



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

March 2-3, 2022

BOARD MEETING

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

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

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

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

Board Members Present:

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

Board Staff Present:

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

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 March 2 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 January 12-13, 2022, Meeting Minutes (**FOR POSSIBLE ACTION**)

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve January 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. Bioness Inc. – Valencia, CA
- B. CPAP.com – Stafford, TX
- C. DRUGSOURCE, INC. – Elk Grove Village, IL
- D. Lantz Medical, Inc. – Indianapolis, IN

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))

- E. American Regent, Inc. – New Albany, OH
- F. Cypress, Hawthorn and Macoven – Brentwood, TN

- G. Grove Pharmaceuticals – Miami, FL
- H. North American Rescue, LLC – Greer, SC
- I. Noven Pharmaceuticals, Inc. – Miami, FL
- J. Padagis US LLC – Minneapolis, MN
- K. RVL Pharmaceuticals, Inc. – Bridgewater, NJ
- L. Waylis Therapeutics LLC – Wixom, MI
- M. Xeris Pharmaceuticals, Inc. – Chicago, IL

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

- N. Agile Therapeutics, Inc. – Princeton, NJ

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

- O. BioCareSD – Tempe, AZ
- P. Health Coalition, Inc. – Doral, FL
- Q. Padagis South Carolina LLC – Duncan, SC
- R. UPS Supply Chain Solutions, Inc. – Fairdale, KY

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

- S. AmerisourceBergen Drug Corporation – Whitestown, IN
- T. Den-Mat Holdings, LLC – Lompoc, CA
- U. Millstone Medical Outsourcing, LLC – Olive Branch, MS

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

- V. DENTSPLY North America LLC – Lancaster, 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. No Disqualifying Events.

- W. Cardio Partners, Inc. – Woodruff, WI
- X. DHL Supply Chain (USA) – Knoxville, TN
- Y. My Medical Supply – Little Rock, AR
- Z. Optum Wholesale, Inc. – Covina, CA
- AA. SpecialtyCare, Inc. – Nashville, TN

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

- BB. Omnia Pharmacy Inc. – Las Vegas, NV
- CC. Save Mart Pharmacy #551 – Carson City, NV

- DD. Save Mart Pharmacy #552 – Carson City, NV
 - EE. Save Mart Pharmacy #553 – Reno, NV
 - FF. Save Mart Pharmacy #554 – Reno, NV
 - GG. Save Mart Pharmacy #555 – Reno, NV
 - HH. Save Mart Pharmacy #556 – Reno, NV
 - II. Save Mart Pharmacy #559 – Reno, 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)**
- JJ. Allergy Partners Therapeutics – Asheville, NC
 - KK. Apex Specialty Pharmacy – Riverside, MO
 - LL. Avel eCare Pharmacy – San Antonio, TX
 - MM. CTCA/Rx – Newnan, GA
 - NN. Healthcare Pharmacy LLC – Phoenix, AZ
 - OO. HomeCare Rx, Inc. – Fairfield, NJ
 - PP. InfuCare Rx of LA – Kenner, LA
 - QQ. InfuCare Rx of MD –Cumberland, MD
 - RR. IV Solutions Rx – Tampa, FL
 - SS. MedWiseRx – Austin, TX
 - TT. Optime Care Inc. – Earth City, MO
 - UU. Premise Health Wellness Center - Brentwood, TN
 - VV. Simple Meds, LLC – Indianapolis, IN
- 4.6 Application for Out-of-State Compounding Pharmacy License (NRS 639.230) – Non-appearance – **(FOR POSSIBLE ACTION)**
- 4.7 Applications for Nevada Medical, Devices, Equipment and Gases License (NAC 639.6942) – Non-appearance **(FOR POSSIBLE ACTION)**

Jade Jacobo recused herself from 4Z as she works for the company.

President Park commented that 4CC-4II has been continued to a future Board meeting.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the Consent Agenda excluding agenda items 4CC-4II and 4Z.

Second: Rolf Zakariassen

Action: Passed unanimously.

Board Action:

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

Second: Wayne Mitchell

Action: Passed unanimously (Jacobco recused).

◆ REGULAR AGENDA ◆

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

A. Kinex Medical Company, LLC (21-039-MP-S)

Lyn Beggs appeared as counsel on behalf of Kinex Medical Company.

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

Brett Kandt made an opening statement on the charges that Kinex operated without proper licensure.

Ms. Beggs and Mr. Kandt stipulated to the exhibits and transcript of the April 2021 appearance before the Board included in the Board Book on pages 1751-1847.

Ms. Beggs made an opening statement that Kinex had no malintent, had already paid \$10,000 in fines, and no longer intends to engage in business in Nevada.

Ms. Beggs called Mr. Buckholdt as a witness and examined him on the events that occurred.

The Board questioned Mr. Buckholdt.

Ms. Beggs made a closing statement and asserted that there was no evidence for the third and fifth causes of action.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to find that the Board has jurisdiction over this matter and make findings of fact consistent with paragraphs 1-21 of Notice of Intended Action and Accusation.

Second: Gener Tejero

Action: Passed unanimously.

Board discussion ensued.

The Board decided to vote on each cause of action separately.

Board Action:

Motion: Jade Jacobo moved to find Kinex Medical Company guilty of the first cause of action.

Second: Gener Tejero

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to find Kinex Medical Company guilty of the second cause of action.

Second: President Park

Action: Passed unanimously.

Board Action:

Motion: Gener Tejero moved to find Kinex Medical Company guilty of the third cause of action.

Second: Wayne Mitchell

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

Nay: Jacobo

Action: Motion carries.

Board Action:

Motion: Gener Tejero moved to find Kinex Medical Company not guilty of the fourth cause of action.

Second: Wayne Mitchell

Action: Passed unanimously.

Board Action:

Motion: Gener Tejero moved to find Kinex Medical Company not guilty of the fifth cause of action.

Second: Rolf Zakariassen

Action: Passed unanimously.

Board discussion ensued on potential discipline for Kinex Medical Company.

Board Action:

Motion: Richard Tomasso moved to suspend Kinex Medical Company, License No. MP00623, until October 31, 2022 if Kinex decides to renew their license they shall appear before the Board.

Second: President Park

Board discussion ensued.

Aye: Park, Freitas, Tomasso, Mitchell, Zakariassen

Nay: Jacobo, Tejero

Action: Motion carries.

Krystal Freitas was excused from the meeting at 11:26 AM.

D. Lesli Ann Hewitt-Spears, DVM

(21-112-CS-N)

Thomas Donaldson appeared as counsel on behalf of Lesli Ann Hewitt-Spears.

Lesli Ann Hewitt-Spears appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Kandt presented a proposed stipulation for the Board's consideration on pages 1921-1924 of the Board book.

Board discussion ensued.

Board Action:

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

Second: Jade Jacobo

Action: Passed unanimously (Freitas not present).

G. Order to Show Cause: Richard Washinsky, MD (19-232-CS-S)

Richard Washinsky appeared and was sworn in by President Park prior to answering questions and offering testimony.

Kevin Murphy appeared as counsel on behalf of Richard Washinsky.

Courtney Lee, General Counsel for the Nevada Board of Pharmacy, prosecuted the case regarding Dr. Washinsky not following his Order with the Board.

Mr. Murphy commented to the Board that Dr. Washinsky's response is not included in the Board book.

Board discussion ensued.

President Park offered if they would like to table until 1:30 PM so that they can redact the document.

Mr. Murphy agreed.

B. Darrel Foth, RPH (21-186-RPH-N)

Darrel Foth appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Kandt made an opening statement on the charges of diversion of a controlled substance by Mr. Foth.

The Board questioned Mr. Foth on the events that occurred with his disclosure.

Mr. Foth provided background on the diversion and the steps of his pharmacist recovery program with Maximus.

Board discussion ensued.

Mr. Kandt requested that the Board make findings of fact consistent with paragraphs 1-3 of the Notice of Intended Action and Accusation.

Board Action:

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

Second: Rolf Zakariassen

Action: Passed unanimously.

Mr. Kandt requested that the Board make conclusions of law consistent with paragraphs 9-12 of the Notice of Intended Action and Accusation and find respondent guilty of all four causes of action.

Board Action:

Motion: Jade Jacobo moved to make conclusions of law consistent with paragraphs 9-12 of the Notice of Intended Action and Accusation and find the respondent guilty of all four causes of action.

Second: Rolf Zakariassen

Action: Passed unanimously.

Mr. Kandt proposed in conjunction with renewal the following penalties: Respondent's Certificate of Registration No, 15593 be revoked, stay the revocation and place on probation with conditions for four years requiring compliance with the California Board of Pharmacy's Order and prohibit working as a managing pharmacist or owning a pharmacy. Upon completion of probation, Mr. Foth's registration will be fully restored.

Board Action:

Motion: Jade Jacobo moved to revoke Respondent's Certificate of Registration No, 15593, then stay the revocation and place on probation with conditions for four years requiring compliance with the California Board of Pharmacy's Order and prohibit working as a managing pharmacist or owning a pharmacy. Upon completion of probation, Mr. Foth's registration will be fully restored.

Second: Rolf Zakariassen

Action: Passed unanimously.

9. Application for Pharmacist Registration Renewal (NRS 639.127) – Appearance.
(FOR POSSIBLE ACTION)

Darrel Foth

This matter was addressed in Agenda Item 5B.

Mr. Wuest commented that Mr. Foth's pharmacist registration has already been renewed.

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

G. Order to Show Cause: Richard Washinsky, MD (19-232-CS-S)

Krystal Freitas returned to the meeting at 11:37 AM.

The Board resumed the hearing for Dr. Washinsky.

Ms. Lee called Dave Jones as a witness.

Dave Jones, Compliance Coordinator for the Nevada Board of Pharmacy, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Ms. Lee questioned Mr. Jones.

Mr. Jones provided testimony about the total number of controlled prescriptions authorized by Dr. Washinsky, and the number of unique patients. The number of patients who were queried was approximately 72%. Mr. Jones additionally provided 2 specific patient examples where Dr. Washinsky did not query the PMP database at all.

Ms. Lee wanted to clarify that the Order to Show Cause on page 1945 of the Board Book has a typographical error which should state 219 not 119 in paragraph 3.

Mr. Murphy cross-examined Mr. Jones.

Ms. Lee called Dr. Washinsky as a witness and questioned him.

Mr. Murphy requested President Park to enter his exhibit into the record.

Ms. Lee made a limited objection that the documents provided are not the same time range as the period that Mr. Jones pulled Dr. Washinsky's PMP report.

President Park admitted the exhibit into the record.

Mr. Murphy cross-examined Dr. Washinsky.

Ms. Lee requested clarification from Dr. Washinsky on if he shared his credentials, or login information and password, with other people.

Dr. Washinsky confirmed that he shared his credentials.

Ms. Lee advised that sharing his credentials is prohibited.

The Board questioned Dr. Washinsky.

Dr. Washinsky admitted that he did not query every single patient in the PMP database.

Ms. Lee commented that Dr. Washinsky did not follow the Order as he failed to query myRx as required by NRS 453.164(7) at least once every 6 months; Dr. Washinsky also failed to query each patient as required by NRS 639.23507(1) upon initial prescription of a controlled substance, and thereafter every 90 days.

Mr. Murphy commented that this investigation is incomplete and request Board to review their response before deciding.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the Order to Show Cause for Dr. Richard Washinsky.

Wayne Mitchell amended his motion.

Board Action:

Motion: Wayne Mitchell moved that the evidence presented shows that Dr. Richard Washinsky violated the terms of his Order.

Second: Jade Jacobo

Action: Passed unanimously.

Board discussion ensued on the proposed discipline for Dr. Washinsky.

Board Action:

Motion: Wayne Mitchell moved to suspend Dr. Richard Washinsky's Controlled Substance Registration No. CS06491 for a period of 180 days, effective immediately. Dr. Washinsky should contact the Board to get trained and go over the obligations for the Prescription Monitoring Program (PMP), and the probation for his original Order be extended for 48 months effectively immediately.

Second: Jade Jacobo

Action: Passed unanimously.

Richard Tomasso and Krystal Freitas were excused from the meeting at 3:15 PM.

J. Mahendra DeFonseka, MD (21-215-CS-S)

Mahendra DeFonseka 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 prescribing a controlled substance with an expired license.

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

The Stipulation and Order proposes the following penalties for Dr. DeFonseka: 1) public reprimand; 2) pay a fine of \$5,000; 3) pay \$750 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Dr. DeFonseka agreed to enter a payment plan for the Board's consideration.

Board discussion ensued.

Jade Jacobo commented that the effective date of this Order should state "30 days".

Mr. Keegan agreed to update the Stipulation and Order.

Richard Tomasso and Krystal Freitas returned to the meeting at 3:24 PM.

Board Action:

Motion: Jade Jacobo moved to approve the proposed Stipulation and Order as presented by Mr. Keegan with changes to include the effective date to state, "30 days".

Second: Wayne Mitchell

Action: Passed unanimously.

I. Marcia Clevesy, APRN (21-214-CS-S)

No representative was present on behalf of Marcia Clevesy.

Mr. Keegan prosecuted the case regarding prescribing a controlled substance with an expired license.

Mr. Keegan requested President Park to enter Exhibits 1-2 into the record.

President Park entered Exhibits 1-2 into the record.

Mr. Keegan called Darlene Nases as a witness.

Darlene Nases, Assistant Board Coordinator for the Nevada Board of Pharmacy, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Keegan questioned Ms. Nases on her serving Ms. Clevesy for this hearing.

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 Marcia Clevesy's was properly noticed and failed to appear.

Board Action:

Motion: Jade Jacobo moved to approve the default as Marcia Clevesy was properly served for this hearing.

Second: Wayne Mitchell

Action: Passed unanimously.

Mr. Keegan made an offer of proof as to Exhibit 2-5 and requested President Park to enter Exhibits 3-5 into the record.

President Park entered Exhibits 3-5 into the record.

Mr. Keegan requested the Board find the accusation, the factual allegations, applicable law, and the alleged violations be found as true.

Board Action:

Motion: Jade Jacobo moved to find the accusation, the factual allegations, applicable law, and the alleged violations be found as true.

Second: Krystal Freitas

Action: Passed unanimously.

Board discussion ensued on proposed discipline for Ms. Clevesy.

Board Action:

Motion: Jade Jacobo moved to revoke Marcia Clevesy's Certificate of Registration No. CS25606, effective immediately.

Second: Wayne Mitchell

Board discussion ensued.

Jade Jacobo amended her motion.

Board Action:

Motion: Jade Jacobo moved to revoke Marcia Clevesy's Certificate of Registration No. CS25606, effective immediately. If she requests reinstatement, she will need to appear before the Board.

Second: Wayne Mitchell

Action: Passed unanimously.

Mr. Keegan requested the Board to approve the attorney's fees and costs in Exhibit 5.

Board Action:

Motion: Jade Jacobo moved to award the attorney's fees and costs of \$715.87 on the basis that they were reasonable, necessary and actually incurred.

Second: Wayne Mitchell

Action: Passed unanimously.

7. Petition for Reinstatement of Controlled Substance Registration and Dispensing Practitioner Registration pursuant to NRS 639.257 – Appearance. **(FOR POSSIBLE ACTION)**

Dhaval Shah

Dhaval Shah appeared and was sworn in by President Park prior to answering questions and offering testimony.

Jonathan Fayeghi appeared as counsel on behalf of Dhaval Shah.

Mr. Kandt provided background on the case.

The Board questioned Dr. Shah about his current plans to dispense and what type of drugs he will be dispensing.

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

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to reinstate Dhaval Shah's Controlled Substance Registration No. CS12590, effective immediately.

Second: Jade Jacobo

Action: Passed unanimously.

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

M. Lydia O'Connor-Sanders, DO (21-225-CS-S)

Lydia O'Connor-Sanders appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Keegan prosecuted the issue regarding prescribing a controlled substance with an expired license.

The parties stipulated to the admissibility of Exhibit 1-4.

Mr. Keegan requested President Park to enter Exhibits 1-4 into the record.

President Park entered Exhibits 1-4 into the record.

Mr. Keegan called Ms. O'Connor-Sanders as a witness.

Mr. Keegan questioned Ms. O'Connor-Sanders on the events that occurred with this case.

Ms. O'Connor-Sanders answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to revoke Controlled Substance Certificate of Registration No. CS05298 for Lydia O'Connor-Sanders for a period of two years, effective

immediately. If she would like to reapply, she would need a substance abuse disorder evaluation.

Second: Rolf Zakariassen

Mr. Keegan commented that the factual allegations and the five causes of action need to be addressed.

Action: Jade Jacobo withdrew her motion.

Board Action:

Motion: Jade Jacobo moved to find the Factual Allegations paragraphs 2-3 and the Five Counts in paragraphs 12-16 of the Notice of Intended Action and Accusation are proven as true.

Second: Rolf Zakariassen

Action: Passed unanimously.

Board discussion ensued on the discipline for Ms. O'Connor-Sanders.

Board Action:

Motion: Jade Jacobo moved to revoke Controlled Substance Certificate of Registration No. CS05298 for Lydia O'Connor-Sanders for a period of two years, effective immediately. If she would like to reapply, she would need a substance abuse disorder evaluation.

Second: Rolf Zakariassen

Action: Passed unanimously.

C. Sircy M. Moore, DVM (21-111-CS-S)

This matter was continued to a future Board meeting.

D. Paul H. Howse, RPH (20-135-RPH-S)

This matter was continued to a future Board meeting.

E. Justine Stanevich (20-135-PT-S)

This matter was continued to a future Board meeting.

H. William Bannen, MD (21-213-CS-S)

This matter was dismissed.

K. George Dockendorf, DO (21-216-CS-S)

This matter was continued to a future Board meeting.

L. William Torch, MD (21-227-CS-N)

This matter was continued to a future Board meeting.

N. Jose Dastas, RPH (18-130-RPH-S)

This matter was continued to a future Board meeting.

O. Vertisis Custom Pharmacy, LLC (18-130-PH-S)

This matter was continued to a future Board meeting.

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

A. Sandra Bledsoe, D/B/A VIP Faces (21-042-S)

B. Sandra Bledsoe, D/B/A Revenge MD (21-042-B-S/21-042-C-S)

The appeal hearings were vacated.

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

Sircy Moore

This matter was continued to a future Board meeting.

20. 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

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

Christian Schonlau, Nevada Board of Pharmacy Chief Financial Officer, provided the Financial Report to the Board's satisfaction.

Board discussion ensued.

Public Comment March 2 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
Courtney Lee	Leo Basch	Ken Scheuber	Luis Curras
Dena McClish			

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 announced the April Board meeting will be a public appearance for discipline appearances, and the regular items can choose between Zoom or a public appearance. In addition, he commented that Agenda Item 5H for William Bannen was dismissed as he is deceased.

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 March 3 2022, 9:00 AM

Brett Kandt, General Counsel for the Nevada Board of Pharmacy clarified the announcement regarding the April Board meeting. The Board meetings are always open to the public to appear in-person or via remote technology. For persons who may need to appear on behalf of an application, they can choose to appear in-person or via remote technology to the meetings. For persons who must appear on behalf of disciplinary matters, they will need to appear in-person to the meetings.

Casey Rodgers from Health Freedom of Nevada commented on SB 325 questioning why HIV is a concern for the Board right now.

◆ PUBLIC HEARING ◆

Thursday March 3, 2022 – 9:00 am

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

A. **Amendment of Nevada Administrative Code (NAC) 639.208.** The proposed amendment to NAC 639.208 will amend the requirements necessary for an applicant to obtain a registration as a pharmacist by reciprocity. (LCB File R040-21)

Ms. Long provided background on the public hearing item and the proposed language changes.

Mr. Wuest commented that this will allow easier reciprocation into Nevada.

President Park opened public comment for this proposed amendment.

Liz McMenamin from the Retail Association of Nevada is in favor of this proposed amendment.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to adopt regulation for Amendment of Nevada Administrative Code (NAC) 639.208. (LCB File R040-21)

Second: Wayne Mitchell

Action: Passed unanimously.

B. Amendment of Nevada Administrative Code (NAC) Chapter 639 authorizing the Board to require certain euthanasia technicians to register with the Board; increasing certain fees; revising requirements for certain applications; requiring an applicant for registration as a pharmacist, pharmaceutical technician, or pharmaceutical technician in training to undergo a criminal background check; revising requirements for an outsourcing facility engaged in the compounding of sterile drugs. (LCB File R025-21)

Mr. Kandt provided background on the public hearing item and the proposed language changes.

President Park opened public comment for this proposed amendment.

There was no public comment.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to adopt regulation for Amendment of Nevada Administrative Code (NAC) Chapter 639. (LCB File R025-21)

Second: Rolf Zakariassen

Action: Passed unanimously.

C. Amendment Of Nevada Administrative Code (NAC) 639.220, 639.715, 639.718 and 639 .720: Use of automated drug dispensing system or mechanical device to dispense prescription drugs. (LCB File R013-21)

Mr. Wuest and Mr. Kandt provided background on the public hearing item and the proposed language changes.

President Park opened public comment for this proposed amendment.

Mr. Wuest commented that written comment by Quarles and Brady is in favor of the proposed amendment.

Jimmy Lau from Ferrari Reeder Public Affairs is in favor of the proposed amendment.

Board discussion ensued.

Board staff commented that they can make the proposed language clearer.

Board Action:

Motion: Krystal Freitas moved to adopt regulation for Amendment of Nevada Administrative Code (NAC) 639.220, 639.715, 639.718 and 639.720 with General Counsels amendments. (LCB File R013-21)

Second: Jade Jacobo

Action: Passed unanimously.

- D. **Amendment to Nevada Administrative Code (NAC 639.)** The proposed amendments will create a new section to implement the provisions of Senate Bill 325 requiring the Board to adopt regulations that establish requirements to allow a pharmacist to dispense drugs approved by the United State Food and Drug Administration for preventing the acquisition of human immunodeficiency virus. (LCB File R039-21)

Mr. Wuest provided background on the public hearing item and the proposed language changes.

President Park opened public comment for this proposed amendment.

Liz McMenammin from the Retail Association of Nevada is in favor of the proposed amendment and would like to move forward with this regulation quickly.

Ken Kunke from Nevada Pharmacy Alliance is in favor of the proposed amendment.

Mr. Wuest commented that he has been working closely with Medicaid on this proposed amendment. He would like the public to know that they need to be patient with payers on the regulation as they have their own process to implement these proposed changes.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to adopt regulation for Amendment to Nevada Administrative Code (NAC 639.). (LCB File R039-21)

Second: President Park

Action: Passed unanimously.

◆ REGULAR AGENDA ◆

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

- A. Abbott Laboratories, Inc. – Irving, TX - Background Check Not Required - Publicly Traded (NAC 639.593(7)(a)) -
- B. Abbott Laboratories Inc. - Irving, TX - Background Check Not Required - Publicly Traded (NAC 639.593(7)(a)) -
- C. Abbott Laboratories Inc. – North Chicago, IL - Background Check Not Required - Publicly Traded (NAC 639.593(7)(a)) -
- D. Abbott Laboratories Inc. – Plano, TX - Background Check Not Required - Publicly Traded (NAC 639.593(7)(a)) -
- E. Abbott Laboratories Inc. – Roseville, MN - Background Check Not Required - Publicly Traded (NAC 639.593(7)(a)) -
- F. Abbott Laboratories Inc. – Sylmar, CA – Background Check Not Required - Publicly Traded (NAC 639.593(7)(a)) –
- G. Abbott Laboratories Inc. – Temecula, CA
- H. Abbott Molecular Inc. – Elk Grove Village, IL - Background Check Not Required - Publicly Traded and Manufacturer (NAC 639.593(7)(a) and (d))
- I. Abbott Molecular Inc. – Des Plaines, IL - Background Check Not Required - Publicly Traded and Manufacturer (NAC 639.593(7)(a) and (d))
- J. Abbott Rapid Dx North America, LLC – Freehold, NJ – Background Check Not Required - Publicly Traded (NAC 639.593(7)(a))
- K. Abbott Rapid Dx North America, LLC – San Diego, CA – Background Check Not Required - Publicly Traded (NAC 639.593(7)(a))
- L. Alere San Diego Inc. – Pomona, CA – Background Check Not Required - Publicly Traded and Manufacturer (NAC 639.593(7)(a) and (d))

April Veoukas, Director of Regulatory Affairs, and Maria Vrabie, Director of Quality Assurance & Regulatory Affairs, appeared and were sworn in by President Park prior to answering questions and offering testimony.

President Park requested a Letter of Authorization for Ms. Veoukas and Ms. Vrabie to speak on behalf of the company.

Ms. Wuest provided clarification on their appearance regarding the company not having sufficient information on whether they have any disclosures in other states.

The Board questioned why the company is unable to provide a definite answer.

Ms. Veoukas answered that they are large company and unsure if they have any disclosures in other states.

Board discussion ensued.

President Park offered the company the option to table their application to meet with Board staff and file a completed application.

Ms. Veoukas agreed to table application.

President Park tabled application at their request.

M. Allergan USA, Inc. – Madison, NJ – Background Check Not Required - Publicly Traded (NAC 639.593(7)(a))

Christopher Reynolds, Director of Customer Logistics, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Michael Labson appeared as counsel on behalf of Allergan.

Board staff commented to Board that they reviewed the application and put the applicant on as an appearance. However, they were able to figure out the business model and have no concerns.

Board discussion ensued.

Richard Tomasso was excused from the meeting at 10:35 AM.

Board Action:

Motion: Rolf Zakariassen moved to approve the Out-of-State Wholesaler License for Allergan USA, Inc.

Second: Jade Jacobo

Action: Passed unanimously (Richard Tomasso not present).

Richard Tomasso returned to the meeting at 10:38 AM.

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

A. Northmark Pharmacy – Cincinnati, OH

Deepali Chachare, Managing Pharmacist, and Ron Ferguson, Pharmacy Consultant, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Mr. Wuest provided clarification to the Board on application. A physician owning a pharmacy is allowed if they are not licensed in Nevada.

Joe Dodge, Nevada Board of Pharmacy Inspector, disclosed that he used to work with Mr. Ferguson but stated that he could participate in this matter fairly and without bias.

Mr. Dodge questioned the company on their business model, products being shipping into Nevada, and the products that they compound at their pharmacy.

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

Mr. Dodge commented that products need to be shipped directly to the patient.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the Out-of-State Compounding Pharmacy License for Northmark Pharmacy.

Second: Krystal Freitas

Action: Passed unanimously.

B. Sofie Co – Gilroy, CA

Kunj Patel, Director of Pharmacy and Regulatory, appeared and was sworn in by President Park prior to answering questions and offering testimony.

President Park requested a Letter of Authorization for Ms. Patel to speak on behalf of the company.

Mr. Dodge questioned Ms. Patel on the business model, her experience as a pharmacist, the guidelines for transportation of the products, and results of their California Inspection.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Out-of-State Compounding Pharmacy License for Sofie Co.

Second: Wayne Mitchell

Action: Passed unanimously.

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

A. Eagle, Inc. – Hoover, AL

This matter was continued to a future Board meeting.

B. Empower Pharmacy – Houston, TX

Ferdinand Large, Chief Compliance Officer, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Matthew Ludowig appeared as counsel on behalf of Empower Pharmacy.

Mr. Dodge provided background on the application and the results of their FDA Inspection.

Mr. Dodge questioned Mr. Large on the warning letter for reselling products, their 503A and 503B location, and the results of their FDA inspection.

Mr. Large and Mr. Ludowig answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Out-of-State Outsourcing Facility License for Empower Pharmacy.

Second: Krystal Freitas

Action: Passed unanimously.

Krystal Freitas and Wayne Mitchell were excused from the meeting at 11:30 AM.

17. Application for Ambulatory Surgery Center License. – Appearance. **(FOR POSSIBLE ACTION)**

A. Centennial Specialty Surgery Center – Las Vegas, NV

Mary Grear, Consulting Pharmacist, and Alyssa Skophammer, Administrator, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Wayne Mitchell returned to the Board meeting at 11:31 AM.

Mr. Keegan provided background on the application and the disclosures for the owner, Daniel Taheri. His disclosures are regarding a public reprimand for deficiency of record keeping and parallel actions taken by the Nevada State Board of Medical Examiners.

Krystal Freitas returned to the Board meeting at 11:37 AM.

Mr. Wuest requested clarification on how the company has a DEA number without a Nevada License.

Ms. Grear clarified that they were licensed but due to COVID, the location was closed, and the license expired. However, they are slowly opening again.

Ms. Grear requested Board if they can have their old license number as it will be easier for the company.

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve Ambulatory Surgery Center License for Centennial Specialty Surgery Center with conditions that they retain their previous license number pending positive inspection.

Second: Jade Jacobo

Action: Passed unanimously.

B. Mountain West Surgical Center – Reno, NV

Mary Grear appeared as the Consulting Pharmacist.

Amanda Bellinger, Administrator, and Timothy Janiga, Medical Director, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Mr. Keegan provided background on application and disclosure for Ms. Grear regarding past discipline with the Board.

Board staff further clarified that the location is set to be completed in April 2022, and they are unable to get a licensure with the Department of Health until they are licensed with the Nevada Board of Pharmacy.

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve Ambulatory Surgery Center License for Mountain West Surgical Center pending Nevada Business License and positive inspection by the Board.

Second: Jade Jacobo

Action: Passed unanimously.

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

Blake Kigerl

Blake Kigerl appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Kandt provided background on application and disclosure regarding diversion of a controlled substance.

The Board questioned Mr. Kigerl on the background of his disclosure and how much longer his Nevada Board of Nursing Monitoring agreement is for.

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

President Park requested a copy of his letter from his Compliance Officer.

Board discussion ensued.

Mr. Kigerl clarified that he will only be prescribing dangerous drugs not controlled substances.

Board Action:

Motion: Jade Jacobo moved to approve Blake Kigerl Advance Practice Registered Nurse – Prescribe Registration for dangerous drugs only shall continue to comply with his Nursing Board Agreement.

Second: Krystal Freitas

Action: Passed unanimously.

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

Brandy Baker

Brandy Baker appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Kandt provided background on application and disclosure regarding petty larceny.

Rolf Zakariassen disclosed that he was previously the Managing Pharmacist at CVS Store No. 9974 but stated that he could participate in this matter fairly and without bias.

The Board questioned Ms. Baker on the events that occurred with her disclosure and if she has applied to Renown previously.

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

Rolf Zakariassen commented that the Managing Pharmacist transferred, so an updated application is needed.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Pharmaceutical Technician in Training Registration for Brandy Baker pending favorable substance abuse disorder evaluation and an updated application with the current managing pharmacist signature or updated practice location.

Second: Wayne Mitchell

Action: Passed unanimously.

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

Kurt Howe

Kurt Howe appeared and was sworn in by President Park prior to answering questions and offering testimony.

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

Mr. Howe provided clarification on the events that occurred with his disclosure and reason for applying in Nevada.

Board discussion ensued.

Motion: Jade Jacobo moved to approve Application for Pharmacist Registration by Reciprocity for Kurt Howe as long as he stays compliant with his Georgia Board Order.

Second: Krystal Freitas

Action: Passed unanimously.

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

Greenbay Specialty Pharmacy – Las Vegas, NV – Background Check completed in compliance with NRS 639.500 - No Disqualifying Events – No Disclosures

Kardam Phjabi, Designated Representative, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Keegan provided background on application.

The Board questioned the business model, where they are ordering products, how will they separate the pharmacy from the wholesaler side, and how Mr. Phjabi knows the owners.

Board discussion ensued.

The Board has concerns regarding the layout and business model.

President Park offered if Greenbay Specialty Pharmacy would table their application to change the wholesaler's name and address the concerns of the Board.

Mr. Phjabi agreed to the table application.

President Park tabled application at Mr. Phjabi's request.

18. Discussion and Possible Action on Adoption of Emergency Regulation pursuant to NRS 233B.0613 to authorize pharmacists and other healthcare professionals to dispense oral medications for the treatment of COVID-19 subject to certain conditions. (**FOR POSSIBLE ACTION**)

There was no emergency regulation.

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

There was no General Counsel Report.

23. Public Comment March 3 2022, 5:00 PM

There was no public comment.

22. Date and Location of Next Scheduled Board Meeting:

April 13-14, 2022 – Las Vegas, NV

24. Adjournment