering questions and offering
testimony.

Mr. Kandt provided background on application.

Mr. Kandt clarified that Medline Industries appeared previously with no new disclosures.
Their appearance is just to request approval to move locations.

The Board questioned Mr. Roberts about why they are moving locations and any changes
that they need to know.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve out-of-state wholesaler license for Medline
Industries Inc. for Greyslake, IL and Southaven, MS.

Second: Krystal Freitas

Action: Passed unanimously.

D. The Compounding Center – Phoenix, AZ – Background Check completed in
compliance with NRS 639.500 – Disqualifying Events – Disclosure

Joel Gomez, President, appeared and was sworn in by President Park prior to answering
questions and offering testimony.

Mr. Keegan provided background on application and disclosure regarding a DUI for Mr. Gomez.

The Board questioned Mr. Gomez about the business model, what veterinarians they plan to work with, and what services they provide.

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

Board discussion ensued.

Krystal Freitas was excused from the meeting at 11:05 AM.

Board Action:

Motion: Jade Jacobo moved to approve change of ownership for out-of-state wholesaler license for The Compounding Center.

Second: Rolf Zakariassen

Action: Passed unanimously (No Freitas).

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

STAQ Pharma, Inc. – Denver, CO

Joe Bagan (Chief Executive Officer), Jeff Hval (Chief Pharmacy Officer), and Emily Reyes (Supervising Pharmacist) appeared and were sworn in by President Park prior to answering questions and offering testimony.

Mr. Dodge provided background on application.

The Board questioned STAQ Pharma on their business model, the products that they plan to ship into Nevada, Ms. Reyes background with sterile compounding, and their process for sterile compounding.

Ms. Bagan and Ms. Reyes answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Rolf Zakarissen moved to approve out-of-state outsourcing facility license for STAQ Pharma, Inc.

Second: Jade Jacobo

Action: Passed unanimously.

9. Applications for Controlled Substance Registration – Appearance (**FOR POSSIBLE ACTION**)

Orlandis Wells

Gener Tejero recused himself from this matter as he knows Mr. Wells personally.

Orlandis Wells appeared and was sworn in by President Park prior to answering questions and offering testimony.

Rachael Stewart appeared as counsel on behalf of Mr. Wells.

Mr. Kandt provided background on disclosure regarding an accusation where Mr. Wells failed to comply with Federal requirements related to controlled substances, and Mr. Wells voluntarily surrendered his DEA registration.

Ms. Stewart commented that no disposition has been set yet as the hearing keeps getting pushed back.

Mr. Wells is requesting the Board to approve his controlled substance license with limitations.

The Board is not comfortable approving a registration when the case is still pending.

Board discussion ensued.

President Park offered Mr. Wells the option to table his application.

President Park tabled application on Mr. Wells request.

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

B. Comprehensive Digestive Surgicenter, LLC – Las Vegas, NV

Michelle Huntsman appeared as counsel on behalf of Comprehensive Digestive Surgicenter.

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

Mr. Keegan provided background on application for a change in ownership. He presented disclosures listed on page 2218 of the Board Book. The litigation for the physicians' relates to an inappropriate referral by a doctor for a mass, complications of an endoscopic ultrasound, failure to provide proper medicine to a patient, and failure to properly diagnose cancer in a patient.

Ms. Huntsman commented that the authorized person for this application has changed to Kathy King, and the updated documentation was sent to the Board.

The Board questioned Ms. Millero on her work experience, relationship with the company, how often she will visit the location, and the policy for single use items.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve change of ownership for Comprehensive Digestive Surgicenter, LLC.

Second: Rolf Zakariassen

Action: Passed unanimously.

20. Executive Secretary Report:

A. Financial Report

Christian Schonlau, Chief Financial Officer, presented the financial report to the Board's satisfaction.

- B. Issuance of Temporary Licenses and Registrations
- C. Change of Address Business List
- D. Meetings with Other Health Care Regulatory Boards
- E. COVID-19 Response
- F. Licensing Software Update
- G. Licensing Activities Report
- H. PMP Integration

Mr. Wuest provided Executive Secretary Report to the Board's satisfaction.

Board discussion ensued.

19. General Counsel Report. Note: The Board may exclude the public for a report on potential or existing litigation pursuant to NRS 241.015(3)(b)(2).

Mr. Kandt had no items to report for the General Counsel Report.

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

A. Christina Fidel

The applicant withdrew her application.

B. Pagan Silveira

Pagan Silveira appeared and was sworn in by President Park prior to answering questions and offering testimony.

Ms. Lee provided background on application and disclosures regarding an assault charge, child neglect, and drug paraphernalia.

The Board questioned Ms. Silveira on why she wants to be a pharmaceutical technician, the details of the child neglect, if she still drinks and smokes, any recent issues with law enforcement, and her work history.

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

Board discussion ensued on if an evaluation is needed for Ms. Silveira.

Board Action:

Motion: Jade Jacobo moved to approve pharmaceutical technician in training registration pending a positive evaluation for substance use disorder.

Second: Wayne Mitchell

Action: Passed unanimously.

C. David Tilsen

No representative was present on behalf of David Tilsen.

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

A. Complete Care Pharmacy – Las Vegas, NV

Parag Choksi, Regional Director for Pharmacy Operations for ReCept Pharmacy, and Basil Blake, Owner, appeared and was sworn in by President Park prior to answering questions and offering testimony.

The Board questioned Mr. Blake on why he wants to open a pharmacy and what 340B means.

The Board expressed concerns about the pharmacy model, and Mr. Blake's lack of pharmacy experience.

President Park offered the option to table the application to gather more information and to have the Managing Pharmacist appear in a future meeting.

Mr. Blake and Mr. Choksi agreed to table application.

President Park tabled application at Complete Care Pharmacy's request.

C. First Choice Pharmacy, LLC – Las Vegas, NV

James Beckstrom appeared as counsel on behalf of First Choice Pharmacy.

Anja Palazova, Managing Pharmacist, and Hamid Djam, Owner, appeared and were sworn in by President Park prior to answering questions and offering testimony.

The Board questioned Mr. Djam on why he wants to open a pharmacy, how he met Ms. Palazova, if the pharmacy will take insurance, and if the pharmacy has policies and procedures in place.

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

The Board questioned Ms. Palazova on her work experience and if she is familiar with Nevada law.

Ms. Palazova answered Board's questions.

Ms. Long commented to Ms. Palazova that Board approval is needed if she engages in the practice of pharmacy at a site other than a licensed pharmacy. She requested Ms. Palazova to contact Board staff to get everything compliant.

Board discussion ensued about the qualifications of the managing pharmacist and designated representative.

President Park asked Mr. Djam if he would like to table the application to get the designated representative corrected.

Mr. Djam agreed to table application.

President Park tabled application at First Choice Pharmacy's request.

D. Greenbay Specialty Pharmacy – Las Vegas, NV

Jade Jacobo disclosed that she is friends with Jose Ferran but stated that she could participate in this matter fairly and without bias.

Kardam Panjabi, Pharmaceutical Operations Analyst, and Jose Ferran, Managing Pharmacist appeared and were sworn in by President Park prior to answering questions and offering testimony.

The Board questioned Mr. Ferran on when he completed his Order, what his current role at the pharmacy is, why he is not able to do sterile compounding, and what assurances he can provide to ensure that he will not repeat his past mistakes.

The Board questioned Mr. Panjabi on his current role and if he will have keys to the pharmacy.

Mr. Ferran and Mr. Panjabi answered questions to the Board's satisfaction.

Board discussion ensued and commented that they would like to speak to the owner.

Parag Patel appeared and was sworn in by President Park prior to answering questions and offering testimony.

The Board questioned Mr. Patel on the business model, how he knows Mr. Panjabi, if he plans to move to Las Vegas, and where he currently works.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve pharmacy license for Las Vegas Community Pharmacy pending favorable inspection and quarterly inspections for one year at the company's expense.

Second: Rolf Zakariassen

Action: Passed unanimously.

E. Las Vegas Community Pharmacy – Las Vegas, NV

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

President Park disclosed that the Managing Pharmacist was a student at Roseman University but stated that she could participate in this matter fairly and without bias.

The Board questioned Ms. Patel on the business model, why she is not listed as the Managing Pharmacist, if the pharmacy has policies and procedures in place, and what software does will the pharmacy use.

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

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

The Board questioned Mr. Khim on his work experience, his current responsibilities, and the compliance measures in place.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve pharmacy license for Las Vegas Community Pharmacy pending favorable inspection and quarterly inspections for one year at the company's expense.

Second: Krystal Freitas

Action: Passed unanimously.

16. Application for Recovery Center License- Appearance **(FOR POSSIBLE ACTION)**

Parkway Recovery Care Center, LLC – Henderson, NV

Scott Weiss (Administrator), Mary Gear (Managing Pharmacist), Brandon Dabu (Clinical Director), and Jena Midgett (Clinical Administrator) appeared and were sworn in by President Park prior to answering questions and offering testimony.

President Park disclosed that she knows Ms. Gear through her employer but stated that she could participate in this matter fairly and without bias.

Mr. Kandt provided background on application for a change of ownership.

The Board asked questions on the business model and what type of services that they will provide.

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

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve change of ownership for Parkway Recovery Care Center.

Second: Jade Jacobo

Action: Passed unanimously.

10. Application for Nevada Pharmacy License (NRS 639.230)

F. TMS Pharmacy LLC – Las Vegas, NV

Tansin Shanan, Owner and Registered Pharmacist, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Wuest provided background on application.

The Board questioned Mr. Shanan on why he wants to open a pharmacy, the business model, his business partner, how they are marketing the business, and his work experience.

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

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve pharmacy license for TMS Pharmacy LLC.

Second: Wayne Mitchell

Action: Passed unanimously.

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

A. NDC Homecare LLC – North Las Vegas, NV

This matter was continued to a future Board Meeting.

B. Orthopedic Services of Utah, Inc. – Las Vegas, NV

Brandon Cotton, Operations Director, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Keegan provided background on application.

Mr. Cotton commented that the MDEG Administrator has changed to Jessika Tompkins.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve Medical Devices, Equipment, and Gases license for Orthopedic Services of Utah, Inc.

Second: Wayne Mitchell

Action: Passed unanimously.

C. Platinum Medical Supplies, LLC – Las Vegas, NV

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

Mr. Keegan provided background on application and commented that Ms. Jacobsen is actively working as a Respiratory Therapist.

Mr. Dodge read into the record the law which advises that Board will not provide a license to a health professional.

Ms. Jacobsen commented that she will quit her job when Platinum Medical Supplies gets the license.

The Board questioned Ms. Jacobsen on when she incorporated the company and clarification on the business ownership.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Medical Devices, Equipment, and Gases license for Platinum Medical Supplies, LLC pending resignation of Leizel Jacobsen's position as a respiratory therapist.

Second: Gener Tejero

Action: Passed unanimously.

8. Application for Pharmacist Registration by Reciprocity – Appearance (**FOR POSSIBLE ACTION**)

Joseph Cherian

This matter was continued to a future Board Meeting.

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

Walgreens Pharmacy #11227

This matter was removed from the agenda.

22. Date and Location of Next Scheduled Board Meeting:

December 1-2, 2021 – Las Vegas, NV

23. Public Comment October 14 2021, 5:00 PM

There was no public comment.

24. Adjournment