



NEVADA STATE BOARD OF PHARMACY

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• Web Page: bop.nv.gov

MINUTES

October 11-12, 2023

BOARD MEETING

The Nevada State Board of Pharmacy will conduct a meeting beginning Wednesday, October 11, 2023, at 9:00 am. The meeting will continue, Thursday, October 12, 2023, 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	Krystal Freitas	Jade Jacobo	Wayne Mitchell
Rolf Zakariassen	Richard Tomasso	Gener Tejero	

Board Staff Present:

Dave Wuest	Yenh Long	Shirley Hunting	Gus Vanderdonck
Brett Kandt	Peter Keegan	Gregory Zunino	Darlene Nases
Joe Dodge	Darla Zarley	Leo Basch	Kenneth 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 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 11, 2023, 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 6-7, 2023, Board Meeting Minutes (**FOR POSSIBLE ACTION**)

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve September 6-7, 2023, 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. HealthDyne Pharmacy – Lakeland, FL
- B. Prism Medical Products, LLC – Elkin, NC
- C. Prism Medical Products, LLC – Fresno, CA
- D. Sunrise Respiratory Care, Inc. – Irvine, CA
- E. VasoCare, LLC – Baton Rouge, LA

4.2 Applications for Out-of-State Wholesaler License (NRS 639.233) – Non-appearance (**FOR POSSIBLE ACTION**)

Background Check Not Required by Law.

4.2.1 Distributor for Single Manufacturer (NAC 639.593(7)(e))

Applied Medical Distribution Corporation – Middletown, NY

4.2.2 Manufacturer (NAC 639.593(7)(d))

- F. AirLife – Grand Rapids, MI
- G. Almaject, Inc. – Morristown, NJ
- H. Altor BioScience, LLC – Culver City, CA
- I. Applied Medical Distribution Corporation – Irvine, CA
- J. BioHorizons Implant Systems Inc. – Birmingham, AL
- K. BioLineRx USA, Inc. – Waltham, MA
- L. Carl Zeiss Meditec, Inc. – Dublin, CA
- M. Catalent Greenville, Inc. – Greenville, NC
- N. Catalent Greenville, Inc. – Greenville, NC
- O. Chewy Wholesale, LLC – Goodyear, AZ
- P. Chewy Wholesale, LLC – Pittston, PA
- Q. Coloplast Corp. – Ontario, CA
- R. Diamond Animal Health, Inc. – Des Moines, IA
- S. DJO, LLC – Vista, CA
- T. GlaxoSmithKline LLC – Durham, NC
- U. Luye Pharma USA, Ltd. – Princeton, NJ
- V. Medivant Healthcare – Phoenix, AZ
- W. MidAmerica Pharmaceuticals LLC – Oak Park, IL
- X. Mobius Therapeutics, LLC – St. Louis, MO
- Y. Omnivium Pharmaceuticals, LLC – Rahway, NJ
- Z. Philips Healthcare Informatics, Inc. – Pleasanton, CA
- AA. PMI Branded Pharmaceuticals, Inc. – Allegan, MI
- BB. Respironics Logistics Services, LLC – Mt. Pleasant, PA
- CC. Sagent Pharmaceuticals, Schaumburg, IL
- DD. UPS Supply Chain Solutions, Inc. – Woolwich Township, NJ
- EE. ViiV Healthcare Company – Durham, NC
- FF. VYGAAN Pharmaceuticals, LLC – Skillman, NJ
- GG. Westmed Inc. – Tucson, AZ

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

- HH. Actelion Pharmaceuticals US, Inc. – Titusville, NJ
- II. ARS Pharmaceuticals Operations, Inc. – San Diego, CA
- JJ. Bristol Myers Squibb – Devens, MA
- KK. McKesson Medical-Surgical Inc. – Orlando, FL

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

- LL. Amatheon Animal Health, LLC – Miami, FL

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

- MM. CVS TN Distribution, LLC – Knoxville, TN

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

- NN. Dentsply LLC – York, PA
- OO. RxSight, Inc. – Aliso Viejo, CA

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

4.2.6 Background checks completed in compliance with NRS 639.500.

- PP. Akron Pharma Inc. – Hauppauge, NY
- QQ. Elanco US Inc. – Elwood, KS
- RR. MFG TPL – High Point, NC
- SS. MR Unlimited LLC – Brenham, TX

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

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

4.3.2 **Background checks completed in compliance with NRS 639.500.**

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

- TT. All Westcare Pharmacy – Las Vegas, NV
- UU. ER at North Las Vegas, an Extension of Valley Hospital – North Las Vegas, NV
- VV. Genoa Healthcare LLC – Las Vegas, NV
- WW. Prime Care Pharmacy – Las Vegas, NV

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

XX. Prism Medical Products, LLC – Las Vegas, NV

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

YY. Curexa – Gilbert, AZ

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

- ZZ. CarelonRx Pharmacy, Inc. – Tucson, AZ
- AAA. Chewy Pharmacy, LLC – Pittston, PA

4.8 Application for Ambulatory Surgery Center License (NAC 639.4992) – Non- Appearance **(FOR POSSIBLE ACTION)**

4.9 Recommended Denial of Registration/Licensure Due to Material Omissions in Application – Non-Appearance **(FOR POSSIBLE ACTION)**

BBB. LeeAnn Carlos
CCC. Jonathan Mukendi
DDD. Rikki Ramirez

Rolf Zakariassen and Jade Jacobo recused themselves from Agenda Item 4MM due to their employment.

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

Board discussion ensued.

Sophia Long, Senior Deputy Attorney General for the Attorney General’s Office, provided recommendations on how to proceed with a motion due to the recusals.

Board Action:

Motion: Krystal Freitas moved to approve Consent Agenda with the exception of 4MM and 4UU.

Second: Jade Jacobo

Action: Passed unanimously.

Board Action:

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

Second: President Park

Action: Passed unanimously (Jacobó and Zakariassen recused).

Board Action:

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

Second: Rolf Zakariassen

Action: Passed unanimously (Freitas recused).

◆ REGULAR AGENDA ◆

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

D. James Eells, MD

(19-081-CS-S)

Bridget Kelly appeared as counsel on behalf of Dr. James Eells.

Dr. James Eells was not present for the hearing.

Gregory Zunino, Senior General Counsel for the Nevada Board of Pharmacy, prosecuted the case against Dr. Eells alleging unlawful furnishing of dangerous drugs at Hangover Rescue, a medical practice providing IV hydration treatments to patients.

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

The proposed stipulated penalties for Dr. James Eells, Certificate of Registration No. CS22639, are the following: 1) pay a fine of \$1,500 for the violations; and 2) pay \$500 to partially reimburse the Board for recoverable attorney's fees and investigative costs.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order for Dr. James Eells as presented by Mr. Zunino.

Second: Rolf Zakariassen

Action: Passed unanimously.

P. Raymond Graber

(23-340-CS-N)

Lyn Beggs appeared as counsel on behalf of Raymond Graber.

Raymond Graber was present for the hearing via Zoom.

Peter Keegan, General Counsel for the Nevada Board of Pharmacy, prosecuted the case regarding a guilty plea to a misdemeanor for possession of cocaine.

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

The proposed stipulated penalties for Raymond Graber Certificate of Registration No. CS27126 are the following: 1) CS27126 is suspended for a period of five years but the suspension is stayed and is placed on probation for the duration of the stayed suspension subject to the following terms: a) shall maintain attendance in the substance abuse counseling with random urinalysis; b) Respondent Graber's counselor shall submit quarterly reports detailing Graber's progress, attendance, and urinalysis results; and c) Upon receipt of substance abuse counseling attendance and negative urinalysis attributed to Respondent Graber's misdemeanor sentencing and shall receive credit toward the five year probationary period. 2) Respondent Graber shall pay a fine of \$2,000 for the violations; 3) Respondent Graber shall pay \$500 to partially reimburse the Board for recoverable attorney's fees and

costs incurred in investigating and prosecuting this matter; and 4) Respondent Graber acknowledges this Stipulation and Order constitutes as public discipline that is reportable to the National Practitioner Data Bank.

Ms. Beggs clarified that Mr. Graber has not pled guilty and if he complies with the terms of the court, his charges will be dismissed, and no conviction will be entered. This occurred in 2022 where he ceased practice and self-reported and went to work on his substance abuse issues. He is currently practicing and will be transferring into a PRN program to help with his recovery.

Board discussion ensued.

Ms. Beggs requested a recess to discuss with Mr. Graber the proposed amendment to the Stipulation and Order for an appearance before the Board for a reinstatement.

The Board recessed the meeting.

Ms. Beggs confirmed that Mr. Graber is amicable to the amendment to the Stipulation and Order.

The Board discussed and addressed the approval of Mr. Graber's controlled substance registration renewal.

18. Application for Controlled Substance Registration Renewal (NRS 453.226) – Appearance (**FOR POSSIBLE ACTION**)

Raymond Graber

Board Action:

Motion: Richard Tomasso moved to approve Raymond Graber's renewal application for his Controlled Substance Registration No. CS27126.

Second: Jade Jacobo

Action: Passed unanimously.

The Board continued back to the disciplinary hearing of Mr. Graber.

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

P. Raymond Graber

(23-340-CS-N)

Board Action:

Motion: Richard Tomasso moved to approve the Stipulation and Order for Raymond Graber as presented by Mr. Keegan with the amendment to include that he shall appear before the Board for reinstatement.

Second: Jade Jacobo

Action: Passed unanimously.

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

O. Edward Victoria (23-113-CS-S)

Brent Resh appeared as counsel on behalf of Edward Victoria.

Edward Victoria appeared and was sworn in by President Park prior to answering questions and offering testimony.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the case regarding multiple violations against Dr. Victoria for prescribing controlled substances related to chronic or acute pain.

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

The proposed stipulated penalties for Edward Victoria Certificate of Registration No. CS15199 are the following: Certificate of Registration No. CS15199, is suspended for a period of two (2) years pursuant to NRS 453.241(a). The suspension is stayed, and Respondent is placed on probation pursuant to NRS 639.255(1)(b) subject to the following conditions: 1) Respondent shall accept this Stipulation and order as public reprimand; 2) Respondent shall pay a fine of \$5,000 for the violations; 3) Respondent shall pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; 4) Respondent shall establish and put into practice all policies and procedures to ensure that controlled substance prescriptions complies with the provisions of NRS 639.23507 and all applicable regulations; and 5) Respondent shall comply with all federal and state regulations regarding controlled substances and dangerous drugs, and have no additional charges filed against him while on probation.

Jade Jacobo inquired on what occurred with his charges at the Nevada Board of Medical Examiners as it was not provided to the Board.

The Board tabled the hearing so that the appropriate disciplinary documents can be provided.

E. Delta Drugs (20-168-PH-S)

Ayesha Medhi and Lucas Morgan appeared as counsel on behalf of Delta Drugs.

Gregory Zunino prosecuted the case regarding Delta Drugs' sale and delivery of dangerous drugs and/or controlled substances to consumers in Nevada prior to being licensed in Nevada.

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

The proposed stipulated penalties for Delta Drug License No. PH04105 are the following: 1) pay a fine of \$5,000 for the violations; and 2) pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Mr. Morgan commented that the pharmacy has been fully licensed since 2019 and has been active and in good standing, and they were only unlicensed for a short period of time.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order for Delta Drugs as presented by Mr. Zunino.

Second: Krystal Freitas

Action: Passed unanimously.

R. Michael Brinkmann

(22-237-CS-S)

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

Peter Keegan prosecuted the case regarding Mr. Brinkmann's self-administration of hydromorphone injections without a valid prescription and dispensed controlled substances without a valid Nevada dispensing practitioner's registration.

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

The proposed stipulated penalties for Michael Brinkmann Certificate of Registration No. CS02213 are the following: 1) CS02213 shall be revoked for a period of one year. Respondent shall obtain an evaluation for substance use disorder and comply with any and all recommendations set forth by Evaluator/Practitioner. The evaluation must be returned to the Board. Upon expiration of the one year revocation, Respondent may apply to the Board of a Certificate of Registration to Dispense Controlled Substances; 2) Respondent shall pay a fine of \$7,500 for the violations; 3) Respondent shall pay \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; and 4) Respondent acknowledges this Stipulation and Order constitutes as a public record of discipline reportable to the National Practitioner Data Bank.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Stipulation and Order for Michael Brinkmann as presented by Mr. Keegan.

Second: Rolf Zakarriasen

Action: Passed unanimously.

O. Edward Victoria (23-113-CS-S)

The Board returned to the disciplinary hearing for Edward Victoria.

Brett Kandt presented the charges against Dr. Victoria by the Nevada Board of Medical Examiners.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order for Edward Victoria as presented by Mr. Kandt.

Second: Krystal Freitas

Action: Passed unanimously.

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

Mobility Prosthetics and Orthotic Services (23-089-S)

Sekhar Mohanty, Owner, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan provided background regarding a citation and fine against Mobility Prosthetics and Orthotic Services due to unlicensed practice.

Mr. Mohanty provided a statement to the Board.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to uphold the citation and fine against Mobility Prosthetics and Orthotic Services.

Second: Krystal Freitas

Action: Passed unanimously.

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

C. Phil Chen, DO

(23-016-CS-S)

Phil Chen appeared and was sworn in by President Park prior to answering questions and offering testimony.

Sean Kelly appeared as counsel on behalf of Dr. Chen.

Brett Kandt prosecuted the case regarding Dr. Chen who failed to timely renew his controlled substance registration and prescribed controlled substances on an expired registration.

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

The proposed stipulated penalties for Dr. Phil Chen Certificate of Registration No. CS19806 are the following: 1) pay a fine of \$5,000 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.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order for Dr. Phil Chen as presented by Mr. Kandt.

Second: Rolf Zakariassen

Action: Passed unanimously.

H. Mona Matar, RPH

(22-370-RPH-S)

I. Walgreens Pharmacy #04755

(22-370-PH-S)

Mona Matar appeared and was sworn in by President Park prior to answering questions and offering testimony.

William Stilling appeared as counsel on behalf of Mona Matar and Walgreens Pharmacy #04755.

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

Gregory Zunino prosecuted the case regarding a misfill where Ms. Matar pulled a pediatric dose of Energix B, a hepatitis B vaccine, for an adult patient.

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

The proposed stipulated penalties for Mona Matar Certificate of Registration No. 20104 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.

The proposed stipulated penalties for Walgreen's Pharmacy #4755 License No. PH01383 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.

Ms. Matar provided a statement to the Board on how this occurred.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Stipulation and Order for Mona Matar and Walgreen's Pharmacy #4755 as presented by Mr. Zunino.

Second: Rolf Zakariassen

Aye: Park, Freitas, Tomasso, Tejero, Zakariassen

Nay: Jacobo, Mitchell

Board discussion ensued.

Action: Motion carries.

A. Itzel Casian, PTT (22-401-PTT-A-S)

B. Osvaldo Hernandez, PTT (22-401-PTT-B-S)

Casian and Osvaldo Hernandez failed to appear.

Brett Kandt prosecuted the cases alleging Ms. Casian and Mr. Hernandez falsely represented that they were high school graduates on their pharmaceutical technician in training applications.

Mr. Kandt called Shirley Hunting, Board Coordinator for the Nevada Board of Pharmacy, as a witness.

Shirley Hunting appeared and was sworn in by President Park prior to answering questions and offering testimony.

Ms. Hunting testified as to service of the Notice of Intended Action and Accusation against Ms. Casian and Mr. Hernandez.

Mr. Kandt requested admission into evidence of Exhibit 1, documenting service of the Notice of Intended Action and Accusation for Ms. Casian and Mr. Hernandez.

Mr. Kandt called Kristopher Mangosing, Assistant Board Coordinator for the Nevada Board of Pharmacy, as a witness.

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

Mr. Mangosing testified as to service of the 21-day Notice of the Hearing for Ms. Casian.

Mr. Kandt requested admission into evidence of Exhibit 2, documenting the service of the 21-day Notice of the Hearing for Ms. Casian.

President Park admitted Exhibits 1 and 2 into the record.

Mr. Kandt commented that Respondent Hernandez filed an Answer to the Board regarding the allegations filed against him.

Mr. Mangosing was called as a witness.

Mr. Mangosing testified as to service of the 21-day Notice of the Hearing for Mr. Hernandez.

Mr. Kandt requested admission into evidence of Exhibit 3, documenting the service of the 21-day Notice of the Hearing for Mr. Hernandez.

President Park admitted Exhibit 3 into the record.

Mr. Kandt requested the Board make Findings of Fact consistent with paragraphs 1-3 of the Notice of Intended Action and Accusation and find that respondents were properly notified of the hearing.

Board Action:

Motion: Jade Jacobo moved to make Findings of Fact consistent with paragraphs 1-3 of the Notice of Intended Action and Accusation and find that Respondents Osvaldo and Hernandez were properly notified of the hearing.

Second: Krystal Freitas

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to make Conclusions of Law consistent with paragraphs 4-7 and find Respondent Osvaldo and Hernandez guilty of Count One.

Second: Krystal Freitas

Action: Passed unanimously.

Mr. Kandt proposed the following discipline for Itzel Casian's Certificate of Registration No. PT27604 is revoked/cancelled and cannot petition for reinstatement for a period of one year.

Board discussion ensued.

Board Action:

Motion: Richard Tomasso moved to revoke/cancel Itzel Casian's Certificate of Registration No. PT27604, and she cannot petition for reinstatement for a period of one year.

Second: President Park

Action: Passed unanimously.

Mr. Kandt proposed the following discipline for Osvaldo Hernandez Certificate of Registration No. PT27243 is revoked/cancelled and cannot petition for reinstatement for a period of one year.

Board Action:

Motion: Richard Tomasso moved to revoke/cancel Osvaldo Hernandez Certificate of Registration No. PT27243, and he cannot petition for reinstatement for a period of one year.

Second: Krystal Freitas

Action: Passed unanimously.

Q. Genoa Healthcare LLC

(20-022-PH-S)

William Stilling appeared as counsel on behalf of Genoa Healthcare LLC.

Jeannie G. Barrett, Managing Pharmacist, appeared and was sworn in by President Park prior to answering questions and offering testimony.

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

Gregory Zunino prosecuted the case regarding allegations that Genoa, as pharmacy owner, is responsible for the acts of an employee pharmacist who misfilled a prescription for alprazolam; the alprazolam was delivered and ingested by a minor causing patient harm.

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

The proposed stipulated penalties for Genoa Healthcare LLC License No. PH03981 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.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Stipulation and Order for Genoa Healthcare LLC as presented by Mr. Zunino.

Second: Gener Tejero

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

Nay: Jacobo

Action: Motion carries.

21. Executive Secretary Report:

- A. Financial Report
- B. Issuance of Temporary Licenses and Registrations
- C. Change of Address Business List
- D. Meetings with Other Health Care Regulatory Boards
- E. Licensing Activities Report
- F. Citations & Fines issued pursuant to NRS 632.2895
- G. 2024 Board Meeting Calendar

Dave Wuest, Executive Secretary for the Nevada Board of Pharmacy, provided the Executive Secretary Report to the Board's satisfaction.

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

Gregory Zunino provided the General Counsel Report to the Board's satisfaction.

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

J. Justine Stanevich, PT

(22-041-PT-S)

Justine Stanevich appeared and was sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan prosecuted the case for 20-135-PT-S an Order to Show Cause against Ms. Stanevich.

Mr. Keegan requested Exhibits 1-3 be entered into the record.

President Park admitted Exhibits 1-3.

Mr. Keegan provided background on the Order as she was not compliant with her Order.

Ms. Stanevich commented that she lost her job, so she was focused on her living situation.

Board discussion ensued.

The Board tabled the disciplinary hearing for 20-135-PT-S, so to hear the allegations against Ms. Stanevich regarding Case No. 22-041-PT-S.

Mr. Keegan prosecuted the case where Ms. Stanevich added three refills of Albuterol Sulfate HFA 108 inhaler to a family member's prescription which she was not authorized to do so.

Peter requested Exhibits 1-7 be entered into the record.

President Park admitted Exhibits 1-7.

The Board questioned Ms. Stanevich about the events that occurred with this case.

Board discussion ensued.

Mr. Keegan clarified the motion was for the Order to Show Cause against Ms. Stanevich for Case No. 20-135-PT-S.

Board Action:

Motion: Richard Tomasso moved to revoke Justine Stanevich Certificate of Registration No. PT18958 for a period of two years. If she requests reinstatement, she must comply with the terms of the Order in 20-135-PT-S.

Second: Jade Jacobo

Action: Passed unanimously.

Mr. Keegan recommended a motion be made for 22-041-PT-S since it's a separate case against Ms. Stanevich.

Board Action:

Motion: Jade Jacobo moved to make findings of fact consistent with paragraphs 1-17 of the Notice of Intended Action and Accusation.

Second: Krystal Freitas

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to make conclusions of law consistent with paragraphs 18-26 of the Notice of Intended Action and Accusation.

Second: Krystal Freitas

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to find Justine Stanevich guilty of Counts 1-3 in the Notice of Intended Action and Accusation.

Second: Krystal Freitas

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to award the attorney fees and costs of \$1,013.83 on the basis that they were reasonable, necessary, and actually incurred.

Second: Krystal Freitas

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to make the following: 1) Respondent Stanevich must comply with the Order in previous case against her in Case No. 20-135-PT-S; and 2) Respondent must pay \$1013.83 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Second: Krystal Freitas

Action: Passed unanimously.

F. Shahin Banayan, RPH (20-191-RPH-S)

This matter was continued to a future Board meeting.

G. Walgreens Pharmacy #10783 (20-191-PH-S)

This matter was continued to a future Board meeting.

L. Walgreens Pharmacy #9844 (22-096-PH-S)

This matter was continued to a future Board meeting.

M. Kerry Otero, RPH (22-096-RPH-S)

This matter was continued to a future Board meeting.

N. Morgan Towler, PTT (22-096-PTT-S)

This matter was continued to a future Board meeting.

Public Comment October 11, 2023, 2:08 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	Krystal Freitas	Wayne Mitchell	Rolf Zakariassen
Richard Tomasso	Jade Jacobo	Gener Tejero	

Board Staff Present:

Dave Wuest	Yenh Long	Shirley Hunting	Gus Vanderdonck
Brett Kandt	Peter Keegan	Gregory Zunino	Darlene Nases
Joe Dodge	Darla Zarley	Kenneth Scheuber	Leo Basch

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 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 12, 2023, 9:00 AM

Holly Pivo wanted to recognize that October 12 is “Women’s Pharmacist Day”, so she appreciates all the women pharmacist on the Board and the public for their service.

◆ WORKSHOP ◆

Thursday October 12, 2023 – 9:00 am

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

- A. **REGULATIONS relating to Governor Lombardo’s Executive Order 003-2023. Changes in these Regulations streamline and clarify licensing requirements while ensuring public safety; and providing other matters properly relating thereto.**

Executive Order 003-2023

SECTION 1

Every executive branch department, agency, board and commission shall undertake a comprehensive review of the regulations subject to its enforcement. On or before, May 1, 2023 each department, agency, board and commission shall provide a report to the Governor’s office detailing how the regulation subject to its enforcement can be streamlined, clarified, reduced or otherwise improved to ensure those regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth.

SECTION 2:

As part of its report, every executive branch department, agency, board and commission shall provide a list of not less than ten (10) regulations recommended for removal, ranking them in descending order of priority.

Dave Wuest presented background on the workshop item.

President Park opened the floor to public comment.

Liz McMenamin from the Retail Association of Nevada commented that she is in favor of the changes and has recommendations that the industry would like to share with the Board.

President Park closed the floor to public comment.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to adopt the proposed regulation Executive Order 003-2023.

Second: Wayne Mitchell

Action: Passed unanimously.

- B. **Amendment to Nevada Administrative Code (NAC) 453.** The proposed amendments relate to controlled substances adding synthetic cannabinoids to the controlled substances listed in Schedule I.

Darla Zarley, Grant and Project Analyst for the Nevada Board of Pharmacy, presented background on the workshop item.

President Park opened the floor to public comment.

There was no public comment.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to adopt the proposed regulation for Amendment to Nevada Administrative Code (NAC) 453 relating to controlled substances adding synthetic cannabinoids to the controlled substances listed in Schedule I.

Second: Wayne Mitchell

Action: Passed unanimously.

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

B. Daisy de Guzman

Daisy de Guzman appeared and was sworn in by President Park prior to answering questions and offering testimony.

Brett Kandt provided background on the appearance and presented the disclosure and the discipline history for Ms. De Guzman where she was accused of receiving monetary gifts from a private MRI company.

Ms. De Guzman provided what she intends to do at the practice and commented that she is unsure if she has the job since she applied for the job a few months ago.

Board discussion ensued.

Ms. De Guzman commented that she would only need Schedules III-V only.

The Board addressed both her controlled substance application and her dispensing practitioner registration in one motion.

Board Action:

Motion: Jade Jacobo moved to approve controlled substance application and dispensing practitioner registration application for Schedule III-V only for Daisy De Guzman pending positive opening inspection and conditions of quarterly inspections at the facilities cost for a period of one year if she is hired for the position.

Second: Krystal Freitas

Action: Passed unanimously.

16. Application for Dispensing Practitioner Registration – Appearance (**FOR POSSIBLE ACTION**)

B. Daisy de Guzman

This item was addressed in Agenda Item 15B.

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

Daiichi Sankyo, Inc. – Basking Ridge, NJ – Background Check Not Required -
Manufacturer (NAC 639.593(7)(d))

Richard Campbell appeared as counsel on behalf of Daiichi Sankyo, Inc.

Sarah Kimble (Assistant General Counsel), Richard Muskus (Associate Director of Distribution), and Joseph Foust (Senior Director of Trade Management and Distribution Operations) appeared and were sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest requested a Letter of Authorization for Ms. Kimble to speak on behalf of the company.

Mr. Wuest provided background on the application and their discipline disclosures.

Ms. Kimble clarified the events that occurred with the disclosures and steps taken to ensure that it will not happen again.

Mr. Wuest questioned their business model and the type of products that they plan to provide in Nevada.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve out-of-state wholesaler application for Daiichi Sankyo, Inc.

Second: Krystal Freitas

Action: Passed unanimously.

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

A. BioPlus Specialty Pharmacy Services, LLC – Las Vegas, NV

Stephanie Kowlessar, Managing Pharmacist, and Elvin Montanez, Chief Operating Officer, appeared and were sworn in by President Park prior to answering questions and offering testimony.

President Park disclosed that she knows Ms. Kowlessar but can participate fairly and without bias.

Peter Keegan provided background on the application and commented that Ms. Kowlessar is the new Designated Representative which the Board was presented her new application.

Mr. Keegan questioned BioPlus Specialty Pharmacy Services about their corporation which was in Florida and requested documentation of their Florida Corporation.

The Board questioned the business model and how they will mitigate fraudulent products in their business market.

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

Board Action:

Motion: Krystal Freitas moved to approve Nevada Pharmacy application for BioPlus Specialty Pharmacy Services, LLC.

Second: Rolf Zakariassen

Action: Passed unanimously.

B. Mesa Ridge Pharmacy – Mesquite, NV

Samuel Wilde, Owner and Managing Pharmacist, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan provided background on the application and questioned Travis Jackman's role with the pharmacy.

Mr. Wilde answered that Mr. Jackman's role is part-owner and is more of a financial role.

The Board questioned Mr. Wilde on when he intends to open the pharmacy and his business model.

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

Board Action:

Motion: Rolf Zakariassen moved to approve Nevada pharmacy application for Mesa Ridge Pharmacy.

Second: Wayne Mitchell

Action: Passed unanimously.

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

A. Matthew Dulin

Matthew Dulin appeared and was sworn in by President Park prior to answering questions and offering testimony.

Gregory Zunino provided background on the application and his disclosure regarding selling marijuana.

Mr. Dulin clarified the events that occurred with his disclosure and the actions taken against him.

Board discussion ensued.

Board Action:

Motion: Richard Tomasso moved to approve the Pharmacist Registration by Reciprocity application for Matthew Dulin.

Second: President Park

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

Nay: Mitchell

Action: Motion Carries.

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

A. 1st Choice Pharmacy – Holiday, FL

Joseph Bishay, Managing Pharmacist, and George Hanna, Owner, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge, Nevada Board of Pharmacy Inspector, provided background on the application and questioned Mr. Bishay's experience at the pharmacy and with sterile compounding, the Florida Board of Pharmacy's inspection results, and their compounding questionnaire.

Mr. Bishay answered Mr. Dodge's questions.

Board discussion ensued.

Mr. Dodge recommended if the Board decided to approve the application that the approval is dependent on Board staff's inspection of the location.

Board Action:

Motion: Jade Jacobo moved to approve the out-of-state compounding pharmacy application for 1st Choice Pharmacy pending Nevada Board of Pharmacy inspection of location at the company's expense.

Second: Krystal Freitas

Action: Passed unanimously.

B. Strive Pharmacy – Gilbert, AZ

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

Partell Specialty Pharmacy – Las Vegas, NV

Gener Tejero recused himself from this matter.

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

Dave Wuest provided background on the application and commented that the applicant did not do the recommendations as requested by the Board during their last Board appearance.

Mr. Wuest requested a Letter of Authorization for Mr. Whitehouse to speak on behalf of the company.

President Park did not feel comfortable going forward with the application as recommendations were not addressed as requested by Board staff.

President Park asked Mr. Whitehouse if he would like to table the application to work on the recommendations as requested by the Board.

Mr. Whitehouse requested that the Board proceed with the application.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to deny the Nevada compounding pharmacy application for Partell Specialty Pharmacy to do sterile compounding.

Second: Richard Tomasso

Action: Passed unanimously.

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

A. Med-Plus Pharmacy, Inc. – Covina, CA

Carlos Cruz, Vice President of Government Affairs, and Flynn Lew, Managing Pharmacist, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Gregory Zunino requested a Letter of Authorization for Mr. Cruz and Mr. Lew to speak on behalf of the company.

Gener Tejero returned to the Board meeting at 11:30 AM.

Mr. Zunino provided background on the application and questioned the business model and their disciplinary history.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the out-of-state pharmacy application for Med-Plus Pharmacy, Inc.

Second: Krystal Freitas

Action: Passed unanimously.

B. Seven Hills Pharmacy, LLC – Sharonville, OH

This matter was continued to a future Board meeting.

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

A. BPI Labs, LLC – Largo, FL

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

Joe Dodge provided background on the application and questioned the results of the FDA inspection, the Florida Board of Pharmacy inspection, and the products that they plan to ship into Nevada.

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

Board Action:

Motion: Jade Jacobo moved to approve the out-of-state outsourcing facility application for BPI Lab's, LLC.

Second: Rolf Zakariassen

Action: Passed unanimously.

B. OurPharma LLC – Fayetteville, AR

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

Joe Dodge provided background on the application and questioned their FDA inspection results, the Arkansas Board of Pharmacy results, Ms. Strickland's work history, and the products that they plan to ship into Nevada.

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

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the out-of-state outsourcing facility application for OurPharma LLC.

Second: Jade Jacobo

Action: Passed unanimously.

21. Executive Secretary Report

Dave Wuest presented more information on the Executive Secretary Report to the Board's satisfaction.

Jade Jacobo was excused from the Board meeting at 12:18 PM.

Jade Jacobo returned to the Board meeting at 12:19 PM.

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

Joshua Satsatin

Joshua Satsatin appeared and was sworn in by President Park prior to answering questions and offering testimony.

Yenh Long, Deputy Secretary for the Nevada Board of Pharmacy, provided background on the application and the disclosure regarding a misdemeanor – battery charge.

Mr. Satsatin provided clarification on the charge which resulted from an altercation with a co-worker where he ended up with the battery charge.

The Board questioned the events that occurred and why he wants to be a pharmaceutical technician in training.

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

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve the pharmaceutical technician in training application for Joshua Satsatin.

Second: Jade Jacobo

Action: Passed unanimously.

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

A. Rebecca Ann Martinez

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

Gregory Zunino provided background on the application and the disclosures where she was prescribing controlled substances for her husband for personal use.

Ms. Martinez clarified that she would only like to prescribe Schedule II-V only.

Mr. Zunino questioned her medical practice and if she has any conditions on any of her other state licenses to prescribe.

Ms. Martinez answered that she has no conditions on any of her other state licenses to prescribe.

The Board questioned her disclosure and what occurred.

Ms. Martinez provided clarification to the Board on the events that occurred with her disclosures and how she continues with her recovery and spirituality.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Advance Practice Registered Nurse – Prescribe application with amendment for only Schedule II-V for Rebecca Ann Martinez.

Second: Krystal Freitas

Action: Passed unanimously.

16. Application for Dispensing Practitioner Registration – Appearance **(FOR POSSIBLE ACTION)**

A. Vincent Alexis

Wayne Mitchell was excused from the Board meeting at 1:30 PM.

Vincent Alexis appeared and was sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest provided background on the application.

Mr. Alexis requested to go into closed session.

Board Action:

Motion: President Park moved to go into closed session.

Second: Rolf Zakariassen

Action: Passed unanimously.

Board Action:

Motion: President Park moved to go into open session.

Second: Rolf Zakariassen

Action: Passed unanimously.

The Board questioned Mr. Alexis about his practice, what he intends to prescribe, and his past disclosure in Texas regarding controlled substances that he took into his personal possession.

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

Board Action:

Motion: Jade Jacobo moved to approve the dispensing practitioner application for Vincent Alexis.

Second: Rolf Zakariassen

Action: Passed unanimously.

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

B. Erin Sosebee

No representative was present on behalf of Erin Sosebee.

This matter was continued to a future Board meeting.

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

B. Camilo Murillo

No representative was present on behalf of Erin Sosebee.

This matter was continued to a future Board meeting.

23. Public Comment October 13, 2023, 1:58 PM

Jade Jacobo requested a possible agenda item to the December Board meeting for a Just Culture Presentation by NABP.

President Park commented that the Board will take this under consideration, but no decisions can be made during public comment.

22. Date and Location of Next Scheduled Board Meeting:

December 6-7, 2023 – Las Vegas, NV

24. Adjournment