



BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

vs.

CHRISTOPHER OLSEN, RPH,
Certificate of Registration No. 11156, and

OLSEN'S CORNER DRUG STORE
COMPOUNDING CENTER,
Pharmacy License No. PH03816,

Respondents.

Case Nos. 21-171-RPH-N

21-171-PH-N

**ANSWER AND NOTICE OF
DEFENSE**

Respondents Christopher Olsen, RPH and Olsen's Corner Drug Store (Pharmacy License No. PH01913), incorrectly named herein as Olsen's Corner Drug Store Compounding Center (Pharmacy License No. PH03816) ("Respondents"), by and through their attorneys of record Snell & Wilmer L.L.P., answer the Notice of Intended Action and Accusation (the "Accusation") filed in the above-entitled matter before the Nevada State Board of Pharmacy, and declare:

1. That their objections to the Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against them, are hereby interposed on the following grounds:

The Accusation incorrectly names Olsen's Corner Drug Store Compounding Center, Pharmacy License No. PH03816 ("Olsen's Compounding Center"). Olsen's Compounding Center, while owned by Mr. Olsen at the time of the events alleged herein, was never investigated by the Drug Enforcement Administration, charged with any wrongdoing or specifically identified in the Memorandum of Agreement with the U.S. Attorney's Office for the

District of Nevada and the Drug Enforcement Administration entered into on May 24, 2021. The investigated pharmacy was Olsen's Corner Drug Store (Pharmacy License No. PH01913).

2. That, in answer to the Notice of Intended Action and Accusation, Respondents admit, deny and allege as follows:

JURISDICTION

1. Respondents admit the allegations of Paragraph 1 of the Accusation.

FACTUAL ALLEGATIONS

2. Respondents admit the allegations of Paragraph 1 of the Accusation.
3. Answering Paragraph 3 of the Accusation, Respondents admit that Mr. Olsen entered into a Memorandum of Agreement with the U.S. Attorney's Office for the District of Nevada and the Drug Enforcement Administration on May 24, 2021 requiring him to sell his interest in Olsen's Drug, to never again maintain any ownership interest or management position in any pharmacy and to pay \$135,254 civil penalties, but deny that these penalties were for failing to maintain complete and accurate records causing numerical deviations in accountability.

APPLICABLE LAW

4. Answering Paragraph 4, Respondents state that this paragraph contains legal conclusions that do not require a response.
5. Answering Paragraph 5, Respondents state that this paragraph contains legal conclusions that do not require a response.
6. Answering Paragraph 6, Respondents state that this paragraph contains legal conclusions that do not require a response.
7. Answering Paragraph 7, Respondents state that this paragraph contains legal conclusions that do not require a response.
8. Answering Paragraph 8, Respondents state that this paragraph contains legal conclusions that do not require a response.
9. Answering Paragraph 9, Respondents state that this paragraph contains legal conclusions that do not require a response.

10. Answering Paragraph 10, Respondents state that this paragraph contains legal conclusions that do not require a response.

11. Answering Paragraph 11, Respondents state that this paragraph contains legal conclusions that do not require a response.

12. Answering Paragraph 12, Respondents state that this paragraph contains legal conclusions that do not require a response.

COUNT ONE

Violation of Federal and State Law

13. Respondents deny the allegations of Paragraph 13 of the Accusation.

COUNT TWO

Incompetent, Unskillful and Negligent Practice of Pharmacy

(Respondent Christopher Olsen)

14. Respondents deny the allegations of Paragraph 14 of the Accusation.

COUNT THREE

Managing Pharmacist Responsibility

(Respondent Christopher Olsen)

15. Respondents deny the allegations of Paragraph 15 of the Accusation.

COUNT FOUR

Pharmacy/Pharmacy Owner Responsibility

(Respondent Christopher Olsen)

16. Respondents deny the allegations of Paragraph 16 of the Accusation.

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I hereby declare, under penalty of perjury, that the foregoing Answer and Notice of Defense, and all facts therein stated, are true and correct to the best of my knowledge.

DATED this 30th day of June, 2022.

SNELL & WILMER LLP

By: /s/ Sarah B. Lee

William E. Peterson, No. 1528
Sarah B. Lee, No. 15586
50 West Liberty Street, Suite 510
Reno, Nevada 89501

Attorneys for Respondents

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**MORTON ISAAC HYSON, M.D.
Certificate of Registration No. CS05851,**

Respondent.

Case No. 22-146-CS-S

STIPULATION AND ORDER

J. David Wuest, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, by and through its Assistant General Counsel, Peter K. Keegan, Esq., and Respondent MORTON ISAAC HYSON, M.D., (“Respondent”) Certificate of Registration No. CS05851, **HEREBY STIPULATE AND AGREE AS FOLLOWS:**

1. The Board has jurisdiction over Respondent and this matter.
2. On or about June 9, 2022, Board Staff properly served Respondent with the Notice of Intended Action and Accusation (“Accusation”) on file in this matter together with the Statement to Respondent and Notice of Hearing.
3. Respondent is fully aware of his right to seek the advice of counsel in this matter prior to entering into this Stipulation.
4. Respondent is aware of his right to a hearing on the matters alleged in the Accusation, his right to reconsideration, his right to appeal and any and all other rights which may be accorded to him pursuant to NRS Chapter 233B (“Nevada Administrative Procedure Act”), NRS Chapter 622A (“Administrative Procedure Before Certain Regulatory Bodies”), and NRS Chapter 639 (“Nevada Pharmacy Act”).
5. Conditioned on the acceptance of this Stipulation by the Board, and with the exception of the right to challenge any determination that Respondent has failed to comply with the provisions of paragraphs below, Respondent hereby freely and voluntarily waives his rights to a hearing, reconsideration, appeal and any and all other rights related to this action that may be accorded to him by NRS Chapter 233B (“Nevada Administrative Procedure Act”), NRS Chapter 622A

(“Administrative Procedure Before Certain Regulatory Bodies”), and NRS Chapter 639 (“Nevada Pharmacy Act”).

6. Respondent admits that evidence exists, and that Board staff prosecuting this case could present such evidence at an administrative hearing, to establish a factual basis for the violations alleged in the Accusation, *to wit*, that:

A. The suspension of Respondent’s Nevada State Board of Medical Examiner’s License No. 6062 to practice medicine disqualifies him from holding a Nevada registration to dispense controlled substances pursuant to 21 U.S.C. § 822(a)(2); 21 U.S.C. § 823(f); 21 CFR § 1306.03; and NRS 453.226(1), and are grounds for the disciplinary suspension of Respondent’s registration pursuant to NRS 453.231(1)(b); NRS 453.236(1)(e); NRS 453.241(1); NRS 639.210(4) and (12); NRS 639.2107; NRS 639.255; and NAC 639.295.

7. In order to resolve this matter without incurring any further costs or the expenses associated with a hearing, the Board and Respondent stipulate to the following penalties. Respondent Dr. Morton Isacc Hyson, M.D., Certificate of Registration No. CS05851 hereby agrees to:

A. The suspension of his Controlled Substance Registration No. CS05851 until such time as Respondent demonstrates the reinstatement of his Nevada Medical License No. 6020; and

B. Pay Five-Hundred and Dollars (\$500.00) to partially reimburse the Board for recoverable attorney’s fees and costs incurred in investigating and prosecuting this matter.

B. In the event Respondent petitions for reinstatement, or applies for reinstatement, or applies for any other certificate, license or permit with the Board, he shall appear before the Board to answer questions and give testimony regarding his application, his compliance with this Order, as well as the facts and circumstances underlying this matter.

8. Any failure by Respondent to comply with the terms of this Order may result in issuance by the Executive Secretary of an order to show cause, pursuant to NAC 639.965, directing Respondent to appear before the Board at the next regularly scheduled meeting for a show cause hearing. If such a hearing results in a finding of a violation of this Order by Respondent, the Board may impose additional discipline upon Respondent not inconsistent with the provisions of NRS Chapter 639.

9. The Board's Assistant General Counsel will present this Stipulation to the Board for approval pursuant to NRS 622.330 at the Board's regularly scheduled public meeting on September 8, 2022, in Las Vegas, Nevada. Respondent will appear at the meeting to answer questions from the Board Members and/or Board Staff. The Board Members and Staff may discuss and deliberate regarding this Stipulation, even if Respondent or his counsel are not present at the meeting.

10. The Board may accept this Stipulation but it is not obligated to do so. If this Stipulation is approved by the Board, it shall be a public record pursuant to NRS 622.330 and shall be reported to the National Practitioner Data Bank pursuant to 42 U.S.C. § 1396r-2 and 45 CFR Part 60.

11. If the Board rejects any part or all this Stipulation, and unless they reach an alternative agreement on the record during the hearing, the parties agree that a full hearing on the merits of this matter may be heard by the Board. The terms and admissions herein may not be used or referred to in a full hearing on the merits of this matter.

12. Upon approval of this Stipulation by the Board, Respondent shall pay the \$500.00 in attorney's fees and costs agreed to herein by *personal, cashiers, or certified check or money order* made payable to "Nevada State Board of Pharmacy," to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within thirty (30) days of the effective date of this Order.

13. Subject to the approval of this Stipulation by the Board, the Board and Respondent agree to release each other from any and all additional claims arising from the facts set forth in the Accusation on file herein, whether known or unknown that might otherwise have existed on or before the effective date of this Order.

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Respondent has fully considered the charges and allegations contained in the *Notice of Intended Action and Accusation* in this matter, and the terms of this Stipulation, and has freely and voluntarily agreed to the terms set forth herein, and waived certain rights, as stated herein.

AGREED:

Signed this 31 day of August 2022.


MORTON ISAAC HYSON, M.D.
Certificate of Registration No. CS05851

Signed this 31st day of August 2022.

NEVADA STATE BOARD OF PHARMACY

PETER K. KEEGAN, ESQ.
Assistant General Counsel

DECISION AND ORDER

The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as its decision as to Respondent Morton Isaac Hyson, M.D., Certificate of Registration No. CS05851, in Case No. 22-146-CS-S and hereby orders that the terms of the foregoing Stipulation be made effective upon execution below.

IT IS SO ORDERED.

Entered this ____ day of September 2022.

Helen Park, President
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**SHERMAN WASHINGTON, MD,
Certificate of Registration No. CS24310,**

Respondent.

**Case Nos. 19-243-CS-S
21-104-CS-N**

STIPULATION AND ORDER

Brett Kandt, General Counsel for Petitioner the Nevada State Board of Pharmacy (Board), and Respondent Sherman Washington, MD, Certificate of Registration No. CS24310, by and through counsel, Michael Mee, Esq., **HEREBY STIPULATE AND AGREE THAT:**

1. The Board has jurisdiction over Respondent and this matter.
2. On or about April 7, 2022, Respondent was served with the Notice of Intended Action and Accusation on file in in Case No. 21-104-CS-N together with the Statement to Respondent and Notice of Hearing.
3. On or about April 26, 2022, Respondent was served with the Notice of Intended Action and Accusation on file in in Case No. 19-243-CS-S together with the Statement to Respondent and Notice of Hearing.
4. Respondent is fully aware of the right to seek the advice of counsel in this matter and obtained the advice of counsel prior to entering into this Stipulation.
5. Respondent is aware of the right to a hearing on the matters alleged herein, the right to reconsideration, the right to appeal and any and all other rights which may be accorded to him pursuant to NRS Chapter 233B (Nevada Administrative Procedure Act), NRS Chapter 622A (Administrative Procedure Before Certain Regulatory Bodies), and NRS Chapter 639 (Nevada Pharmacy Act).

6. Conditioned on the acceptance of this Stipulation by the Board, and with the exception of the right to challenge any determination that Respondent has failed to comply with the provisions of this Stipulation, Respondent hereby freely and voluntarily waives his rights to a hearing, reconsideration, appeal and any and all other rights related to this action that may be accorded to him by NRS Chapter 233B (Nevada Administrative Procedure Act), NRS Chapter 622A (Administrative Procedure Before Certain Regulatory Bodies), and NRS Chapter 639 (Nevada Pharmacy Act).

7. Respondent does not contest the allegations plead with particularity in each accusation, but acknowledges that Board staff prosecuting this case could present such evidence at an administrative hearing to establish a factual basis for the violations alleged therein, *to wit*, that:

A. Respondent violated 21 U.S.C. § 822(a)(2), 21 U.S.C. § 823(f), 21 U.S.C. § 841(a), 21 U.S.C. § 842(a), 21 U.S.C. § 846, 21 CFR § 1306.03(a)(1), 21 CFR § 1306.04(a), NRS 453.226(1), NRS 453.321(1)(a), NRS 453.331(1) (f) and (i), NRS 453.381(1), NRS 453.401(l)(a), NRS 639.100(1), NRS 639.235(1) and/or NAC 454.060, by permitting persons not licensed as practitioners in Nevada to fraudulently issue prescriptions for controlled substances and/or dangerous drugs under Respondent's credentials;

B. Respondent violated NRS 453.164(7) and NRS 639.23507 by failing to query the Prescription Monitoring Program (PMP) database;

C. Respondent violated NRS 453.331(1)(e) by failing to disclose administrative actions to the Board on his 2020 biennial renewal application and on his applications for two additional controlled substance registrations;

D. Respondent violated 21 U.S.C. § 822(a)(2), 21 U.S.C. § 823(f), 21 U.S.C. § 841(a), 21 U.S.C. § 842(a), 21 U.S.C. § 846, 21 CFR § 1306.03(a)(1), 21 CFR § 1306.04(a), CFR § 1301.71, NRS 453.226(1), NRS 453.232, NRS 453.321(1)(a), NRS 453.377, NRS

453.381(1), NRS 454.213(1), NRS 454.215(3); NRS 454.221, NRS 454.316, NRS 454.321, NRS 454.356, NRS 454.480, NRS 454.510, NRS 454.530, NRS 639.100(1), NRS 639.235(1), NRS 639.23505, NAC 639.742, NAC 453.400 and/or NAC 453.410(1)(d), in the course of operating Vida Spa as detailed in the Nevada State Board of Medical Examiners' order in Case No. 21-41427-1; and

E. Respondent engaged in unprofessional conduct and conduct contrary to the public interest as defined in NAC 639.945(1)(h), (i), (j), (k), (n) and/or (o); and committed acts that render his registration inconsistent with the public interest and is subject to discipline pursuant to NRS 453.236(1).

8. In order to resolve Case Nos. 19-243-CS-S and 21-104-CS-N without incurring any further costs or the expense associated with a hearing, the Board and Respondent stipulate to the following penalties:

A. The certificate of registration of Respondent Sherman Washington, MD, Certificate of Registration No. CS24310, is hereby revoked pursuant to NRS 453.241(l)(b):

1) Respondent may not possess (except pursuant to the lawful order of a practitioner), administer, prescribe or dispense a controlled substance until he has petitioned the Board for reinstatement pursuant to NRS 639.257 and the Board reinstates his certificate of registration.;

2) Pursuant to NRS 622A.410(1) and 639.257(1), Respondent may not petition for reinstatement of his certificate of registration for a period of two (2) years from the effective date of this Order; and

3) In the event Respondent applies for reinstatement of his certificate of registration, or applies for any other certificate, license or permit with the Board, he shall appear before the Board to answer questions and give testimony regarding his application, his compliance with this Order, and the facts and circumstances underlying this matter.

B. Pursuant to NRS 639.255(1)(f) and NAC 639.955(5), Respondent shall pay a fine of Five Thousand Dollars (\$5,000.00) for the violations, through monthly payments pursuant to the following schedule:

<u>Due Date</u>	<u>Amount</u>
10/1/2022	400.00
11/1/2022	400.00
12/1/2022	400.00
1/1/2023	400.00
2/1/2023	400.00
3/1/2023	400.00
4/1/2023	400.00
5/1/2023	400.00
6/1/2023	400.00
7/1/2023	400.00
8/1/2023	400.00
<u>9/1/2023</u>	<u>600.00</u>
Total	\$5,000.00

Respondent shall make the monthly payments of the fine amount by personal, business, certified or cashier's check or money order made payable to **"State of Nevada, Office of the Treasurer,"** to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521. Respondent has the right to pre-pay any or all of the payments.

C. Pursuant to NRS 622.400, Respondent shall pay:

1) Six Hundred Dollars (\$600.00) to partially reimburse the Board for reasonable attorney's fees and recoverable costs incurred in investigating and prosecuting Case No. 19-243-CS-S; and

2) Four Thousand Dollars (\$4,000.00) to partially reimburse the Board for reasonable attorney's fees and recoverable costs incurred in investigating and prosecuting Case No. 21-104-CS-N.

Respondent shall pay the attorney's fees and costs through monthly payments pursuant to the following schedule:

<u>Due Date</u>	<u>Amount</u>
10/1/2022	400.00
11/1/2022	400.00
12/1/2022	400.00
1/1/2023	400.00
2/1/2023	400.00
3/1/2023	400.00
4/1/2023	400.00
5/1/2023	400.00
6/1/2023	400.00
7/1/2023	400.00
8/1/2023	400.00
<u>9/1/2023</u>	<u>200.00</u>
Total	\$4,600.00

Respondent shall make the monthly payments of the attorney's fees and costs by personal, business, certified or cashier's check or money order made payable to the "**Nevada State Board of Pharmacy**" to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521. Respondent has the right to pre-pay any or all of the payments.

9. Any failure by Respondent to comply with the terms of this Order may result in issuance by the Executive Secretary of an order to show cause pursuant to NAC 639.965 directing Respondent to appear before the Board at the next regularly scheduled meeting for a show cause hearing. If such a hearing results in a finding of a violation of this Order by Respondent, the Board may impose additional discipline upon Respondent not inconsistent with the provisions of NRS Chapters 453 and 639.

10. General Counsel will present this Stipulation to the Board for approval pursuant to NRS 622.330 at the Board's regularly scheduled public meeting on September 8, 2022. Respondent or his counsel will appear at the meeting to answer questions from the Board

Members and/or Board Staff. The Board Members and Staff may discuss and deliberate regarding this Stipulation, even if Respondent is not present at the meeting.

11. The Board has discretion to accept this Stipulation, but it is not obligated to do so. If this Stipulation is approved by the Board, it shall be a public record pursuant to NRS 622.330 and shall be reported to the National Practitioner Data Bank pursuant to 42 U.S.C. § 1396r-2 and 45 CFR Part 60.

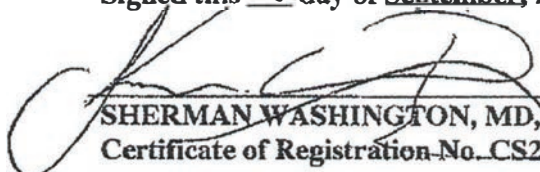
12. If the Board rejects any part or all of this Stipulation, and unless they reach an alternative agreement on the record during the hearing, the parties agree that a full hearing on the merits of this matter may be heard by the Board. The terms and admissions herein may not be used or referred to in a full hearing on the merits of this matter.

13. Subject to the approval of this Stipulation by the Board, the Board and Respondent agree to release each other from any and all additional claims arising from the facts set forth in the Accusation on file herein, whether known or unknown that might otherwise have existed on or before the effective date of this Order.

Respondent has fully considered the charges and allegations in this matter, and the terms of this Stipulation, and has knowingly and voluntarily agreed to the terms set forth herein, and waived certain rights, as stated herein.

AGREED:

Signed this 2 day of September, 2022



SHERMAN WASHINGTON, MD,
Certificate of Registration No. CS24310

APPROVED AS TO FORM AND
CONTENT this 2 day of
September, 2022



MICHAEL MEE, ESQ.
Counsel for Respondent

Signed this ____ day of September, 2022

BRETT KANDT, ESQ.
General Counsel
Nevada State Board of Pharmacy

DECISION AND ORDER

The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as its decision as to Respondent Sherman Washington, MD, Certificate of Registration No. CS24310, in Case Nos. 19-243-CS-S and 21-104-CS-N and hereby orders that the terms of the foregoing Stipulation be made effective upon execution below.

IT IS SO ORDERED.

Entered this ____ day of September, 2022.

Helen Park, Pharm.D.
President
Nevada State Board of Pharmacy

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**GRAHAM DUNDAS SIMPSON, M.D.
Certificate of Registration No. CS01982,**

Respondent.

Case No. 22-199-CS-S

STIPULATION AND ORDER

J. David Wuest, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, by and through its Assistant General Counsel, Peter K. Keegan, Esq., and Respondent GRAHAM DUNDAS SIMPSON, M.D., (“Respondent”) Certificate of Registration No. CS01982, **HEREBY STIPULATE AND AGREE AS FOLLOWS:**

1. The Board has jurisdiction over Respondent and this matter.
2. On or about August 2, 2022, Board Staff properly served Respondent with the Notice of Intended Action and Accusation (“Accusation”) on file in this matter together with the Statement to Respondent and Notice of Hearing.
3. Respondent is fully aware of his right to seek the advice of counsel in this matter prior to entering into this Stipulation.
4. Respondent is aware of his right to a hearing on the matters alleged in the Accusation, his right to reconsideration, his right to appeal and any and all other rights which may be accorded to him pursuant to NRS Chapter 233B (“Nevada Administrative Procedure Act”), NRS Chapter 622A (“Administrative Procedure Before Certain Regulatory Bodies”), and NRS Chapter 639 (“Nevada Pharmacy Act”).
5. Conditioned on the acceptance of this Stipulation by the Board, and with the exception of the right to challenge any determination that Respondent has failed to comply with the provisions of paragraphs below, Respondent hereby freely and voluntarily waives his rights to a hearing, reconsideration, appeal and any and all other rights related to this action that may be accorded to him by NRS Chapter 233B (“Nevada Administrative Procedure Act”), NRS Chapter 622A

(“Administrative Procedure Before Certain Regulatory Bodies”), and NRS Chapter 639 (“Nevada Pharmacy Act”).

6. Respondent admits that evidence exists, and that Board staff prosecuting this case could present such evidence at an administrative hearing, to establish a factual basis for the violations alleged in the Accusation, *to wit*, that:

A. Respondent continued to prescribe controlled substances, primarily in the form of testosterone, to Nevada patients during the period while his Nevada Controlled Substance Registration and/or DEA Registration was expired, in violation of 21 U.S.C. § 822(a)(2); 21 U.S.C. § 823(f); 21 CFR § 1306.03(a)(1); NRS 453.226(1); NRS 453.236(1)(c); NRS 453.321(1)(a); NRS 639.100(1); NRS 639.235(1), and these violations are grounds for disciplinary action pursuant to NRS 453.236(1)(c); NRS 453.241(1); NRS 639.210(4), (11), (12), and (13); and NRS 639.255;

B. In June 2019 and again in October 2022, Respondent submitted a controlled substance application the Board and falsely certified to the Board, in violation of NRS 639.281(1), that he had not been the subject of a board citation or an administrative action whether completed or pending in any state, and these violations are grounds for disciplinary action pursuant to NRS 639.210(9) and/or (10) and/or NRS 639.255(3); and

C. Respondent has never held a Prescription Monitoring Program (“PMP”) account associated with his DEA Registration FS8627359 and consequently has been unable to run any PMP inquiries for patients to whom he prescribed controlled substances, which constitutes violations of NRS 453.164(7) and NRS 639.23507 and is grounds for discipline pursuant to NRS 453.236(1)(d) and (e); NRS 453.241; NRS 639.210(12) and/or NRS 639.23916(3)(b) and NRS 639.255(3).

7. In order to resolve this matter without incurring any further costs or the expenses associated with a hearing, the Board and Respondent stipulate to the following penalties. Respondent Dr. Graham D. Simpson, M.D., Certificate of Registration No. CS01982 shall:

A. Pay a fine of Ten Thousand Dollars (\$10,000.00) for the violations; and

B. Pay Seven Hundred Fifty Dollars (\$750.00) to partially reimburse the Board for recoverable attorney’s fees and costs incurred in investigating and prosecuting this matter.

8. Any failure by Respondent to comply with the terms of this Order may result in issuance by the Executive Secretary of an order to show cause, pursuant to NAC 639.965, directing Respondent to appear before the Board at the next regularly scheduled meeting for a show cause hearing. If such a hearing results in a finding of a violation of this Order by Respondent, the Board may impose additional discipline upon Respondent not inconsistent with the provisions of NRS Chapter 639.

9. The Board's Assistant General Counsel will present this Stipulation to the Board for approval pursuant to NRS 622.330 at the Board's regularly scheduled public meeting on September 8, 2022, in Las Vegas, Nevada. Respondent will appear at the meeting to answer questions from the Board Members and/or Board Staff. The Board Members and Staff may discuss and deliberate regarding this Stipulation, even if Respondent or his counsel are not present at the meeting.

10. The Board may accept this Stipulation, but it is not obligated to do so. If this Stipulation is approved by the Board, it shall be a public record pursuant to NRS 622.330 and shall be reported to the National Practitioner Data Bank pursuant to 42 U.S.C. § 1396r-2 and 45 CFR Part 60.

11. If the Board rejects any part or all this Stipulation, and unless they reach an alternative agreement on the record during the hearing, the parties agree that a full hearing on the merits of this matter may be heard by the Board. The terms and admissions herein may not be used or referred to in a full hearing on the merits of this matter.

12. Upon approval of this Stipulation by the Board, Respondent shall pay the Ten Thousand Dollars (\$10,000.00) in agreed upon fines by *cashier's check* or *certified check* or *money order* **made payable to "State of Nevada, Office of the Treasurer,"** to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521 within thirty (30) days of the effective date of this Order.

13. Upon approval of this Stipulation by the Board, Respondent shall pay the Seven Hundred Fifty Dollars (\$750.00) in attorney's fees and costs agreed to herein by *personal*, *cashiers*, or *certified check* or *money order* **made payable to "Nevada State Board of Pharmacy,"** to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, within thirty (30) days of the effective date of this Order.

14. Subject to the approval of this Stipulation by the Board, the Board and Respondent agree to release each other from any and all additional claims arising from the facts set forth in the Accusation on file herein, whether known or unknown that might otherwise have existed on or before the effective date of this Order.

Respondent has fully considered the charges and allegations contained in the *Notice of Intended Action and Accusation* in this matter, and the terms of this Stipulation, and has freely and voluntarily agreed to the terms set forth herein, and waived certain rights, as stated herein.


AGREED:

Signed this 29 day of August 2022.


GRAHAM DUNDAS SIMPSON, M.D.
Certificate of Registration No. CS01982

Signed this 30th day of August 2022.

NEVADA STATE BOARD OF PHARMACY


PETER K. KEEGAN, ESQ.
Assistant General Counsel
985 Damonte Ranch Pkwy., Ste. 206
Reno, Nevada 89502
775-850-1440

DECISION AND ORDER

The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as its decision as to Respondent Graham Dundas Simpson, M.D., Certificate of Registration No. CS01982, in Case No. 22-199-CS-S and hereby orders that the terms of the foregoing Stipulation be made effective upon execution below.

IT IS SO ORDERED.

Entered this ____ day of September 2022.

Helen Park, President
Nevada State Board of Pharmacy

EXHIBIT 1

EXHIBIT 1



Certificate of Participation

Nathan Edouard

CPE Monitor ID: **237437**

Crossing the T- Male Hormone Replacement Therapy

UAN Number: 0798-0000-19-199-H07-P

Activity Type: Knowledge

Date Completed: Sunday, August 28, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

Kevin Hope, RPh
Continuing Education Administrator
Signed and Issued on: **8/28/2022**



**This Certificate of Participation is NOT valid proof of ACPE credits earned.
Official ACPE credit is only submitted through CPE Monitor.**



PharmCon is accredited by the Accreditation Council for Pharmacy Education as a provider of continuing pharmacy education.

freeCE is a division of PharmCon

PharmCon

341 Wellness Drive, Myrtle Beach, South Carolina 29579

Phone: (843) 488-5550 Fax: (843) 488-5554



Certificate of Participation

Nathan Edouard

CPE Monitor ID: 237437

Pharmacists' Role in the Validation, Counseling, and Education of Prescriptions for Controlled Substances - FL APPROVED

UAN Number: 0798-0000-20-013-H04-P

Activity Type: Knowledge

Date Completed: Monday, August 29, 2022

This activity has been approved for 2 contact hour(s) of continuing education for Pharmacists.

A handwritten signature in black ink that reads "Kevin Hope, RPh".

Kevin Hope, RPh
Continuing Education Administrator
Signed and Issued on: **8/29/2022**



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Certificate of Participation

Nathan Edouard

CPE Monitor ID: **237437**

Applying USP <800> Requirements in a Community Pharmacy

UAN Number: 0798-0000-20-045-H07-P

Activity Type: Knowledge

Date Completed: Sunday, August 28, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

A handwritten signature in black ink that reads "Kevin Hope, RPh".

Kevin Hope, RPh
Continuing Education Administrator
Signed and Issued on: **8/28/2022**



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Nathan Edouard

CPE Monitor ID: 237437

Under the Gun: A Preparedness Guide for Pharmacy Robbery & Violence

UAN Number: 0798-0000-20-087-H04-P

Activity Type: Knowledge

Date Completed: Wednesday, August 31, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

Kevin Hope, RPh
Continuing Education Administrator
Signed and Issued on: **8/31/2022**



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Nathan Edouard

CPE Monitor ID: 237437

Compounding Sterile Preparations – 2020 Update

UAN Number: 0798-0000-20-107-H07-P

Activity Type: Knowledge

Date Completed: Sunday, August 28, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

Kevin Hope, RPh
Continuing Education Administrator
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CPE Monitor ID: 237437

The Three Waves of the Opioid Overdose Epidemic

UAN Number: 0798-0000-20-109-H04-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

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Continuing Education Administrator
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Nathan Edouard

CPE Monitor ID: 237437

Top Ten Toxicology Tips

UAN Number: 0798-0000-20-138-H04-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 1.25 contact hour(s) of continuing education for Pharmacists.

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Nathan Edouard

CPE Monitor ID: **237437**

Pharmaceutical Suicide and Pharmacist Negligence

UAN Number: 0798-0000-20-152-H03-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

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CPE Monitor ID: 237437

Professional Burnout: How to Battle It and Change the Healthcare System

UAN Number: 0798-0000-20-165-H04-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 1.25 contact hour(s) of continuing education for Pharmacists.

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CPE Monitor ID: 237437

Be Heart Smart: Treating Heart Failure

UAN Number: 0798-0000-20-167-H01-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 2.5 contact hour(s) of continuing education for Pharmacists.

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Signed and Issued on: 8/30/2022



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Nathan Edouard

CPE Monitor ID: 237437

USP 800: Where Is It Bringing Us? And How Sterile Are We Now?

UAN Number: 0798-0000-20-179-H07-P

Activity Type: Knowledge

Date Completed: Sunday, August 28, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

Kevin Hope, RPh
Continuing Education Administrator
Signed and Issued on: **8/28/2022**



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Nathan Edouard

CPE Monitor ID: 237437

It Hurts So Much! Managing Gout

UAN Number: 0798-0000-20-180-H01-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

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Nathan Edouard

CPE Monitor ID: 237437

Intro to Vet Compounding: Heal Your Patients But Stay Out of the Headlines

UAN Number: 0798-0000-20-206-H07-P

Activity Type: Knowledge

Date Completed: Monday, August 29, 2022

This activity has been approved for 1.25 contact hour(s) of continuing education for Pharmacists.

Kevin Hope, RPh
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Nathan Edouard

CPE Monitor ID: 237437

Supplies for Sterile Compounding: Tools of the Trade

UAN Number: 0798-0000-20-230-H07-P

Activity Type: Knowledge

Date Completed: Sunday, August 28, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

Kevin Hope, RPh
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CPE Monitor ID: 237437

CBD and the Role in the Top 4 Applications: Pain, Anxiety, Depression, and Sleep

UAN Number: 0798-0000-20-235-H01-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 1.5 contact hour(s) of continuing education for Pharmacists.

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Hypertension Today

UAN Number: 0798-0000-20-236-H01-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 2 contact hour(s) of continuing education for Pharmacists.

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Continuing Education Administrator
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CPE Monitor ID: 237437

Think Outside the Box! Sterile and Nonsterile Compounded Formulations for Urologic Conditions

UAN Number: 0798-0000-20-240-H07-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

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CPE Monitor ID: 237437

Children Act Fast... So Do Poisons!

UAN Number: 0798-0000-20-252-H04-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

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Continuing Education Administrator
Signed and Issued on: **8/30/2022**



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Nathan Edouard

CPE Monitor ID: 237437

Providing Care for Transgender Patients

UAN Number: 0798-0000-20-255-H01-P

Activity Type: Knowledge

Date Completed: Wednesday, August 31, 2022

This activity has been approved for 1.5 contact hour(s) of continuing education for Pharmacists.

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Continuing Education Administrator
Signed and Issued on: **8/31/2022**



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Nathan Edouard

CPE Monitor ID: 237437

Out of Stock: COVID-19 Impact on Pharmacy Inventory

UAN Number: 0798-0000-20-258-H04-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

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Continuing Education Administrator
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Certificate of Participation

Nathan Edouard

CPE Monitor ID: 237437

Human Trafficking: A Deeper Look at a Vulnerable Patient Population - FL APPROVED

UAN Number: 0798-0000-20-268-H04-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

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Continuing Education Administrator
Signed and Issued on: **8/30/2022**



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Certificate of Participation

Nathan Edouard

CPE Monitor ID: 237437

Get That Itch Out of Here! Maximizing Treatment for Atopic Dermatitis

UAN Number: 0798-0000-20-272-H01-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 1.5 contact hour(s) of continuing education for Pharmacists.

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Kevin Hope, RPh
Continuing Education Administrator
Signed and Issued on: **8/30/2022**



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Certificate of Participation

Nathan Edouard

CPE Monitor ID: 237437

Her Turn! New Drug Products for Female Sexual Dysfunction

UAN Number: 0798-0000-20-274-H01-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

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Kevin Hope, RPh
Continuing Education Administrator
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Nathan Edouard

CPE Monitor ID: 237437

Infertility Medications, IVF-IUI, ICSI: Where Does the Pharmacist Stand and How Can We Effectively Help Patients?

UAN Number: 0798-0000-20-279-H01-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 1.5 contact hour(s) of continuing education for Pharmacists.

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Certificate of Participation

Nathan Edouard

CPE Monitor ID: **237437**

OBRA-90 – 30 Years Later: Impacting Patients and Saving Lives!

UAN Number: 0798-0000-20-304-H04-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 1.25 contact hour(s) of continuing education for Pharmacists.

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Certificate of Participation

Nathan Edouard

CPE Monitor ID: 237437

A New Look at Marijuana Regulation

UAN Number: 0798-0000-20-315-H03-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

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Signed and Issued on: **8/30/2022**



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Certificate of Participation

Nathan Edouard

CPE Monitor ID: 237437

Pharmacy Malpractice Today

UAN Number: 0798-0000-20-316-H03-P

Activity Type: Knowledge

Date Completed: Monday, August 29, 2022

This activity has been approved for 1.25 contact hour(s) of continuing education for Pharmacists.

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Continuing Education Administrator
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Certificate of Participation

Nathan Edouard

CPE Monitor ID: 237437

Higher Education: A Review of Marijuana, Cannabis, and Cannabinoids

UAN Number: 0798-0000-21-001-H04-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 1.5 contact hour(s) of continuing education for Pharmacists.

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CPE Monitor ID: 237437

Ripped from the Headlines: Famous Poisonings

UAN Number: 0798-0000-21-033-H04-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 1.25 contact hour(s) of continuing education for Pharmacists.

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Nathan Edouard

CPE Monitor ID: **237437**

Preventing Medication Errors in Pharmacy Practice – FL APPROVED

UAN Number: 0798-0000-21-072-H05-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 2 contact hour(s) of continuing education for Pharmacists.

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Certificate of Participation

Nathan Edouard

CPE Monitor ID: **237437**

"Right-To-Try" Laws: Last Hope or False Hope for the Terminally Ill?

UAN Number: 0798-0000-21-095-H03-P

Activity Type: Knowledge

Date Completed: Sunday, August 28, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

A handwritten signature in black ink that reads "Kevin Hope, RPh".

Kevin Hope, RPh
Continuing Education Administrator
Signed and Issued on: **8/28/2022**



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Certificate of Participation

Nathan Edouard

CPE Monitor ID: 237437

A Day in the Life of a Poison Control Center Pharmacist

UAN Number: 0798-0000-21-100-H04-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

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Continuing Education Administrator
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Certificate of Participation

Nathan Edouard

CPE Monitor ID: 237437

Legal Standards in Pharmacy

UAN Number: 0798-0000-21-122-H03-P

Activity Type: Knowledge

Date Completed: Monday, August 29, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

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Nathan Edouard

CPE Monitor ID: 237437

Beyond the Classroom: Opioid Use Disorder

UAN Number: 0798-0000-21-128-H04-P

Activity Type: Knowledge

Date Completed: Wednesday, August 31, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

Kevin Hope, RPh
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Signed and Issued on: **8/31/2022**



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Nathan Edouard

CPE Monitor ID: 237437

Off-Label Use of Drugs: What the Pharmacist Needs to Know

UAN Number: 0798-0000-21-135-H03-P

Activity Type: Knowledge

Date Completed: Monday, August 29, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

Kevin Hope, RPh
Continuing Education Administrator
Signed and Issued on: 8/29/2022



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Official ACPE credit is only submitted through CPE Monitor.**



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Certificate of Participation

Nathan Edouard

CPE Monitor ID: 237437

Make Sure it Adds Up! Basic Calculations for Nonsterile Compounding

UAN Number: 0798-0000-21-151-H07-P

Activity Type: Knowledge

Date Completed: Monday, August 29, 2022

This activity has been approved for 1.25 contact hour(s) of continuing education for Pharmacists.

A handwritten signature in black ink that reads "Kevin Hope, RPh".

Kevin Hope, RPh
Continuing Education Administrator
Signed and Issued on: **8/29/2022**



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Certificate of Participation

Nathan Edouard

CPE Monitor ID: 237437

Beyond the Classroom: Pharmacy Case Law

UAN Number: 0798-0000-21-224-H03-P

Activity Type: Knowledge

Date Completed: Monday, August 29, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

Kevin Hope, RPh
Continuing Education Administrator
Signed and Issued on: **8/29/2022**



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Certificate of Participation

Nathan Edouard

CPE Monitor ID: 237437

Pharmacy Technician & Intern Law

UAN Number: 0798-0000-21-225-H03-P

Activity Type: Knowledge

Date Completed: Monday, August 29, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

A handwritten signature in black ink, appearing to read "Kevin Hope, RPh".

Kevin Hope, RPh
Continuing Education Administrator
Signed and Issued on: 8/29/2022



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Certificate of Participation

Nathan Edouard

CPE Monitor ID: 237437

An Impartial Approach to Partial Agonism: A Buprenorphine Review

UAN Number: 0798-0000-21-227-H08-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 1.25 contact hour(s) of continuing education for Pharmacists.

Kevin Hope, RPh
Continuing Education Administrator
Signed and Issued on: **8/30/2022**



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Certificate of Participation

Nathan Edouard

CPE Monitor ID: 237437

Beyond the Classroom: Anxiety and Panic Disorders

UAN Number: 0798-0000-21-252-H01-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

A handwritten signature in black ink that reads "Kevin Hope, RPh".

Kevin Hope, RPh
Continuing Education Administrator
Signed and Issued on: **8/30/2022**



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Certificate of Participation

Nathan Edouard

CPE Monitor ID: 237437

Anxiety: Giving Our Patients Hope for Tomorrow

UAN Number: 0798-0000-21-257-H01-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

A handwritten signature in black ink that reads "Kevin Hope, RPh".

Kevin Hope, RPh
Continuing Education Administrator
Signed and Issued on: **8/30/2022**



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Certificate of Participation

Nathan Edouard

CPE Monitor ID: 237437

Pearls of Wisdom: Compounding for Women's Health

UAN Number: 0798-0000-21-289-H07-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

A handwritten signature in black ink that reads "Kevin Hope, RPh".

Kevin Hope, RPh
Continuing Education Administrator
Signed and Issued on: **8/30/2022**



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Certificate of Participation

Nathan Edouard

CPE Monitor ID: 237437

From Discrimination to Defamation to Controlled Substances: Contemporary Legal Considerations in Pharmacy Practice

UAN Number: 0798-0000-21-305-H03-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

Kevin Hope, RPh
Continuing Education Administrator
Signed and Issued on: **8/30/2022**



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Certificate of Participation

Nathan Edouard

CPE Monitor ID: 237437

Compounding Sterile Preparations: An Update for Today's Cleanroom Personnel

UAN Number: 0798-0000-21-309-H07-P

Activity Type: Knowledge

Date Completed: Sunday, August 28, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

A handwritten signature in black ink that reads "Kevin Hope, RPh".

Kevin Hope, RPh
Continuing Education Administrator
Signed and Issued on: **8/28/2022**



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Certificate of Participation

Nathan Edouard

CPE Monitor ID: 237437

Updates to Federal Regulation of Controlled Substances

UAN Number: 0798-0000-21-316-H03-P

Activity Type: Knowledge

Date Completed: Monday, August 29, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

Kevin Hope, RPh
Continuing Education Administrator
Signed and Issued on: **8/29/2022**



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Certificate of Participation

Nathan Edouard

CPE Monitor ID: 237437

The Connection of Implicit Bias: Barriers to Care and Disparities in Access to and the Delivery of Health Care

UAN Number: 0798-0000-21-317-H04-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 2 contact hour(s) of continuing education for Pharmacists.

A handwritten signature in black ink that reads "Kevin Hope, RPh".

Kevin Hope, RPh
Continuing Education Administrator
Signed and Issued on: **8/30/2022**



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Certificate of Participation

Nathan Edouard

CPE Monitor ID: **237437**

Compliance with the Controlled Substances Act – DEA Audits

UAN Number: 0798-0000-22-022-H03-P

Activity Type: Knowledge

Date Completed: Monday, August 29, 2022

This activity has been approved for 1 contact hour(s) of continuing education for Pharmacists.

A handwritten signature in black ink, appearing to read "Kevin Hope, RPh".

Kevin Hope, RPh
Continuing Education Administrator
Signed and Issued on: **8/29/2022**



**This Certificate of Participation is NOT valid proof of ACPE credits earned.
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Certificate of Participation

Nathan Edouard

CPE Monitor ID: 237437

Reducing Medication Error Amidst the 'Perfect Storm' - FL APPROVED

UAN Number: 0798-0000-22-023-H05-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 2 contact hour(s) of continuing education for Pharmacists.

A handwritten signature in black ink that reads "Kevin Hope, RPh".

Kevin Hope, RPh
Continuing Education Administrator
Signed and Issued on: **8/30/2022**



**This Certificate of Participation is NOT valid proof of ACPE credits earned.
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Certificate of Participation

Nathan Edouard

CPE Monitor ID: 237437

Overview of Treatment Options for Urinary Tract Infections in Pregnancy

UAN Number: 0798-0000-22-084-H01-P

Activity Type: Knowledge

Date Completed: Tuesday, August 30, 2022

This activity has been approved for 0.25 contact hour(s) of continuing education for Pharmacists.

A handwritten signature in black ink that reads "Kevin Hope, RPh".

Kevin Hope, RPh
Continuing Education Administrator
Signed and Issued on: **8/30/2022**



**This Certificate of Participation is NOT valid proof of ACPE credits earned.
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Certificate of Participation

Nathan Edouard

CPE Monitor ID:

Summer Mishappenings, Maladies, and the Community Pharmacist

UAN Number: 0798-0000-20-054-H04-N

Activity Type: Knowledge

Date Completed: Wednesday, August 31, 2022

This activity has been approved for 1.5 contact hour(s) of continuing education for Nurses.

A handwritten signature in black ink that reads "Kevin Hope, RPh".

Kevin Hope, RPh
Continuing Education Administrator
Signed and Issued on: **8/31/2022**

Pharmacology Credit(s)



**This Certificate of Participation is NOT valid proof of ACPE credits earned.
Official ACPE credit is only submitted through CPE Monitor.**

PharmCon, Inc. is an approved course provider for continuing education for nurses by the Florida Board of Nursing. PharmCon, Inc. is also recognized by the California Board of Nursing as a provider of nursing programs.

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PharmCon, Inc.
1404 Main Street, Suite A, Conway, South Carolina 29526
Phone: (843) 488-5550 Fax: (843) 488-5554

EXHIBIT 3

EXHIBIT 3

August 31, 2022

Attention: Nevada Board of Pharmacy

Please accept my email as a letter of reference on behalf of Dr. Nathan Edouard for providing outstanding pharmaceutical service to Nevada's undeserved communities.

I have known and worked with Dr. Edouard for approximately three years. It has been an honor to watch his company grow in our community. He is a knowledgeable resource in the realms of pharmaceutical care and a must have in the Henderson area.

Dr. Nathan is an African American pharmacist, one of few in the Las Vegas/Henderson area. His dedication and exceptional services are a necessity to all, but most notably within our cultural community. I've had personal health concerns and at my lowest point, Dr. Edouard was one of few who provided compassionate care to help me regain my health and mental strength.

I can't imagine what Dr. Edouard is experiencing given the circumstances. However, I do understand what it feels like to have someone as an advocate in your corner and without any hesitation; I am honored to compose this letter on Dr. Edouard's behalf.

It is my firm opinion that Dr. Edouard is not a threat to public safety. However, the vacancy of his pharmacy practice and his contributions to providing affordable pharmaceutical care will be a significant loss.

If additional information is needed, I may be contacted at: 725-260-5610.

A handwritten signature in cursive script that reads "L. A. White".

Laila Aaten-White
RN,BSN, MM
Advanced Nursing Consultants LLC
Owner/ CEO

August 31, 2022

To participating members,

I am writing this letter to express how much I appreciate the vast knowledge, service, support, professionalism, and personalized customer service given to me by Dr. Nathan Edouard. From the first day I started using his pharmacy, Las Vegas Scripts Rx, I could tell he was a very hands-on Pharmacist who took the time to discuss my medical issues in relation to the medications I was taking. He actually cares about his customers and takes the time to understand their complex medical issues, so he can be of assistance in his capacity as a pharmacist.

I have always had a low tolerance to medication, and over time Dr. Nathan has helped me discover I also have allergies to certain dyes and fillers within medications. I have never had a pharmacist dedicate themselves to figuring out the root cause of some of my medication allergies and intolerances. He also worked with me when it came to titrating up or down with medications in tandem with my treating providers to ensure I did not have adverse reactions to medications.

Over the years, Dr. Nathan has provided exemplary service to me and my family. He is incredibly knowledgeable in his field and understands the human body and how it reacts to medications. He has been able to guide me through some tough diagnoses I have had and help me on my medication journey with each. He is not just a pharmacist who fills prescriptions, he's an extension of my doctor team who is willing to jump in and help me anytime I need it.

Dr. Nathan is like the pharmacist of old. He is not like the big box Pharmacies that do not know your name, will only fill a prescription during their normal business hours, and do not listen to the patient when they say they have a low tolerance to medications and are allergic to certain dyes and fillers. Nathan has stayed late to fill prescriptions of mine many times, he knows what I am allergic to, he knows what I can and cannot tolerate, he will take the time to contact me and ask how I am tolerating a new medication, or just how I am feeling. He has gone out of his way to deliver medications to me before and has had long conversations with me when I was struggling with medications. He is uncommon, and one of the best if not the best pharmacist I have ever encountered.

His knowledge of medications and the pharmacy world is astounding. He can rattle off side effects of a rare medication without looking it up. He can do the same with interactions of medications. He is the most amazing compounding pharmacist I have ever spoken with. He was able to make suggestions and provide for me information that was essential to understanding the side effects of the medications.

I again cannot express enough how much I appreciate all that Dr. Nathan has done for me and my family over the years. His integrity and undying loyalty to the customer is something you do not see very often, and I can wholeheartedly say that I am extremely thankful for Dr. Nathan and his years of incredible service to me and my family.

Sincerely,

Kirsten Hayde

Kristen Hayde

(702) 833-0725

From the Desk of
Dr. Joseph DeBellis
44 Quail Hollow
Henderson, NV 89014
Cell (702) 595-1378

August 31, 2022

To whom may concern;

I have been a customer of pharmacist Nathan Edouard for several years. He has filled my prescriptions in a timely manner and always has been kind and compassionate. As a physician, I can be quite demanding, and Nathan has always met or exceeded my expectations.

Nathan went above and beyond normal service during the COVID Pandemic to deliver necessary medication to patients including myself. He put himself at risk during uncertain times so that those of us with compromised immune systems and co morbidities did not have to.

Thank you for your consideration of my thoughts and feelings toward Nathan Edouard. If you have further questions, please do not hesitate to contact me.

Sincerely,

J. Debellis

Dr. Joseph DeBellis

Doneith Fraser, RPH
10210 NW 5th ST
Pembroke Pines, FL 33026
Drfraser2007@gmail.com

To whom it may concern;

My name is Dr. Doneith Fraser, and I am writing the letter on behalf of my colleague Dr. Nathan Edouard. I have known Dr. Edouard for over 15 years both personally and professionally and he is a stand-up human being and an even better pharmacist. He is a reliable, respectable, ethical and manner able gentleman. I was taken aback when I received the news regarding the allegations set forth by the Nevada Board of Pharmacy. I am aware of the seriousness of these allegations and for this reason I had to write this letter of reference on his behalf.

Dr. Edouard is an upstanding pharmacist, who goes above and beyond for his patients to ensure they are receiving the best care. As a part of helping his community he saw that there was a need that was not being met. He decided to focus on providing medications for his patients that were not commercially available, which is why he started compounding.

I humbly write you today to please provide Dr. Edouard the opportunity to right whatever wrong he may have unknowingly committed resulting in the allegations of this case. We are all human beings and unfortunately at some point may have made mistakes that we were not aware were mistakes. I have a lot of faith in my colleague that moving forward this allegation will not be repeated. He is remorseful and I know he has learned from this experience. It is my hope that this matter does not overshadow his abilities to continue to be the competent pharmacist that he is.

Nathan Edouard is an honorable individual and pharmacist, who takes responsibility for his actions. It is my sincere hope that the board takes into consideration this letter when deciding regarding this case.

Sincerely,

Doneith Fraser

Dr. Doneith Fraser
Licensed Pharmacist

Timesheet for Courtney K. Lee, Esq.

Nevada State Board of Pharmacy v. Las Vegas Scripts Rx, et al. - Case No. 19-243

DATE	TIME	DESCRIPTION
9/30/2021	0.5	Meet with investigator to review case, possible charges
2/14/2022	1.5	Review investigator report and evidentiary documents
2/14/2022	2.0	Draft Notice of Intended Action and Accusation
4/28/2022	0.25	Receipt and review of notice of service of Accusation
5/18/2022	0.25	Receipt and review of email from Chandon Alexander, Esq. regarding retained representation of LV Scripts and Edouard and requested extension of time to answer
7/19/2022	0.25	Email to Chandon Alexander, Esq. enclosing discovery request
7/21/2022	1.25	Draft proposed Washington stipulation and email to Michael Mee, Esq. retained counsel for Dr. Washington
8/10/2022	0.5	Confer with inspector Luis and investigator Ken regarding potential testimony at hearing
8/19-23/2022	0.25	Emails to Chandon Alexander, Esq. about term(s) of potential stipulation
8/23/2022	0.5	Draft and email to counsel proposed exhibit list and exhibits
8/24/2022	0.5	Draft and email to counsel proposed stipulated facts
9/7/2022	2.5	Review file and exhibits in preparation for hearing (estimated)
9/8/2022	1.5	Hearing (estimated)
TOTAL	11.75	11.75 hours x \$56 rate per hour = \$658.00

TOTALS

Courtney K. Lee, Esq.	\$ 658.00
Yenh Long, Deputy Executive Secretary	\$ 32.50
Kenneth Scheuber, Investigator	<u>\$1,750.00 (please see itemized timesheet)</u>
	<u>\$2,440.50</u>

Timesheet for Yen Long
Dr. Sherman Washington Case No. 21-104-N

Date	Time	Activity
03/29/2022 03/30/2022	3.5 Hours	Reviewed investigative report including all prior disciplinary actions imposed on respondent, discussed case with investigator Segedy. Discussed cases with counsel. Reviewed Investigator Segedy's case summary
04/05/2022	0.5	Reviewed Draft Accusation for Washington

Total Time: 4 hours

Cost: 4 x \$65/hour = \$260

Timesheet for Yen Long
Dr. Sherman Washington Case No. 19-243-CS-S

Date	Time	Activity
7/21/22	0.5 Hours	Reviewed and discuss case with counsel.

Total Time: 0.5 hours

Cost: 0.5 x \$65/hour = \$32.5

Timesheet for Investigator Kenneth Scheuber**Nevada State Board of Pharmacy v. Las Vegas Scripts Rx, et al. - Case No. 19-243**

DATE	TIME	DESCRIPTION
1/2/2020	0.25	Receipt and review of case
2/13/2020	1.75	Opened case files, initial draft
2/20/2020	0.5	Case update
6/24/2020	0.5	Reviewed case file, set up site visit with inspector Luis
10/9/2020	7.5	Visit to Las Vegas Scripts, review documents, obtain state based dispensing report at Las Vegas Scripts
3/27/2021	1.0	Run additional staffing report for contacts, update report
3/30/2021	2.0	Reviewed results of licensing search, update report
5/7/2021	2.0	Interview with Dr. Sherman, emailed DC pharmacy regarding Dr. Washington's prescriptions
8/6/2021	2.5	Audited prescriptions from California prescriber
8/19/2021	3.0	Visited Las Vegas Scripts, reviewed prescriptions
8/29/2021	3.0	Receipt and review of email from Dr. Washington regarding copied prescriptions, update report
9/8/2021	7.0	Drafted investigation report
9/14/2021	1.5	Regulation reports for law violations
9/22/2021	2.0	Additional information, revise report
9/30/2021	0.5	Final review by Las Vegas Review committee, sent to Reno for final review
TOTAL	35	35 hours x \$50 rate per hour = \$1,750.00

Board Meeting Dates 2023

January 11-12	Las Vegas
March 1-2	Reno
April 12-13	Las Vegas
June 7-8	Las Vegas
July 12-13	Reno
September 6-7	Las Vegas
October 11-12	Las Vegas
December 6-7	Las Vegas

JANUARY						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

FEBRUARY						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

MARCH						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

APRIL						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

MAY						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

JUNE						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

JULY						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

AUGUST						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

SEPTEMBER						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

OCTOBER						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

NOVEMBER						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

DECEMBER						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

STATE HOLIDAYS (OBSERVED)

New Years Day	January 1 (Observed Jan 2)
Martin Luther King's Day	January 16
President's Day	February 20
Memorial Day	May 29
Independence Day	July 4
Labor Day	September 4
Nevada Day	October 27
Veteran's Day	November 11 (Observed Nov 10)
Thanksgiving Day	November 23
Family Day	November 24
Christmas Day	December 25

ANNUAL MEETINGS

APHA Annual Meeting	November 12-15 (Atlanta, GA)
NACDS Annual Meeting	April 22-25 (Palm Beach, FL)
NABP Annual Meeting	May 11-13 (Nashville, TN)
ASHP Summer Meeting	June 10-14 (Baltimore, MD)
NASCSA Annual Meeting	October 23-26 (Minneapolis, MN)
ASHP Mid Year Meeting	TBD
NABP District 8 Meeting	TBD

SFY22 MONTHLY BUDGET REPORT
NEVADA STATE BOARD OF PHARMACY
CURRENT MONTH: Jul 22

REVENUES	APPROVED BUDGET	BUDGET AMENDMENTS	REVISED BUDGET	CURRENT MONTH REVENUE/EXPENSE	PRIOR MONTH(S) REVENUE/EXPENSE	PROJECTIONS THROUGH 6/30/2024	TOTAL REVENUE/EXPENSE SFY23	DIFFERENCE
Beginning Balance	\$ 3,706,622		\$ 3,706,622	\$ -	\$ -	\$ 3,706,622	\$ 3,706,622	\$ -
Renewal Fees	\$ 4,635,800		\$ 4,635,800	\$ 330	\$ 330	\$ 4,635,800	\$ 4,635,460	\$ 680
Registration Fees	\$ 593,510		\$ 593,510	\$ 103,200	\$ 103,200	\$ 593,510	\$ 799,910	\$ 206,400
Recovered Costs	\$ 50,000		\$ 50,000	\$ 3,750	\$ 3,750	\$ 50,000	\$ 57,500	\$ 7,500
CC Processing Fees	\$ 250,000		\$ 250,000	\$ 2,215	\$ 2,215	\$ 250,000	\$ 254,429	\$ 4,429
Change MGR RPh	\$ 10,000		\$ 10,000	\$ 1,300	\$ 1,300	\$ 10,000	\$ 12,600	\$ 2,600
Inspections	\$ 1,000		\$ 1,000	\$ 265	\$ 265	\$ 1,000	\$ 1,530	\$ 530
Interest Income	\$ 7,500		\$ 7,500	\$ -	\$ -	\$ 7,500	\$ 7,500	\$ -
Late Fees	\$ 17,530		\$ 17,530	\$ 165	\$ 165	\$ 17,530	\$ 17,860	\$ 330
Total Revenues	\$ 9,271,962	\$ -	\$ 9,271,962	\$ 111,225	\$ 111,225	\$ 9,271,962	\$ 9,494,411	\$ 222,449

EXPENSES	APPROVED BUDGET	BUDGET AMENDMENTS	REVISED BUDGET	CURRENT MONTH REVENUE/EXPENSE	PRIOR MONTH(S) REVENUE/EXPENSE	PROJECTIONS THROUGH 6/30/2024	TOTAL REVENUE/EXPENSE SFY23	DIFFERENCE
Payroll	\$ 3,751,139		\$ 3,751,139	\$ 262,069	\$ 262,069	\$ 3,471,623	\$ 3,995,761	\$ 244,622
Operating	\$ 1,100,000		\$ 1,100,000	\$ 89,976	\$ 89,976	\$ 1,100,000	\$ 1,279,953	\$ 179,953
Equipment	\$ 55,000		\$ 55,000	\$ 850	\$ 850	\$ 55,000	\$ 56,700	\$ 1,700
In-State Travel	\$ 110,000		\$ 110,000	\$ 10,806	\$ 10,806	\$ 110,000	\$ 131,612	\$ 21,612
Out-of-State Travel	\$ 65,000		\$ 65,000	\$ 3,019	\$ 3,019	\$ 65,000	\$ 71,038	\$ 6,038
DAG Cost	\$ 36,000		\$ 36,000	\$ -	\$ -	\$ 36,000	\$ 36,000	\$ -
Reserve	\$ 4,154,823	\$ -	\$ 4,154,823	\$ -	\$ -	\$ 4,837,623	\$ 3,923,348	\$ (231,475)
Total Expenses	\$ 9,271,962	\$ -	\$ 9,271,962	\$ 366,720	\$ 366,720	\$ 4,837,623	\$ 9,494,411	\$ 222,449
Balance	\$ -	\$ -	\$ -				\$ -	\$ -

Kristopher Mangosing

From: David Wuest
Sent: Wednesday, September 7, 2022 2:29 PM
To: Kenneth C. Scheuber; Leo D. Basch
Cc: Kristopher Mangosing
Subject: please print for agenda 19 tomorrow

Follow Up Flag: Follow up
Flag Status: Completed

NRS 233B.0613 Emergency regulations.

1. If an agency determines that an emergency exists, it shall submit to the Governor a written statement of the emergency which sets forth the reasons for the determination. If the Governor endorses the statement of the emergency by written endorsement at the end of the full text of the statement of emergency on the original copy of a proposed regulation, the regulation may be adopted and become effective immediately upon its being filed in the Office of the Secretary of State pursuant to subsection 3 of [NRS 233B.070](#). The statement of the emergency endorsed by the Governor must be included as a part of the regulation for all purposes.

2. If practicable, the agency shall, not later than 9 a.m. on the first working day before the date on which the emergency regulation is filed in the Office of the Secretary of State pursuant to subsection 3 of [NRS 233B.070](#), make the emergency regulation available to the public by:

- (a) Providing a copy of the emergency regulation to a member of the public upon request; and
- (b) Making a copy of the emergency regulation available on its website on the Internet, if any.

3. If practicable, the agency shall, not later than 9 a.m. on the first working day before the date of any hearing at which the agency considers the emergency regulation, make the version of the proposed emergency regulation that will be considered at the hearing available to the public by:

- (a) Providing a copy of the proposed emergency regulation to a member of the public upon request; and
- (b) Making a copy of the proposed emergency regulation available on its website on the Internet, if any.

4. A regulation adopted pursuant to this section may be effective for a period of not longer than 120 days. A regulation may be adopted by this emergency procedure only once.

5. If an agency adopts, after providing notice and the opportunity for a hearing as required in this chapter, a permanent or temporary regulation which becomes effective and is substantially identical to its effective emergency regulation, the emergency regulation expires automatically on the effective date of the temporary or permanent regulation.

(Added to NRS by [1983, 1125](#); A [1983, 1245](#); [1995, 131](#), [2580](#); [2003, 2005](#); [2011, 406](#))

September 6, 2022

Mr. Dave Wuest, PharmD
Executive Secretary
Nevada State Board of Pharmacy
985 Damonte Ranch Parkway #206
Reno, NV 89521

Email: dwuest@pharmacy.nv.gov

RE: Discussion and Possible Action on Adoption of Emergency Regulation pursuant to NRS 233B.0613 to amend NAC 639.250 relating to the number of pharmaceutical technicians and pharmaceutical technicians in training that a pharmacist may supervise at one time

Dear Executive Secretary Wuest,

The National Association of Chain Drug Stores (NACDS) writes to urge the Board to immediately act to adopt Emergency Regulations to restore allowances for a 6:1 pharmacy technician to pharmacist ratio that had been permitted under a waiver of the rules in response to the COVID-19 pandemic, but that expired in July of 2022. By enhancing pharmacy providers' ability to optimize the use of pharmacy technicians, this needed rule change would bolster pharmacists' capacity to focus on the provision of pharmacy care to their patients – a public health imperative as pharmacies prepare to meet the public's healthcare needs with flu shot and COVID booster season on the immediate horizon.

By increasing the number of pharmacy technicians eligible to work in pharmacies under pharmacists' supervision, the proposed rule change would further empower pharmacy providers to determine what staffing and optimal workflow models best meet their needs given the specific volume and patient care requirements at their pharmacy. Notably, patient demand for clinical care services available in many pharmacies amplified during the COVID-19 pandemic. On top of this and with the recent FDA authorization and subsequent ACIP recommendation for the bivalent COVID booster, a growing number of patients – who now expect and rely on neighborhood pharmacies for numerous basic healthcare services – are expected to visit their pharmacy for flu shots and the new COVID booster on top of other healthcare services such testing and health screenings. Having the flexibility to delegate technical, nondiscretionary tasks to a supporting team of pharmacy technicians enables pharmacists to redirect their time toward the activities that require pharmacists' clinical expertise and advanced-level training.

NACDS maintains the position that pharmacy technician ratios are unnecessary and should be eliminated. No evidence exists to support any particular ratio, nor are there any reports or studies showing that ratios improve patient safety.

- 37 states have pharmacist to technician ratios that are less restrictive than Alabama's current ratio; of those, 24 states and the District of Columbia do not place any limit on the number of technicians a pharmacist can oversee.ⁱ
- In 1999, the National Association of Boards of Pharmacy (NABP) Task Force supported elimination of the pharmacist to technician ratio.
- The Department of Veterans Affairs (VA) has never had a pharmacy technician ratio with no negative impact patient safety.

Given the nonexistence of evidence supporting ratios, and the imperative to reduce undue strain on pharmacy personnel, NACDS urges the Board to at a minimum, promulgate Emergency Rules to restore the allowances for a 6:1 pharmacy technician to pharmacist ratio.

NACDS strongly supports pharmacists practicing at the top of their profession to allow for optimal patient care and improved health outcomes. Given the growing demand for pharmacist-provided patient care services in community pharmacies, there is a clear need to deploy more pharmacy technicians for administrative and non-judgmental duties. Now more than ever, it is critical to leverage the expertise and skills of all pharmacy staff to optimize the capacity of pharmacies to provide much needed vaccinations, testing and other care services across the state. These unprecedented times require new models of care and innovative practices that leverage all healthcare resources and deploy all skills to best support and care for the public. We urge the Board to take action today to move forward with Emergency Regulations. For further information, please contact NACDS' Mary Staples, Director of State Government Affairs, at mstaples@nacds.org or 817-442-1155.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven C. Anderson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Steven C. Anderson, FASAE, CAE, IOM
President and Chief Executive Officer
National Association of Chain Drug Stores

cc: Members of the Nevada State Board of Pharmacy

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NACDS represents traditional drug stores, supermarkets and mass merchants with pharmacies. Chains operate over 40,000 pharmacies, and NACDS' over 80 chain member companies include regional chains, with a minimum of four stores, and national companies. Chains employ nearly 3 million individuals, including 155,000 pharmacists. They fill over 3 billion prescriptions yearly, and help patients use medicines correctly and safely, while offering innovative services that improve patient health and healthcare affordability. NACDS members also include more than 900 supplier partners and over 70 international members representing 21 countries. Please visit NACDS.org.

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Ratio	
No ratio (24 states + DC)	AK, AZ, DE, DC, HI, ID, IL, IA, KY, ME, MD, MI, MO, MT, NH, NM, OH, OR, PA, RI, UT, VT, WA*, WI, WY
8:1 (1 state)	IN
6:1 (3 states)	CO, FL, TX
4:1 (8 states)	GA, KS, MA, MN, ND, SC, VA, WV
3:1 (7 states)	AL, AR, CT, MS, NE, NV**, SD
2:1 (6 states)	LA***, NJ, NY, NC****, OK, TN
1:1 (1 state)	CA

*WA ratio set per “pharmacy manager’s discretion”

**NV allows up to 8:1 in a “non-dispensing pharmacy”

***LA allows for a 3:1 ratio when there are no techs in training on duty

**** NC allows a pharmacist to supervise more than 2 technicians if the pharmacist-manager receives written approval from the Board



September 2, 2022

Nevada State Board of Pharmacy
Attention: Dave Wuest, PharmD
Executive Secretary
985 Damonte Ranch Parkway #206
Reno, NV 89521
Email: dwuest@pharmacy.nv.gov

RE: NAC 639.250/Petition for Emergency Rule Making

Dear Executive Secretary Wuest,

On behalf of Albertsons Companies, Inc. ("ACI"), I am writing in support of Walgreens Co.'s formal petition for emergency rulemaking to address NAC 639.250, Restrictions on Supervision. We agree that the expansion of the pharmacy technician to pharmacist ratio is integral to supporting the healthcare needs of patients in Nevada.

ACI is a leading food and drug retailer that operates stores across 34 states and the District of Columbia with more than 20 well-known banners including Albertson's, Safeway, Vons, Jewel-Osco, Shaw's, Acme, Tom Thumb, Randalls, United Supermarkets, Pavilions, Star Market, Haggen, Carrs, Kings Food Markets, and Balducci's Food Lovers Market. ACI also operates more than 1,720 community pharmacies.

Throughout the COVID-19 pandemic, pharmacies have proven to be an integral component of the healthcare system in meeting the needs of communities across the country. Pharmacies administered or more than 262 million doses of vaccine, and pharmacists and pharmacy technicians will continue to play an essential role in the ongoing administration of booster vaccines and supporting future infectious disease outbreaks.

Early in the pandemic, the issuance of a partial waiver of NAC 639.250 allowed pharmacies to employ additional pharmaceutical technicians and pharmaceutical technicians-in-training to support the increased workload experienced during the pandemic. Over the last few years, the ratio waiver allowed pharmacies and pharmacists the ability to utilize dedicated support personnel to assist with additional COVID-related activities such as testing and vaccinating. The ratio waiver expired in July 2022, revealing that pharmacists faced an increased workload and limited capacity to offer services.

Further, the workload of pharmacies is anticipated to increase as the federal government recently announced the purchase of 171 million combined doses of Pfizer and Moderna's bivalent COVID-19 booster vaccine, expected to be available in the coming weeks. We, alongside other retailers, anticipate an above-average peak season for both the flu vaccines and COVID-19 bivalent vaccines, underscoring the need for additional capacity to support these efforts to build immunity.



The expanded ratio period proved to be successful and safe in Nevada, and we hope the Board will find that the proposed changes makes sense to support pharmacists, pharmacy technicians, and patients in Nevada. We request that the Board consider emergency rulemaking to address the supervision allowances for pharmacists during the waiver and allow pharmacists to supervise up to a total of 6 pharmaceutical technicians or 4 pharmaceutical technicians and 2 pharmaceutical technicians training at one time in any pharmacy setting.

We appreciate the Board's time and consideration to empower pharmacies to continue to meet the healthcare needs of the community during the COVID-19 pandemic and beyond.

If you have any questions, please reach out to me at 208-513-3470 or Rob.Geddes@Albertsons.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rob Geddes", with a stylized flourish at the end.

Rob Geddes, PharmD
Director, Pharmacy Legislative and Regulatory Affairs

Existing regulations provide that the Board will not issue a license to conduct business as a medical products provider or medical products wholesaler to a practicing health professional.

Section 5 of this regulation limits the applicability of this provision to health professionals who are licensed, certified, or registered in this State, thereby clarifying that a health professional who is not licensed, certified or registered as such in this State, is eligible for licensure as a medical products provider or medical products wholesaler.

Sec. 5. NAC 639.6943 is hereby amended to read as follows:

639.6943 1. The Board will not issue a license to conduct business as a medical products provider or medical products wholesaler to:

(a) A practicing health professional; or

(b) A partnership, corporation or association in which a practicing health professional has a controlling interest or in which ownership of 10 percent or more of the available stock is held by one or more practicing health professionals.

2. As used in this section, “practicing health professional” means ~~[a health professional who performs]~~:

(a) A health professional as defined in NAC 639.6933, who is licensed, certified or registered to practice his or her profession in this State; and

(b) Performs services within the scope of his or her licensure, *certification* or registration in any capacity in a health care facility other than the facility of the medical products provider or medical products wholesaler-