



# NEVADA STATE BOARD OF PHARMACY

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## MINUTES

April 12-13, 2023

## BOARD MEETING

The Nevada State Board of Pharmacy will conduct a meeting beginning Wednesday, April 12, 2023, at 9:00 am. The meeting will continue, Thursday, April 13, 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:

Hyatt Place  
1790 E Plumb Ln  
Reno, NV 89502

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		

### Board Members Not Present:

Gener Tejero

### Board Staff Present:

Dave Wuest	Yenh Long	Shirley Hunting	Kristopher Mangosing
Brett Kandt	Peter Keegan	Gregory Zunino	Darlene Nases
Joe Dodge	Mui Lee	Sophia Long	

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

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

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

President Park performed the roll call. One Board member was absent, and a quorum was established.

2. Public Comment April 12, 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 March 8-9, 2023, Board Meeting Minutes (**FOR POSSIBLE ACTION**)

Jade Jacobo recused herself from the item since she was not present for the March Board meeting.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the March 8-9, 2023, Board meeting minutes.

Second: Krystal Freitas

Action: Passed unanimously (Jacobos recused).

4. 4.1 Applications for Out-of-State Medical, Devices, Equipment and Gases License (NAC 639.6944) – Non-appearance (**FOR POSSIBLE ACTION**)

- A. Critical Nurse Staffing, LLC – Grand Junction, CO
- B. Mi-Med Supply Co. Inc. – Irvine, CA
- C. Synapse Health, Inc. – Evanston, IL

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

**Background Check Not Required by Law.**

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

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

- D. Acacia Pharma Inc. – Solana Beach, CA
- E. Aerogen – Chicago, IL
- F. Baxter Pharmaceutical Solutions, LLC – Bloomington, IN
- G. Boxout – Jacksonville, FL
- H. Endo Pharmaceuticals, Inc. – Malvern, PA
- I. Evergreen Theragnostics, Inc. – Springfield, NJ
- J. F2G Inc. – Princeton, NJ
- K. Hugel Aesthetics, Newport Beach, CA
- L. Marketlab, Inc – Caledonia, MI
- M. Phoenix Assurance, LLC – Memphis, TN
- N. Radius Health, Inc – Boston, MA
- O. STI Pharma, LLC – Newtown, PA
- P. TriMed, Inc. – Valencia, CA

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

- Q. Abbot Molecular Inc. – Itasca, IL
- R. Ethicon, Inc. – Raritan, NJ
- S. Illumina, Inc. – San Diego, CA
- T. Madrigal Pharmaceuticals, Inc. – West Conshohocken, PA
- U. McKesson Medical-Surgical Inc. – Commerce City, CO

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

- V. Kenco Logistic Services, LLC – Chattanooga, TN
- W. Medline Industries, LP – Tracy, CA
- X. Prodigy Health LLC – Austin, TX

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

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

- Y. Aero-Med, LLC – East Hartford, CT
- Z. Catalyst Pharmaceuticals, Inc. – Coral Gables, FL
- AA. Liquidia Technologies, Inc. – Morrisville, NC
- BB. Tarsus Pharmaceuticals, Inc. – Irvine, CA

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

- CC. InSource, Inc. – Bastian, VA

#### **4.2.8 Background checks completed in compliance with NRS 639.500.**

- DD. CJ Logistics America, LLC – Channahon, IL

EE. NDC HomeCare LLC – Jacksonville, FL  
FF. NDC HomeCare LLC – Waco, TX

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

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

GG. Airgas USA, LLC – Winnemucca, NV

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

HH. NDC HomeCare LLC – North Las Vegas, NV

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

II. Renown Pharmacy – Reno, NV

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

JJ. ER at Desert Springs an Extension of Valley Hospital – Las Vegas, NV  
KK. Rancho Pharmacy – Las Vegas, NV  
LL. Willow Springs Center Pharmacy – Reno, NV

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

MM. Cure 4 The Kids Foundation – Las Vegas, NV

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

NN. Epiq Scripts – Richardson, TX  
OO. Expert Compounding Pharmacy – Lake Balboa, CA

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

PP. BioPlus Specialty Pharmacy Services, LLC – Altamonte Springs, FL  
QQ. Eventus Rx LLC – Fort Myers, FL  
RR. FlexCare Specialty Services, LLC – Houston, TX  
SS. Medscripts Medical Pharmacy – Greenville, SC  
TT. Optum Pharmacy 701, LLC – Mesa, AZ  
UU. River Medical Pharmacy, LLC – San Antonio, TX  
VV. Roman Health Pharmacy LLC – Torrance, CA

- WW. Route 300 Pharmacy – Newburgh, NY
- XX. Santa Barbara Specialty Pharmacy, LLC – Carpinteria, CA
- YY. Santa Rosa Pharmacy – Santa Rosa Beach, FL

4.9 Application for Nevada Warehouse License – Non- Appearance **(FOR POSSIBLE ACTION)**

ZZ. Renown Health – Reno, NV

Agenda Item 4MM, Cure 4 The Kids Foundation, has withdrawn their application.

Krystal Freitas recused herself from Agenda Item 4JJ and 4LL due to her employment.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Consent Agenda excluding Agenda Items 4JJ and 4LL.

Second: Wayne Mitchell

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to approve the Consent Agenda Items 4JJ and 4LL.

Second: Wayne Mitchell

Action: Passed unanimously (Freitas recused).

◆ REGULAR AGENDA ◆

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

B. Wesley Robertson, MD (21-063-CS-S)

This matter was continued to a future Board meeting.

C. Joseph Eberle, MD (22-040-CS-N)

This matter was continued to a future Board meeting.

D. Sherellen Brooks Gerhart, MD (22-106-CS-N)

Ed Lemons appeared as counsel on behalf of Dr. Sherellen Gerhart.

Peter Keegan, General Counsel for the Nevada Board of Pharmacy, prosecuted the case regarding Dr. Gerhart prescribing controlled substances on an expired registration.

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

The proposed stipulated penalties for Dr. Sherellen Gerhart's Certificate of Registration No. CS25926 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: Rolf Zakariassen moved to approve the Stipulation and Order for Dr. Sherellen Gerhart as presented by Mr. Keegan.

Second: Wayne Mitchell

Action: Passed unanimously.

E. Amanda Marie Wagner, MD (21-029-CS-N)

This matter was dismissed.

F. Carrie Chaney, APRN (22-167-CS-N)

Lyn Beggs appeared as counsel on behalf of Carrie Chaney.

Peter Keegan prosecuted the case regarding Ms. Chaney prescribing controlled substances on an expired registration.

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

The proposed stipulated penalties for Ms. Carrie Chaney's Certificate of Registration No. CS17469 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: Wayne Mitchell moved to approve the Stipulation and Order for Carrie Chaney as presented by Mr. Keegan.

Second: Krystal Freitas

Action: Passed unanimously.

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

B. Carrie Chaney

Peter Keegan provided background on the application and Ms. Chaney’s disclosure from the Nevada State Board of Nursing regarding her prescribing controlled substances on an expired registration.

Ms. Beggs commented that Ms. Chaney has retired and no longer works full-time but would like to maintain her controlled substance registration.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Controlled Substance Registration for Carrie Chaney.

Second: Wayne Mitchell

Action: Passed unanimously.

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

J. Robert Fredericks, MD (22-197-CS-N)

Mark Gunderson appeared as counsel on behalf of Dr. Robert Fredericks.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the case regarding violations related to prescribing controlled substances.

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

The proposed stipulated penalties for Dr. Robert Fredericks Certificate of Registration No. CS02438 are the following: 1) CS02438 is suspended for two years, the suspension is stayed and respondent is placed on probation; 2) public reprimand; 3) a fine of \$5,000 for the violations with payment plan; 4) \$1,000 to partially reimburse the Board for recoverable attorney’s fees and costs incurred in investigating and prosecuting this matter; 5) respondent shall establish and put into practice all necessary policies and procedures to ensure compliance with any controlled substances prescriptions; and 6) respondent shall comply

with all federal and state statutes and regulations regarding controlled substances and dangerous drugs, and have no additional charges filed against him while on probation.

Board discussion ensued.

Board Action:

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

Second: Rolf Zakariassen

Action: Passed unanimously.

- |    |                             |                  |
|----|-----------------------------|------------------|
| G. | CVS Pharmacy #8792          | (22-211-PH-N)    |
| H. | Eric Nguyen, RPH            | (22-211-RPH-A-N) |
| I. | Christopher Smyrniotis, RPH | (22-211-RPH-B-N) |

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

President Park commented that a quorum was still present.

Brian Convery (CVS Representative), Eric Nguyen, and Christopher Smyrniotis appeared and were sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan prosecuted the case involving the misfill of levothyroxine 50mcg to an incorrect dosage of 300mcg.

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

The proposed stipulated penalties for Eric Nguyen Certificate of Registration No. 20856 are the following: 1) pay a \$3,000 fine 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 Christopher Smyrniotis Certificate of Registration No. 17855 are the following: 1) pay a \$1,500 fine 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 CVS Pharmacy #8792 Pharmacy License No. PH00637 are the following: 1) pay a \$4,500 fine 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: President Park moved to approve the Stipulation and Order's for CVS Pharmacy #8792, Eric Nguyen, and Christopher Smyrniotis as presented by Mr. Keegan.

Second: Krystal Freitas

Aye: Park, Freitas, Tomasso

Nay: Mitchell

Action: Motion Carries (Jacobobo and Zakariassen recused).

8. Rehearing on Kinex Medical Company, LLC, Case No. 21-039-MP-S, pursuant to Order of the First Judicial District Court in Case No. 22-OC-00047-1B (**FOR POSSIBLE ACTION**)

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

Brett Kandt provided background regarding a limited rehearing to amend the Findings of Fact, Conclusions of Law and Order in Case No. 21-039-MP-S to comply with the First Judicial District Court's remand Order in Case No. 22-OC-00047-1B.

Mr. Kandt presented a proposed Amended Findings of Fact, Conclusions of Law and Order with redlined verbiage regarding the previous suspension of License No. MP00623 in paragraph 9 for the Board's consideration.

Board discussion ensued.

Board Action:

Motion: Richard Tomasso moved to approve the Amended Findings of Fact, Conclusions of Law and Order with redlined language as presented by Mr. Kandt.

Second: Jade Jacobo

Action: Passed unanimously.

Gener Tejero was present for the Board meeting at 11:18 AM.

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

L. Carrie Lambert, DVM

(22-484-DV-N)

No representative was present on behalf of Carrie Lambert.

Brett Kandt prosecuted the case regarding Ms. Lambert's suspension of her license to practice veterinary medicine by the Nevada Board of Veterinary Medical Examiners relating to alcohol abuse, the resulting suspension of Certificate of Registration No. DV00694 and her failure to comply with the conditions placed upon her Dispensing Veterinarian registration.

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

The proposed stipulated penalties for Carrie Lambert's Certificate of Registration No. DV00694 are the following: 1) respondent's registration is revoked; 2) respondent may not possess, administer, prescribe or dispense a controlled substance until she has petitioned the Board for reinstatement and the Board reinstates her Certificate of Registration; 3) respondent may not petition for reinstatement of her Certificate of Registration for a period of one year from the effective date of this Order; and 4) \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Mr. Kandt confirmed that Ms. Lambert agreed with the Stipulation and Order and advised that she would not be present for the hearing.

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve the Stipulation and Order for Carrie Lambert as presented by Mr. Kandt.

Second: Wayne Mitchell

Action: Passed unanimously.

A. Ryan Zeller, DO

(23-013-CS-N)

Ryan Zeller appeared and was sworn in by President Park prior to answering questions and offering testimony.

Gregory Zunino, Senior General Counsel for the Nevada Board of Pharmacy, prosecuted the case regarding Dr. Zeller prescribing controlled substances on an expired registration.

Mr. Zunino requested Exhibits 1-5 be entered into the record.

President Park admitted Exhibits 1-5.

Mr. Zunino provided background on the Counts to the Board and requested the Board find Dr. Zeller guilty of Count One and dismiss Count Two and Count Three.

Dr. Zeller provided his testimony and shared his practice with the Board.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to find the Findings of Fact, Conclusion of Law and Order consistent with paragraphs 1-17 of the Notice of Intended Action and Accusation.

Second: Wayne Mitchell

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to find Dr. Ryan Zeller guilty of Count One and dismissed Count Two and Count Three.

Second: Krystal Freitas

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to discipline Dr. Ryan Zeller by imposing a fine of \$5,000 for the violations.

Second: Gener Tejero

Action: Passed unanimously.

K. Gary Wisner, MD

(22-423-CS-N)

There was no representative present on behalf of Dr. Gary Wisner.

Dr. Gary Wisner was not present for the hearing.

Brett Kandt prosecuted the case against Dr. Wisner regarding felony counts of healthcare insurance fraud in California.

Mr. Kandt called Shirley Hunting as a witness.

Shirley Hunting appeared and was sworn in by President Park prior to answering questions and offering testimony on the service of the Notice of Intended Action and Accusation to Dr. Wisner.

Mr. Kandt called Kristopher Mangosing as a witness.

Kristopher Mangosing appeared and was sworn in by President Park prior to answering questions and offering testimony on the service of the 21-day Notice of the hearing to Dr. Wisner.

Mr. Kandt requested the Board to enter Exhibits 1-2 into the record.

President Park admitted Exhibits 1-2.

Mr. Kandt requested the Board make Findings of Fact consistent with paragraphs 1-2 of the Notice of Intended Action and Accusation and find that the Respondent was properly notified of the hearing.

Board Action:

Motion: Jade Jacobo moved to make Findings of Fact consistent with paragraphs 1-2 of the Notice of Intended Action and Accusation and found that the Respondent was properly notified of the hearing.

Second: Wayne Mitchell

Action: Passed unanimously.

Mr. Kandt requested the Board make Conclusions of Law consistent with paragraphs 3-5 of the Notice of Intended Action and Accusation.

Board Action:

Motion: Wayne Mitchell moved to make Conclusions of Law consistent with paragraphs 3-5 of the Notice of Intended Action and Accusation.

Second: Jade Jacobo

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to find Dr. Gary Wisner guilty of Counts 1-3 of the Notice of Intended Action and Accusation.

Second: Gener Tejero

Action: Passed unanimously.

Mr. Kandt recommended that Dr. Gary Wisner's Certificate of Registration No. CS28822 be revoked for a period of five years.

Board Action:

Motion: Rolf Zakariassen moved to revoke Dr. Gary Wisner's Certificate of Registration No. CS28822 for a period of five years. Dr. Wisner must appear before the Board to petition for reinstatement.

Second: Krystal Freitas

Action: Passed unanimously.

23. Discussion and possible action to approve settlement agreement in *Lee v. Nevada State Board of Pharmacy et al.*, U.S. District Court Case No: 22-cv-00363-GMN-BNW, including payment of \$19,000 by the Board. **(FOR POSSIBLE ACTION)**

Brett Kandt provided background on the settlement to the Board. He requested the Board authorize the Executive Secretary to execute any necessary documents for the settlement.

Board discussion ensued.

Board Action:

Motion: President Park moved to approve the payment of the \$19,000 and authorize the Executive Secretary to execute any necessary documents for the settlement.

Second: Wayne Mitchell

Action: Passed unanimously.

14. Application for Nevada Veterinary Drug Supplier License – (Appearance) **(FOR POSSIBLE ACTION)**

C-A-L Ranch Stores – Reno, NV

Randy Holmes, Regional Manager, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Brett Kandt provided background on the application and the disclosure regarding engaging in the sale of veterinary drugs in Nevada without the proper licensure and issuance of a cite and fine which the applicant paid and then applied for a Nevada license.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Nevada Veterinary Drug Supplier License for C-A-L Ranch Stores.

Second: Wayne Mitchell

Action: Passed unanimously.

9. Applications for Nevada Medical, Devices, Equipment and Gases License (NAC 639.6944) – Appearance (**FOR POSSIBLE ACTION**)

A. CenterPoint Medical LLC – Las Vegas, NV

Travis Paul and Diana Paul, Co-Owners, appeared and were 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 questioned their business model, how they plan to get business, and their experience with products that they are providing.

Mr. Paul and Mrs. Paul answered questions to the Board's satisfaction.

Ms. Paul confirmed that she is not currently practicing as a licensed registered nurse. Nevada law prohibits a practicing health professional from owning a medical products business.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Nevada Medical, Devices, Equipment and Gases License for CenterPoint Medical LLC pending positive inspection.

Second: Rolf Zakariassen

Action: Passed unanimously.

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

B. Swift Pharmaceutical Inc – Las Vegas, NV

Arlene Melendres, Owner, and Mary Rose Arriola, Managing Pharmacist, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Gregory Zunino provided background on the application.

The Board questioned Ms. Melendres about why she decided to open a pharmacy, the business model, the products that they plan to sell, and Ms. Arriola's experience as a pharmacist.

Ms. Melendres and Ms. Arriola answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: President Park moved to approve the Nevada Pharmacy License for Swift Pharmaceutical Inc. pending a favorable inspection.

Second: Jade Jacobo

Action: Passed unanimously.

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

A. AleraCare Pharmacy – Phoenix, AZ

Kristine Lowe, 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 ownership change, clarification of their glove fingertip failure process, and Ms. Lowe's disclosure for a cite and fine related to not having stability studies for extended beyond use dates and utilizing ScanRDI sterility test that were not USP 71 compliant.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the change of ownership for Out-of-State Compounding Pharmacy License for AleraCare Pharmacy.

Second: Krystal Freitas

Action: Passed unanimously.

27. Review and consideration for approval of retention incentives for employees of the Nevada State Board of Pharmacy, with such incentives to be quantified and disbursed in accordance with the criteria described in Assembly Bill No. 268 of the 82<sup>nd</sup> (2023) Session of the Nevada Legislature. **(FOR POSSIBLE ACTION)**

Dave Wuest, Executive Secretary for the Nevada Board of Pharmacy, provided background to the Board and requested consideration for approval of the retention incentives for employees of the Nevada State Board of Pharmacy.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the retention incentives for all Nevada State Board of Pharmacy employers in accordance with the criteria described in Assembly Bill No. 268 of the 82<sup>nd</sup> (2023) Session of the Nevada Legislature.

Second: Richard Tomasso

Action: Passed unanimously.

7. Stipulation to Rehearing \*\*\* Respondents Las Vegas Scripts RX and Nathan Edouard, RPH, Only **(FOR POSSIBLE ACTION)**

- A. Las Vegas Scripts Rx (19-243-PH-S)
- B. Nathan Edouard, RPH (19-243-RPH-S)

William Hopkins appeared to represent Las Vegas Scripts Rx and Nathan Edouard.

Ayesha Medhi appeared as counsel on behalf of Las Vegas Scripts Rx and Nathan Edouard.

Peter Keegan provided background on the appearance regarding a reconsideration for a full rehearing for July 12, 2023, for Las Vegas Scripts Rx and Nathan Edouard which would entail an Amended Accusation and new evidence.

Mr. Hopkins clarified that he is not barred in Nevada, but he is working to be admitted per pro hac vice in Nevada with Ms. Medhi.

Sophia Long wanted confirmation that the pro hac vice will be completed by July which allows a non-barred attorney in Nevada to practice.

Mr. Hopkins confirmed that it should be completed before July.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation for a Rehearing for Las Vegas Scripts Rx and Nathan Edouard.

Second: Krystal Freitas



Action: Passed unanimously.

25. 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).

General Counsel provided the report to the Board's satisfaction.

26. Executive Secretary Report:

- B. Issuance of Temporary Licenses and Registrations
- C. Change of Address Business List
- D. Meetings with Other Health Care Regulatory Boards
- E. COVID-19 Response
- F. Licensing Software Update
- G. Licensing Activities Report
- H. PMP Integration
- I. Citations & Fines issued pursuant to NRS 632.2895

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

20. Approval of Pharmacy Technician and Pharmacy Technician in Training Applications.  
**(FOR POSSIBLE ACTION)**

Yenh Long provided background on the applications and presented the Pharmacy Technician and Pharmacy Technician in Training Applications with proposed changes for the Board's consideration.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Pharmacy Technician and Pharmacy Technician in Training Applications as presented by Ms. Long.

Second: Wayne Mitchell

Action: Passed unanimously.

26. Executive Secretary Report:

- A. Financial Report

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

21. Approval of Pharmacy Technician and Pharmacy Technician in Training Application Processing Procedures **(FOR POSSIBLE ACTION)**

Dave Wuest and Yen Long provided background on the agenda item. They requested direction on how the Board would like staff to proceed with the processing procedures for incomplete Pharmacy Technician and Pharmacy Technician in Training Applications that do not disclose criminal history properly.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to allow Board staff to deny any incomplete Pharmacy Technician and Pharmacy Technician in Training applications and put on the Consent Agenda.

Second: Richard Tomasso

Action: Passed unanimously.

22. Approval of Mechanical Device License Application. **(FOR POSSIBLE ACTION)**

Yen Long provided background on the application and presented the Mechanical Device License Application for the Board's consideration.

Gener Tejero wanted clarification if a Mechanical Device located in a hospital is exempt.

Ms. Long confirmed.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Mechanical Device License Application as presented by Ms. Long.

Second: Wayne Mitchell

Action: Passed unanimously.

26. Executive Secretary Report

Dave Wuest informed the Board that he will implement a cite and fine process for pharmacies with managing pharmacist changes who do not notify the Board in a timely manner. If they have no managing pharmacist, the Board will proceed with an Accusation.

Public Comment at 3:35 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	Gener Tejero	Wayne Mitchell
Rolf Zakariassen	Richard Tomasso	Jade Jacobo	

Board Staff Present:

Dave Wuest	Yenh Long	Shirley Hunting	Kristopher Mangosing
Brett Kandt	Peter Keegan	Gregory Zunino	Darlene Nases
Joe Dodge	Mui Lee		

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

Dave Wuest stated that this Board Meeting is being held over Zoom and follows the Governor’s directive and Open Meeting Laws for Nevada.

Call to Order and Roll Call – Establishment of Quorum

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

Public Comment April 13, 2023, 9:00 AM

Liz MacMenamin from the Retail Association of Nevada commented that she would like Board members to think about maligning statements or ill feelings about a community pharmacy during a Board meeting. The industry has been providing health care services in the community, and they would like to express their disappointment regarding prior comments made about a community pharmacy in the Board meeting. The industry would like to continue to work with the regulatory Board to make sure and provide healthcare to the public while keeping in mind the public safety and welfare of all.

◆ REGULAR AGENDA ◆

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

Vincent Alexis

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

Yenh Long provided background on the application and the disclosures regarding a federal conviction of attempted travel in interstate & foreign commerce to engage in illicit sexual conduct and an administrative action in Texas which resulted in revocation of his veterinary license. She commented that the disclosure documents provided were created by him and were not the actual legal documents.

Mr. Alexis requested a closed session.

Board Action:

Motion: President Park moved to go into closed session for Vincent Alexis.

Second: Rolf Zakariassen

Action: Passed unanimously.

Board Action:

Motion: President Park moved to go back into open session.

Second: Jade Jacobo

Action: Passed unanimously.

President Park commented that Mr. Alexis will submit all necessary legal documents to complete his application and asked if he would like to table his application to a future Board meeting.

Mr. Alexis confirmed.

President Park tabled application at his request.

9. Applications for Nevada Medical, Devices, Equipment and Gases License (NAC 639.6944) – Appearance (**FOR POSSIBLE ACTION**)

B. Maverick Medical, Inc. – Kingsbury, NV

Wendy May Real, Co-Owner and Operations Manager, and Mark Spalding, Co-Owner and Administrator, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Ms. Long provided background on the application and the business model.

Ms. Long questioned on how Mr. Spalding will be the administrator for the Nevada location while being the Vice President of the California location.

Ms. Real clarified that they are closing the California location and relocating the business to the Nevada location.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Nevada Medical, Devices, Equipment and Gases License for Maverick Medical, Inc. pending a favorable inspection.

Second: Gener Tejero

Action: Passed unanimously.

24. Request from Smith's Food and Drug (also known as Kroger Health) to authorize their pharmacies as allowed by NAC 639.7145 – **(FOR POSSIBLE ACTION)**

Dave Wuest provided background on the request as Smith's/Kroger's leadership is currently unable to attend but felt that he could present the request.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Smith's Food and Drug (also known as Kroger Health) petition to authorize their pharmacies as allowed by NAC 639.714.

Second: Rolf Zakariassen

Action: Passed unanimously.

26. Executive Secretary Report

Dave Wuest presented the ten regulations that he will be submitting to the governor in accordance with Executive Order 2023-003.

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

A. 986 Pharmacy #8017 – Las Vegas, NV

Robert Ojeda, Owner, and Jamila Ormond, Managing Pharmacist, appeared and were sworn in by President Park prior to answering questions and offering testimony.

President Park disclosed that she knows Jamila Ormond from her previous employment but can participate in this matter fairly and without bias.

Gregory Zunino provided background on the application and questioned their business model, Ms. Ormond's experience as a pharmacist, how they expect to get business, and the available resources available if they need help.

Mr. Ojeda and Ms. Ormond answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Nevada Pharmacy application for 986 Pharmacy #8017 pending a favorable inspection.

Second: Krystal Freitas

Action: Passed unanimously.

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

B. Basic Home Infusion, LLC – Wayne, NJ

Dean Duclos, Director of Pharmacy, 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 change of ownership, their business model, and NABP's inspection results.

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

Mr. Dodge commented that he reviewed their disclosures, which were mostly related to inspection results by the New Jersey Board of Pharmacy that they did not report to other Boards. However, he feels comfortable moving forward with the application.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the change of ownership and the name change for Out-of-State Compounding Pharmacy for Basic Home Infusion, LLC.

Second: Wayne Mitchell

Action: Passed unanimously.

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

Raley’s Pharmacy Wholesaler – Sacramento, CA

Jennifer Hall, Pharmacy Supervisor of Compliance, and Cynthia Fong, Director of Pharmacy, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest provided background on the application and commented that the wholesaler applicant still needs to do fingerprints.

Ms. Hall provided background on their business model to the Board.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Out-of-State Wholesaler License for Raley’s Pharmacy Wholesaler pending completion of any outstanding application activities.

Second: Wayne Mitchell

Action: Passed unanimously.

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

- D. InfuCare Rx – Glendale, CA
- E. InfuCare Rx of LA – Kenner, LA

Jessica McLendon (Supervisor of Licensing), Richard Anderson (Managing Pharmacist for Kenner, LA), and Dulari Patel (Managing Pharmacist for Glendale, CA) appeared and were sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge provided background on the application and questioned their business model for the California and the Louisiana location and each managing pharmacist’s experience.

Ms. Patel and Mr. Anderson answered questions to the Board’s satisfaction.

Mr. Dodge questioned Louisiana’s disclosure regarding an Alabama action relating to not maintaining a supervising pharmacist and notifying the Board with an action plan to designate another pharmacist within a timely manner.

Ms. McLendon provided further information on the disclosure to the Board.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Out-of-State Compounding Pharmacy License for Infucare Rx and to add sterile compounding services to InfuCare Rx of LA.

Second: Jade Jacobo

Action: Passed unanimously.

F. Precision Compounding Pharmacy and Wellness – Bellmore, NY

Christian Stella, CEO and Pharmacist, and Lisa Capriola, Chief Compliance Officer, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge provided background on the application and questioned their business model, products being shipped into Nevada, their inspection results, the Managing Pharmacist's experience, and how they plan to gain business.

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

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve the Out-of-State Compounding Pharmacy License for Precision Compounding Pharmacy and Wellness.

Second: Wayne Mitchell

Action: Passed unanimously.

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

B. Animal Health International, Inc. – Chandler, AZ

Jeff Wigfield, Senior Director of Pharmacy, and Steve Brown, Managing Pharmacist, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest requested a Letter of Authorization for Mr. Wigfield and Mr. Brown to speak on behalf of the company.



Mr. Wuest provided background on the application and questioned their business model and their disclosures regarding a misfill by Mr. Brown and a disclosure related to misbranding.

Mr. Wigfield provided further clarification to the Board on the disclosure which was related to Animal Health International's wholesaling operation rather than this pharmacy operation.

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve the Out-of-State Pharmacy License for Animal Health International, Inc. pending the Letter of Authorization.

Second: Wayne Mitchell

Action: Passed unanimously.

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

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

Donna Tribble (Administrator), Dr. Christopher Costa (Medical Director), and Glenys Castro (Consultant Pharmacist) appeared and were sworn in by President Park prior to answering questions and offering testimony.

President Park disclosed that she knows Glenys Castro from her previous employment but can participate in this matter fairly and without bias.

Dave Wuest provided background on the application and questioned their business model, Ms. Castro's experience as a pharmacist, and if Ms. Castro found any concerns at the surgery center.

Dr. Costa and Ms. Castro answered questions to the Board's satisfaction.

Mr. Wuest recommended security cameras due to the increase of burglaries on controlled substances but commented that it is not required by law.

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve the Ambulatory Surgery Center License for Sierra Surgery Center pending a favorable inspection.

Second: Krystal Freitas

Action: Passed unanimously.

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

C. CSI Pharmacy – Nash, TX

Alisha Smith, Managing Pharmacist, and Jack Lemley, Co-Owner, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Mr. Lemley wanted to clarify that the wrong ownership type was selected. The company is non-publicly traded.

Peter Keegan provided background on application and questioned their business model and Mr. Sheets disclosure regarding a substance abuse disorder which the Arkansas Board of Pharmacy disciplined his license.

Mr. Lemley provided further background on Mr. Sheets' discipline and commented that he has no further issues.

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve the Out-of-State Pharmacy License for CSI Pharmacy pending proper application and the necessary application documents.

Second: Jade Jacobo

Action: Passed unanimously.

D. NaphCare Pharmacy, LLC – Birmingham, AL

Seetal Tejura appeared as General Counsel on behalf of NaphCare Pharmacy, LLC.

Daniel Williamson, 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 the change of ownership, their business model, and their disclosure from the Ohio Board Pharmacy relating to failure to maintain compliance with proper record keeping, security and control of dangerous drugs, and improper retention of expired drugs.

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

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve the change of ownership and the location change for NaphCare Pharmacy, LLC.

Second: Krystal Freitas

Action: Passed unanimously.

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

A. Ozomor Surgical Center – Las Vegas, NV

Lisa Momodu (Consultant Pharmacist), Festus Ebonka (Administrator), Valando Sterling (Owner and Executive Director), and Yesenia Sanchez (Office Manager) appeared and was sworn in by President Park prior to answering questions and offering testimony.

President Park disclosed that she knows Lisa Momodu from her previous employment but can participate in this matter fairly and without bias.

Dave Wuest provided background on the application and questioned their business model.

Ms. Sterling and Mr. Ebonka answered questions to the Board's satisfaction.

Mr. Wuest provided Dr. Bernard Addoquaye's, Medical Director, discipline with the Board relating to allowing a non-licensure to use his credentials to prescribe dangerous drugs and/or controlled substances.

Mr. Wuest questioned Ms. Momodu on whether this is her first surgery center as a consultant pharmacist and how the controlled substances will be securely locked up.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Ambulatory Surgical Center License for Ozomor Surgical Center pending a favorable inspection.

Second: Krystal Freitas

Action: Passed unanimously.

16. Applications for Pharmaceutical Technician Registration (NAC 639.240) – Appearance. **(FOR POSSIBLE ACTION)**

Amazi Harris

This matter was continued to a future Board meeting.

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

Chloe Swanson

Chloe Swanson appeared and was sworn in by President Park prior to answering questions and offering testimony.

Gregory Zunino provided background on the application and questioned her disclosure regarding a battery charge.

Ms. Swanson provided further clarification on what occurred with her battery charge to the Board.

The Board questioned Ms. Swanson about why she wants to be a pharmaceutical technician and her current history with alcohol.

Ms. Swanson answered the Board's questions.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Pharmaceutical Technician in Training Registration for Chloe Swanson pending a favorable PRN-PRN evaluation or equivalent.

Second: Gener Tejero

Action: Passed unanimously.

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

A. Jorge Burgos

Jorge Burgos appeared and was sworn in by President Park prior to answering questions and offering testimony.

Crane Pomerantz appeared as counsel on behalf of Jorge Burgos.

Brett Kandt provided background on the application and questioned his criminal and administrative disclosure as the documentation is missing.

Dr. Burgos and Mr. Pomerantz provided background on the charges and his discipline regarding open and gross lewdness.

Mr. Kandt commented that the Board should have the necessary conviction documentation to proceed with the application.

Mr. Pomerantz provided testimony on behalf of Dr. Burgos, and he commented that the Nevada Board of Medical Examiners has no restrictions on his license. He is requesting the Board to consider his controlled substance registration with that in mind.

President Park requested a complete application for the Board to proceed with his application.

Board discussion ensued.

President Park asked Dr. Burgos if he would like to table his application to get the necessary disclosure documentation to complete his application.

Mr. Pomerantz agreed to table application.

President Park tabled application at their request.

#### C. Selwyn Kidney

This matter was withdrawn.

#### D. John Tkach

John Tkach appeared and was sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan provided background on the application and questioned his disclosure which was not provided in his application. However, the Board located his public documents for his review.

Dr. Tkach provided clarification on his disclosure relating to prescribing controlled substances and not properly documenting it which the Maine Board of Pharmacy disciplined him. Thereafter, he applied for the Nevada Board of Medical Examiners who put restrictions on his registration.

Board discussion ensued.

President Park requested a complete application for the Board to proceed with his application.

Board discussion ensued.

President Park asked Dr. Tkach if he would like to table his application to get the necessary disclosure documentation to complete his application.

Dr. Tkach agreed to table application.

President Park tabled application at his request.

29. Public Comment at 1:56 PM

There was no public comment.

28. Date and Location of Next Scheduled Board Meeting:

June 14-15, 2023 – Las Vegas, NV

30. Adjournment