



NEVADA STATE BOARD OF PHARMACY

985 Damonte Ranch Pkwy, Ste 206, Reno, NV 89521
(775) 850-1440 • 1-800-364-2081 • FAX (775) 850-1444
• Web Page: bop.nv.gov

MINUTES

June 1-2, 2022

BOARD MEETING

The Nevada State Board of Pharmacy will conduct a meeting beginning Wednesday June 1, 2022, at 9:00 am. The meeting will continue, Thursday, June 2, 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:

Hilton Garden Inn
7830 S Las Vegas Boulevard
Las Vegas, 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
Brett Kandt	Peter Keegan	Darlene Nases	Courtney Lee
Leo Basch	Ken Scheuber	Luis Curras	Dena McClish
Sophia Long	Kiran Bains	Monica Segedy	

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

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

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

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

2. Public Comment June 1, 2022, 9:00 AM

There was no public comment.

◆ CONSENT AGENDA ◆

3. Approval of the April 13-14, 2022, Meeting Minutes (**FOR POSSIBLE ACTION**)

Rolf Zakariassen stated that his vote for John Howse's motion needs to be changed to "Aye".

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve April 13-14, 2022 Board Meeting minutes with proposed changes.

Second: Jade Jacobo

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**)

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))

- A. Arthrex, Inc. – Fort Myers, FL
- B. Banner Life Sciences, LLC – High Point, NC
- C. Casper Pharma LLC – East Brunswick, NJ
- D. Dash Pharmaceuticals LLC – Upper Saddle River, NJ
- E. Kaleo, Inc. – Richmond, VA
- F. MYCO Medical Supplies, Inc. – Apex, NC
- G. Myonex Inc. – Horsham, PA
- H. OrthogenRx, Inc – Doylestown, PA

- I. Pharma Source Direct, Inc. – Englewood, CO
- J. ProVen Pharmaceuticals, LLC – Plymouth Meeting, PA
- K. Rising Pharmaceuticals – Somerset, NJ
- L. The Hibbert Group – Aurora, CO

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

- M. Abbott Laboratories, Inc. – Irving, TX
- N. Abbott Laboratories, Inc. – Irving, TX
- O. Abbott Laboratories, Inc. – North Chicago, IL
- P. Abbott Laboratories, Inc. – Plano, TX
- Q. Abbott Laboratories, Inc. – Roseville, MN
- R. Abbott Laboratories, Inc. – Sylmar, CA
- S. Abbott Laboratories, Inc. – Temecula, CA
- T. Abbott Rapid Dx North America, LLC – Freehold, NJ
- U. Abbott Rapid Dx North America, LLC – San Diego, CA
- V. Amylyx Pharmaceuticals, Inc. – Cambridge, MA
- W. ANDA #28 – Grand Island, NY
- X. Cardinal Health at Home – Portland, OR
- Y. Edgepark Medical Supplies; Cardinal Health at Home – Cranbury, NJ
- Z. Edgepark Medical Supplies; Cardinal Health at Home – Durham, NC
- AA. Edgepark Medical Supplies; Cardinal Health at Home – Fort Worth, TX
- BB. Edgepark Medical Supplies; Cardinal Health at Home – Jacksonville, FL
- CC. Edgepark Medical Supplies; Cardinal Health at Home – Ontario, CA

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

- DD. Kowa Pharmaceuticals America, Inc. – Montgomery, AL
- EE. Medline Industries, LP – Grayslake, IL
- FF. Medline Industries, LP – Rialto, CA
- GG. Medline Industries, LP – Salt Lake City, UT
- HH. Medline Industries, LP – Southaven, MS

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

- II. L. Perrigo Company – Allegan, MI
- JJ. QPharma, Inc. – Cedar Knolls, NJ

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

- KK. Abbott Molecular, Inc. – Des Plaines, IL
- LL. Abbott Molecular, Inc. – Elk Grove Village, IL
- MM. Alere San Diego Inc. – Pomona, CA
- NN. Axsome Therapeutics, Inc. – Bridgewater, NJ
- OO. La Jolla Pharmaceutical Company – Waltham, MA

- PP. Linde Gas & Equipment Inc. – Santa Ana, CA
- QQ. PROCEPT BioRobotics Corporation – Redwood Shores, CA
- RR. Tulsa Dental Products LLC – Johnson City, TN

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

- SS. Edgepark Medical Supplies; Cardinal Health at Home – Elgin, IL
- TT. Edgepark Medical Supplies; Cardinal Health at Home – Twinsburg, OH

4.2.7 Background checks completed in compliance with NRS 639.500.

- UU. ASD Specialty Healthcare, LLC – Montclair, CA
- VV. HemaSource, Inc. – Dallas, TX

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

4.3.1 Manufacturer (NAC 639.593(7)(d))

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

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

- WW. Henderson Pharmacy LLC – Henderson, NV

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

- XX. Avita Pharmacy 1025 – Brea, CA
- YY. Covetrus North America, LLC – Fort Worth, TX
- ZZ. Covetrus North America, LLC – Houston, TX
- AAA. Golden Gate Pharmacy Services, Inc. – Novato, CA
- BBB. Roman Health Pharmacy LLC – Englewood, CO
- CCC. Roman Health Pharmacy LLC – Long Island City, NY
- DDD. Santa Rose Pharmacy – Santa Rosa Beach, FL
- EEE. Synergen Rx, LLC – Doraville, GA
- FFF. Trinity Health Pharmacy Services – Fort Wayne, IN

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

- GGG. Curexa – Egg Harbor Township, NJ
- HHH. F&M Specialty Pharmacy – Flowood, MS

- III. Kaizen Compounding Pharmacy – Redding, CA
- JJJ. Spectrum Solutions Rx, LLC

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

4.9 Application for Ambulatory Surgery Center License (NAC 639.4992) - Non-appearance (**FOR POSSIBLE ACTION**)

KKK. Box Canyon Surgery Center LLC – Las Vegas, NV

LLL. Coronado Surgical Recovery Suites – Henderson, NV

President Park removed 4GGG from the Consent Agenda due to information provided on their disclosures.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve Consent Agenda items except 4GGG.

Second: Rolf Zakariassen

Action: Passed unanimously.

◆ REGULAR AGENDA ◆

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

A. Jahnvi Rao, DDS (21-226-CS-S)

This matter was continued to a future Board meeting.

B. Alan D. Marvin, MD (21-222-CS-S)

Alan Marvin 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 Dr. Marvin prescribing controlled substances on an expired controlled substance license.

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

Dr. Marvin provided a statement to the Board.

President Park questioned Dr. Marvin on if he plans to renew his controlled substance license which he replied he does not intend to.

Board discussion ensued.

Board Action:

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

Second: Wayne Mitchell

Action: Passed unanimously.

C. Ann Kershnar, MD (21-220-CS-S)

Ann Kershnar appeared and was sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan prosecuted the case regarding Dr. Kershnar prescribing controlled substances on an expired controlled substance license.

Dr. Kershnar provided testimony and exhibits for the Board's review.

Mr. Keegan clarified that information needs to be redacted.

The Board tabled the agenda item so they could appropriately redact exhibits.

D. Kord T. Strebel, MD (19-053-CS-S)
E. Thomas Strebel, RPH (19-053-RPH-S)

Kord Strebel and Thomas Strebel appeared and were sworn in by President Park prior to answering questions and offering testimony.

Joshua Dickey appeared as counsel on behalf of Kord Strebel.

David Merrill appeared as counsel on behalf of Thomas Strebel.

Brett Kandt prosecuted the case and made an opening statement on the charges that Dr. Strebel and Pharmacist Strebel violated Nevada Law in the course of operating Nevada Obstetrical Charity Clinic.

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

Mr. Kandt, Mr. Dickey, Mr. Merrill and the respondents confirmed that respondents no longer want to maintain a dispensing practice.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order for Dr. Kord Strebel and Thomas Strebel.

Second: Krystal Freitas

Action: Passed unanimously.

- F. Order to Show Cause: Rosa A. Bellota-Rojas, MD (18-103-CS-A-S)
- G. Order to Show Cause: Anuranjan Bist, MD (18-103-CS-B-S)
- H. Rosa A. Bellota Rojas, MD (21-205-A-CS-S)
- I. Anuranjan Bist, MD (21-205-B-CS-S)
- J. Jeffrey Brown, PA (21-205-C-CS-S)

Rosa Bellota-Rojas, Anuranjan Bist, and Jeffrey Brown appeared and were sworn in by President Park prior to answering questions and offering testimony.

Crane Pomerantz appeared as counsel on behalf of Dr. Bellota-Rojas, Dr. Bist, and Mr. Brown.

Courtney Lee, General Counsel for the Nevada Board of Pharmacy, prosecuted the case 18-103-S an Order to Show cause for Dr. Bellota-Rojas and Dr. Bist and case 21-205-S regarding Mr. Brown prescribing controlled substance medications to patients without establishing a bona fide therapeutic relationship and Dr. Bellota-Rojas and Dr. Bist for the prescribing or supervising the prescribers of the controlled substance medication.

Ms. Lee provided a proposed Stipulation and Order for the Board's consideration.

Mr. Pomerantz wanted to clarify an extension of probation for the Order to Show in case 18-103-S for an additional 12 months.

The Board questioned respondents on the events that occurred and what changes have been implemented since this issue.

Mr. Brown, Dr. Bist, Dr. Bellota-Rojas, and Mr. Pomerantz answered the Board's questions.

Board discussion ensued regarding the proposed Stipulation and Order and proposed changes.

Ms. Lee presented a Stipulation and Order for 21-103-S to include changes that the fine for Dr. Bellota-Rojas and Dr. Bist be \$10,000 each, and Mr. Brown complete a Prescription Monitoring Program (PMP) prescriber training.

Ms. Lee provided the Stipulation and Order for 18-103-S to include changes that Dr. Bellota-Rojas' and Dr. Bist's controlled substance registrations are revoked. The revocations are stayed, and Dr. Bellota-Rojas' and Dr. Bist's probation shall be extended for 24 months.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order for 21-103-S and 18-103-S with proposed changes as discussed.

Second: President Park

Action: Passed unanimously.

C. Ann Kershnar, MD

(21-220-CS-S)

President Park reminded Dr. Ann Kershnar that she is still sworn in.

Peter Keegan requested Exhibits 1-6 be entered into the record.

President Park entered Exhibits 1-6 into the record.

Mr. Keegan called Dr. Kershnar as a witness.

Mr. Keegan questioned Dr. Kershnar about her expired controlled substance license.

The Board questioned Dr. Kershnar about what she has been doing since this issue.

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

Mr. Keegan requested the Board to find the Factual Allegations consistent with paragraphs 1-3 of the Notice of Intended Action and Accusation and find Applicable Law consistent with paragraphs 4-11 of the Accusation.

Board Action:

Motion: Jade Jacobo moved to make Findings of Fact consistent with paragraphs 1-11 of the Notice of Intended Action and Accusation.

Second: Wayne Mitchell

Action: Passed unanimously.

Mr. Keegan requested the Board find Conclusions of Law consistent with paragraphs 12-16 of the Accusation.

Board Action:

Motion: Jade Jacobo moved to make Conclusions of Law consistent with paragraphs 12-16 of the Notice of Intended Action and Accusation.

Second: Wayne Mitchell

Action: Passed unanimously.

Mr. Keegan called Kristopher Mangosing as a witness.

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

Mr. Keegan questioned Mr. Mangosing on his job position and timesheet submitted for this case.

Mr. Mangosing confirmed that the timesheet submitted should be for Dr. Kershner and not for Dr. Sherman Washington.

Mr. Keegan requested the Board to find that the attorney's fees and cost of \$649.30 were reasonable, necessary and actually incurred.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to find that the attorney's fees and cost of \$649.30 were reasonable, necessary and actually incurred.

Second: Wayne Mitchell

Action: Passed unanimously.

Board discussion ensued on the penalties for Dr. Kershner.

Dr. Kershner requested a payment plan of five months.

Board Action:

Motion: Richard Tomasso moved to approve the following penalties for Dr. Ann Kershner: 1) a fine of \$5,000 payable within a five-month payment plan as determined by the Board; and 2) attorney's fees and cost of \$649.30 payable within 30 days of this Order.

Second: Rolf Zakariassen

Action: Passed unanimously.

K. Michael Burkintas, RPH (22-063-RPH-S)

Krystal Freitas recused herself as she works for the same company as Michael Burkintas.

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

Courtney Lee prosecuted the case regarding Mr. Burkintas testing positive for amphetamines.

Mr. Burkintas requested a continuance as he would like to retain counsel on this matter.

President Park wanted confirmation that Mr. Burkintas will not practice until his hearing.

Mr. Burkintas agreed.

President Park tabled hearing at Mr. Burkintas' request.

Q. Airtec Gases, LLC (22-080-MP-S)

Chandon Alexander appeared as counsel on behalf of Airtec Gases, LLC.

Peter Keegan prosecuted the case regarding Airtec Gases practicing without a proper license for the Sparks location. In addition, it should be licensed as a wholesaler in addition to its Medical Devices, Equipment, and Gases (MDEG) license.

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

Mr. Alexander agreed to the proposed Stipulation and Order.

Mr. Keegan commented that the proposed Stipulation and Order has the incorrect case number which he will amend.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the proposed Stipulation and Order for Airtec Gases, LLC.

Second: Rolf Zakariassen

Action: Passed unanimously.

12. Applications for Nevada Wholesaler License (NRS 639.233) – Appearance (**FOR POSSIBLE ACTION**)

- A. Airtec Gases, LLC – Las Vegas, NV – Background Check Not Required – Manufacturer (NAC 639.593 (7)(d)) – Disclosure
- B. Airtec Gases, LLC – Sparks, NV - Background Check Not Required – Manufacturer (NAC 639.593 (7)(d)) – Disclosure

Chandon Alexander appeared as counsel on behalf of Airtec Gases, LLC.

Peter Keegan provided background on the application and disclosures regarding charges of battery and embezzlement.

The Board requested Maury Anderson to be present as they have questions regarding his disclosures.

Mr. Alexander requested that the application be tabled until this afternoon, so he can contact Mr. Anderson and have him appear in-person.

President Park tabled the applications at Mr. Alexander's request.

21. 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).

Dave Wuest, Executive Secretary for the Nevada Board of Pharmacy, requested a closed session to discuss pending litigation.

Board Action:

Motion: President Park moved to go into closed session to discuss pending litigation.

Second: Jade Jacobo

Action: Passed unanimously.

Board Action:

Motion: President Park moved to open session.

Second: Rolf Zakariassen

Action: Passed unanimously.

President Park clarified that no deliberation or motions were made during closed session.

12. Applications for Nevada Wholesaler License (NRS 639.233) – Appearance (**FOR POSSIBLE ACTION**)

- A. Airtec Gases, LLC – Las Vegas, NV – Background Check Not Required – Manufacturer (NAC 639.593 (7)(d)) – Disclosure
- B. Airtec Gases, LLC – Sparks, NV - Background Check Not Required – Manufacturer (NAC 639.593 (7)(d)) – Disclosure

Chandon Alexander appeared as counsel on behalf of Airtec Gases, LLC.

Maury Anderson, Chief Operating Officer, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan provided background on the application and disclosures regarding charges of battery and embezzlement.

Mr. Keegan questioned Mr. Anderson on the events that occurred with his disclosures.

The Board questioned Mr. Anderson on his disclosures, the business model of Airtec Gases, and if he is the designated representative of the location.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Airtec Gases, LLC's Wholesaler license for Las Vegas and Sparks location.

Second: Rolf Zakariassen

Action: Passed unanimously.

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

L. Stephen Dubin, MD

(20-020-CS-S)

This matter was continued to a future Board Meeting.

M. Sherman Washington, MD

(21-104-CS-N)

Agenda item 5(M) was taken together with agenda items 6(B) and 6(C), applications for registration pursuant to NRS 453.226 submitted by 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 requested the Board continue the hearing and any consideration of Dr. Washington's applications for controlled substance registrations as he was just informed by Dr. Washington that Dr. Washington was represented by counsel – Michael Mee.

Dr. Washington confirmed that he would agree to continue the hearing and consideration of his applications for registration.

President Park continued the hearing and consideration of the applications at Dr. Washington's request.

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

N. Las Vegas Scripts Rx

(19-243-PH-S)

O. Nathan Edouard, RPH

(19-243-RPH-S)

P. Sherman Washington, MD

(19-243-CS-S)

These matters were continued to a future Board meeting.

19. Discussion and possible action to amend, revise and/or approve proposed FY23 budget. **(FOR POSSIBLE ACTION)**

Kiran Bains, Administrative Services Officer, and Dave Wuest presented a proposed Fiscal Year 2023 Budget to the Board, including a proposed pay increase for eligible employees

Board discussion ensued, including a proposed pay increase of \$3 per hour for eligible employees. Staff clarified that personnel complying with NRS 281.123 will continue to have those salaries align with any revisions to the Governor's salary.

Board Action:

Motion: President Park moved to approve the FY23 budget and proposed pay increase of \$3 per hour for eligible employees, complying with NRS 281.123 will continue to have those salaries align with any revisions to the Governor's salary.

Second: Jade Jacobo

Action: Passed unanimously.

15. Approval of Revised Pharmacist Registration Application **(FOR POSSIBLE ACTION)**

Yenh Long, Deputy Secretary of the Nevada Board of Pharmacy, presented the proposed changes for the Pharmacist Registration Application to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve Pharmacist Application with proposed changes by Ms. Long.

Second: Jade Jacobo

Action: Passed unanimously.

16. Approval of Revised Dispensing Practitioner Registration Application, Advanced Practitioner Registered Nurse Dispensing Registration Application, and Physician Assistant Dispensing Registration Application **(FOR POSSIBLE ACTION)**

Yenh Long presented the proposed changes for the Dispensing Practitioner Registration Application, Advanced Practitioner Registered Nurse Dispensing Registration Application, and Physician Assistant Dispensing Registration to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Dispensing Practitioner Registration Application, Advanced Practitioner Registered Nurse Dispensing Registration Application, and Physician Assistant Dispensing Registration with proposed changes by Ms. Long.

Second: Wayne Mitchell

Action: Passed unanimously.

17. Approval of Physician Assistant Prescribe/Controlled Substance Registration Application **(FOR POSSIBLE ACTION)**

Yenh Long, Deputy Secretary of the Nevada Board of Pharmacy, provided the proposed changes for the Physician Assistant Prescribe/Controlled Substance Registration Application to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: President Park moved to approve Physician Assistant Prescribe/Controlled Substance Registration Application with proposed changes by Ms. Long.

Second: Krystal Freitas

Action: Passed unanimously.

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

This matter was continued to a future Board meeting.

22. 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

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

Board discussion ensued.

21. 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.

Public Comment June 1, 2022, 3:20 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	Courtney Lee
Leo Basch	Ken Scheuber	Dena McClish	Kiran Bains

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 June 2, 2022, 9:00 AM

There was no public comment.

◆ WORKSHOP ◆

Thursday June 2, 2022 – 9:00 am

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

- B. **Amendment to Nevada Administrative Code (NAC) 639.** The proposed amendments authorize a practitioner working in a hospital to dispense medications related to Medication Assisted Treatment (MAT) for a limited time without obtaining a dispensing license from the Board of Pharmacy.

Dave Wuest provided background on the proposed regulation.

Brett Kandt read the proposed language into the record.
President Park opened public comment for this workshop item.

Senator Joe Hardy is in favor of the proposed regulation.

Liz MacMenamin from the Retail Association of Nevada is in favor of the proposed regulation.

Lea Case from the Nevada Psychiatric Association is in support of the proposed regulation.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve proposed regulation for Amendment to Nevada Administrative Code (NAC) 639 and move to public hearing.

Second: Wayne Mitchell

Action: Passed unanimously.

◆ PUBLIC HEARING ◆

Thursday June 2, 2022 – 9:00 am

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

A. **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)

Dave Wuest provided background on public hearing item.

Yenh Long read proposed language into the record.

President Park opened public comment for this public hearing item.

Anthony Nguyen, Oncologist, from Comprehensive Cancer Center expressed support of the proposed amendments. He believes that this language will provide timely patient care for cancer patients.

John Bilstein, Executive Director, from Comprehensive Cancer Center read oncology patient Guadalupe Martinez written testimony into the record. The patient expressed support of the proposed amendments.

Kelly Knight provided testimony on behalf of her father who is an oncology patient. They are in favor of the proposed public hearing item.

Wes Falconer, Chief Operating Officer, from Cancer Care Specialist's is in favor of the proposed amendments.

Liz MacMenamin from the Retail Association of Nevada expressed opposition to the proposed amendments.

Board discussion ensued.

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

Action: Passed unanimously.

Richard Tomasso was excused from the meeting at 10:45 AM.

- B. **Amendment of Nevada Administrative Code (NAC) 639.240, and 639.242 639.256.** The proposed amendment to NAC 639.240, and 639.242 will amend the requirements necessary for an applicant to obtain a registration as a pharmaceutical technician and pharmaceutical technician in training. (LCB File R041-21)

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

Richard Tomasso returned to the meeting at 10:49 AM.

President Park opened public comment for this public hearing item.

Ken Kunke, Pharmacist, is in favor of the proposed amendments.

Liz MacMenamin from the Retail Association of Nevada appeared and was sworn in by President Park prior to answering questions and offering testimony. They are in support of the proposed public hearing item.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to adopt the proposed Amendment of Nevada Administrative Code (NAC) 639.240, and 639.242 639.256. (LCB File R041-21)

Second: Wayne Mitchell

Action: Passed unanimously.

- C. **Amendment of Nevada Administrative Code (NAC) 639.360:** The proposed amendments revise certain requirements governing continuing education for pharmacists; eliminating the Advisory Committee on Continuing Education which advises the Board concerning the accreditation of CE. (LCB File R 120-21)

Yenh Long 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: Wayne Mitchell moved to adopt the proposed Amendment of Nevada Administrative Code (NAC) 639.360. (LCB File R 120-21)

Second: Krystal Freitas

Action: Passed unanimously.

◆ WORKSHOP ◆

Thursday June 2, 2022 – 9:00 am

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

- A. **Amendment to Nevada Administrative Code (NAC) 639.** The proposed amendments relate to licensing and regulation of Medical Products Wholesalers as Wholesalers in order to conform the requirements of existing law

Peter Keegan provided background on proposed regulation.

Dave Wuest commented that page 4635 has the \$1000 renewal fee for a manufacturer or wholesaler as blue but should be green.

Yenh Long commented that the wholesaler/manufacturer renewal fee was changed as of April 11, 2022 per LCB File R 025-21.

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) 639.

Second: Rolf Zakariassen

Action: Passed unanimously.

- C. **Amendment to Nevada Administrative Code (NAC) 639.870.** The proposed amendment removes the requirement that an advanced practice registered nurse must appear at a Board Meeting prior to obtaining a dispensing license from the Board of Pharmacy. Changes the language to may be required to appear.

Dave Wuest provided background on proposed regulation language.

President Park opened public comment for this workshop item.

There was no public comment.

Board discussion ensued.

Board Action:

Motion: Richard Tomasso moved to approve proposed regulation for Amendment to Nevada Administrative Code (NAC) 639.870 with changes to require Board staff to conduct live interviews with sterile compounding pharmacies in lieu of an appearance.

Second: Gener Tejero

Action: Passed unanimously.

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

A. Ivan Goldsmith

Jade Jacobo was excused from the meeting at 11:37 AM.

Gener Tejero disclosed that he knows Ivan Goldsmith but can participate in this matter fairly and without bias.

Ivan Goldsmith appeared and was sworn in by President Park prior to answering questions and offering testimony.

Brett Kandt provided background on Dr. Goldsmith's application and his prior discipline for the unlawful use of PMP data and related discipline by the Nevada State Board of Medical Examiners and boards in California and New York.

Jade Jacobo returned to the meeting at 11:50 AM.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve controlled substance registration for Ivan Goldsmith with conditions that he contacts and completes the PMP training within 60 days, and that he shall not have PMP delegates.

Second: Richard Tomasso

Action: Passed unanimously.

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

Christina Chalikias

Christina Chalikias appeared and was sworn in by President Park prior to answering questions and offering testimony.

Courtney Lee provided background on disclosure regarding unlicensed compounding and compounding of a commercially available product.

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve Pharmacist Registration by Reciprocity for Christina Chalikias with the conditions that her probation mirror California Board of Pharmacy's Order and shall notify the Nevada Board of Pharmacy if she is granted early termination of her probation in California.

Second: Wayne Mitchell

Action: Passed unanimously.

20. Board Discussion of (i) American Pharmacist Association (APhA), March 2022 State Report for State Boards of Pharmacy – NABP District Eight States; and (ii) Journal of the American Pharmacist Association, June 2020 – Ability of the Well-Being Index to identify pharmacist in distress.

Public Comment concerning (i) American Pharmacist Association (APhA), March 2022 State Report for State Boards of Pharmacy – NABP District Eight States; and (ii) Journal of the American Pharmacist Association, June 2020 – Ability of the Well-Being Index to identify pharmacist in distress.

Members of the Public are invited to provide public comment. No action will be taken regarding public comments made on this agenda item. Public comment may be limited to three (3) minutes at the discretion of the Board President.

Direction to Board Staff regarding (i) American Pharmacist Association (APhA), March 2022 State Report for State Boards of Pharmacy – NABP District Eight States; and (ii) Journal of the American Pharmacist Association, June 2020 – Ability of the Well-Being Index to identify pharmacist in distress. - **(FOR POSSIBLE ACTION)**

Dave Wuest provided background on item to Board.

Mr. Wuest commented that they are operating on limited data as they are unable to confirm how many people participated in the survey.

President Park opened public comment for this item.

Ken Kunke from the Nevada Pharmacy Alliance suggested forming taskforce to address pharmacy conditions. He cited several publications into the record as a reference guide for the Board.

- Pharmacist Fundamental Responsibilities and Rights
- 2021 APhA Pharmacy Workplace Survey
- Policy Solutions to Address Community Pharmacy Working Conditions
- APhA Community Pharmacy Workplace Summit

- Michigan State Pharmacist Association – 2021 Study

Liz MacMenamin from the Retail Association of Nevada suggested a group meeting with pharmacists to discuss what issues they want to improve.

Lorri Walmsley from Walgreen's expressed support of a taskforce to address these issues.

Vasudha Gupta from Nevada Pharmacy Alliance is requesting Board to help with conversations to address working conditions within the pharmacies and expressed support of a taskforce to help address these issues.

Michelle Hon from Nevada Pharmacy Alliance read a written public comment into the record from a pharmacist who wants to remain anonymous.

Brett Kandt advised that if a taskforce was formed, it would be subject to the Nevada Open Meeting Law.

Board discussion ensued.

Joe Kellog, Pharmacist, commented that many pharmacies issues stem from pressure of meeting metrics.

Liz MacMenamin is willing to start taskforce to address this issue, but she suggests that the Nevada Board of Pharmacy attends.

Ken Kunke is requesting the Board's help to work together and address these issues.

This discussion will be continued to a future Board meeting.

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

- A. KayLynn Bowman
- B. Remmington Junior

KayLynn Bowman and Remmington Junior appeared and were sworn in by President Park prior to answering questions and offering testimony.

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

Ms. Bowman wanted to clarify that Ms. Junior is not a subordinate under her, but they may be working on some projects together.

Ms. Bowman and Ms. Junior summarized what services they would be providing.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve KayLynn Bowman's and Remmington Junior's request to engage in the practice of pharmacy at a site other than a licensed pharmacy.

Second: President Park

Action: Passed unanimously.

12. Applications for Nevada Wholesaler License (NRS 639.233) – Appearance (**FOR POSSIBLE ACTION**)

- C. Medidenta – Las Vegas, NV – Background checks completed in compliance with NRS 639.500.

Rolf Zakariassen and Wayne Mitchell were excused from the meeting at 2:59 PM.

Sean Ryan, Chief Marketing Officer, and Alfred Perez, Vice President of Operations appeared and were sworn in by President Park prior to answering questions and offering testimony.

Courtney Lee provided background on application and disclosures regarding Daniel Wang's intellectual property claim which was dismissed and Medidenta's unlicensed wholesaling.

Mr. Ryan provided his testimony and was not aware that they needed to be licensed in Nevada. He apologized for his error and is working to get licensed in Nevada.

Board discussion ensued.

Board Action:

Motion: Richard Tomasso moved to approve Nevada wholesaler license for Medidenta.

Second: Krystal Freitas

Action: Passed unanimously (Zakariassen and Mitchell excused).

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

Karen Price

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

Dave Wuest provided background on disclosure regarding Ms. Price's DUI.

Mr. Wuest questioned Ms. Price on the events that occurred with her disclosure and her history with alcohol and drugs after her DUI.

Ms. Price provided her testimony and commented that she does not remember the events that occurred with her disclosure. She did voluntarily go to rehab and sees psychologist regularly to keep her sober.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Pharmaceutical Technician in Training registration for Karen Price pending favorable substance abuse disorder evaluation.

Second: Krystal Freitas

Action: Passed unanimously (Zakariassen and Mitchell excused).

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

A. First Class Rx Pharmacy LLC – Las Vegas, NV

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

Dave Wuest provided background on application and questioned Mr. Luu regarding the change of ownership.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Nevada pharmacy license for First Class Rx Pharmacy LLC pending a favorable inspection.

Second: Krystal Freitas

Action: Passed unanimously (Zakariassen and Mitchell excused).

B. NOWRX – North Las Vegas, NV

Jorge Ramirez-Silva (Managing Pharmacist), Sumeet Sheokand (Chief Technology Officer and President), and Melissa Bostock (Director of Pharmacy) appeared and were sworn in by President Park prior to answering questions and offering testimony.

Jade Jacobo was excused at 3:37 PM.

Jade Jacobo returned to the meeting at 3:40 PM.

Courtney Lee provided background on application.

The Board questioned NOWRX on Mr. Ramirez-Silva's experience, their business model, the role of Ms. Bostock, and the support that the company will provide Mr. Ramirez-Silva in opening this new pharmacy.

Mr. Ramirez-Silva and Ms. Bostock answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Nevada pharmacy license for NOWRX pending favorable inspection.

Second: Krystal Freitas

Action: Passed unanimously (Zakariassen and Mitchell excused).

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

Medivant Health – Chandler, AZ

Brian Oran appeared and was sworn in by President Park prior to answering questions and offering testimony.

Richard Tomasso was excused from the meeting 3:51 PM.

Dave Wuest provided background on application and disclosure regarding a pharmacy technician practicing without a license.

Mr. Wuest questioned Mr. Oran on their disclosure, the FDA results of their inspection, the products being shipped into Nevada, and their last inspection results with Arizona Board of Pharmacy.

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

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve out-of-state outsourcing facility for Medivant Health pending submission of a legible copy of Arizona Board of Pharmacy inspection.

Second: Jade Jacobo

Action: Passed unanimously (Zakariassen and Mitchell excused).

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

H. Village Lane Apothecary – Colleyville, TX

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

President Park requested a Letter of Authorization allowing Ms. Patten to speak behalf of the company.

Dave Wuest questioned Ms. Patten on whether she would like to remove the affidavit in the application regarding not shipping sterile compounded products into Nevada.

Ms. Patten requested that the affidavit be removed.

Mr. Wuest questioned Ms. Patten on the products being shipped into Nevada, their sterile compounding process, and their disclosure regarding the managing pharmacist not identifying themselves as the person in charge.

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

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve out-of-state compounding pharmacy for Village Lane Apothecary pending letter of authorization.

Second: Krystal Freitas

Action: Passed unanimously (Zakariassen and Mitchell excused).

G. Pentec Health, Inc. – Boothwyn, PA

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

The Board questioned Ms. Scannapieco on the ownership change of the company and if there are any changes to the products or processes.

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

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

Dave Wuest questioned Ms. Reichl on the business model and products and services being provided.

Mr. Wuest commented that Nevada law does not allow white bagging which Board staff will follow up on if this application is approved.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve out-of-state compounding pharmacy for Pentec Health, Inc.

Second: Krystal Freitas

Action: Passed unanimously (Zakariassen and Mitchell excused).

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

UpScript Pharmacy, LLC – Sandy, UT

This matter was continued to a future Board meeting.

11. Application for Out-of-State Compounding Pharmacy License (NRS 639.230) – Appearance – **(FOR POSSIBLE ACTION)**
 - A. ACA Pharmacy, LLC – Nashville, TN
 - B. IgG of America, Inc. – Linthicum Heights, MD
 - C. Integrity Compounding Pharmacy – Sandy Springs, Ga
 - D. Mid Valley Health Services – Ceres, CA
 - E. Optum Infusion Services 550, LLC – Carlsbad, CA
 - F. Optum Infusion Services 550, LLC – Cincinnati, OH
 - I. Wickliffe Veterinary Pharmacy – Lexington, KY

There matters were continued to a future Board meeting.

26. Public Comment June 2, 2022, 5:00 PM

Dave Wuest commented that people who were not seen on today's agenda will be moved to the July Board meeting.

25. Date and Location of Next Scheduled Board Meeting:

July 13-14, 2022 – Reno, NV

27. Adjournment