



NEVADA STATE BOARD OF PHARMACY

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MINUTES

April 13-14, 2022

BOARD MEETING

The Nevada State Board of Pharmacy will conduct a meeting beginning Wednesday April 13, 2022, at 9:00 am. The meeting will continue, Thursday, April 14, 2022, at 9:00 am if necessary or until the Board concludes its business. Pursuant to NRS 241.023(1)(c) the meeting is being conducted by means of remote technology. The public may attend the meeting via live stream remotely or in person at the following location:

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	Peter Keegan	Darlene Nases	Joe Dodge
Leo Basch	Ken Scheuber	Luis Curras	Sophia Long

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 April 13, 2022, 9:00 AM

There was no public comment.

◆ CONSENT AGENDA ◆

The Consent Agenda contains matters of routine acceptance. The Board Members may approve the consent agenda items as written or, at their discretion, may address individual items for discussion or change.

3. Approval of the March 2-3, 2022 Meeting Minutes (**FOR POSSIBLE ACTION**)

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve March Board 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. Advanced Diabetes Supply – Carlsbad, CA
- B. AMSR LLC – Centennial, CO
- C. RehabPulse Inc – Middleton, WI

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))

- D. A-dec, Inc. – Fenton, MO
- E. A-dec, Inc. – Newberg, OR
- F. Gilead Sciences, LLC – Foster City, CA
- G. Modavar Pharmaceuticals LLC – Washington, DC
- H. Spectra Medical Devices, LLC – Wilmington, MA
- I. Stratatech Corporation – Madison, WI
- J. Trigen Laboratories, LLC – Sayreville, NJ

K. Trigen Laboratories, LLC – Tampa, FL

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

L. Becton, Dickinson and Company – Columbus, NE

M. FedEx Supply Chain, Inc. – Mooresville, IN

N. Henry Schein Inc. – Southlake, TX

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

O. Covetrus North America – Aurora, CO

P. Covetrus North America, LLC – Columbus, OH

Q. Covetrus North America, LLC – Columbus, OH

R. Covetrus North America, LLC – Ft. Worth, TX

S. Covetrus North America – Lexington, KY

T. Covetrus North America – Southaven, MS

U. Covetrus North America, LLC – Tualatin, OR

V. Covetrus North America, LLC – Visalia, CA

W. Integrated Commercialization Solutions, LLC – Brooks, KY

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

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

X. AcelRx Pharmaceuticals, Inc. – Hayward, CA

Y. Ascendis Pharma Endocrinology, Inc. – Princeton, NJ

Z. Cytokinetics, Incorporated – South San Francisco, CA

AA. Johnson & Johnson Vision Care, Inc. – Jacksonville, FL

BB. Kite Pharma, Inc. – Frederick, MD

CC. Marinus Pharmaceuticals, Inc. – Radnor, PA

DD. Novartis Gene Therapies, Inc. – Durham, NC

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.**

EE. Reliance Wholesale, Inc. – Miami, FL

FF. Summit SD, LLC – Lee's Summit, MO

4.3 Applications for Nevada Wholesaler License (NRS 639.233) – Non-appearance
(FOR POSSIBLE ACTION)

Background checks completed in compliance with NRS 639.500.

GG. 21st Century Environmental Management of Nevada, LLC – Fernley, NV

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

- HH. Community Health Alliance Sun Valley Pharmacy – Sun Valley, NV
- II. Save Mart Pharmacy #551 – Carson City, NV
- JJ. Save Mart Pharmacy #552 – Carson City, NV
- KK. Save Mart Pharmacy #553 – Reno, NV
- LL. Save Mart Pharmacy #554 – Reno, NV
- MM. Save Mart Pharmacy #555 – Reno, NV
- NN. Save Mart Pharmacy #556 – Reno, NV
- OO. Save Mart Pharmacy #559 – Reno, NV

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

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

- PP. Alto Pharmacy, LLC – San Francisco, CA
- QQ. Coram CVS/Specialty Infusion Services – Cumberland, RI
- RR. Covetrus North America, LLC – Portland, ME
- SS. Curexa – Galloway, NJ
- TT. IHS Acquisition XXX, Inc. – Denver, CO
- UU. Lemonaid Pharmacy, LLC – Saint Louis, MO
- VV. Optum Infusion Services 550, LLC – Scottsdale, AZ
- WW. PipelineRx – Denver, CO
- XX. PipelineRx – Rosemont, IL
- YY. US Bioservices – Anaheim, CA
- ZZ. US Bioservices – Carrollton, TX
- AAA. Vital Care Rx – Meridian, MS

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

- BBB. Covetrus North America, LLC – Omaha, NE
- CCC. Covetrus North America, LLC – Phoenix, AZ
- DDD. Medication Management Partners, LLC – Crestwood, IL
- EEE. Pharmacy Solutions – Ann Arbor, MI

Rolf Zakariassen recused himself from 4II, 4JJ, 4KK, 4LL, 4MM, 4NN, 4OO as he was involved with the Albertson's/Sav-On's/Save-Mart transition and some of their disciplinary actions mentioned in the Board book. In addition, he recused himself from 4QQ, 4YY, and 4ZZ as he is currently an employee of CVS.

Jade Jacobo recused herself from 4PP as she is currently an employee off Alto Pharmacy.

Board staff commented that 4VV asked to withdraw their application, so they were removed from the Consent Agenda.

Dave Wuest, Executive Secretary for the Nevada Board of Pharmacy, commented that Save Mart had updates to their Change of Ownership (CHOW) Application which was distributed to the Board for review.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Consent Agenda excluding Agenda Items 4PP and 4VV.

Second: Wayne Mitchell

Action: Passed unanimously (Zakariassen recused).

Board Action:

Motion: Krystal Freitas moved to approve Consent Agenda Item 4PP.

Second: Wayne Mitchell

Action: Passed unanimously (Jacobco recused).

◆ REGULAR AGENDA ◆

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

I. Walgreens Pharmacy #4242

(17-076-PH-S)

J. Nazida Zebari

(17-076-RPH-S)

Jade Jacobo disclosed that she knows Ms. Nazida Zebari but stated that she could participate in this matter fairly and without bias.

Nazida Zebari was present for the hearing.

Lyn Beggs appeared as counsel on behalf of Nazida Zebari.

Bill Stilling appeared as counsel on behalf of Walgreens Pharmacy #4242.

Peter Keegan, General Counsel for the Nevada Board of Pharmacy, prosecuted the case regarding a misfill.

Mr. Keegan provided a proposed stipulation and order for the Board's consideration.

Krystal Freitas commented that the store #7864 is listed in one of the sentences in the proposed stipulation and order rather than #4242.

Mr. Keegan commented that he will update the stipulation and order with the correct store number.

Mr. Stilling agreed to the updated stipulation and order

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order as presented by Mr. Keegan.

Second: Wayne Mitchell

Action: Passed unanimously.

K. Maria Martinez, MD

(21-221-CS-S)

Maria Martinez appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Keegan prosecuted the case regarding Dr. Martinez prescribing a controlled substance without a valid registration.

Mr. Keegan provided a proposed stipulation and order for the Board's consideration.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell move to approve the Stipulation and Order as presented by Mr. Keegan.

Second: Krystal Freitas

Action: Passed unanimously.

O. Paul Howse

(20-135-RPH-S)

Paul Howse appeared and was sworn in by President Park prior to answering questions and offering testimony.

Lyn Beggs appeared as counsel on behalf of Paul Howse.

Mr. Keegan prosecuted the case regarding unauthorized access to the PMP under his credentials.

Mr. Keegan provided a proposed stipulation and order for the Board's consideration.

Board discussion ensued.

Board Action:

Motion: Richard Tomasso move to approve the Stipulation and Order with modification to remove \$1,000 fine.

Ms. Beggs agreed to the modified stipulation and order for the Board's consideration.

Second: Rolf Zakariassen

Board discussion ensued.

Aye: Park, Freitas, Jacobo, Tomasso, Zakariassen

Nay: Mitchell, Tejero

Action: Motion carried.

P. Justine Stanevich

(20-135-PT-S)

Justine Stanevich appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Keegan prosecuted the case regarding Ms. Stanevich having unauthorized access to the PMP for personal use.

Mr. Keegan requested Exhibits 1-8 be admitted into the record.

President Park entered Exhibits 1-8 into the record.

Ms. Stanevich had no objections to Exhibits 1-8.

Mr. Keegan called Ms. Stanevich as witness.

Mr. Keegan questioned Ms. Stanevich on the exhibits and the events that occurred in this case.

The Board questioned Ms. Stanevich.

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

Mr. Keegan requested the Board find the findings of fact in the Notice of Intended Action and Accusation in paragraphs 1-5 and counts 2-3 as proven.

Board Action:

Motion: Jade Jacobo moved to find the findings of fact in the Notice of Intended Action and Accusation in paragraphs 1-5 and counts 2-3 as proven.

Second: President Park

Action: Passed unanimously.

Mr. Keegan requested the Board find the attorney's fees and cost of \$793.88 as reasonable, necessary and actually incurred.

Ms. Stanevich has no objections to the attorney's fees and cost.

Mr. Keegan commented that bate stamped page 21 in the exhibits is duplicated. Shirley Hunting's timesheet appears twice, but he can attest that his time on this case equals to \$233.75.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to revoke Justine Stanevich's Certificate of Registration No. PT18958: 1) the revocation is stayed; 2) she is placed on probation for a period of one year; 3) pay a fine of \$500; 4) award \$793.88 to partially reimburse the Board for recoverable attorney's fees and costs that were reasonable, necessary and actually incurred in investigating and prosecuting this matter; 5) take two extra continuing education (CE) courses – one related to ethics and one related to HIPAA; 6) attend two board meetings on the discipline day within one year; 7) no other complaints filed by employers or members of the public which may result in an order to show cause; and 8) must comply with all laws and regulations.

Second: Wayne Mitchell

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

Action: Motion carried.

N. George Dockendorf, DO

(21-216-CS-S)

George Dockendorf appeared and was sworn in by President Park prior to answering questions and offering testimony.

James Boyle appeared as counsel on behalf of George Dockendorf.

Mr. Keegan prosecuted the case regarding Dr. Dockendorf prescribing a controlled substance without a valid registration.

Mr. Keegan provided a stipulation and order for the Board's consideration.

Dr. Dockendorf commented that it was an honest mistake, and he apologizes for this error.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve Stipulation and Order with payment terms determined by Board staff.

Second: Jade Jacobo

Action: Passed unanimously.

- A. Alyssa Cocjin (20-109-TD-N)
- B. Sowjanya Reganti, MD (20-109-CS-A-N)
- C. Vodur Suresh Reddy, MD (20-109-CS-B-N)
- D. Emily Guerard, MD (20-109-CS-C-N)
- E. Santhosh Ambika, MD (20-109-CS-D-N)
- F. Tejvir Singh, MD (20-109-CS-E-N)
- G. Aaron Bowman, MD (20-109-CS-F-N)
- H. Juan Cattoni, MD (20-109-CS-G-N)

Edwards Lemons appeared as counsel on behalf of the Respondents.

Brett Kandt made an opening statement on the charges that Ms. Cocjin was employed as a dispensing technician with expired registrations for Dr. Reganti, Dr. Reddy, Dr. Guerard, Dr. Ambika, Dr. Singh, Dr. Bowman, and Dr. Cattoni.

Mr. Kandt presented a proposed stipulation and order for the Board's consideration.

Mr. Kandt commented the language in section 7B stating, "..., and dispensed controlled substances and dangerous drugs" should be removed.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the stipulation and order with modification to remove 7B language.

Second: Jade Jacobo

Action: Passed unanimously.

L. Kristina Nguyen (21-223-CS-S)

Kristina Nguyen appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Keegan prosecuted the case regarding Ms. Nguyen prescribing a controlled substance without a valid registration.

Mr. Keegan provided a proposed stipulation and order for the Board's consideration.

Ms. Nguyen apologized for this error and knew that it was her responsibility to ensure her registration was active.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve Stipulation and Order as presented by Mr. Keegan.

Second: Krystal Freitas

Action: Passed unanimously.

M. Ida Washington (21-224-CS-S)

Ida Washington appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Keegan prosecuted the case regarding Ms. Washington prescribing a controlled substance without a valid registration.

Mr. Keegan provided a proposed stipulation and order for the Board's consideration.

Ms. Washington apologized and commented that it was an oversight on her part.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve Stipulation and Order as presented by Mr. Keegan.

Second: Rolf Zakariassen

Action: Passed unanimously.

X. Elliot Shin (18-100-CS-S)

Elliot Shin was not present for the meeting.

J. Malcom DeVoy was present on behalf of Dr. Shin.

Mr. Kandt made an opening statement on the charges that Dr. Shin dispensed dangerous drugs without a dispensing practitioner registration.

Mr. Kandt presented a proposed stipulation and order for the Board's consideration.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve Stipulation and Order as presented by Mr. Kandt.

Second: Jade Jacobo

Action: Passed unanimously.

R. Jose Dastas, RPH (18-130-RPH-S)
S. Vertisis Custom Pharmacy, LLC (18-130-PH-S)

Mr. Kandt made an opening statement on the charges that Vertisis compounded or permitted compounding of sterile products on patient-specific prescriptions for administration to multiple

patients. He represented that Jose Dastas is deceased; therefore, counts 1-3 in the Notice of Intended Action and Accusation are dismissed as to Dastas.

Bill Stilling appeared as counsel on behalf of Vertisis Custom Pharmacy.

Mr. Kandt presented a proposed stipulation and order for the Board's consideration.

Mr. Stilling appeared on behalf of Vertisis Custom Pharmacy.

Christie Plimmer, Managing Pharmacist for Vertisis Pharmacy appeared and was sworn in by President Park prior to answering questions and offering testimony.

Krystal Freitas was excused from the meeting at 11:40 AM.

Krystal Freitas returned to the meeting at 11:56 AM.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order as presented by Mr. Kandt with an additional condition of one unannounced inspection at the pharmacy's expense within 60 days of the Order.

Second: Wayne Mitchell

Action: Passed unanimously.

16. Executive Secretary Report:

A. Financial Report

Mr. Wuest provided the Financial Report to the Board's satisfaction.

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

Y. Chad Hall (21-108-CS-S)

This matter was continued to a future Board meeting.

U. Ukoshovbera Gbenedio (21-178-RPH-N)

There was no representative present on behalf of Ukoshovbera Gbenedio.

Mr. Keegan prosecuted the case.

Mr. Keegan called Darlene Nases as a witness.

Darlene Nases appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Keegan questioned Ms. Nases and if she properly served Mr. Gbenedio with the Notice of Intended Action and Accusation.

Ms. Nases confirmed that she did not serve the accusation, but her colleague Shirley Hunting did.

Mr. Keegan called Shirley Hunting as a witness.

Shirley Hunting appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Keegan questioned Ms. Hunting and if she properly served the accusation to Mr. Gbenedio.

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

Board discussion ensued.

Mr. Keegan requested the Board to consider a default pursuant to NRS 639.242, NRS 639.255; and NRS 622A.350 since Mr. Gbenedio was properly noticed and failed to appear.

Board Action:

Motion: Jade Jacobo moved to find that Mr. Gbenedio was properly served with the Notice of Intended Action and Accusation and the 21-day Notice to appear before the Board.

Second: Gener Tejero

Action: Passed unanimously.

Mr. Keegan requested that the Board find that Mr. Gbenedio defaulted as he is absent from the hearing and find that the factual allegations and the alleged violations of law in Counts 1-3 of the Notice of Intended Action and Accusation be found as true.

Board Action:

Motion: Jade Jacobo moved to find that Mr. Gbenedio defaulted as he is absent from the hearing and find that the factual allegations and the alleged violations of

law in Counts 1-3 of the Notice of Intended Action and Accusation be found as true.

Second: Wayne Mitchell

Action: Passed unanimously.

Mr. Keegan requested Exhibits 1-7 be admitted into the record.

President Park entered Exhibits 1-7 into the record.

Mr. Keegan requested Board's recommendations on the proposed discipline for Mr. Gbenedio.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to award \$384.13 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter, and she moved to revoke Ukoshovbera Gbenedio Certificate of Registration No. 09407 and he is not able to reapply for no less than 10 years.

Second: Wayne Mitchell

Action: Passed unanimously.

V. Rajkamal Hansra

(21-217-CS-S)

There was no representative present on behalf of Rajkamal Hansra.

Mr. Keegan prosecuted the case regarding Mr. Hansra prescribing a controlled substance without a valid registration.

Mr. Keegan called Darlene Nases as a witness.

President Park commented that Ms. Nases is still sworn in.

Mr. Keegan questioned Ms. Nases on if she properly served Mr. Hansra with the Notice of Intended Action and Accusation.

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

Mr. Keegan requested the Board to consider a default pursuant to NRS 639.242, NRS 639.255; and NRS 622A.350 since Mr. Hansra was properly noticed and failed to appear. In

addition, he requested the Board to find the factual allegations and the alleged violations of law be found as true.

Board Action:

Motion: Rolf Zakariassen moved to find Mr. Hansra defaulted and find that the factual allegations and the alleged violations of law be found as true.

Second: Jade Jacobo

Action: Passed unanimously.

Mr. Keegan requested Exhibits 1-4 be admitted into the record.

President Park entered Exhibits 1-4 into the record.

Board Action:

Motion: Jade Jacobo moved to award the attorney's fees and cost of \$594.30 as reasonable, necessary and actually incurred.

Second: Wayne Mitchell

Action: Passed unanimously.

Mr. Keegan is looking for recommendations on discipline from the Board but recommends a \$5,000 fine be imposed on this matter.

Board discussion ensued.

Board Action:

Motion: Richard Tomasso moved to revoke Rajkamal Hansra Certificate of Registration No. CS25854 and pay a fine of \$5,000.

Second: Jade Jacobo

Action: Passed unanimously.

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

Q. Sircy Moore

(21-111-CS-S)

John Hunt appeared as counsel on behalf of Sircy Moore.

Sircy Moore appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Kandt prosecuted the case regarding Dr. Moore dispensing controlled substances and dangerous drugs for animal patients without a practitioner dispensing registration. In addition, Dr. Moore did not have drugs properly locked in the storage area and did not keep accurate recordkeeping and inventories of the controlled substances and dangerous drugs at his practice.

Mr. Kandt provided a proposed stipulation and order for the Board's consideration.

Dr. Moore apologized to the Board for this error.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Stipulation and Order as presented by Mr. Kandt.

Second: Wayne Mitchell

Joe Dodge, Nevada Board of Pharmacy Inspector, wanted clarification on the time frame for the quarterly inspections.

Mr. Kandt confirmed that the quarterly inspections is for a period of one year.

Action: Passed unanimously.

6. Application for Veterinarian Authority to Dispense Drugs (NAC 639.7423) – Appearance **(FOR POSSIBLE ACTION)**

Sircy Moore

Mr. Kandt addressed that in conjunction with 5Q. Dr. Moore has an application for Veterinarian Authority to Dispense Drugs to be in compliance with Nevada law.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Application for Veterinarian Authority to Dispense Drugs for Sircy Moore.

Second: Krystal Freitas

Action: Passed unanimously.

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

T. Abdel Khalek (22-019-N)

There was no representative present on behalf of Abdel Khalek.

Mr. Kandt prosecuted the case regarding Dr. Khalek suspension of his registration with the Nevada Board of Pharmacy, his DEA Surrender for Cause, and the Nevada State Board of Medical Examiners revoking his license to practice medicine.

Mr. Kandt called Shirley Hunting as a witness.

President Park commented that Ms. Hunting is still sworn in.

Mr. Kandt questioned Ms. Hunting on properly serving Dr. Khalek with the Notice of Intended Action and Accusation.

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

Mr. Kandt requested that Exhibit 1 be admitted into the record.

President Park entered Exhibit 1 into the record.

Mr. Kandt called Kristopher Mangosing as a witness.

Kristopher Mangosing appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Kandt questioned Mr. Mangosing on the 21-day notice served to Dr. Khalek.

Mr. Mangosing answered questions to the Board' satisfaction.

Mr. Kandt requested that Exhibit 2 be admitted into the record.

President Park entered Exhibit 2 into the record.

Mr. Kandt requested the Board find that the Findings of Fact are consistent with paragraphs 1-6 of the Notice of Intended Action and Accusation.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to find that the Findings of Fact are consistent with paragraphs 1-6 of the Notice of Intended Action and Accusation.

Second: Rolf Zakariassen

Action: Passed unanimously.

Mr. Kandt requested the Board find that Dr. Kahlek was properly noticed for this hearing in conformance with Nevada law.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to find that Dr. Abdel Kahlek was properly noticed for this hearing in conformance with Nevada law.

Second: Rolf Zakariassen

Action: Passed unanimously.

Mr. Kandt requested the Board to find that the Conclusions of Law are consistent with paragraphs 7-12 of the Notice of Intended Action and Accusation.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to find that the Conclusions of Law are consistent with paragraphs 7-12 of the Notice of Intended Action and Accusation.

Second: Rolf Zakariassen

Action: Passed unanimously.

Mr. Kandt requested Board find an additional Conclusion of Law that Dr. Khalek was properly served and was given statutory legal notice.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to find that Dr. Khalek was properly served and was given statutory legal notice.

Second: Rolf Zakariassen

Action: Passed unanimously.

Mr. Kandt requested the Board to revoke Dr. Khalek's Certificate of Registration Nos. CS19745 and PD00722 pursuant to NRS 453.241(1)(b).

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to revoke Dr. Khalek's Certificate of Registration Nos. CS19745 and PD00722 pursuant to NRS 453.241(1)(b) and he is unable to petition for reinstatement for 2 years, effective immediately.

Second: Jade Jacobo

Action: Passed unanimously.

W. Robert Hill, DDS

(21-219-CS-S)

There was no representative present on behalf of Robert Hill.

Mr. Keegan prosecuted the case regarding Dr. Hill prescribing a controlled substance without a valid registration.

Mr. Keegan called Darlene Nases as a witness.

President Park commented that Ms. Nases is still sworn in.

Mr. Keegan questioned Ms. Nases on if she properly served Dr. Hill with the Notice of Intended Action and Accusation.

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

Mr. Keegan called Kristopher Mangosing as a witness.

President Park commented that Mr. Mangosing is still sworn in.

Mr. Keegan questioned Mr. Mangosing on the 21-day notice served to Dr. Hill.

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

Mr. Keegan requested that Exhibits 1-2 be admitted into the record.

President Park entered Exhibits 1-2 into the record.

Mr. Keegan requested Board find that Dr. Hill was properly served with the Notice of Intended Action and Accusation and the 21-day Notice to appear before the Board. In addition, Mr. Keegan requested the Board accept all allegations of fact, applicable law, and the alleged violations in the Accusation in paragraphs 1-16 be accepted as true and proven.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to find that Dr. Robert Hill was properly noticed and moved to accept all allegations of fact, applicable law, and the alleged violations in the Accusation in paragraphs 1-16 be accepted as true and proven.

Second: Rolf Zakariassen

Action: Passed unanimously.

Mr. Keegan requested that Exhibits 3-4 be admitted into the record.

President Park entered Exhibits 3-4 into the record.

Mr. Keegan requested the Board find that Dr. Hill defaulted and find that the attorney's fees and cost of \$594.30 were reasonable, necessary and actually incurred.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to find that Dr. Robert Hill defaulted and award \$594.30 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Second: Rolf Zakariassen

Action: Passed unanimously.

Mr. Keegan proposed the following discipline: 1) Dr. Robert Hill's Certificate of Registration No. CS02594 is revoked; 2) pay a fine of \$5,000; and 3) pay \$594.30 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Board Action:

Motion: Jade Jacobo moved to approve the discipline for Dr. Robert Hill's Certificate of Registration No. CS02594 as proposed by Mr. Keegan.

Second: Rolf Zakariassen

Action: Passed unanimously.

Z. William Torch, MD

This matter was continued to a future Board meeting.

AA. Kord Strebel

This matter was continued to a future Board meeting.

BB. Thomas Strebel

This matter was continued to a future Board meeting.

16. Executive Secretary Report:

- 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 the Executive Secretary Report to the Board's satisfaction.

Board discussion ensued.

15. 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 provided the General Counsel Report to the Board's satisfaction.

Board discussion ensued.

Public Comment April 13, 2022, 5:00 PM

There was no public comment.

President Park recessed the meeting for the night and reconvened the meeting the next morning and performed the roll call. All Board members were present and a quorum was established.

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	Peter Keegan	Darlene Nases	Joe Dodge
Leo Basch	Ken Scheuber	Luis Curras	

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 April 14, 2022, 9:00 AM

There was no public comment.

◆ WORKSHOP ◆

Thursday April 14, 2022 – 9:00 am

17. Notice of Proposed Regulation Workshop Pursuant to NRS 233B.061(2)
(FOR POSSIBLE ACTION):
 - A. **Amendment to Nevada Administrative Code (NAC) 453.** The proposed amendments relate to controlled substances, provide for the registration of a law enforcement officer engaged in training a canine in drug detection, and add methoxetamine to the controlled substances listed in Schedule I.

Mr. Wuest provided background on the proposed regulation.

President Park opened public comment for this workshop item.

There was no public comment.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve proposed regulation for Amendment to Nevada Administrative Code (NAC) 453 and move to public hearing.

Second: Krystal Freitas

Action: Passed unanimously.

- B. **Amendment to Nevada Administrative Code (NAC) 639.** The proposed amendments will require the holder of any certificate, license or permit issued by the State Board of Pharmacy to report certain convictions and administrative actions to the Board.

Mr. Keegan provided background on the proposed regulation.

Mr. Kandt provided further clarification on proposed regulation language.

Mr. Wuest commented that this proposed regulation will have some economic impact on the Board.

President Park opened public comment for this workshop item.

Liz McMenemy from the Retail Association of Nevada is in support of this language. However, she wants to know what imminent risk the Board is referring to in relation to this proposed regulation.

Mr. Wuest answered Ms. McMenemy's concerns regarding alcohol and drug impairment which can harm the public.

Lauren Paul from CVS Health is in support of the language but is concerned with section 1(b). She is requesting the Board to review language to see if all discipline should be disclosed or only discipline related to Nevada patients. If the Board is unwilling to remove requirement, she is requesting that the Board consider defining what administrative action is and what a final disposition is.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve proposed regulation for Amendment to Nevada Administrative Code (NAC) 639 with modifications to report discipline within 30 days and moved to public hearing.

Second: Krystal Freitas

Action: Passed unanimously.

◆ PUBLIC HEARING ◆

Thursday April 14, 2022 – 9:00 am

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

A. **Amendment of Nevada Administrative Code (NAC) 453.510: Schedule I.** The proposed amendment to NAC 453.510 will add isotonitazene to the list of controlled substances listed in Schedule I. (LCB File R006-22)

Yenh Long, Deputy Secretary of the Nevada Board of Pharmacy, provided background on the proposed regulation and language changes.

President Park opened public comment for this public hearing item.

There was no public comment.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to adopt the proposed Amendment of Nevada Administrative Code (NAC) 453.510: Schedule I. (LCB File R006-22)

Second: Rolf Zakariassen

Action: Passed unanimously.

C. **Amendment of Nevada Administrative Code (NAC 639).** Establishes languages in which certain pharmacies are required to provide the directions for use of a prescription drug to certain patients. (LCB File R119-21)

Ms. Long provided background on the proposed regulation and language changes.

President Park opened public comment for this public hearing item.

Liz McMenamin from the Retail Association of Nevada commented that she appreciates the work that Board staff has done on this proposed regulation.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to adopt the proposed Amendment of Nevada Administrative Code (NAC 639). (LCB File R119-21)

Second: President Park

Action: Passed unanimously.

- B. **Amendment of Nevada Administrative Code (NAC) 639.742, 639.743, 639.744. and 639.745: Dispensing Practitioners.** The proposed amendments establish requirements for an oncology group practice to obtain a certificate of registration to maintain a single inventory of dangerous drugs received at a site of practice, prescribe the procedure for renewing such a certificate, and prescribe certain powers and duties of the dispensing practitioners of such a registered oncology group practice. (LCB File R007-21)

Mr. Kandt provided background on the proposed regulation and language changes.

President Park opened public comment for this public hearing item.

Liz McMenamin from the Retail Association of Nevada has concerns about the proposed regulation. She comments that this will allow practitioners to run a pharmacy without owning it.

Dr. Rupesh Parikh, Oncologist for Cancer Centers in Nevada, is in support of the proposed regulation. This regulation will improve care and compliance.

Lindsey Harmon from Planned Parenthood Health Centers expressed support of the proposed regulation.

Wendy McGee, Patient of Dr. Nguyen's at Comprehensive Centers of Nevada, expressed support of the proposed regulation.

Board discussion ensued.

President Park opened public comment again for this public hearing item.

Dr. Parikh is supporting this proposed regulation as it will allow practitioners to provide the best patient care.

Ms. McMenammin voiced her concerns with the proposed regulation as it appears to allow practitioners to operate a pharmacy.

Angela Storseth from the US Oncology Network is in favor as the practice is current today in other states.

Board Action:

Motion: Richard Tomasso moved to adopt the proposed Amendment of Nevada Administrative Code (NAC) 639.742, 639.743, 639.744. and 639.745: Dispensing Practitioners. (LCB File R007-21)

Second: President Park

Board discussion ensued.

Aye: Tomasso, Park

Nay: Freitas, Jacobo, Tejero, Zakariassen, Mitchell

Action: Motion failed.

7. Application for Pharmacist Registration by Examination (NRS 639.127) – Appearance
(FOR POSSIBLE ACTION)

John Revolinski

John Revolinski appeared and was sworn in by President Park prior to answering questions and offering testimony.

Ms. Long provided background on application and disclosure regarding dispensing drugs and controlled substances without a valid prescription or payment.

Krystal Freitas was excused from the meeting at 11:40 AM.

Ms. Long questioned Mr. Revolinski on what occurred with his disclosure and the intent behind his application.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve application for Pharmacist Registration by Examination for John Revolinski.

Second: President Park

Action: Passed unanimously (Freitas excused).

8. Application for Pharmacist Registration by Reciprocity (NRS 639.134) – Appearance (**FOR POSSIBLE ACTION**)

A. Xiaojiao Brown

This item was removed from the agenda.

B. Erika Cardon

Allison Snow and Mark Boesen appeared as counsel on behalf of Erika Cardon.

Erika Cardon appeared and was sworn in by President Park prior to answering questions and offering testimony.

Krystal Freitas returned to the meeting at 11:52 AM.

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

Mr. Keegan questioned Ms. Cardon on her disclosure.

The Board questioned Ms. Cardon on her disclosure and why they should license her in Nevada.

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

Board discussion ensued.

President Park requested the letter of recommendation from her program with Professionals Assisting Professionals of Arizona (PAPA).

Jade Jacobo requested that Ms. Cardon continues to follow her consent agreement with Arizona State Board of Pharmacy until August of 2022.

Board Action:

Motion: Jade Jacobo moved to approve application for Pharmacist Registration by Reciprocity for Erika Cardon pending letter of recommendation from PAPA's

and for her to abide by the consent agreement with Arizona State Board of Pharmacy.

Second: Rolf Zakariassen

Action: Passed unanimously.

C. Lyndon Leitner

Lydon Leitner appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Kandt provided background on application and disclosure regarding a DUI and fraudulent billing at his pharmacy practice.

Richard Tomasso was excused from the meeting at 12:05 PM.

Richard Tomasso returned to the meeting at 12:09 PM.

The Board questioned Mr. Leitner on the events that occurred with his disclosures and reason for his application.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve application for Pharmacist Registration by Reciprocity for Lyndon Leitner.

Second: Krystal Freitas

Action: Passed unanimously.

D. Thomas Muthart

Thomas Muthart appeared and was sworn in by President Park prior to answering questions and offering testimony.

Ms. Long provided background and disclosure regarding diversion of drugs.

The Board questioned Mr. Muthart on the events that occurred with his disclosure and reason for his application.

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

President Park requested a letter of recommendation from PAPA's.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve application for Pharmacist Registration by Reciprocity for Thomas Muthart pending letter of recommendation from PAPA's and for him to abide by the consent agreement with Arizona State Board of Pharmacy.

Second: Rolf Zakariassen

Action: Passed unanimously.

E. Cody Walker

Cody Walker appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Wuest provided background on application and disclosure regarding issues with HRX Pharmacy that he was the Managing Pharmacist at.

The Board questioned Mr. Walker on the events that occurred with his disclosure and reason for his application.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve application for Pharmacist Registration by Reciprocity for Cody Walker.

Second: Krystal Freitas

Board discussion ensued.

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

Nay: Zakariassen

Action: Motion carried.

F. David Walters

David Walters appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Keegan provided background on application and disclosure regarding theft of a controlled substance.

Mr. Keegan questioned Mr. Walters on the events that occurred with his disclosure and reason for his application.

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

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve application for Pharmacist Registration by Reciprocity for David Walters.

Second: Jade Jacobo

Action: Passed unanimously.

13. Applications for Nevada Veterinary Drug Supplier License (NRS 639.2345) – Appearance **(FOR POSSIBLE ACTION)**

- A. Tractor Supply #1753 – Carson City, NV
- B. Tractor Supply #1822 – Minden, NV
- C. Tractor Supply #2200 – Pahrump, NV
- D. Tractor Supply #2274 – Sparks, NV
- E. Tractor Supply #2465 – Las Vegas, NV
- F. Tractor Supply #2471 – Las Vegas, NV

Matt McGrath appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Wuest wanted clarification on who signed the application and if a letter of authorization can be provided to speak on behalf of the company.

Mr. McGrath stated that he is an Officer at Tractor Supply, so no letter of authorization is needed.

Mr. Wuest provided background on application and found that they were dispensing without proper licensure.

Mr. McGrath clarified that it was an oversight and worked to rectify the issue. Therefore, they ceased operations and applied for licensure.

The Board questioned Mr. McGrath on the products that they were selling in Nevada.

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

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve applications for Nevada Veterinary Drug Supplier License for Tractor Supply Store #1753, Tractor Supply Store #1822, Tractor Supply Store #2200, Tractor Supply Store #2274, Tractor Supply Store #2465, and Tractor Supply Store #2471.

Second: Gener Tejero

Action: Passed unanimously.

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

The Medicine Shoppe LTC Pharmacy – Las Vegas, NV

This matter was continued to a future Board meeting.

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

IgG of America, Inc. – Linthicum Heights, MD

This matter was continued to a future Board meeting.

Gener Tejero was excused from the meeting at 1:33 PM.

Gener Tejero returned to the meeting at 1:34 PM.

9. Applications for Controlled Substance Registration (NRS 453.226) – Appearance **(FOR POSSIBLE ACTION)**

B. Sherman Washington – Iuventus Medical Center – Las Vegas, NV

C. Sherman Washington – Iuventus Medical Center – Las Vegas, NV

Sherman Washington appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Kandt provided background on application and disclosures from other states that Mr. Washington did not provide on his application.

The Board questioned Dr. Washington on why he did not disclose his past discipline on his application.

Mr. Washington thought the issue was resolved, so he did not need to disclose it.

Board discussion ensued.

President Park offered Dr. Washington the option to table his application so that he can provide all documentation on his disclosures and submit a complete and accurate application.

Dr. Washington agreed.

President Park tabled application at Dr. Washington's request.

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

Complete Care Pharmacy – Las Vegas, NV

Roger Morris appeared as counsel on behalf of Complete Care Pharmacy.

Kema Ogden (Owner of Complete Care Pharmacy), Parag Choksi (Regional Director of Recept Rx), Kathleen Rand (Compliance Officer of Recept Rx), Samantha Burford (Director of 340B Client Services for Recept Rx), and Paulina Ngo (Managing Pharmacist for Complete Care Pharmacy) appeared and were sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge, Nevada State Board of Pharmacy Investigator, provided background on application.

Mr. Dodge questioned Ms. Ogden on her history with the pharmacy and their business model.

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

Mr. Dodge questioned Ms. Ngo on her work history and her experience working in a specialty pharmacy

Ms. Ngo answered questions, but the Board commented that her application does not match the information provided.

Ms. Ngo commented that she can resubmit her application to reflect the accurate information.

Mr. Choksi further clarified the training process for their pharmacist and stated that Ms. Ngo will undergo that training.

Ms. Long questioned Ms. Ogden on her cannabis industry that it will not be associated with the pharmacy.

Ms. Ogden confirmed that there will be no cannabis sales in the pharmacy.

The Board questioned Ms. Ogden on how she got involved with this pharmacy.

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

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve application for Nevada Pharmacy License for Complete Care Pharmacy with conditions of quarterly inspections for a period of one year at the company's expense and an updated application regarding the Managing Pharmacist's work history within seven days.

Second: Rolf Zakariassen

Action: Passed unanimously.

14. Request to Engage in the Practice of Pharmacy at a Site Other than a Licensed Pharmacy (NAC 639.403)– Appearance **(FOR POSSIBLE ACTION)**

A. Quynh Nhu Doan

President Park disclosed that she knows Ms. Quynh Nhu Doan from previous employment but stated that she could participate in this matter fairly and without bias.

Quynh Nhu Doan appeared and was sworn in by President Park prior to answering questions and offering testimony.

Ms. Long provided background on Ms. Doan's request to engage in the practice of pharmacy at a site other than a licensed pharmacy and if there was a signed collaborative practice agreement (CPA).

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

Ms. Long clarified that Ms. Doan will be unable to provide the services until the Board receives her CPA even if she gets approved.

Board discussion ensued.

Board Action:

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

Second: Wayne Mitchell

Action: Passed unanimously.

B. Jennifer Miller

Jennifer Miller appeared and was sworn in by President Park prior to answering questions and offering testimony.

Ms. Long provided background on Ms. Miller's request to engage in the practice of pharmacy at a site other than a licensed pharmacy.

Ms. Miller provided further clarification on what she intends to do.

Ms. Long commented that if she intends to manage medication in the future that a collaborative practice agreement (CPA) will need to be in place before she can engage in that practice.

Board discussion ensued.

Board Action:

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

Second: Wayne Mitchell

Action: Passed unanimously.

9. Applications for Controlled Substance Registration (NRS 453.226) – Appearance
(FOR POSSIBLE ACTION)

A. David James Smith

There was no representative present on behalf of David Smith.

19. Date and Location of Next Scheduled Board Meeting:

June 1-2, 2022 – Las Vegas, NV

20. Public Comment April 14, 2022, 5:00 PM

There was no public comment.

21. Adjournment