



NEVADA STATE BOARD OF PHARMACY

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MINUTES

July 12-13, 2023

BOARD MEETING

The Nevada State Board of Pharmacy will conduct a meeting beginning Wednesday, July 12, 2023, at 9:00 am. The meeting will continue, Thursday, July 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	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. All Board members were present, and a quorum was established.

2. Public Comment July 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 June 14-15, 2023, Board Meeting Minutes (**FOR POSSIBLE ACTION**)

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve June 14-15, 2023, Board Meeting minutes.

Second: Wayne Mitchell

Action: Passed unanimously.

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

- A. Avanos Medical Sales, LLC – Alpharetta, GA
- B. CCS Medical – Clearwater, FL
- C. Embody, Inc. – Norfolk, VA
- D. Orthofix US LLC – Lewisville, TX
- E. RS Medical – Vancouver, WA
- F. Veterans Choice Medical Equipment, LLC – West Valley City, UT

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))

- G. ALOM Technologies Corporation – Fremont, CA
- H. Analog Pharma – Princeton, NJ
- I. Ascend Therapeutics US, LLC – Herndon, VA
- J. Ascend Therapeutics US, LLC – Morristown, NJ
- K. BE Pharmaceuticals, Inc. – Cary, NC
- L. Biocon Biologics Inc. – Cambridge, MA
- M. Celltrion USA, Inc. – Jersey City, NJ
- N. Cytrellis Biosystems, Inc. – Woburn, MA
- O. Lynch Biologics, LLC – Franklin, TN
- P. Marius Pharmaceuticals LLC – Raleigh, NC
- Q. Matheson Tri-Gas, Inc. – Mesa, AZ
- R. Matheson Tri-Gas, Inc. – Richmond, CA
- S. Matheson Tri-Gas, Inc. – Tualatin, OR
- T. Matheson Tri-Gas, Inc. – Vacaville, CA
- U. Medline Industries, LP – Glen Falls, NY
- V. Micro-Tech Endoscopy USA, Inc. – Ann Arbor, MI
- W. Monteris Medical Corporation – Minnetonka, MN
- X. Myonex LLC – Horsham, PA
- Y. Neotech Products LLC – Valencia, CA
- Z. Nobelpharma America, LLC – Bethesda, MD
- AA. Oyster Point Pharma, Inc. – Princeton, NJ
- BB. Philips RS North America LLC – Mt. Pleasant, PA
- CC. Phoenix Assurance, LLC – Fort Worth, TX
- DD. Phoenix Assurance, LLC – Moreno Valley, CA
- EE. Quipment, Inc. – Kennesaw, GA
- FF. Reliable HealthCare Logistics, LLC – Boca Raton, FL
- GG. Reliable HealthCare Logistics, LLC – Dayton, NJ
- HH. Reliable HealthCare Logistics, LLC – Lockbourne, OH
- II. Reliable HealthCare Logistics, LLC – Pompano Beach, FL
- JJ. Reliable HealthCare Logistics, LLC – Sugarland, TX
- KK. RS Medical – Vancouver, WA
- LL. Trigen Laboratories, LLC – Alpharetta, GA

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

- MM. Agiliti Health, Inc. – McDonough, GA
- NN. Agiliti Health, Inc. – Memphis, TN
- OO. Agiliti Health, Inc. – Phoenix, AZ
- PP. Agiliti Health, Inc. – Salt Lake City, UT
- QQ. Antares Pharma, Inc. – Ewing, NJ
- RR. Krystal Biotech, Inc. – Pittsburgh, PA
- SS. Orthofix Services LLC – Lewisville, TX
- TT. Optum Specialty Distribution, LLC – Etna, OH
- UU. Smith & Nephew, Inc. – Memphis, TN
- VV. Syndax Pharmaceuticals, Inc. – Waltham, MA
- WW. VIEMED – Lafayette, LA

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

XX. American Pharmaceutical Ingredients LLC – Waterford Township, MI

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))

YY. Acclarent, Inc. – Irvine, CA

ZZ. Artivion, Inc. – Kennesaw, GA

AAA. BFLY Operations, Inc. – Burlington, MA

BBB. Genmab US, Inc. – Plainsboro, NJ

CCC. Orthofix US LLC – Lewisville, TX

DDD. Shockwave Medical, Inc. – Santa Clara, CA

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

EEE. Henry Schein, Inc. – Indianapolis, IN

4.2.8 Background checks completed in compliance with NRS 639.500.

FFF. AleraCare Wholesale, LLC – Phoenix, AZ

GGG. Clinical Resources Incorporated – Towson, MD

HHH. Medline Industries, LP – Katy, TX

III. Medline Industries, LP – Mebane, NC

JJJ. Medline Industries, LP – Salt Lake City, UT

KKK. Medline Industries, LP – Saint Peters, MO

LLL. Medline Industries, LP – Temecula, CA

MMM. Mountainside Medical Equipment, Inc. – Marcy, NY

NNN. NDC Distributors – Cranbury, NJ

OOO. NDC Homecare LLC – Camp Hill, PA

PPP. NDC Homecare LLC – Conway, AR

QQQ. Prime Pharma Solutions – Dallas, TX

RRR. SMS Ambassadors Corp – Toledo, OH

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

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

SSS. Matheson Tri-Gas, Inc. – Sparks, NV

TTT. Preferred Homecare – Las Vegas, 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)**

UUU. Sierra Specialty Pharmacy – Reno, NV

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

VVV. Sierra Compounding Pharmacy – Reno, NV

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

WWW. Care Chest – Las Vegas, NV

XXX. FutureCare – Las Vegas, NV

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

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

YYY. BioPlus Specialty Pharmacy Services, LLC – Irvine, CA

ZZZ. CenterWell Pharmacy, Inc. – Irving, TX

AAAA. Gifthealth Pharmacy – Columbus, OH

BBBB. Hometown Pharmacy – Crestview, FL

CCCC. Kindred Care Pharmacy – Calabasas, CA

DDDD. Kroger Health Connect UC – Cincinnati, OH

EEEE. MOBE, LLC – Minneapolis, MN

FFFF. Regional One Health Pharmacy Stage Post – Bartlett, TN

GGGG. Walmart Central Fill #2670 – Spring, TX

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

- 4.10 Application for Nevada Warehouse (NAC 639.) – Non- Appearance **(FOR POSSIBLE ACTION)**

HHHH. Accelerated Care Plus, Corp – Reno, NV

IIII. JW Welding Supplies & Tools – Sparks, NV

Rolf Zakariassen recused himself from Agenda Item 4WWW due to Care Chest receiving financial and product contributions from his employer.

Board discussion ensued.

Board Action:

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

Second: Krystal Freitas

Action: Passed unanimously.

Board Action:

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

Second: Krystal Freitas

Action: Passed unanimously (Zakariassen recused).

◆ REGULAR AGENDA ◆

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

C. Smith's Pharmacy #389

(22-344-PH-N)

Andrea Adams, Pharmacy Practice Coordinator, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan, General Counsel for the Nevada Board of Pharmacy, prosecuted the case regarding the pharmacy failing to notify the Board of a change in managing pharmacist and a lapse of an employed managing pharmacist for the pharmacy.

Mr. Keegan notified the Board members that an Answer and Notice of Defense was submitted to the Board.

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

The proposed stipulated penalties for Smith's Pharmacy #389 Pharmacy License No. PH00976 for Case No. 22-344-PH-N are the following: 1) pay a fine of \$5,000; and 2) pay \$500 to partially reimburse the Board for recoverable attorney's fees and investigative costs.

The Board questioned the changes the pharmacy made to ensure that this will not happen again.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order as presented by Mr. Keegan.

Second: Rolf Zakariassen

Action: Passed unanimously.

D. Preferred Homecare (22-415-MP-N)

This matter was continued to a future Board Meeting.

E. Jason Dean Bigelow (22-501-RPH-N)

Jason Bigelow appeared and was sworn in by President Park prior to answering questions and offering testimony.

Chris Rusby appeared as counsel on behalf of Mr. Bigelow.

Peter Keegan prosecuted the case alleging Mr. Bigelow diverted six 10mg of Oxycodone tablets from Costco Pharmacy #127.

Mr. Keegan and Mr. Rusby have stipulated to Exhibits to be entered into the record.

Mr. Keegan requested that Exhibits 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 18 be entered into the record.

Mr. Rusby requested that Respondent Exhibits 2, 3, 4, 5, 6, 7, and 8 be entered into the record.

President Park admitted Mr. Keegan's Exhibits and Mr. Rusby's Respondent's Exhibits.

Mr. Keegan commented that Mr. Rusby admitted Exhibit 8 which talks about Mr. Bigelow's character in witness statements.

Mr. Rusby commented that admittance of Respondent's Exhibit 8 was an error and requested to withdraw.

President Park denied motion to withdraw Respondent's Exhibit 8.

Mr. Rusby requested that Danielle Dulisse and Kate Bryte be excluded from the hearing on the basis of the witness exclusionary rule.

Mr. Keegan agreed to exclude Ms. Dulisse and Ms. Bryte on the basis that all witnesses be excluded.

Mr. Keegan called Danielle Dulisse, Costco Pharmacy #127 - Managing Pharmacist, as a witness.

Danielle Dulisse appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Keegan questioned Ms. Dulisse on her position and the case regarding Mr. Bigelow.

Mr. Rusby cross-examined Ms. Dulisse.

The Board questioned Ms. Dulisse.

Mr. Keegan called Kate Bryte, District Manager for Loss Prevention at Save Mart, as a witness.

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

Mr. Keegan questioned Ms. Bryte on her position and the investigation regarding Mr. Bigelow.

Mr. Keegan questioned Ms. Bryte on proposed Exhibit 16 which was the employment action form for Mr. Bigelow.

Mr. Keegan requested that Exhibit 16 be entered into the record.

Mr. Rusby objected to Exhibit 16.

President Park overruled and admitted Exhibit 16.

Mr. Keegan questioned the proposed Exhibit 17 which was Save Mart's Investigation Report of the controlled substance drugs that were lost.

Mr. Keegan requested that Exhibit 17 be entered into the record.

Mr. Rusby objected to Exhibit 17.

President Park overruled and admitted Exhibit 17.

Mr. Rusby cross-examined Ms. Bryte.

The Board questioned Ms. Bryte.

Mr. Rusby called David Straw, Corporate Vice President of Intercept Lab Services, as a witness.

David Straw appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Rusby questioned Mr. Straw on his position and the drug test that he took of Mr. Bigelow.

Mr. Keegan cross-examined Mr. Straw.

Mr. Rusby called Jason Bigelow as a witness.

President Park commented that Mr. Bigelow is still sworn in.

Mr. Rusby questioned Mr. Bigelow on his experience as a pharmacist and the events that occurred when the six 10mg of Oxycodone tablets went missing.

Mr. Rusby played Respondent's Exhibit for Costco Pharmacy #127 security video of when Mr. Bigelow alleged that the six 10mg of Oxycodone tablets fell into his smock pocket.

Mr. Keegan cross-examined Mr. Bigelow.

Mr. Rusby re-crossed Mr. Bigelow.

The Board questioned Mr. Bigelow.

Mr. Rusby called William Ruebusch, Costco Pharmacy #127 – Relief Pharmacist, as a witness.

Mr. Ruebusch appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Rusby questioned Mr. Ruebusch on working with Mr. Bigelow and his thoughts on the allegations while playing Respondent's Exhibit for Costco Pharmacy #127 security video of Mr. Bigelow.

Mr. Keegan cross-examined Mr. Ruebusch.

The Board questioned Mr. Ruebusch.

Mr. Rusby called Marcos Rodriguez, Costco Pharmacy #127 – Pharmaceutical Technician, as a witness.

Mr. Rodriguez appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Rusby and Mr. Keegan have stipulated to stop playing Respondent's Exhibit for Costco Pharmacy #127 security video of Mr. Bigelow due to security concerns as employees are not aware of the camera angles or blind spots at Costco.

Mr. Rusby questioned Mr. Rodriguez on his position, his thoughts on the allegations against Mr. Bigelow, and his testimony to Costco and to the Nevada Board of Pharmacy.

Mr. Keegan cross-examined Mr. Rodriguez.

The Board questioned Mr. Rodriguez.

Mr. Rusby called Jacob Allen Fleenor, Costco Pharmacy #127 – Pharmaceutical Technician, as a witness.

Mr. Fleenor appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Rusby questioned Mr. Fleenor on his position and the events that occurred on the day of the incident.

Mr. Keegan objected to the testimony as it is becoming very duplicative.

President Park agreed and requested that Mr. Rusby ask different questions.

Mr. Rusby questioned Mr. Fleenor on the allegations against Mr. Bigelow and if anyone contacted him to provide testimony.

President Park expressed concern on Mr. Rusby's next witness and if the line of questioning is duplicative.

Mr. Rusby called Theodore Stuart, Costco Pharmacy #127 – Pharmaceutical Technician, as a witness.

Mr. Stuart appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Rusby questioned Mr. Stuart on his position, the events that occurred on the day of the incident, and if anyone contacted him to provide testimony.

The Board questioned Mr. Stuart.

President Park concluded the case and commented that it will be continued until tomorrow.

Sophia Long, Senior Deputy Attorney General from the Attorney General's Office, clarified that everyone associated with the case should not discuss anything since the hearing is on-going.

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

A. Big R of Sparks

(22-139-N)

John McCallister, Secretary Treasurer, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan provided background on the appearance regarding Big R receiving a cease and desist/citation due to unlicensed practice which they are appealing the \$5,000 fine.

Mr. McCallister clarified that it was an oversight on their part and will pay a fine, but they believe the fine is excessive.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to uphold the \$5,000 fine for Big R of Sparks.

Second: Wayne Mitchell

Action: Passed unanimously.

B. Cobalt Medical Supply Inc. (23-122-O)

This matter was continued to a future Board Meeting.

7. Stipulated Rehearing (**FOR POSSIBLE ACTION**)

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

This matter was continued to a future Board Meeting.

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

This matter was continued to a future Board Meeting.

Public Comment July 12, 2023, 5:11 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
Brett Kandt
Joe Dodge

Yenh Long
Peter Keegan
Mui Lee

Shirley Hunting
Gregory Zunino
Sophia Long

Kristopher Mangosing
Darlene Nases

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 July 13, 2023, 9:00 AM

There was no public comment.

◆ PUBLIC HEARING ◆

Thursday July 13, 2023 – 9:00 am

20. **Notice of Proposed Regulation Public Hearing Pursuant to NRS 233B.061(2) (FOR POSSIBLE ACTION):**

Amendment of Nevada Administrative Code (NAC) 639. The proposed amendments will add the American Red Cross as a provider of certification in lifesaving techniques. LCB File R198-22

Dave Wuest presented background on the public hearing item regarding Amendment of Nevada Administrative Code (NAC) 639.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Amendment of Nevada Administrative Code (NAC) 639. LCB File R198-22

Second: Krystal Freitas

Action: Passed unanimously.

◆ REGULAR AGENDA ◆

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

Big R Sparks – Sparks, NV

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

Dave Wuest provided background on the application.

Board discussion ensued.

Board Action:

Motion: President Park moved to approve the Nevada Veterinary Drug Supplier License for Big R of Sparks.

Second: Wayne Mitchell

Action: Passed unanimously.

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

E. Jason Dean Bigelow (22-501-RPH-N)

This is the continued hearing for Jason Bigelow.

Jason Bigelow appeared and was sworn in by President Park prior to answering questions and offering testimony.

Chris Rusby appeared as counsel on behalf of Mr. Bigelow.

Peter Keegan prosecuted the case alleging Mr. Bigelow allegedly diverted six 10mg of Oxycodone tablets from Costco Pharmacy #127.

Board discussion ensued on the factual allegations and if they believe Mr. Bigelow intentionally diverted six 10mg of Oxycodone tablets.

Board Action:

Motion: President Park moved to find that the Board has jurisdiction over this matter. She moved to make Findings of Fact consistent with paragraphs 1-5, paragraph 6 with modification to state, "Respondent Bigelow notified Rodriguez that the vial only confirmed fourteen (14) tablets.", paragraphs 7, and paragraphs 9-13 of the Notice of Intended Action and Accusation.

Second: Jade Jacobo

Action: Passed unanimously.

Board Action:

Motion: President Park moved to find Jason Bigelow guilty of all Counts One through Counts Four.

Second: Richard Tomasso

Board discussion ensued.

Aye: Park, Tomasso, Zakariassen

Nay: Tejero, Jacobo, Freitas, Mitchell

Action: Motion fails.

Board Action:

Motion: Jade Jacobo moved to find Jason Bigelow not guilty of all Counts One through Counts Four against Jason Bigelow.

Second: Gener Tejero

Aye: Jacobo, Freitas, Tejero

Nay: Park, Tomasso, Zakariassen, Mitchell

Action: Motion fails.

Wayne Mitchell clarified that his vote was because he wanted the Board to discuss each count at Gener Tejero's request.

Board Action:

Motion: President Park moved to find Jason Bigelow guilty of all Counts One through Counts Four.

Second: Richard Tomasso

Aye: Park, Tomasso, Zakariassen, Mitchell

Nay: Tejero, Jacobo, Freitas

Action: Motion carries.

The Board discussed the proposed discipline for Mr. Bigelow.

Board Action:

Motion: President Park moved to make the following penalties for Jason Bigelow's Certificate of Registration No. 18118: 1) is revoked, revocation is stayed and Bigelow is placed on probation for two years; 2) Respondent Bigelow shall pay a fine of \$5,000; and 3) Respondent Bigelow cannot be a Managing Pharmacist at any Nevada license pharmacy.

Second: Richard Tomasso

Aye: Park, Tomasso, Zakariassen, Mitchell

Nay: Tejero, Jacobo, Freitas

Action: Motion carries.

Mr. Keegan requested the Board find attorney's fees and costs were reasonable, necessary, and actually incurred.

Mr. Rusby objected to Monica Segedy's, Nevada Board of Pharmacy Investigator's, timesheet.

President Park overruled and found attorney's fees and costs were reasonable, necessary, and actually incurred.

Board Action:

Motion: President Park moved to award the attorney's fees and costs of \$6,690.63 on the basis that they were reasonable, necessary, and actually incurred.

Second: Richard Tomasso

Action: Passed unanimously.

Jade Jacobo was excused from the Board Meeting at 11:25 AM.

A. CVS Pharmacy #4691

(22-104-PH-N)

B. Joseph DeLallo

(22-104-RPH-N)

Rolf Zakariassen recused himself due to his employment with CVS.

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

William Stilling appeared as counsel on behalf of CVS Pharmacy #4691 and Joseph DeLallo.

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

Peter Keegan prosecuted the case regarding a misfill of 250 mg Mefloquine, a Malaria prevention drug, that the patient went to the emergency room on suspicion of taking an unknown medication. However, she was discharged in “good” condition.

Mr. Keegan presented Stipulated Facts to the Board.

Mr. Keegan mentioned that Mr. DeLallo had prior discipline with the Board regarding a citation and fine in Case# 19-008-RPH-N for a misfill and another discipline which Mr. DeLallo agreed to a Stipulation and Order in Case# 14-023-RPH-N.

Mr. Stilling called Joseph DeLallo as a witness.

Mr. Stilling questioned Mr. DeLallo on his position and the events that occurred.

The Board questioned Mr. DeLallo.

Mr. Keegan proposed a fine against Mr. DeLallo and CVS Pharmacy #4691 for the violations.

Mr. Stilling requested that the disciplines against Mr. DeLallo not be taken into account as the citation and fine was handled in 2022 when this case is from 2019, and the 2014 discipline was so long ago that it is not relevant. In addition, he is requested that Count Two be dropped. It was Mr. DeLallo’s own mistake so him being the Managing Pharmacist and getting charged for that again is double-dipping.

Mr. Keegan requested that Exhibits 1-9 and the Declaration of Monica Segedy to be entered into the record.

President Park admitted.

Board discussion ensued.

Board Action:

Motion: President Park moved to make the Findings of Fact consistent with the Stipulated Facts.

Second: Krystal Freitas

Action: Passed unanimously (Zakariassen recused).

The Board discussed the Counts that the respondents may be guilty of.

Board Action:

Motion: Wayne Mitchell moved to find Joseph DeLallo guilty of all Counts One through Counts Three.

Second: Krystal Freitas

Action: Passed unanimously (Zakariassen recused).

The Board discussed the proposed discipline for Mr. DeLallo and CVS Pharmacy #4691.

Board Action:

Motion: President Park moved to discipline Joseph DeLallo's Certificate of Registration No. 18429 a fine of \$3,000 for the violations, and CVS Pharmacy #4691 License No. PH02471 a fine of \$4,000 for the violations.

Second: Wayne Mitchell

Action: Passed unanimously (Zakariassen recused).

Mr. Keegan requested the Board find that the attorney's fees and costs of \$1,452.60 were reasonable, necessary, and actually incurred.

Board Action:

Motion: President Park moved to award the attorney's fees and costs of \$1,452.60 on the basis that they were reasonable, necessary, and actually incurred.

Second: Krystal Freitas

Action: Passed unanimously (Zakariassen recused).

Board Action:

Motion: Gener Tejero moved to discipline Joseph DeLallo's Certificate of Registration No. 18429 and shall pay \$500 to partially reimburse the Board for recoverable attorney's fees and investigative costs, and CVS Pharmacy #4691 License No. PH02471 shall pay \$952.60 to partially reimburse the Board for recoverable attorney's fees and investigative costs.

Second: Krystal Freitas

Action: Passed unanimously (Zakariassen recused).

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

Serologix, LLC – Las Vegas, NV

Michael Freudiger, Managing Pharmacist, and Lars Bell, Managing Partner, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge, Nevada Board of Pharmacy Inspector, provided background on the appearance and questioned the application's sterile compounding affidavit that was signed.

Mr. Bell requested that the sterile compounding affidavit be removed from the application.

Mr. Dodge questioned Serologix on the products that they intend to compound in Nevada, Mr. Freudiger's sterile compounding experience, and the policies and procedures of the company.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Nevada compounding pharmacy license for Serlogix, LLC pending a positive inspection.

Second: Wayne Mitchell

Action: Passed unanimously.

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

B. Daisy de Guzman

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

Gregory Zunino, Senior General Counsel for the Nevada Board of Pharmacy, provided background on the appearance regarding a disclosure where she was a New Jersey Doctor that received monetary gifts from a marketing agent.

The Board discussed that the application does not have all her disclosure documents.

President Park asked if Ms. De Guzman would like to table her application so that she can provide Board staff with the proper documents.

Ms. De Guzman agreed.

President Park tabled application at Ms. De Guzman's request.

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 Mr. Burgos.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, provided background on the appearance which was tabled from the last Board Meeting due to not having all his disclosure documents. Dr. Burgos has submitted the necessary documentation which he has reviewed and sees no issues.

Dave Wuest, Executive Secretary for the Nevada Board of Pharmacy, confirmed that a temporary license was granted until his appearance before the Board.

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve the Controlled Substance Registration for Jorge Burgos.

Second: Gener Tejero

Action: Passed unanimously.

14. Applications for Out-of-State Wholesalers License (NRS 639.233) Appearance (**FOR POSSIBLE ACTION**)

- B. OxyGo HQ Florida LLC – Orlando, FL – Background Check Not Required – Manufacturer (NAC 639.593)(7)(d)

Steve Murphy, West Coast Sales Manager, appeared and was sworn in by President Park prior to answering questions and offering testimony.

President Park requested a Letter of Authorization for Mr. Murphy to speak on behalf of the company.

Gregory Zunino provided background on the application and questioned the disclosures regarding a cease and desist/citation due to unlicensed practice by the Nevada Board of Pharmacy and a pending litigation against OxyGo HQ Florida.

Mr. Murphy is not familiar with any of the disclosures.

President Park asked Mr. Murphy if he would like to table the application so that he can get more information on the disclosures or bring someone who would know more about it.

Mr. Murphy agreed.

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

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

C. Rachael Hueftle

Rachael Hueftle appeared and was sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest provided background on the appearance and the disclosures regarding unlicensed practice and fraudulent prescriptions written under her license.

The Board questioned Ms. Hueftle on the measures that she has in place to ensure that her licenses are in compliance and to check for any fraudulent prescriptions written under her license.

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

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Controlled Substance Registration for Rachael Hueftle.

Second: Rolf Zakariassen

Action: Passed unanimously.

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

- B. Pacific Medical, Inc. – Carson City, NV
- C. Pacific Medical, Inc. (Carson Tahoe) – Carson City, NV
- D. Pacific Medical, Inc. (Northern Nevada) – Sparks, NV
- E. Pacific Medical, Inc. – Reno, NV
- F. Pacific Medical, Inc. (Renown) – Reno, NV
- G. Pacific Medical, Inc. (St. Mary's) – Reno, NV

Justin Crandell, Director of OrthoLife, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mark Weaver appeared as counsel on behalf of Pacific Medical, Inc.

Dave Wuest provided background on the appearance which stemmed from an inspection which led Board staff to find how Pacific Medical, Inc. was operating in Nevada which is not compliant with Nevada laws. Based on how the Board proceeds today, he will address these based on what they decide.

Mr. Crandell provided background on the business model to the Board and offered to work together to amend Nevada laws.

The Board questioned the business model.

Mr. Wuest clarified that the findings were not originated from a complaint but found during an inspection.

Board discussion ensued.

Board Action:

Motion: President Park moved to approve a temporary license for all six locations until the regulation change pending positive inspections. Pacific Medical, Inc. will need to work with Board staff on approved MDEG Administrators for each location and would need to disclose in their communications to patients that they have a choice to choose any medical product provider.

Gener Tejero wanted to mention that the company should have an MDEG Administrator backup just in case someone leaves to ensure coverage.

Second: Richard Tomasso

Action: Passed unanimously.

Richard Tomasso was excused from the Board Meeting at 2:10 PM.

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

Vital Care of Henderson – Henderson, NV

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

President Park disclosed that she knows Mr. Coulter but can participate in this matter fairly and without bias.

Dave Wuest provided background on the appearance. The company is requesting a Nevada pharmacy retail license to get started but will come back later when they are ready to do sterile compounding.

The Board questioned the application since Alberto Fernandez's Personal History Application is missing.

President Park requested a Letter of Authorization for Mr. Coulter to speak on behalf of the company.

Board discussion ensued.

Board Action:

Motion: President Park moved to approve Nevada pharmacy license for Vital Care of Henderson pending Letter of Authorization, Personal History Record for Alberto Fernandez, and a positive inspection. Board staff is authorized to review personal history record for Alberto Fernandez and approve application and if Board staff finds something concerning, they may bring the application before the Board for an appearance.

Second: Krystal Freitas

Action: Passed unanimously.

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

Quest Health Solutions LLC – Santa Rosa, CA

Tammy Bowman, Office Manager, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Brett Kandt provided background the appearance and questioned Ms. Bowman's MDEG Administrator application disclosures regarding several arrests for drug paraphernalia, possession of a narcotic, shoplifting, and driving on a suspended license.

Ms. Bowman provided background and explained that she made mistakes in her past but has changed.

The Board questioned the business model of the company.

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

President Park requested a Letter of Authorization for Ms. Bowman to speak on behalf of the company.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Out-of-State Medical, Devices, Equipment and Gases License for Quest Health Solutions LLC pending Letter of Authorization.

Second: Rolf Zakariassen

Action: Passed unanimously.

14. Applications for Out-of-State Wholesalers License (NRS 639.233) Appearance (**FOR POSSIBLE ACTION**)

D. Zimmer US, Inc. – Warsaw, IN – Background Check Not Required - Publicly Traded (NAC 639.593(7)(a))

Julia Lawson appeared as counsel on behalf of Zimmer US, Inc.

Gregory Zunino provided background on the appearance and the disclosure regarding two cease and desist/citations due to unlicensed practice that were sent by the Nevada Board of Pharmacy which were paid.

Ms. Lawson provided clarification and commented that the company is working to get licensed in the states required.

The Board questioned the business model.

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

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Out-of-State Wholesaler License for Zimmer US, Inc.

Second: Wayne Mitchell

Action: Passed unanimously.

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

Anthony Radel

Anthony Radel appeared and was sworn in by President Park prior to answering questions and offering testimony.

Brett Kandt provided background on the appearance and the disclosures regarding charges of open lewdness and child abuse.

Mr. Radel provided clarification to Board on the charges as he was only trying to protect his son from bad dreams. He did complete the conditions of his charges.

The Board questioned why he wants to be a pharmaceutical technician-in-training.

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

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Pharmaceutical Technician-in-Training application for Anthony Radel.

Second: Wayne Mitchell

Action: Passed unanimously.

18. Petition for Reinstatement of Pharmacist Registration pursuant to NRS 639.257 – Appearance. **(FOR POSSIBLE ACTION)**

Paul Luke

Paul Luke appeared and was sworn in by President Park prior to answering questions and offering testimony.

Brett Kandt provided background on the appearance for a petition for reinstatement since the Board revoked his registration due to Mr. Luke getting disciplined for diversion.

Mr. Luke provided a statement to the Board and apologized for his actions.

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to reinstate Paul Luke's Pharmacist Registration No. 15314 pending submission of 45 continuing education credit hours.

Second: Krystal Freitas

Action: Passed unanimously.

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

D. Kent Alan Swaine

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

Brett Kandt provided background on the appearance regarding Mr. Swaine requesting authority to prescribe Controlled Substances Schedule II.

Mr. Swaine provided background on his request as he needs it for his current employment.

Ms. Long provided background on his previous appearance before the Board and the conditions placed where he could prescribe Controlled Substances IV's and V's and buprenorphine only.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the modification to Kent Alan Swaine's restricted Certificate of Registration No. CS34350 to include Schedules II-V, and approved his application for a controlled substance registration for the 3760 Pecos Mcleod practice location for schedules II-V, subject to his compliance with the monitoring agreement and terms place upon his license No. 21803 to practice medicine by the Nevada State Board of Medical Examiners.

Second: Gener Tejero

Action: Passed unanimously.

14. Applications for Out-of-State Wholesalers License (NRS 639.233) Appearance (**FOR POSSIBLE ACTION**)

- A. AMO Sales and Services, Inc. – Irvine, CA – Background Check Not Required – Publicly Traded (NAC 639.593(7)(a))

Matt Foster appeared as counsel on behalf of AMO Sales and Services, Inc.

Gregory Zunino provided background on the appearance and disclosure regarding a cease and desist/citation due to unlicensed practice that was sent out by the Nevada Board of Pharmacy.

Mr. Foster confirmed that the fine has been paid to the Board.

The Board questioned the business model and the products being shipped into Nevada.

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

Board discussion ensued.

Rolf Zakarissen commented that the Wholesaler Administrator's Application Sandor Palfi's hours do not seem possible.

Mr. Foster commented that they can correct the application.

Board Action:

Motion: Rolf Zakariassen moved to approve the Out-of-State Wholesaler License for AMO Sales and Services, Inc. pending the corrected Wholesaler Administrator application.

Second: Krystal Freitas

Action: Passed unanimously.

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

- A. Ab Medical LLC – Las Vegas, NV

Corrisa Girton, Administrator, and Blanca Barahona, Owner, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Brett Kandt provided background on the appearance.

The Board questioned the business model, Ms. Girton's experience, and Ms. Barahona's experience owning a business.

Ms. Girton and Ms. Barahona answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Nevada Medical, Devices, Equipment and Gases License for Ab Medical LLC.

Second: Wayne Mitchell

Action: Passed unanimously.

22. 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

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

- 21. 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 provided the General Counsel Report to the Board's satisfaction.

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

Seven Hills Pharmacy, LLC – Sharonville, OH

This matter was continued to a future Board Meeting.

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

A. Brava NC LLC – Morrisville, NC

This matter was continued to a future Board Meeting.

B. Kings Park Slope, LLC – Brooklyn, NY

This matter was continued to a future Board Meeting.

C. Primera Professional Pharmacy – Sugar Land, TX

This matter was continued to a future Board Meeting.

D. Town Total Compounding Center – Woodbury, NY

This matter was continued to a future Board Meeting.

E. WP Pharma Labs, Inc. – Dallas, TX

This matter was continued to a future Board Meeting.

F. 1st Choice Pharmacy – Holiday, FL

This matter was continued to a future Board Meeting.

14. Applications for Out-of-State Wholesalers License (NRS 639.233) Appearance (**FOR POSSIBLE ACTION**)

- C. STERRX, LLC – Plattsburgh, NY – Background Check Not Required - VAWD-Accredited (NAC 639.593(7)(c))

This matter was continued to a future Board Meeting.

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

- A. BPI Labs, LLC – Largo, FL

This matter was continued to a future Board Meeting.

- B. Hikma Injectables USA Inc. – Dayton, NJ

This matter was continued to a future Board Meeting.

- C. STERRX, LLC – Plattsburgh, NY

This matter was continued to a future Board Meeting.

24. Public Comment June 15, 2023, 3:58 PM

There was no public comment.

23. Date and Location of Next Scheduled Board Meeting:

September 6-7, 2023 – Las Vegas, NV

25. Adjournment