



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

October 12-13, 2022

BOARD MEETING

The Nevada State Board of Pharmacy will conduct a meeting beginning Wednesday, October 12, 2022, at 9:00 am. The meeting will continue, Thursday, October 13, 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:

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
Joe Dodge	Leo Basch	Luis Curras	Dena McClish
Ken Scheuber	Sophia Long		

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

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

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

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

2. Public Comment October 12, 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 September 7-8, 2022, Meeting Minutes (**FOR POSSIBLE ACTION**)

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve September 7-8, 2022, 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. CCS Medical – Roanoke, VA
- B. Lofta – La Jolla, CA

- 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))

- C. AuroMedics Pharma LLC – East Windsor, NJ
- D. Cognoa, Inc. – Palo Alto, CA

- E. Curae Pharma360 Inc. – San Francisco, CA
- F. Gynesonics, Inc. – Redwood City, CA
- G. Hepalink USA Inc. – Langhorne, PA
- H. House Rx Specialty Distribution LLC – Memphis, TN
- I. Lumicell, Inc. – Newton, MA
- J. Melinta Therapeutics, LLC – Lincolnshire, IL
- K. Oliva Therapeutics, LLC – Ridgewood, NJ

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

- L. Cardinal Health 200, LLC – Chicopee, MA
- M. Cardinal Health 200, LLC – Deland, FL
- N. Cardinal Health 200, LLC – Fort Mill, SC
- O. Cardinal Health 200, LLC – Wabasha, MN

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

- P. Life-Assist, Incorporated – Rancho Cordova, CA

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

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

- Q. Acer Therapeutics Inc. – Newton, MA
- R. Assertio Distribution, LLC – Lake Forest, IL
- S. Cardinal Health 200, LLC – El Paso, TX
- T. Cardinal Health 200, LLC – El Paso, TX
- U. Seagen Inc. – Bothell, WA

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

- V. Cardinal Health 200 LLC – Atlanta, GA
- W. Cardinal Health 200, LLC – Earth City, MO
- X. Cardinal Health 200, LLC – Swedesboro, NJ

4.2.8 Background checks completed in compliance with NRS 639.500.

- Y. Bound Tree Medical, LLC – Grand Prairie, TX
- Z. Bound Tree Medical, LLC – Jacksonville, FL
- AA. LogiCare3PL – Olive Branch, MS

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

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

BB. 3M Medical Solutions – Sparks, NV

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

CC. City Pharmacy II – Las Vegas, NV

DD. Platinum Medical LTC – Las Vegas, NV

4.5 Applications for Nevada Medical, Devices, Equipment and Gases License (NAC 639.6944) – Non-appearance **(FOR POSSIBLE ACTION)**

EE. Boutique at Renown – Reno, NV

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the Consent Agenda.

Second: Rolf Zakariassen

Action: Passed unanimously.

◆ REGULAR AGENDA ◆

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

A. Craig Harding (21-146-PT-S)

Craig Harding did not appear for his hearing.

No representative appeared on his behalf.

Courtney Lee, General Counsel for the Nevada Board of Pharmacy, prosecuted the case regarding Mr. Harding changing the beyond use date on oral syringe labels of dexamethasone 4mg/ml.

Ms. Lee called Darlene Nases as a witness.

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

Ms. Lee questioned Ms. Nases on serving Mr. Harding with the Notice of Intended Action and Accusation.

Ms. Nases confirmed that she sent the Notice of Intended Action and Accusation by certified mail to Mr. Harding's last address of record.

Ms. Lee requested the Board to enter Exhibit 1, proof of personal service, into the record.

President Park entered Exhibit 1 into the record.

Ms. Lee commented that Ken Scheuber, Nevada Board of Pharmacy Investigator, personally served Mr. Harding the Notice of Hearing at his last known address.

Ms. Lee requested the Board to enter Exhibits 2-4 into the record, which included Craig Harding's statement to UMC, Craig Harding's statement to Board's investigator, and photographs of changed dexamethasone oral syringes.

President Park admitted Exhibits 2-4.

Board Action:

Motion: President Park moved to find that Craig Harding was properly noticed of the hearing and served the Notice of Intended Action and Accusation.

Second: Wayne Mitchell

Action: Passed unanimously.

President Park wanted confirmation that Mr. Harding did not request a continuance.

Ms. Lee confirmed that no continuance was requested.

Ms. Lee requested the Board find that they have jurisdiction consistent with paragraph 1 of the Notice of Intended Action and Accusation.

Board Action:

Motion: Wayne Mitchell moved to find that the Board has jurisdiction consistent with paragraph 1 of the Notice of Intended Action and Accusation.

Second: Krystal Freitas

Action: Passed unanimously.

Ms. Lee requested the Board to find the Findings of Fact consistent with paragraphs 2-11 of the Notice of Intended Action and Accusation.

Board Action:

Motion: President Park moved to make Findings of Fact consistent with paragraph 2-11 of the Notice of Intended Action and Accusation.

Second: Wayne Mitchell

Action: Passed unanimously.

Ms. Lee requested the Board to make Conclusions of Law consistent with paragraphs 19-21 in the Notice of Intended Action and Accusation.

Board Action:

Motion: Wayne Mitchell moved to make Conclusions of Law consistent with paragraph 19-21 of the Notice of Intended Action and Accusation.

Second: Krystal Freitas

Action: Passed unanimously.

Ms. Lee requested the Board to enter the attorney's fees and cost as Exhibit 5.

President Park admitted as Exhibit 5.

Ms. Lee requested that the Board make a finding that the attorney's fees and costs were reasonable, necessary, and actually incurred.

Board Action:

Motion: Wayne Mitchell moved to award the attorney's fees and costs of \$856.50 on the basis that they were reasonable, necessary, and actually incurred.

Second: Gener Tejero

Action: Passed unanimously.

Ms. Lee proposed the following penalties for Craig Harding Certificate of Registration No. PT01062: 1) revoke registration for a period of one year; 2) pay a fine of \$1,000 for the violations; and 3) pay attorney's fees and costs of \$856.50.

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve the penalties for Craig Harding Certificate of Registration No. PT01062 as proposed by Ms. Lee.

Second: Wayne Mitchell

Board discussion ensued on if Mr. Harding will need to appear before the Board for reinstatement.

Mr. Wuest confirmed.

Action: Passed unanimously.

- B. Walgreens Pharmacy #4854 (18-055-PH-A-S)
- C. Walgreens Pharmacy #7864 (18-055-PH-B-S)
- D. Minhquang Nguyen, RPH (18-055-RPH-A-S)
- E. Maria Cruz, RPH (18-055-RPH-B-S)
- F. Tina Rizzolo, RPH (18-055-RPH-C-S)

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

Krystal Freitas disclosed that she used to work with Tina Rizzolo but stated that she could participate in this matter fairly and without bias.

William Stilling appeared as joint counsel on behalf of all Respondents.

Minhquang Nguyen, Managing Pharmacist, and Holly Prieto, Healthcare Supervisor for Walgreen's, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Mr. Stilling commented that Maria Cruz was dismissed, so she is not present for the hearing. In addition, Tina Rizzolo may be attending via Zoom but is retired and no longer is with Walgreen's.

Courtney Lee prosecuted the case regarding a misfill for a duplicate and mislabeled tramadol prescription dispensed for the wrong patient with the wrong prescriber's name.

Ms. Lee commented that the Notice of Intended Action and Accusation has Respondent Minhquang misspelled as "Minquang".

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

The stipulated penalties for Minhquang Nguyen Certificate of Registration No. 15913 are the following: 1) pay a fine of \$1,000 for the violations; 2) pay \$500 to partially reimburse the Board for recoverable attorney's fees and investigative costs; and 3) shall complete two

hours of continuing education regarding proper dispensing practices and/or medication review which shall be forwarded to Board's staff within 90 days of this Order.

The disciplinary action for Maria Cruz Certificate of Registration No. 18166 shall be dismissed.

The stipulated penalties for Tina Rizzolo Certificate of Registration No. 17665 are the following: 1) pay a fine of \$1,000 for the violations; and 2) pay \$500 to partially reimburse the Board for recoverable attorney's fees and investigative costs.

The stipulated penalties for Walgreens #4854 Pharmacy License No. PH01293 are the following: 1) pay a fine of \$2,000 for the violations; and 2) pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and investigative costs.

The stipulated penalties for Walgreens #7864 Pharmacy License No. PH01293 are the following: 1) pay a fine of \$2,000 for the violations; and 2) pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and investigative costs.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the Stipulation and Order for Tina Rizzolo, Walgreen's #4854, and Walgreen's #7864 as presented by Ms. Lee.

Second: Krystal Freitas

Action: Passed unanimously.

G. Walgreens Pharmacy #4854
H. Soyoung Eom, RPH

(18-067-PH-S)
(18-067-RPH-S)

William Stilling appeared as counsel on behalf of all Respondents.

Soyoung Eom appeared and was sworn in by President Park prior to answering questions and offering testimony.

President Park disclosed that she went to school with Soyoung Eom but stated that she could participate in this matter fairly and without bias.

Holly Priervo, Healthcare Supervisor for Walgreens, appeared and is still sworn in from a previous matter.

Courtney Lee prosecuted the case regarding a misfill of a prescription for montelukast 10 mg with the wrong drug, sildenafil 20 mg.

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

The stipulated penalties for Soyoung Eom Certificate of Registration No. 18126 are the following: 1) pay a fine of \$1,000 for the violations; and 2) pay \$500 to partially reimburse the Board for recoverable attorney's fees and investigative costs.

The stipulated penalties for Walgreens #4854 Pharmacy License No. PH01293 are the following: 1) pay a fine of \$2,000 for the violations; and 2) pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and investigative costs.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the Stipulation and Order for Soyoung Eom and Walgreen's #4854 as presented by Ms. Lee.

Second: Krystal Freitas

Action: Passed unanimously.

- I. Walgreens Pharmacy #4137 (18-072-PH-S)
- J. Hiep Tran, RPH (18-072-RPH-A-S)
- K. Thuthaporn Wongse-Sanit, RPH (18-072-RPH-B-S)

William Stilling appeared as counsel on behalf of all Respondents.

Holly Prieto, Healthcare Supervisor for Walgreens, appeared and is still sworn in from a previous matter.

Krystal Freitas disclosed that she knows Thuthaporn Wongse-Sanit but stated that she could participate in this matter fairly and without bias.

Hiep Tran and Thuthaporn Wongse-Sanit appeared and were sworn in by President Park prior to answering questions and offering testimony.

Courtney Lee prosecuted the case regarding a misfill for the wrong dose of morphine sulfate 30 mg instead of the correct dosage of 15 mg.

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

The stipulated penalties for Hiep Tran Certificate of Registration No. 17091 are the following: 1) pay a fine of \$1,000 for the violations; and 2) pay \$500 to partially reimburse the Board for recoverable attorney's fees and investigative costs.

The stipulated penalties for Thuthaporn Wongse-Sanit Certificate of Registration No. 16891 are the following: 1) pay a fine of \$1,000 for the violations; and 2) pay \$500 to partially reimburse the Board for recoverable attorney's fees and investigative costs.

The stipulated penalties for Walgreens #4137 Pharmacy License No. PH01132 are the following: 1) pay a fine of \$2,000 for the violations; and 2) pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and investigative costs.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the Stipulation and Order for Hiep Tran, Thuthaporn Wonse-Sanit, and Walgreen's #4137 as presented by Ms. Lee.

Second: Gener Tejero

Action: Passed unanimously.

L. Samuel Mujica-Trenche, MD (22-057-CS-S)

This matter was continued to a future Board Meeting.

N. Walgreens Pharmacy #5311 (19-027-PHN-S)
O. Rena Dawn Carrera, RPH (19-027-RPH-S)
P. Genevieve Balingit, PT (19-027-PT-S)

Krystal Freitas disclosed that Rena Dawn Carrera was a classmate but stated that she could participate in this matter fairly and without bias.

William Stilling appeared as counsel on behalf of Walgreen's Pharmacy #5311 only.

Holly Priervo, Healthcare Supervisor for Walgreens, appeared and is still sworn in from a previous matter.

Rena Dawn Carrera appeared and was sworn in by President Park prior to answering questions and offering testimony.

Genevieve Balingit was not present for the hearing.

Courtney Lee prosecuted the case regarding Genevieve Balingit falsely indicating that she had a high school diploma when she applied as a pharmaceutical technician in training.

Ms. Lee presented a proposed Stipulation and Order (only for Walgreen's #5311) for the Board's consideration.

Board discussion ensued.

The Board would like to address Rena Dawn Carrera's case before considering Walgreen's proposed Stipulation and Order.

Ms. Lee prosecuted the case regarding Respondent Carrera. Respondent Carrera agreed to stipulate to the facts as presented in the Accusation.

Ms. Lee requested the Board to enter Exhibits 1-2 into the record, which included Balingit's Walgreens employment application in May 2015 and Balingit's application as a pharmaceutical technician in training with the Board dated December 12, 2015.

Ms. Carrera has no objections to Exhibits 1-2.

President Park admitted Exhibits 1-2.

Ms. Lee requested that the Board dismiss disciplinary action against Ms. Carrera based on testimony regarding the pharmaceutical technician in training waiver.

Mr. Stilling agrees with dismissing Ms. Carrera if the Board determines that dismissal is appropriate.

Ms. Carrera provided testimony and commented that she thought that Ms. Balingit had a high school diploma since she was already working at the pharmacy prior to her becoming the Managing Pharmacist of pharmacy.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to dismiss the disciplinary action against Rena Dawn Carrera.

Second: Rolf Zakariassen

Action: Passed unanimously.

Ms. Lee prosecuted the case regarding Respondent Balingit.

Genevieve Balingit was not present for the hearing.

Ms. Lee requested the Board find that Ms. Balingit was properly served and noticed for the hearing on page 1343 of the Board Book.

Board Action:

Motion: President Park moved to find that Genevieve Balingit was properly served and noticed for the hearing.

Second: Wayne Mitchell

Board staff commented that the witness is usually called to confirm the Certificate of Service.

President Park withdrew her motion, and Wayne Mitchell withdrew his second motion.

Ms. Lee called Kristopher Mangosing as a witness.

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

Ms. Lee questioned Mr. Mangosing on serving Ms. Balingit with the Notice of Intended Action and Accusation.

Mr. Mangosing confirmed that he sent the Notice of Intended Action and Accusation by certified mail.

Ms. Lee requested the Board find that Ms. Balingit was properly served and noticed for the hearing.

Board Action:

Motion: President Park moved to find that Genevieve Balingit was properly served notice for the hearing.

Second: Wayne Mitchell

Action: Passed unanimously.

Ms. Lee requested that Exhibits 1-2 from Carrera's case be entered into the record for Ms. Balingit.

President Park admitted Exhibits 1-2 into the record.

Ms. Lee requested that based upon the Accusation beginning on page 1309 of the Board Book, that the Board make a finding that it has jurisdiction over Respondent Balingit consistent with paragraph 1.

Board Action:

Motion: Krystal Freitas moved to find that the Board has jurisdiction consistent with paragraph 1 of the Notice of Intended Action and Accusation.

Second: Rolf Zakariassen

Action: Passed unanimously.

Ms. Lee requested the Board to find the Findings of Fact consistent with paragraphs 2-8 of the Notice of Intended Action and Accusation.

President Park commented that paragraph 6 should be removed due to Carrera's case being dismissed.

Board Action:

Motion: President Park moved to make Findings of Fact consistent with paragraph 2-8 of the Notice of Intended Action and Accusation, with the modification to paragraph 6.

Second: Krystal Freitas

Action: Passed unanimously.

Ms. Lee requested the Board to make Conclusions of Law consistent with paragraph 17 in the Notice of Intended Action and Accusation.

Board Action:

Motion: Krystal Freitas moved to make Conclusions of Law consistent with paragraph 17 of the Notice of Intended Action and Accusation.

Second: Rolf Zakarissen

Action: Passed unanimously.

Me. Lee requested the Board to enter attorney's fees and costs as Exhibit 3.

President Park admitted into the record as Exhibit 3.

Board Action:

Motion: Gener Tejero moved to award the attorney's fees and costs of \$116.25 on the basis that they were reasonable, necessary, and actually incurred.

Second: Wayne Mitchell

Action: Passed unanimously.

Ms. Lee recommended the following penalties for Respondent Genevieve Balingit, Certificate of Registration No. PT17726: 1) Revoke the PTT registration of Respondent Balingit for one year; 2) pay a fine of \$1,000 for the violations; and 3) pay \$116.25 to partially reimburse the Board for recoverable attorney's fees and costs.

Board Action:

Motion: Wayne Mitchell moved to approve the penalties for Respondent Genevieve Balingit Certificate of Registration No. PT17726 as proposed by Ms. Lee.

Second: Gener Tejero

Action: Passed unanimously.

Ms. Lee returned to prosecuting Walgreen's #5311 case.

Ms. Lee presented an amended Stipulation and Order for Walgreen's #5311 with the removal of paragraph 7B and 7C, modification to 7D, and removal of Respondent Carrera.

Mr. Stilling had no objections to the proposed amendments.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the amended Stipulation and Order for Walgreen's #5311 as proposed by Ms. Lee.

Second: Rolf Zakariassen

Action: Passed unanimously.

6. Hearing on summary suspension pursuant NRS 233B.127(3). **(FOR POSSIBLE ACTION)**

Morgan Towler, PTT

Morgan Towler did not appear for her hearing.

No representative was present on her behalf.

Courtney Lee prosecuted case no. 22-096 regarding Ms. Towler's hearing on the summary suspension order by the Executive Secretary if he determines that there is an emergent situation that impacts the safety, health, or welfare of the public.

Ms. Lee called Kristopher Mangosing as a witness.

Kristopher Mangosing is still sworn in from a previous matter.

Ms. Lee questioned Mr. Mangosing on serving Ms. Towler with the summary suspension order and notice of hearing.

Mr. Mangosing confirmed that he certified and mailed out the summary suspension order and notice of hearing to Ms. Towler.

Ms. Lee requested the Board find that Ms. Towler was properly served and noticed for the hearing.

Board Action:

Motion: President Park moved to find that Morgan Towler was properly served and noticed for the hearing.

Second: Krystal Freitas

Action: Passed unanimously.

Ms. Lee requested the Board to enter Exhibits 1-3 into the record, which included a voluntary statement from Morgan Tower, Las Vegas Metropolitan Police report, and statement from Kerry Otero, Walgreens pharmacy manager.

President Park admitted Exhibits 1-3.

Ms. Lee requested that the Board continue the suspension of Morgan Towler's Certificate of Registration No. PT23168 based on the evidence presented.

Board Action:

Motion: President Park moved to suspend Morgan Towler's Certificate of Registration No. PT23168 based on the evidence presented by Ms. Lee.

Second: Wayne Mitchell

Action: Passed unanimously.

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

M. CVS Pharmacy #8779

(19-067-PH-N)

Rolf Zakariassen recused himself due to his employment with CVS.

Brian Convery, CVS Representative, 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 the pharmacy's failure to keep accurate records of controlled substances.

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

The stipulated penalties for CVS #8779 Pharmacy License No. PH01613 are the following: 1) pay a fine of \$1,000 for the violations; and 2) pay \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Mr. Convery commented that this was an old issue, but CVS has fixed their systems so this does not happen again.

Dave Wuest agrees that CVS has fixed this issue.

Jade Jacobo recused herself due to her employment with CVS.

Board discussion ensued.

Board Action:

Motion: President Park moved to approve the Stipulation and Order for CVS Pharmacy #8779 as presented by Mr. Keegan.

Second: Wayne Mitchell

Action: Passed unanimously (Jacobco and Zakariassen recused).

Q. David Khuzistani, RPH

(20-186-RPH-A-N)

R. Jason Rasmussen, RPH

(20-186-RPH-B-N)

S. CVS Pharmacy #8801

(20-186-PH-N)

Jade Jacobo and Rolf Zakariassen recused themselves due to their employment with CVS.

Brian Convery appeared as a representative on behalf of Jason Rasmussen and CVS Pharmacy #8801. Mr. Convery is still sworn in from a previous matter.

Terry Johnson appeared as counsel on behalf of David Khuzistani.

David Khuzistani was not present for the hearing.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the case regarding a misfill which resulted in harm to a patient.

Mr. Kandt presented a Stipulation and Order for the Board's consideration for CVS #8801 and Mr. Rasmussen.

The stipulated penalties for Jason Rasmussen Certificate of Registration No. 19298 are the following: 1) public reprimand; 2) pay a fine of \$1,000 for the violations; and 3) complete two extra hours of continuing education (CE) on error prevention.

The stipulated penalties for CVS #8801 Pharmacy License No. PH01613 are the following: 1) pay a fine of \$2,000 for the violations; and 2) pay \$750 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the Stipulation and Order for CVS #8801 and Jason Rasmussen as presented by Mr. Kandt.

Second: Krystal Freitas

Action: Passed unanimously (Jacob and Zakariassen recused).

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

The stipulated penalties for David Khuzistani Certificate of Registration No. 19725 are the following: 1) public reprimand; 2) pay a fine of \$500 for the violations; and 3) complete two extra hours of continuing education (CE) on error prevention.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Stipulation and Order for David Khuzistani as presented by Mr. Kandt.

Second: Wayne Mitchell

Action: Passed unanimously (Jacob and Zakariassen recused).

T. Heather Carroll, APRN

(22-025-CS-N)

Tracy Singh appeared as counsel on behalf of Heather Carroll.

Heather Carroll was not present for the hearing.

Brett Kandt prosecuted the case regarding Heather Carroll who served as the Medical Director for Tahoe Cosmetics, LLC and ShellBelle Beauty Nurse, LLC. She allowed Shelly Martin, Registered Nurse, to act under her authority as practitioner to operate and have access to dangerous drugs without proper supervision.

Shelley Martin was sent a Cite and Fine letter which she has paid the fine.

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

The stipulated penalties for Heather Carroll Certificate of Registration No. CS25399 are the following: 1) public reprimand; 2) pay a fine of \$5,000 for the violations; 3) pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; and 4) policies and procedures are in place at the practice to ensure all laws are complied with in regards to a bona fide relationship and ordering, possessing, administering, and/or dispensing dangerous drugs.

Board discussion ensued.

Board Action:

Motion: President Park moved to approve the Stipulation and Order for Heather Carroll as presented by Mr. Kandt.

Second: Rolf Zakariassen

Action: Passed unanimously.

U. Morgan Grace Nicholson, PT

(22-012-PT-N)

No representative present on behalf of Morgan Grace Nicholson.

Brett Kandt commented that Ms. Nicholson is receiving treatment in Oregon which is why she is not present.

Mr. Kandt prosecuted the case regarding Ms. Nicholson being under the influence while performing the duties as a pharmaceutical technician at Raley's Pharmacy #113.

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

The stipulated penalties for Morgan Grace Nicholson Certificate of Registration No. PT23427 are the following: 1) forfeit registration upon expiration pursuant to NRS 639.186 and shall not engage in practice as a pharmaceutical technician; and 2) must appear before the Board if she intends to apply for any license or permit by this Board.

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve the Stipulation and Order for Morgan Grace Nicholson as presented by Mr. Kandt.

Second: Wayne Mitchell

Action: Passed unanimously.

L. Samuel Mujica-Trenche, MD (22-057-CS-S)

This matter was continued to a future Board Meeting.

V. Keith A. Breiland, MD (20-180-CS-S)

This matter was continued to a future Board Meeting.

18. Executive Secretary Report:

A. Financial Report

Dave Wuest provided the financial report to the Board's satisfaction.

Board discussion ensued.

- 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.

Board discussion ensued.

Public Comment October 12, 2022, 1:42 PM

There was no public comment.

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
Joe Dodge	Luis Curras	Ken Scheuber	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 stated that this Board Meeting is being held over Zoom and follows 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 October 13, 2022, 9:00 AM

Dr. Maureen Strohm, Board Certified Addiction Medicine Specialist and Family Physician in Nevada & Program Director for Nevada's Only and First Ever Addiction Medicine Fellowship for Physicians, commented that they are having trouble dispensing a lifesaving medicine – diamorphine to patients. Regulation File R087-22 is one step to remove barriers to care for patients who need medication-assisted treatment. It will allow practitioners provide access to care for patients who face difficulty accessing treatments.

◆ PUBLIC HEARING ◆

Thursday October 13, 2022 – 9:00 am

20. 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 authorize who is registered with the Board to dispense controlled substances and practices in a hospital or independent center for emergency medical care to dispense a controlled substance that has been federally approved for the treatment of opioid use disorder without a certificate of registration to dispense controlled substances or dangerous drugs at the specific site where he or she practices. (LCB File R087-22)

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

President Park opened the floor to public comment.

Maureen Strohm requested clarification on if physicians can dispense directly from the Emergency Room (ER).

Mr. Wuest answered Ms. Strohm's question.

Lea Case from the Nevada Psychiatric Association expressed support of this proposed amendment.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to adopt the proposed Amendment to Nevada Administrative Code (NAC) 639. (LCB File R087-22)

Second: Rolf Zakariassen

Action: Passed unanimously.

- B. **Amendment to Nevada Administrative Code (NAC) 639.** The proposed amendments establish the requirements for a group of practitioners practicing at a reproductive healthcare center to obtain a certificate of registration from the State Board of Pharmacy to maintain a single inventory of certain dangerous drugs for dispensing at a site of practice. (LCB File R181-22)

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

President Park opened the floor to public comment.

There was no public comment.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to adopt the proposed Amendment to Nevada Administrative Code (NAC) 639. (LCB File R181-22)

Second: Gener Tejero

Action: Passed unanimously.

◆ WORKSHOP ◆

Thursday October 13, 2022 – 9:00 am

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

A. **Amendments to Nevada Administrative Code (NAC) 639.** The proposed amendments will add the American Red Cross as a provider of certification in life-saving techniques.

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

The Board suggested broadening the language so other providers can reach out to the Board to be considered a provider.

Board discussion ensued.

President Park opened the floor to public comment.

There was no public comment.

Board Action:

Motion: Gener Tejero moved to approve proposed regulation with modification to include other programs approved by the Board to Nevada Administrative Code (NAC) 639 and move to public hearing.

Second: Wayne Mitchell

Action: Passed unanimously.

- B. **Amendment to the Nevada Administrative Code (“NAC”) 453.** The proposed amendments concern the process by which persons apply to the Board to obtain a certificate of registration to dispense controlled substances, pursuant to NRS 453.226, and provide other matters properly relating thereto.

Brett Kandt provided background on proposed workshop item.

Mr. Kandt commented that an amendment should be made to the language on page 2222 of the Board Book. It should state 453.310.

Board discussion ensued.

President Park opened the floor to public comment.

There was no public comment.

Board Action:

Motion: Krystal Freitas moved to approve proposed regulation with modification to 453.210 to Nevada Administrative Code (NAC) 453.310 and move to public hearing.

Second: President Park

Action: Passed unanimously.

- C. **Amendment to the Nevada Administrative Code (“NAC”) 639.** The proposed amendments relate to the licensing requirements for facilities for treatment with narcotics and provide other matters properly relating thereto.

Brett Kandt provided background on proposed workshop item.

Board discussion ensued.

President Park opened the floor to public comment.

There was no public comment.

Board Action:

Motion: Gener Tejero moved to approve proposed regulation to Nevada Administrative Code (NAC) 639 and move to public hearing.

Second: Krystal Freitas

Action: Passed unanimously.

◆ REGULAR AGENDA ◆

16. Discussion and Determination related to security in the pharmacy. **(FOR POSSIBLE ACTION)**

Dave Wuest provided background on agenda item regarding pharmacies not being built with a five-foot wall or not having a dead bolt lock for Board discussion.

President Park opened the floor to public comment.

There was no public comment.

Board discussion ensued regarding re-evaluating the language.

Mr. Wuest will work with the industry and bring back proposed language after the legislative session.

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

B. Queensridge Surgery Center, LLC – Las Vegas, NV

Robert Lerma, Administrator, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Courtney Lee provided background on application and disclosures for Mary Gear regarding a grant funds investigation which she was cleared of and several disclosures for Dr. Michael Crovetti regarding back wages owed, negligent malpractice, a foreign substance left in a patient's body, misplacement of artificial implants in a patient's left knee, and neglect of patient's condition after surgery.

The Board questioned Mr. Lerma on the business model for the surgery center.

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

Ms. Gear commented that the surgery center will have the same policies and procedures as the other location in Coronado.

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve Ambulatory Surgery Center License for Queensridge Surgery Center, LLC.

Second: Gener Tejero

Action: Passed unanimously.

A. Surgery Nevada LLC – Reno, NV

Rick Williams, Clinical Director, and Ken Fernandes, Consultant Pharmacist, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan provided background on application.

The Board questioned Surgery Nevada LLC on their business model.

Mr. Williams and Mr. Fernandes answered questions to the Board's satisfaction.

Board Action:

Motion: Gener Tejero moved to approve Ambulatory Surgery Center License for Surgery Nevada LLC.

Second: Wayne Mitchell

Action: Passed unanimously.

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

A. Accumix Pharmacy – Elmhurst, IL

Marco Onoroto, Director of Pharmacy and Managing Pharmacist, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge provided background on application.

Mr. Dodge questioned on the business model, products being shipped into Nevada, last inspection results, and experience with sterile products.

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

Board discussion ensued.

Board Action:

Motion: President Park moved to approve Out-of-State Compounding Pharmacy License for Accumix Pharmacy.

Second: Wayne Mitchell

Action: Passed unanimously.

B. American Outcomes Management, LP – Fort Worth, TX

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

Shaylynn Veeder appeared as counsel on behalf of American Outcomes Management, LP.

Joe Dodge provided background on application regarding a change of ownership.

Ms. Veeder explained the change of ownership to the Board.

Mr. Dodge questioned on the business model, products being shipped into Nevada, cleaning procedures, and the results of their last state inspection.

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

Mr. Dodge questioned if they would like to remove the sterile compounding affidavit in the application as they are shipping sterile products into Nevada.

Ms. Veeder requested the affidavit be removed from the application.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Out-of-State Compounding Pharmacy License change of ownership for American Outcomes Management, LP.

Second: President Park

Action: Passed unanimously.

10. Applications for Nevada Medical, Devices, Equipment and Gases License

(NAC 639.6944) – Appearance (**FOR POSSIBLE ACTION**)

Wellness Essentials Inc. – Las Vegas, NV

Hripsime Madaryan, MDEG Administrator, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan provided background on application.

The Board questioned Ms. Madaryan on the business model, products provided, and what Ms. Madaryan has been doing since she has been hired.

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

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve the Nevada Medical Devices, Equipment, and Gases License for Wellness Essentials Inc.

Second: Krystal Freitas

Action: Passed unanimously.

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

The Ritedose Corporation – Columbia, SC

Julia Bales, Supervising Pharmacist, and Sarah Elizabeth Reed, Pharmacist, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge provided background on application regarding a change of ownership.

Mr. Dodge questioned on the change of ownership, any changes in the company, and their FDA inspection results.

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

Mohammed Sadeghi, Vice President of Quality, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Sadeghi provided further clarification on FDA inspection results to the Board.

Mr. Dodge recommends Board to request a statement from The Ritedose Corporation regarding FDA findings from November 5, 2021, to present.

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve the Out-of-State Outsourcing Facility change of ownership for The Ritedose Corporation pending satisfactory statement regarding FDA findings.

Second: Krystal Freitas

Action: Passed unanimously.

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

- A. Integrated Medical Systems, Inc. – Henderson, NV – Background Check completed in compliance with NRS 639.500

Pat Diorio, President, and Laura Sexton, Vice President of Operations, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan provided background on application and disclosure for the Designated Representative regarding underage consumption of alcohol.

Mr. Medina was not present for the appearance due to COVID.

Board discussion ensued on if they should table application due to Mr. Medina not being present to answer questions his disclosure.

The Board questioned Integrated Medical Systems on the business model and if they have any disciplinary action in other states.

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

Board Action:

Motion: President Park moved to approve Nevada Wholesaler License for Integrated Medical Systems, Inc pending review of Manuel Medina's disclosure documents by Board staff.

Second: Rolf Zakariassen

Action: Passed unanimously.

- B. Norco, Inc. – Elko, NV – Background Check completed in compliance with NRS 639.500
- C. Norco, Inc. – Winnemucca, NV – Background Check completed in compliance with NRS 639.500

Roger Hudgens, Manager, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan provided background on application and disclosures regarding unlicensed activity for the Winnemucca location and for James Kissler regarding a DUI and business litigations.

Mr. Keegan wanted clarification on the Certificate of Liability as it does not reflect the Nevada locations.

Mr. Hudgens answered that the Certificate of Liability will cover all Norco locations.

The Board questioned Norco on the business model, products being shipped into Nevada, and their disclosures.

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

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve Nevada Wholesaler License for Norco, Inc for Elko and Winnemucca locations.

Second: Krystal Freitas

Action: Passed unanimously.

13. Applications for Out-of-State Wholesaler License (NRS 639.233) – Appearance (**FOR POSSIBLE ACTION**)
 - A. Skeletal Dynamics Inc. – Miami, FL – Background Check Not Required - Manufacturer (NAC 639.593(7)(d))

Tom Donaldson and Michael Rosen appeared as counsel on behalf of Skeletal Dynamics, Inc.

Anna Escagedo, President, and Tom Norman, Chief Operations Officer, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Courtney Lee provided background on application and disclosures regarding unlicensed wholesaling activity, a workman's compensation and personal injury complaint, a patent dispute relating to medical device, and Ms. Escagedo disclosure regarding a family estate pro-rate dispute.

Ms. Lee wanted to clarify that Mr. Norman provided an updated application to reflect the correct experience hours as the Designated Representative.

The Board questioned Skeletal Dynamics Inc on the business model.

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

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve Out-of-State Wholesaler License for Skeletal Dynamics Inc.

Second: Wayne Mitchell

Action: Passed unanimously.

B. Stemline Therapeutics, Inc. – New York, NY – Background Check Not Required - Manufacturer (NAC 639.593(7)(d))

Jeffrey Levitt appeared as counsel on behalf of Stemline Therapeutics, Inc.

Courtney Lee provided background on application and disclosure regarding securities violation.

Ms. Lee wanted clarification as they are non-publicly traded but at one time were publicly traded due to their disclosure.

Mr. Levitt answered that they were bought out by an Italian pharmaceutical company which is why they are now non-publicly traded.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve Out-of-State Wholesaler License for Stemline Therapeutics, Inc.

Second: Rolf Zakariassen

Action: Passed unanimously.

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

A. Leslie Baker

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

Rolf Zakarissen disclosed that Leslie Baker is a coworker but stated that he could participate in this matter fairly and without bias.

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

Ms. Baker explained the services that she intends to practice outside of a licensed pharmacy.

The Board questioned Ms. Baker on how she deals with helping patients who are apprehensive on getting help and if she works with the patient's actual practitioner.

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

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve Leslie Baker's request to engage in the practice of pharmacy at a site other than a licensed pharmacy.

Second: President Park

Action: Passed unanimously.

B. Arnitta Singh

Arnitta Singh appeared and was sworn in by President Park prior to answering questions and offering testimony.

President Park disclosed that she knows Arnitta Singh but stated that she could participate in this matter fairly and without bias.

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

Ms. Singh explained the services that she intends to practice outside of a licensed pharmacy.

Ms. Singh wanted to clarify that she is already providing these services, but she found through a recent inspection that she needed approval by the Board.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve Arnitta Singh's request to engage in the practice of pharmacy at a site other than a licensed pharmacy.

Second: Rolf Zakariassen

Action: Passed unanimously.

15. Request for Pharmacist Applicant to Retake the NAPLEX Exam (NRS 639.120(1)) – Appearance: **(FOR POSSIBLE ACTION)**

Chris Huynh

Chris Huynh appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Huynh is requesting the Board to allow him to take the NAPLEX Exam for a sixth time.

President Park questioned what happened with his past tests and what he intends to do if he is granted another opportunity to take the NAPLEX Exam.

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

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to allow Chris Huynh to take the NAPLEX exam for the sixth time.

Second: Wayne Mitchell

Action: Passed unanimously.

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

- A. NDOC ESP Pharmacy – Ely, NV
- B. NDOC FMWCC Pharmacy – Las Vegas, NV
- C. NDOC HDSP Pharmacy – Indian Springs, NV
- D. NDOC LCC Pharmacy – Lovelock, NV
- E. NDOC NNCC Pharmacy – Carson City, NV
- F. NDOC SDCC Pharmacy – Indian Springs, NV

President Park recused herself from this item as she will be appearing as a representative.

Wayne Mitchell acted as the presiding officer on President Park's behalf.

Helen Park, Pharmacy Director for Nevada Department of Corrections, appeared and was sworn in by Wayne Mitchell prior to answering questions and offering testimony.

Dave Wuest provided background on application.

The Board questioned on the business model and current processes at the facilities.

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

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve Nevada Pharmacy License for the following locations: NDOC ESP Pharmacy, NDOC FMWCC Pharmacy, NDOC HDSP Pharmacy, NDOC LCC Pharmacy, NDOC LCC Pharmacy, NDOC NNCC Pharmacy, and NDOC SDCC Pharmacy.

Second: Rolf Zakariassen

Action: Passed unanimously (Park recused).

22. Public Comment October 12, 2022, 12:38 PM

There was no public comment.

21. Date and Location of Next Scheduled Board Meeting:

November 30, 2022 – December 1, 2022 – Las Vegas, NV

23. Adjournment