



NEVADA STATE BOARD OF PHARMACY

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MINUTES

July 13-14, 2022

BOARD MEETING

The Nevada State Board of Pharmacy will conduct a meeting beginning Wednesday July 13, 2022, at 9:00 am. The meeting will continue, Thursday, July 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 at the following location:

Hyatt Place
1790 E Plumb Lane
Reno, NV

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
Peter Keegan	Darlene Nases	Courtney Lee	
Sophia Long	Mui Lee		

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

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

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

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

2. Public Comment July 13, 2022, 9:00 AM

Jaime Cordoba-Hernandez commented that he was present for the Board meeting.

◆ 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 June 1-2, 2022, Meeting Minutes (**FOR POSSIBLE ACTION**)

Board Action:

Motion: Wayne Mitchell moved to approve June 1-2, 2022, Board Meeting minutes.

Second: Krystal Freitas

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. Anderson Medical Supplies, Inc. – Troy, MI
- B. Specialized Medical Services Inc. – New Berlin, WI
- C. United Medical Providers, Inc. – New Orleans, LA

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. Alvogen, Inc. – Morristown, NJ
- E. Datascope Corp. – Fairfield, NJ
- F. Medical Purchasing Solutions, LLC – Scottsdale, AZ
- G. Meridian Medical Technologies, LLC – Saint Louis, MO
- H. Meridian Medical Technologies, LLC – Saint Louis, MO

I. Viatris Specialty LLC – Greensboro, NC

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

J. Edwards Lifesciences LLC – Irvine, CA

K. FedEx Supply Chain, Inc. – Saxonburg, PA

L. McKesson Medical-Surgical Inc. – Shepherdsville, KY

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

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

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

M. ChemoCentryx, Inc. – San Carlos, CA

N. CVRx, Inc. – Brooklyn Park, MN

O. Dentsply Sirona Orthodontics Inc. – Sarasota, FL

P. Elite Laboratories, Inc. – Northvale, NJ

Q. International Isotopes Inc. – Idaho Falls, ID

R. LifeCell Corporation – Branchburg, NJ

S. Mirati Therapeutics, Inc. – San Diego, CA

T. PhaseBio Pharmaceuticals, Inc. – Malvern, PA

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.

U. HCP Concierge LLC – King of Prussia, PA

V. Omega Pharmacy – Urbandale, IA

W. PMW, Inc. – West Valley City, UT

X. TrillaMed LLC – Bingham Farms, MI

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

Y. ER at Spanish Springs, an Extension of Northern Nevada Medical Center –
Sparks, NV

Z. Sahara Pharmacy – Las Vegas, NV

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

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

- AA. Ascension Rx 1303 – Farmington Hills, MI
- BB. Edgepark Medical Supplies; Cardinal Health at Home – Twinsburg, OH
- CC. vitaCare Prescription Services, Inc. – Boca Raton, FL

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

- DD. Always Rx Pharmacy Inc. – Los Angeles, CA
- EE. Complete Care Pharmacy – Folsom, CA

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

Krystal Freitas recused herself from Consent Agenda Item 4Y due to her employment.

Rolf Zakariassen commented that the Designated Representative’s working hours in Consent Agenda Item 4I looks to be exaggerated.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve Consent Agenda excluding item 4Y, and 4I pending updated Designated Representative application with accurate working hours.

Second: Jade Jacobo

Action: Passed unanimously.

Board Action:

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

Second: Wayne Mitchell

Action: Passed unanimously (Freitas recused).

◆ REGULAR AGENDA ◆

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

- A. Thai, Quang, RPH (21-165-RPH-N)

Quang Thai appeared and was sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan, General Counsel for the Nevada Board of Pharmacy, prosecuted the case regarding Mr. Thai for failing to disclose disciplinary action against him in California for the loss of approximately 173,000 ml of promethazine with codeine at the pharmacy that he managed in California.

Mr. Keegan provided a Stipulation and Order for the Board's consideration.

The Board questioned Mr. Thai on the events that occurred with this case.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Stipulation and Order for Quang Thai.

Second: Wayne Mitchell

Action: Passed unanimously.

B. Wrye, Scott, MD

(21-174-PD-N)

Sarah Molleck appeared as counsel on behalf of Dr. Scott Wrye.

Dr. Scott Wrye was not present for the board meeting.

Peter Keegan prosecuted the case regarding Dr. Wrye dispensing dangerous drugs on an expired dispensing practitioner registration.

Mr. Keegan provided a Stipulation and Order for the Board's consideration.

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve Stipulation and Order for Dr. Scott Wrye.

Second: Wayne Mitchell

Action: Passed unanimously.

D. Stucky, Ashley, DVM

(22-013-CS-N)

Alice Mercado appeared as counsel on behalf of Dr. Ashley Stucky.

Dr. Ashley Stucky was not present for the board meeting.

Peter Keegan prosecuted the case regarding Dr. Stucky prescribing controlled substances with an expired controlled substance registration.

Mr. Keegan provided a Stipulation and Order for the Board's consideration.

Wayne Mitchell wanted the respondent to know that these actions are considered a felony and should be aware for future reference.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve Stipulation and Order for Dr. Ashley Stucky.

Second: Jade Jacobo

Action: Passed unanimously.

J. Torch, William, MD

(21-227-CS-N)

Sarah Molleck appeared as counsel on behalf of Dr. William Torch.

Dr. William Torch was not present for the board meeting.

Peter Keegan prosecuted the case regarding Dr. Torch prescribing controlled substances with an expired controlled substance registration.

Mr. Keegan provided a Stipulation and Order for the Board's consideration.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Stipulation and Order for Dr. William Torch.

Second: Wayne Mitchell

Action: Passed unanimously.

E. Martinez, Abigail, PTT

(22-079-PT-N)

No representative was present on behalf of Abigail Martinez.

Peter Keegan prosecuted the case regarding Ms. Martinez not following the Board's order.

Rolf Zakariassen recused himself due to his employment.

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

President Park entered Exhibits 1-4 into the record.

Mr. Keegan requested the Board to find that Ms. Martinez was properly noticed.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to find that Abigail Martinez was properly noticed for the Board Meeting.

Second: Jade Jacobo

Action: Passed unanimously (Zakariassen recused).

Mr. Keegan requested a default for Ms. Martinez and request that the Board find the factual allegations as true.

Board Action:

Motion: Wayne Mitchell moved to find that Abigail Martinez defaulted as she is absent from the hearing and find the factual allegations as true.

Second: Krystal Freitas

Action: Passed unanimously (Zakariassen recused).

Mr. Keegan requested the Board to determine discipline against Ms. Martinez and find that the attorney fees and costs of \$304.41 were reasonable, necessary, and actually incurred.

Board Action:

Motion: Wayne Mitchell moved to find violations against Abigail Martinez and approve the following penalties: 1) pay attorney fees and costs of \$304.41 which were

reasonable, necessary, and actually incurred; and 2) the revocation of Certificate of Registration No. PT26018.

Second: Jade Jacobo

Action: Passed unanimously (Zakariassen recused).

N. Nathan Dahl, RPH (20-170-RPH-N)

William Stilling appeared as counsel on behalf of Nathan Dahl.

Nathan Dahl was not present for the board meeting.

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

Peter Keegan prosecuted the case regarding a misfill by Mr. Dahl.

Mr. Keegan presented a Stipulation and Order for the Board's consideration.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order for Nathan Dahl.

Second: Rolf Zakariassen

Action: Passed unanimously.

C. Nelson, Kaylee, PA (20-235-CS-N)

Kaylee Nelson appeared and was sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan prosecuted the case regarding Ms. Nelson prescribing on an expired DEA license.

Mr. Keegan provided a Stipulation and Order for the Board's consideration.

Ms. Nelson apologized for this error and knows that her license renewal is her responsibility and not a licensing company. She requested a lower fine and removal of the public reprimand.

Sophia Long, Deputy Attorney General, clarified that Ms. Nelson agreed to the Stipulation and Order but if she would like changes then a hearing can be done.

Ms. Nelson agrees with the Stipulation and Order, but she thought that she would ask the Board for consideration.

Board discussion ensued.

Gener Tejero commented that page 1229 of the Board Book provides the controlled substance registration number rather than her DEA number.

Dave Wuest, Executive Secretary of the Nevada Board of Pharmacy, clarified the respondent does not have the qualifications to hold a controlled substance registration which the Board has jurisdiction on.

Mr. Keegan asked Ms. Nelson if she would like to enter a payment plan for her fines.

Ms. Nelson requested a payment plan.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order for Kaylee Nelson.

Second: Krystal Freitas

Action: Passed unanimously.

F. Vitalcare Health Services (21-210-MDEG-N)

Steven Burres, General Counsel and Secretary, appeared and was sworn in by President Park prior to answering questions and offering testimony.

President Park wanted clarification if he is appearing as a counsel or a representative for the company.

Mr. Burres clarified that he is appearing as a representative.

Peter Keegan prosecuted the case regarding the company not having an MDEG Administrator and not notifying the Board within 3 days of the administrator's departure and operating for more than 10 days without an administrator.

Mr. Keegan provided the Stipulation and Order for the Board's consideration.

Mr. Burres explained that the industry has high turnover for employees and requested the Board to consider extending the notification requirement to 30 days.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order for Vitalcare Health Services.

Second: Rolf Zakariassen

Action: Passed unanimously.

- G. 3M Medical Solutions (21-211-MDEG-N)
- H. 3M Medical Solutions (21-228-MDEG-N)

Courtney Luper, Regional Service Director, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan prosecuted the cases regarding the company not having an MDEG Administrator and not notifying the Board within 3 days of the administrator's departure and operating for more than 10 days without an administrator.

Mr. Keegan presented a Stipulation and Order for the Board's consideration for 3M Medical Solutions License No. MP00120.

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve the Stipulation and Order for 3M Medical Solutions License No. MP00120.

Second: Jade Jacobo

Action: Passed unanimously.

Mr. Keegan presented the Stipulation and Order for 3M Medical Solutions in License No. MW00770.

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve the Stipulation and Order for 3M Medical Solutions License No. MW00770.

Second: Jade Jacobo

Action: Passed unanimously.

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

D. IgG of America, Inc. – Linthicum Heights, MD

Rolf Zakariassen recused himself due to his employment.

Gina Cohenour, Managing Pharmacist, and Mark Johnston, Pharmacy Regulatory Affairs for CVS, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest questioned Ms. Cohenour about the ownership changes and the company's products and services provided.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve change of ownership application for IgG of America, Inc.

Second: Krystal Freitas

Action: Passed unanimously.

17. Executive Secretary Report:

- A. Financial 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
- I. Citations & Fines issued pursuant to NRS 632.2895

Dave Wuest provided the Executive Secretary report to the Board's satisfaction.

7. Motion to Vacate Order of Default – Appearance (**FOR POSSIBLE ACTION**)

Rajkamal Hansra, MD

(21-217-CS-S)

Brent Resh appeared as counsel on behalf of Rajkamal Hansra.

Rajkamal Hansra was not present for the board meeting.

Peter Keegan prosecuted the case regarding a motion to vacate the default.

Mr. Keegan presented a Stipulation and Order for the Board's consideration.

Krystal Freitas was excused from the meeting at 1:40 PM.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order granting motion to vacate default order for Rajkamal Hansra.

Second: Rolf Zakariassen

Action: Passed unanimously (Freitas excused).

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

I. Pulmonary Solutions LLC

(21-212-MDEG-N)

Jason Cavanaugh, Sales Representative and MDEG Administrator, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan prosecuted the case regarding the company not having an MDEG Administrator and not notifying the Board within 3 days of the administrator's departure and operating for more than 10 days without the administrator.

Mr. Keegan provided a Stipulation and Order for the Board' consideration.

Mr. Cavanaugh suggested to the Board that a notification for a change of MDEG administrator should be more than 3 days.

Board discussion ensued.

Krystal Freitas returned to the meeting at 1:48 PM.

Board Action:

Motion: Jade Jacobo moved to approve Stipulation and Order for Pulmonary Solutions LLC.

Second: Gener Tejero

Action: Passed unanimously.

K. HRX Pharmacy LLC (22-018-PH-O)

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

Peter Keegan prosecuted the case where Mr. Walker failed to disclose his disciplinary action in Utah concerning compounding standards at HRX Pharmacy on his Nevada pharmacy license renewal.

Mr. Keegan provided a Stipulation and Order for the Board's consideration.

Mr. Walker clarified that he misread the question and did not answer it properly.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Stipulation and Order for HRX Pharmacy LLC.

Second: Wayne Mitchell

Action: Passed unanimously.

M. Norco, Inc. (21-176-MP-N)

Toby Tuohy appeared and was sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan prosecuted the case regarding Norco engaging in unlicensed activity.

Mr. Keegan provided a Stipulation and Order for the Board's consideration.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve Stipulation and Order for Norco Inc.

Second: Jade Jacobo

Action: Passed unanimously.

O. Ronald Smith, MD (20-212-CS-S)

Mark Hutchings appeared as counsel on behalf of Ronald Smith.

Ronald Smith was not present for the board meeting.

Peter Keegan prosecuted the case regarding Dr. Smith's surrender for cause on his DEA registration.

Mr. Keegan provided a Stipulation and Order for the Board's consideration.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Stipulation and Order for Dr. Ronald Smith.

Second: Rolf Zakariassen

Action: Passed unanimously.

P. Sherman Washington, MD (21-104-CS-N)

This matter was continued to a future Board Meeting.

Q. Morton Hyson, MD (22-146-CS-S)

This matter was continued to a future Board Meeting.

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

A. Randy Lee, RPH (21-154-N)

This matter was dismissed.

B. Laurie Weirton (22-059-N)

This matter was vacated.

16. 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).

There was no General Counsel Report.

President Park recessed the meeting for the night and reconvened the meeting the next morning.

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	Courtney Lee
Sophia Long	Mui Lee		

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

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

Call to Order and Roll Call – Establishment of Quorum

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

Public Comment July 14, 2022, 9:00 AM

Amy Hale from the Nevada Pharmacy Alliance commented on NAC 639 regarding "Off Site Pharmacy Practice". This regulation hinders pharmacist from practicing and continues to restrict patient access to care. Ms. Hale read into the record her letter submitted to the Nevada Board of Pharmacy to address the several reasons why they oppose the continued enforcement of this regulation.

Kaylynn Bowman, Nevada Pharmacist, commented that appearing before the Board several times for NAC 639 regarding "Off Site Pharmacy Practice" is not ideal. It impacts her job as a pharmacist and changing this regulation will allow her to be a health educator, trainer, community health worker, and practicing pharmacist.

Ken Kunke, Nevada Pharmacist, agrees with Ms. Hale's and Ms. Bowman's comments. He would like the change to NAC 639 regarding "Off Site Pharmacy Practice" to give pharmacist more opportunities to practice.

◆ WORKSHOP ◆

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

- B. **Amendment to Nevada Administrative Code (453).** The proposed amendment to NAC 453.540 will add daridorexant to the controlled substances listed in Schedule IV.

Yeng Long, Deputy Secretary of the Nevada Board of Pharmacy, provided background on the proposed workshop item.

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 (453) and move to public hearing.

Second: Krystal Freitas

Action: Passed unanimously.

- A. **Amendment to Nevada Administrative Code (NAC) 639.** The proposed amendments change dispensing requirements for practitioners working in a reproductive healthcare center, when the practitioner is dispensing a drug for contraception or its therapeutic equivalent, or an antibiotic drug for the treatment of a sexually transmitted disease. The changes authorize practitioners working in reproductive healthcare center to maintain a single inventory of dangerous drugs and utilize an automated dispensing device located at the practice site to dispense reproductive health medications to their patients. Furthermore, the changes will allow dispensing technicians in training at all practice sites to be supervised by more than one dispensing practitioner under one registration.

Dave Wuest provided background on the proposed workshop item.

Yenh Long read the proposed language changes into the record regarding dispensing technicians.

Board discussion ensued.

Wayne Mitchell questioned if section 3, Item 4 should state “or” rather than “and”.

Ms. Long confirmed that it should state “or”.

Mr. Wuest provided background on section regarding a shared inventory for a group of practitioners practicing at a reproductive healthcare center.

Ms. Long provided background and read the proposed language into the record regarding the use of automated drug dispensing system by dispensing practitioners practicing at a reproductive healthcare center to dispense treatment for reproductive healthcare.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, clarified that he will separate the definitions on page 13 regarding “a group of practitioners practicing at a reproductive healthcare center” and “practitioners who practice oncology or at a reproductive healthcare center”. In addition, the existing regulations regarding “oncology group practice”, “shared inventory”, and “automated dispensing systems” are already law and have not been codified, but the Board will amend those existing regulations if this workshop item gets approved.

President Park opened public comment for this workshop item.

Lindsey Harmon from Planned Parenthood Rocky Mountains and Mar Monte are in support of this agenda item.

Kristina Tocce from Planned Parenthood Rocky Mountains is in support of this agenda item.

Liz McMenemy from the Retail Association of Nevada will discuss the proposed regulations with her members and will address the Board when the matter is brought forth in a subsequent meeting.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve proposed regulation for Amendment to Nevada Administrative Code (NAC) 639 on pages 1-9 and allow Board staff to make non-substantive changes before sending to Legislative Counsel Bureau (LCB) and move to public hearing.

Second: Gener Tejero

Action: Passed unanimously.

Board Action:

Motion: Rolf Zakariassen moved to approve proposed regulation for Amendment to Nevada Administrative Code (NAC) 639 and move to public hearing regarding pages 11-22 and allowing Board staff to make non-substantive changes before sending to Legislative Counsel Bureau (LCB) and approving the state and local health authority locations to operate the automated dispensing machines.

Second: Jade Jacobo

Action: Passed unanimously.

◆ PUBLIC HEARING ◆

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

- A. **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. (LCB File R051-22)

Brett Kandt provided background on proposed public hearing item.

President Park opened public comment for this workshop item.

Liz McMenamin from the Retail Association of Nevada supports the proposed public hearing item.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo move to adopt the proposed Amendment to Nevada Administrative Code (NAC) 639. (LCB File R051-22)

Second: Krystal Freitas

Action: Passed unanimously.

B. 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)

Dave Wuest provided background on proposed public hearing item and commented that Legislative Counsel Bureau (LCB) requested the removal of section 2.

President Park opened public comment for this public hearing item.

Liz McMenemy from the Retail Association of Nevada appeared and was sworn in by President Park prior to answering questions and offering testimony.

Ms. McMenemy commented that this regulation could cause potential issues. She is requesting the Board to not penalize pharmacist or pharmacies on this regulation if adopted.

Board discussion ensued.

Board Action:

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

Second: President Park

Action: Passed unanimously.

◆ REGULAR AGENDA ◆

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

L. William Clark, DO

(21-048-CS-N)

Lyn Beggs appeared as counsel on behalf of William Clark.

William Clark appeared and was sworn in by President Park prior to answering questions and offering testimony.

Brett Kandt prosecuted the case regarding Mr. Clark surrendering his DEA for cause.

Mr. Kandt presented a Stipulation and Order for the Board's consideration.

The Board questioned Mr. Clark on the events that occurred with this case.

Ms. Beggs advised Osteopathic Board might have legal proceedings, so they do not wish to make any comments.

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve Stipulation and Order for William Clark.

Second: Wayne Mitchell

Action: Passed unanimously.

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

A. Henderson Specialty Pharmacy LLC – Henderson, NV

Stan Portman, Owner, and Brett Bettinger, Managing Pharmacist, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Courtney Lee, General Counsel for the Nevada Board of Pharmacy, provided background on application and the disclosure for Mr. Portman regarding a motor vehicle accident resulting in injury.

Krystal Freitas disclosed that she knows Brett Bettinger but can participate in this matter fairly and without bias.

Jade Jacobo disclosed that she knows Brett Bettinger but can participate in this matter fairly and without bias.

Mr. Portman provided his business model to the Board.

The Board questioned Mr. Portman on his experience owning a pharmacy and his plans on moving to Nevada, and the details of where the pharmacy is located.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Nevada compounding pharmacy application for Henderson Specialty Pharmacy LLC.

Second: Gener Tejero

Action: Passed unanimously.

B. The Medicine Shoppe LTC Pharmacy – Las Vegas, NV

Wayne Mitchell recused himself since the Managing Pharmacist used to work at his place of employment.

Alex Cooper (Counsel), Don Le (Managing Pharmacist), and Samer Sadek (Operations Director) appeared and were sworn in by President Park prior to answering questions and offering testimony.

The Board questioned on the business model, Mr. Le's sterile compounding experience, and their current policies and procedures regarding sterile compounding.

Mr. Le and Mr. Sadek answered Board's questions.

President Park expressed concern with application based on the testimony provided.

Board discussion ensued.

President Park provided the applicant the option to table the application to update their information.

The Medicine Shoppe LTC Pharmacy agreed.

President Park tabled application at their request.

16. 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).

Board Action:

Motion: President Park requested closed session.

Second: Gener Tejero

Action: Passed unanimously.

Krystal Freitas and Sophia Long were excused from the meeting at 11:30 AM.

Krystal Freitas returned to the meeting at 11:46 PM.

Board Action:

Motion: President Park requested to go back into open session.

Second: Rolf Zakariassen

Action: Passed unanimously.

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

UpScript Pharmacy, LLC – Sandy, UT

Peter Ax, Chief Executive Officer, and Lisa Dimick, Managing Pharmacist, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Courtney Lee provided background on application and a disclosure for Mr. Ax regarding several disclosures for an online pharmacy that he acquired called Phoenix Capital Management Venture (PCMVI).

Mr. Ax confirmed that all conditions were met with his penalties.

The Board questioned Mr. Ax on the change of ownership and his business model.

Mr. Ax answered the Board's questions.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve out-of-state pharmacy change of ownership application for UpScript Pharmacy, LLC pending positive inspection at the company's expense.

Second: Rolf Zakariassen

Action: Passed unanimously.

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

F. Mid Valley Health Services – Ceres, CA

Nhu-Cam Tran, Managing Pharmacist, and Justin Dent, Director of Operations of AvevoRx, appeared and were sworn in by President Park prior to answering questions and offering testimony.

The Board questioned about the business model, products being compounded, and their policies and procedures.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve out-of-state compounding pharmacy application for Mid Valley Health Services.

Second: Gener Tejero

Action: Passed unanimously.

A. ACA Pharmacy, LLC – Nashville, TN

Brantley Wescott, Managing Pharmacist, Jocelyn Shrum, Designated Representative, appeared and were sworn in by President Park prior to answering questions and offering testimony.

The Board questioned about the business model, products being compounded, their policies and procedures, and last inspection results with Tennessee.

Richard Tomasso was excused from the meeting at 12:26 PM.

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

Board Action:

Motion: Wayne Mitchell moved to approve out-of-state compounding pharmacy application for ACA Pharmacy, LLC pending receipt and review by Board staff of updated inspection reports.

Second: Jade Jacobo

Action: Passed unanimously (Tomasso excused).

G. Optum Infusion Services 550, LLC – Carlsbad, CA

H. Optum Infusion Services 550, LLC – Cincinnati, OH

Brendon Kestler, Managing Pharmacist for Cincinnati location, and Vicky Lo, Designated Representative, appeared and were sworn in by President Park prior to answering questions and offering testimony.

The Board questioned on the business model, Rose Feaver's disclosure regarding a pharmacy technician practicing with an expired registration, and the company's disclosures.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve out-of-state compounding pharmacy for Optum Infusion Services 550, LLC in Carlsbad, CA and Cincinnati, OH pending updated application.

Second: Rolf Zakariassen

Action: Passed unanimously.

Jade Jacobo was excused from the meeting at 1:30 PM.

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

- A. Patricia Dieso
- B. Rachael Moliver
- C. Finnella Morgan

Patricia Dieso, Rachael Moliver, and Finnella Morgan appeared and were sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest provided background on appearance for them to request to engage in the practice of pharmacy at a site other than a licensed pharmacy.

Juliana Zschoche explained the process and business model to the Board.

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve the request for Patricia Dieso, Rachael Moliver, and Finnella Morgan to engage in the practice of pharmacy at a site other than a licensed pharmacy.

Second: Krystal Freitas

Action: Passed unanimously (Jacobco excused).

Jade Jacobo returned to the meeting at 1:35 PM.

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

I. Wickliffe Veterinary Pharmacy – Lexington, KY

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

Dave Wuest questioned about the business model, products being shipped into Nevada, background on the change of ownership, and their disciplinary history.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve change of ownership application for Wickliffe Veterinary Pharmacy.

Second: Rolf Zakariassen

Action: Passed unanimously.

12. Application for Ambulatory Surgery Center License (NAC 639.4992) - Appearance **(FOR POSSIBLE ACTION)**

Fort Apache Surgery Center, LLC – Las Vegas, NV

Mary Grear (Contracting Pharmacist), Andrew Hall (Medical Director), and Peter Bakas (Administrator) appeared and were sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan provided background on application and disclosures for Ms. Grear regarding a grant funds investigation which she was cleared of and Dr. Hall's lawsuit regarding an eviction with a previous landlord.

The Board questioned Ms. Grear, Mr. Hall, and Mr. Bakas regarding the business model and services provided.

Ms. Grear, Mr. Hall, and Mr. Bakas answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve ambulatory surgery center application for Fort Apache Surgery Center, LLC.

Second: Rolf Zakariassen

Action: Passed unanimously.

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

A. Michael Kaplan

Michael Kaplan appeared and was sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan provided background on application and disclosures regarding conspiracy to commit adulteration of a medical device and a surgical complication error.

The Board questioned about the events that occurred with his disclosures and conditions on his license reinstatement with the Nevada Board of Medical Examiners

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve controlled substance application for Michael Kaplan.

Second: Krystal Freitas

Action: Passed unanimously.

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

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

These matters were continued to a future Board meeting.

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

B. Curexa – Egg Harbor Township, NJ

Mark Taylor, Chief Executive Officer and Managing Pharmacist, and Kevin Judeich, Licensing and Accreditation Specialist, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Courtney Lee provided background on the application and disclosures, which have all been paid and resolved.

The Board questioned on the change of ownership and any change in processes.

Mr. Taylor answered questions to the Board's satisfaction and stated that all fines and conditions have been paid and completed.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve out-of-state compounding pharmacy application for Curexa.

Second: Krystal Freitas

Action: Passed unanimously.

C. InfuCare Rx, LLC – Aston, PA

Jessica McLendon, Supervisor of Pharmacy Audits and Licensing, and Andrew Wee, Managing Pharmacist, appeared and were sworn in by President Park prior to answering questions and offering testimony.

The Board requested a Letter of Authorization for Ms. McLendon and Mr. Wee to speak on behalf of the company.

The Board questioned on the change of ownership for the company.

Ms. McLendon and Mr. Wee answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve out-of-state compounding pharmacy application for InfuCare Rx, LLC pending letter of authorization.

Second: Rolf Zakariassen

Action: Passed unanimously.

E. Integrity Compounding Pharmacy – Sandy Springs, Ga

Nichole Feagin, Managing Pharmacist, and Charles Gaetano, Owner, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest questioned on the business model, products being shipped into Nevada, and where they intend to ship the product to.

Mr. Gaetano and Ms. Feagin answered questions to the Board's satisfaction.

Wayne Mitchell was excused from the meeting at 2:36 PM and returned to the meeting at 2:37 PM.

Board discussion ensued.

The Board removed the affidavit to not ship sterile products into Nevada at their request.

Board Action:

Motion: Rolf Zakariassen moved to approve out-of-state compounding pharmacy application for Integrity Compounding Pharmacy.

Second: Gener Tejero

Action: Passed unanimously.

The Board urged Mr. Gaetano to follow Nevada Law and if they have any questions to contact Board staff.

16. 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).

There was no General Counsel Report.

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

- A. Protega Pharmaceuticals, LLC – Princeton, NJ – Background Check completed in compliance with NRS 639.500.

Hafid Touam, Chief Business Officer, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Courtney Lee provided background on application and disclosures regarding a lawsuit involving contract interpretation.

The Board questioned on the business model, products being shipped into Nevada, and how their products hinder drug abuse.

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

Board Action:

Motion: Jade Jacobo moved to approve out-of-state wholesaler application for Protega Pharmaceuticals, LCC.

Second: Gener Tejero

Action: Passed unanimously.

Richard Tomasso was excused from the meeting at 2:45 PM.

15. Election of President and Treasurer pursuant to NRS 639.040.

The Boardmembers voted to elect the following officers – Helen Park for President and Wayne Mitchell for Treasurer.

Gener Tejero – Yes
Jade Jacobo – Yes
Krystal Freitas – Yes
Wayne Mitchell – Yes
Rolf Zakariassen – Yes

21. Public Comment July 14, 2022, 3:00 PM

There was no public comment.

20. Date and Location of Next Scheduled Board Meeting:

September 7-8, 2022 – Las Vegas, NV

22. Adjournment