



NEVADA STATE BOARD OF PHARMACY

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• Web Page: bop.nv.gov

MINUTES

January 11-12, 2023

BOARD MEETING

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

Board Staff Present:

Dave Wuest	Yenh Long	Shirley Hunting	Kristopher Mangosing
Brett Kandt	Peter Keegan	Darlene Nases	Joe Dodge
Leo Basch	Luis Curras	Dena McClish	Ken Scheuber
Darla Zarley	Rosalie Bordelove		

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

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

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

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

2. Public Comment January 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 Board Meeting Minutes (**FOR POSSIBLE ACTION**)

- A. November 30- December 1, 2022
- B. December 8, 2022

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve Board Meeting Minutes for November 30-December 1, 2022, and December 8, 2022.

Second: Krystal Freitas

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. Eden Medical Supply LLC – Boca Raton, FL
- B. Lymphacare – Montgomeryville, PA
- C. Northeast Express – Frankford, DE

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. Azurity Pharmaceuticals, Inc. – Wilmington, MA
- E. Bavarian Nordic Inc. – Morrisville, NC
- F. Bayshore Pharmaceuticals, LLC – Short Hills, NJ
- G. BWXT Medical Ltd. – Ottawa, Ontario
- H. Catalent Indiana, LLC – Bloomington, IN
- I. Cordis US Corp. – Miami Lakes, FL
- J. Greenwich Biosciences, LLC – Carlsbad, CA
- K. La Jolla Pharmaceutical Company – Waltham, MA
- L. Linde Gas & Equipment Inc. – Lake Havasu City, AZ
- M. Linde Gas & Equipment Inc. – Livingston, TN
- N. Linde Gas & Equipment Inc. – Phoenix, AZ
- O. Linde Gas & Equipment, Inc. – Salt Lake City, UT
- P. Rayner Surgical, Inc. – Seattle, WA
- Q. Santen, Inc. – Emeryville, CA
- R. Shorla Oncology Inc. – Cambridge, MA
- S. Verathon Inc. – Bothell, WA

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

- T. Agiliti Health, Inc. – Dallas, TX
- U. Agiliti Health, Inc. – Hazelwood, MO
- V. Agiliti Health, Inc. – Indianapolis, IN
- W. Agiliti Health, Inc. – Odenton, MD
- X. Agiliti Health, Inc. – Swedesboro, NJ
- Y. Amryt Pharmaceuticals, Inc. – Boston, MA
- Z. Biohaven Pharmaceuticals Inc. – New Haven, CT
- AA. Dentsply IH Inc. – Waltham, MA
- BB. Henry Schein, Inc. – Fort Worth, TX
- CC. Henry Schein, Inc. – Whitestown, IN

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

- DD. Catalent Pharma Solutions, LLC – Philadelphia, PA
- EE. Cochran Wholesale Pharmaceutical LLC – Monroe, GA
- FF. Covetrus North America, LLC – Aurora, CO
- GG. Covetrus North America, LLC – Columbus, OH
- HH. Covetrus North America, LLC (Twin Creeks) – Columbus, OH
- II. Covetrus North America, LLC – Fort Worth, TX
- JJ. Covetrus North America, LLC – Lexington, KY
- KK. Covetrus North America, LLC – Southaven, MS
- LL. Covetrus North America, LLC – Tualatin, OR
- MM. Covetrus North America, LLC – Visalia, CA
- NN. DHL Supply Chain (USA) – Mooresville, IN

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

OO. Dr. Reddy's Laboratories Inc. – Princeton, NJ

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

PP. Brasseler U.S.A Medical, LLC – Savannah, GA

QQ. Sirona Dental, Inc. – Long Island City, NY

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

4.2.8 Background checks completed in compliance with NRS 639.500.

RR. Idorsia Pharmaceuticals US Inc. – Radnor, PA

SS. Kuehne + Nagel Inc. – Southaven, MS

TT. Life-Assist, Incorporated – Lenexa, KS

UU. Reselia Pharmaceuticals, Inc. – Atlanta, GA

VV. RHS Healthcare Solutions Inc. – Jacksonville, FL

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

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

WW. Linde Gas & Equipment Inc. – Carson City, NV

XX. Linde Gas & Equipment Inc. – Elko, NV

YY. Linde Gas & Equipment Inc. – Henderson, NV

ZZ. Linde Gas & Equipment Inc. – Sparks, NV

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)**

AAA. Fremont Public Health Center Pharmacy – Las Vegas, NV

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

BBB. All Desert Respiratory – Las Vegas, NV

CCC. Diamond DME, Inc – Las Vegas, NV

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

- DDD. ARX, Accurate Rx Specialty Pharmacy Corp. – Kew Gardens, NY
- EEE. Covetrus North America, LLC – Houston, TX
- FFF. Covetrus North America, LLC – Omaha, NE
- GGG. Professional Pharmacy Resources – Pace, FL

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

- HHH. Birdi, Inc. – Tempe, AZ
- III. Covetrus North America, LLC – Fort Worth, TX
- JJJ. Covetrus North America, LLC – Portland, ME
- KKK. Elevation Pharmacy LLC – North Palm Beach, FL
- LLL. Pandia Pharmacy – San Jose, CA
- MMM. Williams Bros. Rx Express – Washington, IN

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

- NNN. Medical and Dental Center of Nevada, LLC – Las Vegas, NV

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Consent Agenda.

Second: Rolf Zakariassen

Action: Passed unanimously.

◆ REGULAR AGENDA ◆

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

- A. CVS Pharmacy #10861 (18-008-PH-S)
- B. Yuna Eun, RPH (18-008-RPH-A-S)

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

Brian Convery, CVS Representative, and Yuna Eun appeared and were sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan, Assistant General Counsel of the Nevada Board of Pharmacy, prosecuted the case regarding a misfill of Tramadol 50 mg.

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

The stipulated penalties for CVS Pharmacy #10861 Pharmacy License No. PH03798 are the following: 1) pay a fine of \$2,000 for the violations; and 2) pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

The stipulated penalties for Yuna Eun Certificate of Registration No. 19627 are the following: 1) pay a fine of \$1,000 for the violations; and 2) pay \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Mr. Convery apologized on behalf of CVS, and Ms. Eun apologized for her mistake ensuring that it will not happen again.

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve the Stipulation and Order for CVS Pharmacy #10861 and Yuna Eun.

Second: Wayne Mitchell

Action: Passed unanimously (Jacob and Zakariassen recused).

C. Cynthia To, RPH (18-008-RPH-B-S)

This matter was continued to a future Board Meeting.

D. Walgreens Pharmacy #4854 (19-100-PH-S)

E. Minhquang Nguyen, RPH (19-100-RPH-S)

Bill Stilling appeared as counsel on behalf of Minhquang Nguyen and Walgreen's Pharmacy #4854.

Minhquang Nguyen 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 Mr. Stilling but can participate in this matter fairly and without bias.

Peter Keegan prosecuted the case regarding certain violations and expired drugs found at Walgreen's Pharmacy #4854 during a Board inspection where Mr. Nguyen was the Managing Pharmacist at the time of the events that occurred.

Mr. Keegan presented a proposed Stipulation and Order for the Board's consideration with an amendment to include Mr. Nguyen's two prior disciplines with the Board.

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

The stipulated penalties for Minhquang Nguyen Certificate of Registration No. 15913 are the following: 1) pay a fine of \$3,000 for the violations; 2) a probation period of one year; and 3) pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Board discussion ensued regarding concerns about Mr. Nguyen's prior discipline, violations found by the Board during the pharmacy's inspection, and the misrepresented information provided to Board staff.

Mr. Nguyen clarified that this Walgreen's pharmacy is a busy pharmacy, and he knew there was an inspection. Therefore, he delegated a certain section to his technicians to check the inventory for expired drugs. Nguyen acknowledged that it was his error not following up with his technicians.

Mr. Stilling clarified that Mr. Nguyen no longer works for Walgreen's and currently works in a low volume pharmacy.

President Park has concerns going forward with the Stipulation and Order and checked with counsel – Rosalie Bordelove, Deputy Attorney General from the Attorney General's Office.

Ms. Bordelove provided counsel on how to proceed with the case: 1) reject the Stipulation and Order and go to hearing; or 2) discuss and amend the proposed Stipulation and Order.

Board discussion ensued regarding imposing more penalties against Mr. Nguyen.

President Park offered Mr. Stilling the option to table this matter to discuss amending the Stipulation and Order.

Mr. Stilling agreed.

President Park tabled the hearing at Mr. Stilling's request.

Charlotte Buys appeared as counsel on behalf of Dr. Josette Spotts.

Dr. Josette Spotts appeared and was sworn in by President Park prior to answering questions and offering testimony.

Brett Kandt, General Counsel of the Nevada Board of Pharmacy, prosecuted the case regarding Dr. Spotts surrendering her medical license for cause which immediately suspended her controlled substance registration.

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

The stipulated penalties for Dr. Josette Spotts Certificate of Registration No. CS07110 are the following: 1) revocation of her controlled substance registration; 2) Ms. Spotts may not possess except pursuant to a lawful order of a practitioner, administer, prescribe, or dispense a controlled substance until she petitions the Board for reinstatement; and 3) Ms. Spotts may not petition for reinstatement for a period of one year from the day of the Order and must hold a valid medical license to practice medicine.

Ms. Buys commented that Dr. Spotts discipline does not deal with controlled substances. She has retired and is relinquishing her license.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order for Dr. Josette Spotts.

Second: Rolf Zakariassen

Action: Passed unanimously.

G. Jonathan Sorelle, MD (22-027-CS-S)

This matter was continued to a future Board Meeting.

H. David Ludlow, MD (22-067-CS-S)

Nausheen Peters appeared as counsel on behalf of Dr. David Ludlow.

Dr. David Ludlow was not present for the hearing.

Brett Kandt prosecuted the case regarding discipline against Dr. Ludlow by the Nevada Board of Medical Examiners for failure of proper recordkeeping.

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

The stipulated penalties for Dr. David Ludlow Certificate of Registration No. CS21847 are the following: 1) suspension of his controlled substance registration is stayed for a period of one year; 2) pay a fine of \$2,500 for the violations; 3) pay \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; and 4) shall establish and put into practice all necessary policies and procedures to ensure that all rules and regulations related to controlled substance prescription including maintaining records are complied with.

Ms. Peters commented that Dr. Ludlow has taken additional continuing education courses and has paid the fine with the Nevada State Board of Medical Examiners settlement agreement.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order for Dr. David Ludlow.

Second: Krystal Freitas

Action: Passed unanimously.

I. Maria Regalado, MD

(22-066-CS-S)

Gener Tejer disclosed that he was previously a patient of Dr. Maria Regalado but can participate in this matter fairly and without bias.

Bridget Kelly appeared as counsel on behalf of Dr. Maria Regalado.

Dr. Maria Regalado appeared and was sworn in by President Park prior to answering questions and offering testimony.

Brett Kandt prosecuted the case regarding discipline against Dr. Regalado by the Nevada Board of Medical Examiners relating to improper prescribing for chronic pain.

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

The stipulated penalties for Dr. Maria Regalado Certificate of Registration No. CS09654 are the following: 1) suspension of her controlled substance registration is stayed for a period of two years and is placed on probation; 2) pay a fine of \$5,000 for the violations; 3) pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; and 4) shall establish and put into practice all

necessary policies and procedures to ensure that all rules and regulations related to controlled substance prescriptions including maintaining records are complied with.

Ms. Kelly commented that Dr. Regalado has taken additional continuing education courses, no longer prescribes controlled substances, and has paid the fines for the Nevada State Board of Medical Examiners settlement agreement.

Board discussion ensued.

Jade Jacobo suggested that the probation period mirror the Nevada State Board of Medical Examiners probation period.

Ms. Kelly agrees with making the probation period for Dr. Regalado coterminous with the Medical Board.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order for Dr. Maria Regalado with an amendment that the probation period be coterminous with the Nevada State Board of Medical Examiners and would end March 4, 2026.

Second: Krystal Freitas

Action: Passed unanimously.

- K. Abdel Khalek, MD (19-003-CS-A-S)
- L. Robert Chancellor, MD (19-003-CS-B-S)
- M. Lindsay Hoffman, PA-C (19-003-CS-C-S)

These matters were continued to a future Board Meeting.

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

This matter was continued to a future Board Meeting.

- O. Michael Burkintas, RPH (22-063-RPH-S)

This matter was continued to a future Board Meeting.

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

This matter was continued to a future Board Meeting.

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

This matter was continued to a future Board Meeting.

R. Julio Garcia, MD

(20-142-CS-S)

John Hunt appeared as counsel on behalf of Dr. Julia Garcia.

Dr. Julio Garcia appeared and was sworn in by President Park prior to answering questions and offering testimony.

Brett Kandt prosecuted the case regarding violations of law against Dr. Garcia as the Medical Director for Image Med Spa. The owners unlawfully used his authority as a practitioner to operate Image Med Spa and to purchase, access, store, possess, administer, furnish and/or dispense dangerous drugs and hypodermic devices specifically to perform cosmetic injections of dangerous drugs and to perform topical administration of dangerous drugs.

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

The stipulated penalties for Dr. Julio Garcia Certificate of Registration No. CS04711 are the following: 1) suspension of his controlled substance registration is stayed for a period of one year and is placed on probation; 2) accept this Stipulation and Order as a public reprimand; 3) pay a fine of \$5,000 for the violations; and 4) pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Mr. Hunt commented that Dr. Garcia is no longer Medical Director of Image Med Spa and has met all conditions of the Nevada State Board of Medical Examiners settlement agreement.

Mr. Kandt clarified that the owners were sent a citation and fine by the Nevada State Board of Pharmacy, and they are also facing criminal prosecution. One owner was served and is paying the fine, and the other owner fled the state and the citation and fine was unable to be served.

Dr. Garcia apologized for this issue and will ensure that this will not happen again.

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve the Stipulation and Order for Dr. Julio Garcia.

Second: Wayne Mitchell

Action: Passed unanimously.

S. Chad Hall, DO

(21-108-CS-S)

This matter was continued to a future Board Meeting.

U. Joseph Lee Williams, MD

(22-334-CS-S)

Bridget Kelly appeared as counsel on behalf of Dr. Joseph Lee Williams.

Dr. Joseph Lee Williams appeared and was sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan prosecuted the case regarding Dr. Williams prescribing on an expired registration.

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

The stipulated penalties for Dr. Joseph Lee Williams Certificate of Registration No. CS18591 are the following: 1) pay a fine of \$5,000 for the violations; and 2) pay a fine of \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Ms. Kelly commented that COVID happened, and this was an oversight.

Dr. Williams apologized and ensured the Board that this will not happen again.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the Stipulation and Order for Dr. Joseph Lee Williams.

Second: Jade Jacobo

Action: Passed unanimously.

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

B. Joseph Lee Williams

Board discussion ensued.

Dave Wuest, Executive Secretary of the Nevada Board of Pharmacy, commented that Dr. Williams has a temporary license and at the time of submitting his application answered the disclosure questions truthfully.

Board Action:

Motion: Jade Jacobo moved to approve Dr. Joseph Lee Williams controlled substance application.

Second: Krystal Freitas

Action: Passed unanimously.

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

T. Alyza Ventura, PTT (22-161-PTT-N)

Rolf Zakariassen recused himself due to his employment with CVS.

Lyn Beggs appeared as counsel on behalf of Alyza Ventura.

Alyza Ventura appeared and was sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan prosecuted the case regarding Ms. Ventura's failure to disclose a conviction for – DUI Resulting in Substantial Bodily Harm – a Category B Felony on two separate pharmaceutical technician in training applications.

Dave Wuest commented that Ms. Ventura was allowed to continue working at the pharmacy but not in the capacity of pharmaceutical technician in training during this investigation, and the pharmaceutical technician fingerprint process was not in place yet during the time of the events.

Mr. Keegan requested Ms. Beggs stipulated to the admission of the Board's Exhibits 1-5, and Mr. Keegan stipulated to the admission of Respondent's Exhibits A-D into the record.

President Park admitted Exhibits A-D and Exhibits 1-5.

Mr. Keegan called Alyza Ventura as a witness.

President Park clarified Ms. Ventura is still sworn in from previously.

Mr. Keegan questioned Ms. Ventura.

Ms. Beggs cross-examined Ms. Ventura.

Mr. Keegan re-crossed Ms. Ventura.

Mr. Keegan clarified that Ms. Ventura withdrew her pharmaceutical technician application.

Mr. Keegan requested the Board find Ms. Ventura guilty of Counts One and Two.

Ms. Beggs acknowledged that Ms. Ventura did not properly disclose, and she did not take her application seriously and was confused about her convictions. They requested the Board to allow her to continue working in healthcare.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to make Findings of Fact consistent with paragraphs 1-12 of the Notice of Intended Action and Accusation.

Second: Richard Tomasso

Krystal Freitas and Gener Tejero do not find Ms. Ventura's actions as willfull.

Ms. Beggs commented that paragraph 2 in the Accusation is incorrect.

Mr. Keegan clarified that paragraph 2 is based on the information provided to Board staff.

Aye: Park, Jacobo, Mitchell, Tomasso, Zakariassen

Nay: Freitas, Tejero

Action: Motion carries.

Board Action:

Motion: Jade Jacobo moved to find the respondent guilty of Counts One and Two in the Notice of Intended Action and Accusation.

Second: President Park

Gener Tejero does not find Ms. Ventura's actions as willfull.

Rosalie Bordelove commented that there is no willful component.

Action: Passed unanimously

Mr. Keegan has no recommendations for discipline and will leave it up to the Board to decide any penalties for Ms. Ventura.

Dave Wuest commented that based on his conversations with the managing pharmacist, there were no issues with Ms. Ventura's performance as a pharmaceutical technician in training.

Board discussion ensued regarding the penalties for Ms. Ventura.

Board Action:

Motion: Wayne Mitchell moved to revoke Alyza Ventura's Certificate of Registration Nos. PT24393 and PT24687. Ms. Ventura shall not petition for reinstatement for either pharmaceutical technician in training registration for a period of two years.

Second: Richard Tomasso

Action: Passed unanimously.

Board Action:

Motion: Wayne Mitchell moved to award the attorney's fees and costs of \$358.36 on the basis that they were reasonable, necessary, and actually incurred within 60 days of the Order.

Second: Jade Jacobo

Action: Passed unanimously.

J. Esan Forde, RPH

(22-081-RPH-O)

Bill Stilling appeared as counsel on behalf of Esan Forde.

Esan Forde appeared and was sworn in by President Park prior to answering questions and offering testimony.

The Board clarified that Mr. Forde was able to appear by Zoom due to extenuating circumstances.

Peter Keegan prosecuted the case regarding a parallel action taken by the California Board of Pharmacy for violations of compounding pharmacy sterility regulations.

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

The stipulated penalties for Esan Forde Certificate of Registration No. 20050 are the following: 1) pay \$750 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; 2) take remedial education courses involving at least 5 hours in pharmacy operations and pharmacy law, and 5 hours in USP 797 within 90 days of the Order; 3) respondent shall not own, have any legal or beneficial interest in, nor serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the Board for three years, to run concurrently from the effective date of the California Board of Pharmacy's Decision. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed by the Board within 90 days following the effective date of this Order and shall immediately thereafter provide written proof to the Board. Failure to timely divest any legal or beneficial interests or provide documentation thereof shall be considered a violation of the terms of the agreement; 4) respondent shall not compound any drugs that are intended to/or result in, the shipment into Nevada for three years, to run concurrently from the effective date of the California Board of Pharmacy's Decision; and 5) respondent shall not be the registered managing pharmacist for any business, firm, partnership, or corporation currently or herein licensed by the Board for three years, to run concurrently from the effective date of the California Board of Pharmacy's Decision.

Mr. Stilling requested an amendment to the Stipulation and Order for Mr. Forde to verify compounded prescription drugs going into Nevada.

Mr. Keegan commented that the stipulation mirrors the Stipulation entered by Mr. Forde with the California Board of Pharmacy.

Mr. Forde commented that he will do whatever the Board decides.

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve the Stipulation and Order for Esan Forde as presented.

Second: Wayne Mitchell

Action: Passed unanimously.

Rosalie Bordelove wanted confirmation that Mr. Forde will accept the Stipulation and Order as presented.

Mr. Forde agreed.

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

A. Vinay Bararia (19-003-CS-S)

This matter was continued to a future Board Meeting.

B. Sierra Steger, DVM (22-356-S)

This matter was withdrawn.

C. Joshua Schaffner (22-189-S)

This matter was continued to a future Board Meeting.

7. Hearing on Motion for Leave to File Another Motion for New Hearing. If granted, then hearing will be scheduled at a later date. If denied, then hearing on partially granted Motion for Reconsideration of paragraphs 7, and 10 of the Findings of Facts, Conclusions of Law, and Order pursuant to NRS 233B.130(4). **(FOR POSSIBLE ACTION)**

A. Las Vegas Scripts Rx (19-243-PH-S)

B. Nathan Edouard, RPH (19-243-RPH-S)

These matters were continued to a future Board Meeting.

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

A. California Specialty Pharmacy – Whittier, CA

Phuong Nguyen, Managing Pharmacist, and Sumit Desai, Owner, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Bill Stilling appeared as counsel on behalf of California Specialty Pharmacy.

Joe Dodge, Nevada Board of Pharmacy Inspector, provided background on the application.

Mr. Stilling commented that they do not intend to do non-sterile compounding.

Mr. Dodge questioned the applicants on the change of ownership, any change in processes, products being shipped into Nevada, and Mr. Desai's disclosure.

Ms. Nguyen and Mr. Desai answered questions to the Board's satisfaction.

Mr. Dodge reviewed their inspection results and found no issues.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the change of ownership application for California Specialty Pharmacy.

Second: Rolf Zakariassen

Action: Passed unanimously.

24. Executive Secretary Report:

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

Jade Jacobo was excused from the meeting at 3:45 PM.

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

Jade Jacobo returned to the meeting at 3:52 PM.

23. 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).

Brett Kandt and Peter Keegan provided General Counsel Report to the Board's satisfaction.

Public Comment January 11, 2023, 4:00 PM

There was no public comment.

President Park recessed the meeting for the night and reconvened the meeting the next morning.

Board Members Present:

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

Board Members Absent:

Richard Tomasso

Board Staff Present:

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

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. One Board member was absent, and a quorum was established.

Public Comment January 12, 2023, 9:00 AM

There was no public comment.

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

A. Advance Pharma – Las Vegas, NV

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

President Park disclosed that she knows Mr. Mendez from her previous employment at Roseman University but stated that she could participate in this matter fairly and without bias.

Joe Dodge provided background on the application and questioned on their business model, Mr. Mendez's experience as a managing pharmacist, and the pharmacy's location.

The Board questioned Mr. Mendez on if the owners have experience owning a pharmacy, how they plan to get business, and how did he come into business with the pharmacy.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Nevada pharmacy license for Advance Pharma.

Second: President Park

Action: Passed unanimously.

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

Cranial Technologies, Inc. – Las Vegas, NV

Oumou Bah, Process Improvement Specialist, and Morgan Hick, Baby Imaging Specialist, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest provided background on the application for a change in ownership.

Mr. Wuest requested a Letter of Authorization for Ms. Bah and Ms. Hick to speak on behalf of the company.

Mr. Wuest questioned on what products they sell, any changes in the business, and the change of ownership.

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

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the change of ownership application for Cranial Technologies, Inc. pending Letter of Authorization.

Second: Rolf Zakariassen

Action: Passed unanimously.

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

B. Choice LV Specialty Pharmacy – Las Vegas, NV

Nikki Baniewicz and Nick Meza appeared as counsel on behalf of Choice LV Specialty Pharmacy and Choice Compounding Pharmacy.

Joe Dodge provided background on Choice LV Specialty Pharmacy application and questioned on the change of ownership and name change.

Ms. Baniewicz and Mr. Meza answered questions to the Board's satisfaction.

Ms. Baniewicz commented that Bora Shim is the new Managing Pharmacist as Jonathan Tang has been promoted.

Mr. Dodge provided details from the Nevada Board of Pharmacy inspection and commented that it was a very good inspection.

Mr. Dodge moved to address Choice Compounding Pharmacy application, which is in Torrance, CA.

Mr. Dodge questioned on the business model and products being shipped into Nevada.

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

Mr. Dodge provided details of the California Board of Pharmacy's inspection results and found no issues.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve change of ownership and name change application for Choice LV Specialty Pharmacy and Choice Compounding Pharmacy.

Second: Krystal Freitas

Action: Passed unanimously.

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

C. Choice Compounding Pharmacy – Torrance, CA

This matter was addressed in Agenda Item 9B.

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

C. Trinity Express Pharmacy – Las Vegas, NV

Mark Yu, Owner, and Laura Rongomas, Managing Pharmacist, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge provided background on the application and questioned on the business model.

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

Mr. Dodge commented that Trinity Pharmacy which is Mr. Yu's other location had prior discipline with the Board and were subject to quarterly inspections. He provided inspection details and found no discrepancies.

Mr. Dodge questioned Ms. Rongomas on her experience as a pharmacist and the pharmacy's location.

The Board questioned Mr. Yu on the security of the pharmacy.

Ms. Rongomas and Mr. Yu answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Nevada pharmacy application for Trinity Express Pharmacy pending favorable inspection.

Second: Rolf Zakariassen

Action: Passed unanimously.

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

B. Cardinal Health 414, LLC – East Rutherford, NJ

Marie Boni (Pharmacy Manager), Daniel Malzone (Managing Pharmacist), Dawn Harmon (License Coordinator), and Richard Green (Director of Radiopharmacy) appeared and were sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge provided background on the application and questioned on their business model as a nuclear pharmacy and their compounding processes.

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

Mr. Dodge provided their 2021 inspection results and found no issues.

Mr. Green provided background on USP 825 to the Board.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve out-of-state compounding pharmacy application for Cardinal Health 414, LLC.

Second: Krystal Freitas

Action: Passed unanimously.

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

Innovation Compounding – Kennesaw, GA

Rebecca Emch, 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 if they were licensed with the FDA.

Ms. Emch commented that they are not licensed with the FDA.

Mr. Dodge commented that the incorrect application was filled out, and they should have filled out the pharmacy application.

Mr. Dodge questioned on the change of ownership, business model, products being shipped into Nevada, their accreditation credentials, and the results of their NABP and state inspection results.

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

Board Action:

Motion: Gener Tejero moved to approve change of ownership application for out-of-state pharmacy Innovation Compounding pending the submission of the correct out-of-state pharmacy application.

Second: Jade Jacobo

Action: Passed unanimously.

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

D. Vital Care of Summerlin – Las Vegas, NV

Jerry Depa, Managing Pharmacist, and Ritesh Patel, Owner, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge provided background on the application with the updated changes of a new managing pharmacist and location change.

Mr. Dodge commented that he performed a pre-inspection but stopped since significant changes need to be made.

Mr. Dodge questioned Mr. Depa on the business model, products being shipped into Nevada, their plans to do sterile compounding, and Mr. Depa's experience as a pharmacist.

Mr. Dodge questioned Mr. Patel on why he wants to open a pharmacy and who will be training his staff.

Mr. Depa and Mr. Patel answered questions.

Mr. Dodge requested a complete accurate application if the Board proceeds with the application.

Yenh Long, Deputy Secretary of the Nevada Board of Pharmacy, commented that she has been in contact with some of the representatives. Their intent is to apply as a retail pharmacy and get licensed, so they can start having discussions with vendors. When they are ready for sterile compounding, they will appear before the Board to request approval.

Mr. Wuest suggests that Mr. Patel work with Mr. Dodge to move forward.

Board discussion ensued.

President Park offered the option to table the application so that they could submit an accurate application and work with Board staff on how to proceed.

Mr. Patel would like to table the application.

President Park tabled the application at Mr. Patel's request.

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

Kidney Specialists Surgical Center – Las Vegas, NV

Mary Grear (Pharmacist Consultant), Hailee Long (Chief Operating Officer), Zar Popalzai (Center Manager), and Venugopal Botla (Medical Director) appeared and were sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest provided background on the application and disclosure for Ms. Grear.

Ms. Grear provided background on the business model.

Mr. Wuest questioned on the ownership and procedures being done at the center.

Mr. Botla and Ms. Long answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve ambulatory surgery center application for Kidney Specialist Surgical Center.

Second: Rolf Zakariassen

Action: Passed unanimously.

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

A. Amazi Harris

Amazi Harris appeared and was sworn in by President Park prior to answering questions and offering testimony.

Yenh Long provided background on the application and questioned Ms. Harris on her disclosure and what occurred.

Ms. Amazi clarified that her first arrest was regarding solicitation which ended up getting dismissed, and the second arrest was for trespassing on the property where her first arrest occurred.

Mr. Wuest commented the documentation for her disclosure provided looks like she was not charged for the first arrest.

Jade Jacobo commented that her pharmaceutical technician in training application does not disclose her arrest since she marked “no” on the question, “Been charged, arrested or convicted of a felony or misdemeanor in any state?”.

Ms. Long questioned Ms. Harris on why she did not initially disclose on her pharmaceutical technician in training application.

Ms. Harris commented that Northwest Career College told her that she did not need to disclose her convictions if it’s not related to drugs.

Board discussion ensued.

President Park requested Ms. Harris if she would like to table the application so that she can talk to Northwest Career College about her not disclosing.

Ms. Harris agreed.

President Park tabled at Ms. Harris’s request.

B. Daynell White

Daynell White appeared and was sworn in by President Park prior to answering questions and offering testimony.

Yenh Long provided background on the application and questioned Ms. White on the events that occurred with her disclosure.

Ms. White provided clarification stating that her boyfriend would sell marijuana, and the cops raided her house. She was charged for providing a place of sale since her name was on the lease.

Ms. Long questioned why she did not initially disclose her conviction on her pharmaceutical technician application.

Ms. White commented that she thought it was referring to Nevada only, and the conviction was expunged which is why she did not disclose initially. However, she talked to Mark Sedar from the Nevada Board of Pharmacy Licensing Department who told her that it was for any state, and she provided an updated page regarding her disclosure.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve pharmaceutical technician application for Daynell White.

Second: Rolf Zakariassen

Aye: Jacobo, Freitas, Mitchell, Zakariassen

Nay: Park, Tejero

Action: Motion carries.

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

Hakyung Kim

Hakyung Kim appeared and was sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest provided background on the application regarding disclosures with marijuana convictions and actions taken by the California Board of Pharmacy.

Mr. Kim clarified that due to his previous marijuana convictions the California Board of Pharmacy put his Intern registration on probation, and he entered the California Board of Pharmacy's recovery program. When he graduated pharmacy school, he petitioned to become a pharmacist where he was granted his pharmacist registration but was put on probation. He requested an early release of probation which was granted by the California Board of Pharmacy.

Mr. Wuest questioned why he wants a Nevada pharmacist registration, his status with marijuana and alcohol, and if his California registration has any restrictions.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve pharmacist registration by reciprocity application for Hakyung Kim.

Second: Rolf Zakariassen

Action: Passed unanimously.

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

B. Latrice Robinson

Latrice Robinson appeared and was sworn in by President Park prior to answering questions and offering testimony.

Yenh Long provided background on disclosure regarding a domestic violence conviction.

Ms. Robinson provided background on her conviction to the Board.

Ms. Long questioned why she wants a pharmaceutical technician in training registration.

The Board questioned Ms. Robinson on her conviction, how she's changed since this issue, and if she's ever had any other issues with the law.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve pharmaceutical technician in training application for Latrice Robinson.

Second: Krystal Freitas

Action: Passed unanimously.

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

Kate Gibbons

Kate Gibbons appeared and was sworn in by President Park prior to answering questions and offering testimony.

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

Ms. Gibbons provided the business model and what she intends to do.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Kate Gibbons request to engage in the practice of pharmacy at a site other than a licensed pharmacy.

Second: Wayne Mitchell

Action: Passed unanimously.

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

A. Alan Bolnick

Alan Bolnick appeared and was sworn in by President Park prior to answering questions and offering testimony.

Jade Jacobo disclosed that she was a patient of Dr. Bolnick but can participate in this matter fairly and without bias.

Peter Keegan provided background on the application and disclosures regarding a DUI, unlawful prescribing of drugs, and performing medically unnecessary services.

Dr. Bolnick provided background on what occurred with his disclosures.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve controlled substance application for Alan Bolnick.

Second: Krystal Freitas

Action: Passed unanimously.

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

A. Danniell Garibay

Danniell Garibay appeared and was sworn in by President Park prior to answering questions and offering testimony.

Yenh Long provided background on the application and disclosure regarding a DUI.

Mr. Garribay provided background on his disclosure and commented that he has complied with all the terms.

Ms. Long questioned Mr. Garribay on if he still drinks and why he wants to be a pharmaceutical technician in training.

The Board questioned Mr. Garribay on if he has issues with any other substances and what support he has to not abuse substances.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve pharmaceutical technician in training application pending a favorable PRN evaluation or equivalent.

Second: Krystal Freitas

Action: Passed unanimously.

16. Application for Pharmacist Registration by Score Transfer NRS 639.134) – Appearance (**FOR POSSIBLE ACTION**)

Cesar Cabrera

This matter was continued to a future Board Meeting.

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

Wilson Bernales

President Park recused herself from this matter since Wilson Bernales works at her current place of employment.

Jade Jacobo will be the Presiding Officer for this matter.

Wilson Bernales appeared and was sworn in by Jade Jacobo prior to answering questions and offering testimony.

Dave Wuest provided background regarding a disclosure on his renewal application dealing with fraudulently using a recommendation letter.

Dr. Bernales clarified the events that occurred with his disclosure.

Board discussion ensued.

The Board requested documentation regarding the discipline taken by other Boards.

20. Petition for Removal of Restrictions on Dispensing Veterinarian Registration issued pursuant to NAC 639.7423 – Appearance. **(FOR POSSIBLE ACTION)**

Carrie Lambert

This matter was withdrawn.

21. Approval of Pharmacy Technician Application. **(FOR POSSIBLE ACTION)**

Yenh Long provided proposed changes for the Pharmaceutical Technician and Pharmaceutical Technician in Training applications.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Pharmaceutical Technician and Pharmaceutical Technician in Training applications with proposed changes to include HS/GED name and graduation year and to include verbiage “even if expunged” for section 7, question #2.

Second: Krystal Freitas

Action: Passed unanimously.

22. Approval of Pharmacy Technician in Training Application. **(FOR POSSIBLE ACTION)**

This matter was addressed in Agenda Item 21.

26. Public Comment January 12, 2023, 2:05 PM

There was no public comment.

25. Date and Location of Next Scheduled Board Meeting:

March 8-9, 2023 – Las Vegas, NV

27. Adjournment