



NEVADA STATE BOARD OF PHARMACY

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MINUTES

June 14-15, 2023

BOARD MEETING

The Nevada State Board of Pharmacy will conduct a meeting beginning Wednesday, June 14, 2023, at 9:00 am. The meeting will continue, Thursday, June 15, 2023, at 9:00 am if necessary or until the Board concludes its business. Pursuant to NRS 241.023(1)(c) the meeting is being conducted by means of remote technology. The public may attend the meeting via live stream remotely or at the following location:

Hilton Garden Inn
7830 S Las Vegas Boulevard
Las Vegas, NV

Via Videoconference at Zoom: <https://zoom.us/j/5886256671>
or
Via Teleconference at 1 (669) 900-6833
Meeting ID: 588 625 6671

Board Members Present:

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

Board Staff Present:

Dave Wuest	Yenh Long	Shirley Hunting	Kristopher Mangosing
Brett Kandt	Peter Keegan	Gregory Zunino	Darlene Nases
Joe Dodge	Dena McClish	Kenneth Scheuber	Leo Basch
Luis Curras	Darla Zarley	Harry Ward	

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 June 14, 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 April 12-13, 2023, Board Meeting Minutes (**FOR POSSIBLE ACTION**)

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the April 12-13, 2023, Board Meeting minutes.

Second: Jade Jacobo

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. Abacoa Medical Supplies, Inc. – Boca Raton, FL
- B. Appy Medical, LLC – West Jordan, UT
- C. Avanos Medical Sales, LLC – Concord, CA
- D. CGM Monitors Corp – Richardson, TX
- E. Comprehensive Sleep Solutions – Phoenix, AZ
- F. Deliver My Meds Corp – Richardson, TX
- G. Hoveround Corporation – Bradenton, FL
- H. Medline Industries, LP – Rialto, CA
- I. Quantum Medical Supply, Inc. – West Palm Beach, FL
- J. Voyage Medical Solutions – Longview, TX

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))

- K. Acera Surgical, Inc. – St. Louis, MO
- L. AdvaGen Pharma Ltd. – Plainsboro, NJ
- M. Avanos Medical Sales, LLC – Alpharetta, GA
- N. Avanos Medical Sales, LLC – Concord, CA
- O. Catalent Pharma Solutions, LLC – Philadelphia, PA
- P. EMD Serono, Inc. – Rockland, MA
- Q. Eugia US LLC – East Windsor, NJ
- R. Juno Therapeutics Inc. – Seattle, WA
- S. Long Grove Pharmaceuticals, LLC – Rosemont, IL
- T. Merz Pharmaceuticals, LLC – Raleigh, NC
- U. MicroVention Inc. – Aliso Viejo, CA
- V. Pierre Fabre Pharmaceuticals, Inc. – Parsippany, NJ
- W. Sanofi-Aventis U.S. LLC – Bridgewater, NJ
- X. STERIS Corporation – Mentor, OH
- Y. Vertical Pharmaceuticals, LLC – Alpharetta, GA

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

- Z. Baxter Healthcare Corporation – Largo, FL
- AA. Cardinal Health 200, LLC – Channahon, IL
- BB. Conmed Corporation and its Affiliates – Largo, FL
- CC. Henry Schein, Inc. – New Berlin, WI
- DD. McKesson Medical-Surgical Inc. – Ellabell, GA

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

- EE. Azenta US, Inc. – Indianapolis, IN
- FF. Independent Pharmacy Distributor, LLC – High Point, NC
- GG. Medline Industries, LP – Auburndale, FL
- HH. Medline Industries, LP – Jeffersonville, IN
- II. Medline Industries, LP – McDonough, GA
- JJ. Medline Industries, LP – Montgomery, NY
- KK. Medline Industries, LP – Perryville, MD
- LL. Medline Industries, LP – Tolleson, AZ
- MM. Medline Industries, LP – Uxbridge, MA
- NN. Medline Industries, LP – West Jefferson, OH
- OO. Sedgwick Claims Management Services, Inc. – Indianapolis, IN
- PP. UPS Supply Chain Solutions, Inc. – Shepherdsville, KY

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))

QQ. CorMedix, Inc. – Berkeley Heights, NJ
RR. Mersana Therapeutics, Inc. – Cambridge, MA
SS. Moderna US, Inc. -Princeton, NJ
TT. Reata Pharmaceuticals, Inc. – Plano, TX
UU. Verona Pharma, Inc. – Savannah, GA

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

4.2.6 Background checks completed in compliance with NRS 639.500.

VV. Capital City Drug – Austin, TX
WW. DHL Supply Chain (USA) – Forest Park, GA
XX. Epiq Animal Health – Dublin, OH
YY. HUB Pharmaceuticals LLC – Plymouth, MI
ZZ. Lovell Government Services, Inc. – Pensacola, FL
AAA. Medea Inc. – Pleasanton, CA
BBB. Med Stop Pharmaceuticals, Inc. – Houston, TX
CCC. Nippon Express U.S.A., Inc. – Long Beach, CA
DDD. Outdate Rx, LLC – Redlands, CA
EEE. Reassurance Logistics LLC – Boca Raton, FL
FFF. Reliance Wholesale, Inc. – Collierville, TN
GGG. Reliance Wholesale, Inc. – Miami, FL
HHH. Spectrum Medical X-Ray Co. – Santa Monica, CA

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

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

III. Norco Inc. – Sparks, NV
JJJ. Wellness Essentials Inc. – Las Vegas, NV

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

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

KKK. Best Pet Rx, Inc. – Manassas, VA
LLL. MixMyRx Ventures LLC – Orlando, FL
MMM. Personalized Skin Solutions, Inc. – Imperial, PA

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

NNN. AnovoRx Group, LLC – Chandler, AZ

OOO. CenterWell Pharmacy, Inc. – Orlando, FL
PPP. Cerebral Rx – Cape Coral, FL
QQQ. CF #11507 – Richardson, TX
RRR. Custom Formulary Inc. – Dallas, TX
SSS. Ivation Pharmacy LLC – Pflugerville, TX
TTT. Live Well Pharmacy – Flower Mound, TX
UUU. Magellan Rx Pharmacy, LLC – Orlando, FL
VVV. Magellan Rx Pharmacy, LLC – Salt Lake City, UT
WWW. Mark Cuban Cost Plus Pharmacy LLC – Dallas, TX
XXX. Onco360 – Scottsdale, AZ
YYY. OSRX, Inc. - #2685 – Missoula, MT
ZZZ. Propel Pharmacy, LLC – Cicero, NY
AAAA. SelectRx – Monaca, PA
BBBB. Symphony Clinic, LLC – Gainesville, FL
CCCC. Symphony Clinic, LLC – Tucson, AZ
DDDD. TheraCom – Brooks, KY
EEEE. Truax Patient Services, LLC – Bemidji, MN
FFFF. TrustedMedRx, LLC – Boca Raton, FL
GGGG. Watson RX Solutions, Inc. – Florence, AL
HHHH. Wholescripts Pharmacy, LLC – Orlando, FL

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

III. Advanced Surgical Center, LLC – Las Vegas, NV
JJJJ. Henderson Ambulatory Surgery Center for Minimally Invasive Procedures
– Las Vegas, NV

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

Board discussion ensued.

Board Action:

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

Second: Wayne Mitchell

Action: Passed unanimously.

Board Action:

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

Second: Wayne Mitchell

Action: Passed unanimously (Jacobco and Zakariassen recused).

◆ REGULAR AGENDA ◆

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

M. Walgreens Pharmacy #6425 (22-359-PH-S)

This matter was continued to a future Board Meeting.

N. Juan Peidra Flores, RPH (22-359-RPH-S)

This matter was continued to a future Board Meeting.

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

Cynthia To was not present for the hearing.

Kevin Murphy appeared as counsel on behalf of Ms. To.

Peter Keegan, General Counsel for the Nevada Board of Pharmacy, prosecuted the case regarding Ms. To. Ms. To transcribed the incorrect medication and a misfill of tramadol 50mg was sold and dispensed rather than trazodone 50mg to the patient.

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

The proposed stipulated penalties for Cynthia To Certificate of Registration No. 19604 are the following: 1) pay a fine of \$1,000 for the violations; and 2) pay \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the Stipulation and Order for Cynthia To as presented by Mr. Keegan.

Second: Jade Jacobo

Action: Passed unanimously.

7. Stipulation and Order to Set Aside Order of Default and Enter a Payment Plan (For Possible Action).

Marcia Clevesy, APRN (21-214-CS-S)

Marcia Clevesy was not present for the hearing.

Elva Castaneda appeared as counsel on behalf of Ms. Clevesy.

Peter Keegan prosecuted the case regarding Ms. Clevesy prescribing on an expired registration, and the Nevada Board of Pharmacy took action against her registration and did a default as she did not appear for the hearing. However, Ms. Clevesy was notified of the discipline and would like to set aside the Order of Default.

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

The proposed stipulated penalties for Marcia Clevesy Certificate of Registration No. CS14237 are the following: 1) pay a fine of \$5,000 for the violations; and 2) pay \$715.87 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter in an agreed upon payment plan.

Board discussion ensued.

Board Action:

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

Second: Krystal Freitas

Action: Passed unanimously.

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

U. Victor Bruce, MD

(22-228-CS-S)

Victor Bruce was not present for the hearing.

John Hunt appeared as counsel on behalf of Dr. Bruce.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the case alleging Dr. Bruce prescribed controlled substances prior to issuance of an active restricted controlled substance registration after appearing before the Board.

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

The proposed stipulated penalties for Dr. Victor Bruce Certificate of Registration No. CS33714 are the following: 1) pay a fine of \$5,000 for the violations; and 2) pay \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Board discussion ensued.

Board Action:

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

Second: Gener Tejero

Aye: Freitas, Jacobo, Tejero, Tomasso, Zakariassen

Nay: Park, Mitchell

Action: Motion carries.

C. Robert Chancellor

(19-003-CS-B-S)

D. Lindsay Hoffman

(19-003-CS-C-S)

Robert Chancellor and Lindsay Hoffman appeared and were sworn in by President Park prior to answering questions and offering testimony.

Lyn Beggs appeared as counsel on behalf of Dr. Chancellor and Ms. Hoffman.

The other respondents in this case Dr. Vinay Bararia and Dr. Abdel Khalek have been resolved.

Peter Keegan prosecuted the cases regarding Respondent Chancellor and Respondent Hoffman who violated several Nevada laws which included allowing unlicensed staff to access and possess controlled substances and/or dangerous drugs, allowing an unregistered person key access to controlled substances and/or dangerous drugs, failed to issue a written prescription for each medication dispensed, failing to verify medications for accuracy prior to dispensing, failing to maintain accurate records of controlled substances and/or dangerous drugs, failing to inventory controlled substances at least once every two years, failing to segregate and/or dispose adulterated and/or expired drugs, possessing pre-drawn, unlabeled syringes containing unidentified dangerous drugs, and allowing the dispensation of medications to patients when a practitioner was not present.

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

The proposed stipulated penalties for Dr. Robert Chancellor Certificate of Registrations No. CS22616 and PD27416 are the following: 1) CS22616 and PD27416 are suspended, but the suspension is stayed and shall be placed on probation for a period of one year; 2) Chancellor's dispensing practice located at 5052 S. Jones Blvd. #145, Las Vegas, Nevada 89118 shall undergo two (2) inspections by the Board, at Chancellor's expense. Additionally, Chancellor shall provide proof to Board inspectors within six months of the effective date of the Order, that he has updated his policies and procedures for the following: i) Security of medications on site; ii) Procedure for security of electronic prescribing of controlled substance two-factor authentication; iii) Procedure for ordering medications; iv) Procedure for prescribing and dispensing medications; v) Procedure for inventorying controlled substance medications; vi) Procedure for identifying and quarantining expired medications; vii)

Procedure for prescription record keeping; and viii) Procedure for administering medications (including information on drawing syringes from single-use and multi-use vials); 3) Chancellor shall pay a fine of \$5,000; 4) Chancellor shall pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and investigative costs incurred; and 5) Upon the successful completion of the one-year probationary period, successful inspections; provision of updated policies; and payment of the above-referenced finds, Respondent Chancellor's Certificates of Registration Nos. CS22616 and PD27416 shall be fully restored.

The proposed stipulated penalties for Lindsay Hoffman Certificate of Registration Nos. CS18262 and PD0177 are the following: 1) pay a fine of \$2,500; and 2) pay a fine of \$1,000 to partially reimburse the Board for recoverable attorney's fees and investigative costs incurred.

Board discussion ensued.

Jade Jacobo requested the recent inspection results of Dr. Chancellor's current practice.

Luis Curras, Nevada Board of Pharmacy Inspector, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Curras provided his inspection findings which were the following: 1) the dispensing technicians needed to have their Nevada Law continuing education completed which they provided within 2-3 days and has been resolved; and 2) the patient's consent notification where they notify the patient can be filled elsewhere if they choose which he has yet to receive.

The Board discussed proposed discipline on Respondents Chancellor and Hoffman.

Board Action:

Motion: Gener Tejero moved to approve the Stipulation and Order for Dr. Robert Chancellor and Lindsay Hoffman with amendments to Hoffman's discipline to include the following: 1) CS18262 and PD0177 are suspended, but the suspensions are stayed and shall be placed on probation for a period of one year; 2) Hoffman's dispensing practice located at 5052 S. Jones Blvd. #145, Las Vegas, Nevada 89118 shall undergo two (2) inspections by the Board, at Hoffman's expense. Additionally, Hoffman shall provide proof to Board inspectors within six months of the effective date of the Order, that she has updated her policies and procedures for the following: i) Security of medications on site; ii) Procedure for security of electronic prescribing of controlled substance two-factor authentication; iii) Procedure for ordering medications; iv) Procedure for prescribing and dispensing medications; v) Procedure for inventorying controlled substance medications; vi) Procedure for identifying and quarantining expired medications; vii) Procedure for prescription record keeping; and viii) Procedure for administering medications (including information on drawing syringes from single-use and multi-use vials); and 3) Upon the successful completion of the one-year probationary period,

successful inspections; provision of updated policies; and payment of the above-referenced finds, Respondent Hoffman's Certificate of Registration Nos. CS18262 and PD00177 shall be fully restored.

Second: Wayne Mitchell

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

Nay: Jacobo

Action: Motion carries.

Ms. Hoffman agrees with the amendments of the Stipulation and Order by the Board.

Board Action:

Motion: President Park moved to approve the amendments for Dr. Robert Chancellor and Lindsay Hoffman's Stipulation and Order as discussed.

Second: Wayne Mitchell

Action: Passed unanimously.

E. Wesley Robertson

(21-063-CS-S)

Wesley Robertson was not present for the hearing.

Lora Schneider appeared as counsel on behalf of Dr. Robertson.

Peter Keegan prosecuted the case alleging Dr. Robertson allowed his medical assistant to electronically sign controlled substance prescriptions on his behalf.

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

The proposed stipulated penalties for Dr. Wesley Robertson Certificate of Registration No. CS07810 are the following: 1) Dismiss Counts One and Three of the Accusation; 2) Pay a fine of \$4,000 within 30 days of the Order; 3) pay \$500 within 30 days of the Order to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; and 3) complete two additional continuing education (CE) hours regarding prescribing controlled substances within 30 days of the Order.

Board discussion ensued.

Board Action:

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

Second: Wayne Mitchell

Action: Passed unanimously.

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

Malcolm Paul

(22-479-S)

Malcolm Paul and Mario Moya, Administrator, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan prosecuted the cite and fine appeal regarding Dr. Paul prescribing controlled substances without a Nevada controlled substance registration.

Mr. Keegan requested that Exhibits 1-4 be entered into the record.

President Park admitted Exhibits 1-4.

Dr. Paul provided his testimony on how he prescribed controlled substances without a valid Nevada controlled substance registration and tried to reach out to the Board on how to be compliant.

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to dismiss the Citation and Fine against Malcolm Paul in Case No. 22-479-S.

Second: Jade Jacobo

Action: Passed unanimously.

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

A. Michael Burkintas, RPH

(22-063-RPH-S)

Krystal Freitas recused herself from this matter due to her employment.

Michael Burkintas and John Adams appeared and were sworn in by President Park prior to answering questions and offering testimony.

Kevin Murphy appeared as counsel on behalf of Mr. Burkintas.

Peter Keegan prosecuted the case regarding Mr. Burkintas testing positive in a urinalysis for amphetamines.

Both parties of counsel stipulated that Exhibits 1-7 and Exhibits A-F be entered into the record.

President Park admitted Exhibits 1-7 and Exhibits A-F.

Peter Keegan called Dena McClish as a witness.

Dena McClish appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Keegan questioned Ms. McClish on her position with the Nevada Board of Pharmacy and her investigation against Mr. Burkintas.

Mr. Murphy cross-examined Ms. McClish.

Mr. Keegan re-crossed Ms. McClish.

Mr. Murphy called Michael Burkintas as a witness.

President Park confirmed that Mr. Burkintas is still sworn in.

Mr. Murphy questioned Mr. Burkintas on his family history, his educational background, his work history, and his volunteer work.

Mr. Keegan cross-examined Mr. Burkintas.

Mr. Murphy called John Adams as a witness.

Mr. Murphy questioned Mr. Adams on his educational background, his current work position, and his experience working with Mr. Burkintas.

Mr. Adams answered counsel's questions.

Board discussion ensued.

Mr. Burkintas commented that Exhibit 3 is incorrect as he did make a verbal statement indicating that the urinalysis is a false positive.

Board Action:

Motion: Wayne Mitchell moved to dismiss Case No. 22-063-RPH-S against Michael Burkintas.

Second: Rolf Zakariassen

Aye: Jacobo, Mitchell, Tejero, Zakariassen

Nay: Park, Tomasso

Action: Motion carries (Freitas recused).

X. Heather Harvey, APRN

(23-074-PR-O)

This matter was continued to a future Board Meeting.

O. Walgreens Pharmacy #4854

(18-021-PH-S)

P. MinhQuang Nguyen, RPH

(18-021-RPH-A-S)

Q. Dimitris Efstathiou, RPH

(18-021-RPH-C-S)

R. Maria Cruz, RPH

(18-021-RPH-D-S)

MinhQuang Nguyen appeared and was sworn in by President Park prior to answering questions and offering testimony.

Dimitris Efstathiou and Maria Cruz were not present for the hearing.

William Stilling appeared as counsel on behalf of Walgreens Pharmacy #4854, Mr. Nguyen, Mr. Efstathiou, and Ms. Cruz.

Brett Kandt wanted to clarify that a separate proposed Stipulation and Order will be presented to resolve 18-021-RPH-A-S and 19-100-RPH-with regard to Mr. Nguyen.

Mr. Kandt prosecuted the case regarding prescription misfills.

Mr. Kandt presented a proposed Stipulation and Order for the Board's consideration resolving the matter as to Walgreen's Pharmacy #4854 and Mr. Efstathiou.

Mr. Stilling made a motion to dismiss the charges against Ms. Cruz on the basis of the age of the charges and as Ms. Cruz is retired and no longer lives in the country.

Mr. Kandt opposed the motion on the basis that Ms. Cruz being out of the country and laches are not affirmative defenses.

The case regarding Ms. Cruz, 18-021-RPH-D-S, was continued to a future Board Meeting.

The proposed stipulated penalties for Walgreens Pharmacy #4854 Pharmacy License No. PH01293 are the following: 1) pay a fine of \$2,000; and 2) pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and investigative costs.

The proposed stipulated penalties for Dimitris Efstathiou Certificate of Registration No. 17277 are the following: 1) pay a fine of \$1,000; and 2) pay \$500 to partially reimburse the Board for recoverable attorney's fees and investigative costs.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the presented Stipulation and Order for Walgreens Pharmacy #4854 and Dimitris Efstathiou as presented by Mr. Kandt.

Second: Jade Jacobo

Action: Passed unanimously.

S. Walgreens Pharmacy #4854 (19-100-PH-S)
T. MinhQuang Nguyen, RPH (19-100-RPH-S)

Mr. Kandt provided background on Mr. Nguyen's prior discipline with the Board regarding case 13-006-RPH and 18-055-RPH, the charges against Mr. Nguyen for Case No. 18-021-RPH-A-S regarding a prescription misfill, and Case No. 19-100-RPH-S against Mr. Nguyen's who as Managing Pharmacist of Walgreen's Pharmacy #4854 failed to segregate and/or dispose of adulterated and/or expired drugs in the pharmacy's inventory and his subsequent misrepresentation that the inventory was segregated and/or disposed of to a Board inspector.

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

The proposed stipulated penalties for Walgreens Pharmacy #4854 Pharmacy License No. PH01293 for Case No. 19-100-PH-S are the following: 1) pay a fine of \$2,000; and 2) pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and investigative costs.

The proposed stipulated penalties for MinhQuang Nguyen Certificate of Registration No. 15913 for Case Nos. 18-021-RPH-A-S and 19-100-RPH-S are the following: revocation of Certificate of Registration No. 15913; the revocation is stayed and Respondent Nguyen is placed on probation for two years subject to the following conditions: 1) Respondent owns ICARE Pharmacy, Pharmacy License No. PH04402, which shall receive quarterly unannounced inspections by Board staff at Nguyen's expense, 2) Respondent Nguyen shall accept this Stipulation and Order as a public reprimand, 3) Respondent Nguyen shall pay a fine of \$5,000 for the violations, 4) Respondent Nguyen shall pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and investigative costs, and 5) Respondent Nguyen 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 Walgreens Pharmacy #4854 for Case No. 19-100-PH-S and MinhQuang Nguyen for Case No. 18-021-RPH-A-S and 19-100-RPH-S as presented by Mr. Kandt.

Second: Krystal Freitas

Action: Passed unanimously.

- I. Walgreens Pharmacy #3842 (17-105-PH-S)
- J. Kristi Nguyen, RPH (17-105-RPH-A-S)
- K. Cheryl Mettus, RPH (17-105-RPH-B-S)
- L. Thuy Trandac, RPH (17-105-RPH-C-S)

Kristi Nguyen, Cheryl Mettus, and Thuy Trandac appeared and were sworn in by President Park prior to answering questions and offering testimony.

William Stilling appeared as counsel on behalf of Walgreens Pharmacy #3842, Ms. Nguyen, Ms. Mettus, and Ms. Trandac.

Brett Kandt prosecuted the case regarding the respondent pharmacists erroneously verifying final products as accurate, failing to contact the prescriber(s) to clarify potential duplication errors, overriding DUR alerts and/or erroneously dispensing medication.

Yenh Long, Deputy Secretary, read Stipulated Facts into the record.

Ms. Nguyen, Ms. Mettus, and Ms. Trandac confirmed that they stipulated to the facts read into the record.

Mr. Stilling called Holly Privo as a witness.

Holly Privo appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Stilling questioned Ms. Privo on her position with Walgreens and the Walgreen's verification process at these out of state licensed data verification facilities.

Board members and staff cross-examined Ms. Privo.

Ms. Nguyen, Ms. Mettus, and Ms. Trandac testified as witnesses and were subject to examination by Board members and staff.

Mr. Stilling requested that the documents from the Board's discovery file be entered into the record as Exhibit A.

President Park admitted Exhibit A into the record.

Board discussion ensued.

Mr. Kandt requested the Board make Findings of Fact consistent with paragraphs 1-9 of the Stipulated Facts.

Board Action:

Motion: Jade Jacobo moved to make Findings of Fact consistent with paragraphs 1-9 of the Stipulated Facts.

Second: Krystal Freitas

Action: Passed unanimously.

Mr. Kandt requested the Board make Conclusions of Law consistent with paragraphs 11-15 of the Accusation and find Respondents guilty of Counts One and Two.

Board Action:

Motion: Jade Jacobo moved to make Conclusions of Law consistent with paragraphs 11-15 of the Accusation and find Respondents guilty of Counts One and Two.

Second: President Park

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

Nay: Zakariassen

Action: Motion carries.

Mr. Kandt requested that documentation of attorney's fees and costs of \$5,137.45 be entered into the record as Exhibit B.

President Park admitted Exhibit B into the record.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to award the attorney's fees and costs of \$5,137.45 on the basis that they were reasonable, necessary, and actually incurred.

Second: Krystal Freitas

Action: Passed unanimously.

Board Action:

Motion: Richard Tomasso moved to make the following penalties for the respondents: 1) Walgreen's Pharmacy #3842 pay a fine of \$10,000; 2) Walgreen's Pharmacy #3842 shall pay \$5,137.45 to partially reimburse the Board for recoverable attorney's fees and investigative costs; and 3) Respondent Kristi

Nguyen pay a fine of \$1,000; 4) Respondent Cheryl Mettus pay a fine of \$1,000; and 5) Respondent Thuy Trandac pay a fine of \$1,000.

Board discussion ensued.

Second: President Park

Action: Passed unanimously.

F. Walgreens Pharmacy #03844

(22-096-PH-S)

G. Kerry Otero, RPH

(22-096-RPH-S)

H. Morgan Towler

(22-096-PTT-S)

These matters were continued to a future Board Meeting.

20. Discussion and possible action to amend, revise and/or approve proposed FY24 budget **(FOR POSSIBLE ACTION)**

Dave Wuest, Executive Secretary of the Nevada Board of Pharmacy, presented FY24 budget to the Board's satisfaction.

Board Action:

Motion: President Park moved to approve FY24 budget as presented by Mr. Wuest.

Second: Jade Jacobo

Action: Passed unanimously.

19. Review and approval of the Policy Manual **(FOR POSSIBLE ACTION)**

Dave Wuest provided background on agenda item.

This agenda item will be continued to the next Board Meeting day.

Public Comment at 5:10PM

Rajendra Bhandari commented that he suggests microphones be closer as it is hard to hear and suggests attorneys on both sides be allotted equal speaking time during hearings.

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	Dena McClish	Kenneth Scheuber	Leo Basch
Luis Curras	Darla Zarley	David Jones	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 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 June 15, 2023, 9:00 AM

There was no public comment.

◆ REGULAR AGENDA ◆

17. Request from Walgreen Co. to authorize their pharmacies as allowed by NAC 639.7145 – **(FOR POSSIBLE ACTION)**

Victoria Kroeger, Pharmacy Affairs Manager, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest provided background on Walgreen's request.

Board discussion ensued.

Board Action:

Motion: President Park moved to authorize Walgreen's pharmacies request as allowed by NAC 639.7145.

Second: Jade Jacobo

Action: Passed unanimously.

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

Eric Shyu 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 Mr. Shyu prescribing controlled substances on an expired registration.

Mr. Zunino agreed to dismiss Counts Two, Three, and Four of the Accusation.

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

The proposed stipulated penalties for Eric Shyu Certificate of Registration No. CS32185 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.

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve the Stipulation and Order for Eric Shyu as presented by Mr. Zunino.

Second: Jade Jacobo

Action: Passed unanimously.

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

A. Family Medical Pharmacy, LLC – North Las Vegas, NV

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

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

Dave Wuest provided background on application and questioned Mr. Villaluz on why he wants to open a pharmacy, his experience as a pharmacist, and his business manager's work experience.

The Board questioned Mr. Villaluz on his experience as a pharmacist, the roles of a managing pharmacist, and his business model.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Nevada pharmacy license for Family Medical Pharmacy.

Second: Wayne Mitchell

Action: Passed unanimously.

B. First Choice Pharmacy – Las Vegas, NV

This matter was withdrawn.

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

C. CVS/Specialty – Linthicum Heights

Rolf Zakariassen and Jade Jacobo recused themselves from this matter due to their employment.

Gina Cohenour, Managing Pharmacist and Branch Manager, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Ms. Cohenour provided background on application and commented that a product line and location change should have been submitted to the Board.

Joe Dodge, Board Inspector for the Nevada Board of Pharmacy, questioned Ms. Cohenour on the business model and their past inspection findings.

Dave Wuest questioned Ms. Cohenour on their emergency or back up procedures for patients if they have a problem.

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

Ms. Cohenour confirmed that the new application was submitted, and everything remains the same, but the address has changed to 7150 Columbia Gateway Drive, Suite E, Columbia, Maryland 21046.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve Out-of-State Compounding Pharmacy license for CVS Specialty pending the application with the updated address change.

Second: Wayne Mitchell

Action: Passed unanimously.

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

C. Pharma Budies LLC – Las Vegas, NV

Abbish Thomas, Pharmacist and Marketing Director for Rosemount Specialty Pharmacy, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Thomas commented that the owners are on a flight and allowed him to speak on their behalf.

Peter Keegan requested a Letter of Authorization for Mr. Thomas to speak on behalf of the company.

Mr. Keegan provided background on application.

The Board questioned on the location of the pharmacy and if there is a bathroom located in the pharmacy or on an adjoining wall.

Mr. Thomas will follow up with the owners to ensure the pharmacy is compliant with Nevada Law.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Nevada Pharmacy license for Pharma Budies LLC pending favorable inspection and Letter of Authorization.

Second: Krystal Freitas

Action: Passed unanimously.

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

A. VistaPharm, LLC – Largo, FL - Background Check Not Required - VAWD-Accredited (NAC 639.593(7)(c))

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

Peter Keegan requested a Letter of Authorization from Mr. Rodriguez to speak on behalf of the company.

Mr. Rodriguez commented that he is the Designated Representative.

Board staff requested President Park to go to the next item as they review the application to ensure that the application has all appropriate documents.

President Park will return back to this agenda item.

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

D. Vax Squad – Las Vegas, NV

Daniel Chiti, Pharmacist and Co-Owner, and Karim Guirguis, Pharmacist and Co-Owner, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Gener Tejero disclosed that Mr. Guirguis was an intern of his but can participate in this matter fairly and without bias.

Mr. Chiti described the business model to the Board.

Dave Wuest read NAC 639.2971(1)(g) into the record.

Mr. Wuest commented that a regulation change after moratorium would need to be done to allow this business model, but it sounds like a good service for the public.

Mr. Wuest questioned on the business model and what vaccinations that they intend to provide.

Mr. Chiti and Mr. Guirguis answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Nevada Pharmacy license for Vax Squad pending favorable inspection.

Second: Wayne Mitchell

Action: Passed unanimously.

E. Vital Care of Summerlin – Las Vegas, NV

Anisha Patel, Owner, and Tiffany Degiovanni, 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, Ms. Degiovanni's pharmacist experience, and her past discipline.

The Board questioned Ms. Degiovanni on her experience as a managing pharmacist.

Mr. Patel and Ms. Degiovanni answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Nevada Pharmacy license for Vital Care of Summerlin pending favorable inspection.

Second: Krystal Freitas

Action: Passed unanimously.

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

B. VistaPharm, LLC – Largo, FL - Background Check Not Required - VAWD-Accredited (NAC 639.593(7)(c))

President Park returned back to agenda item and commented that Marcelino Rodriguez is still sworn in.

Peter Keegan provided background on the application and questioned on their disclosures relating to selling/transferring prescription drugs from an authorized source, failure to keep appropriate records, and the reason for the name change.

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

Mr. Keegan requested an updated Surety Bond as its expired.

Board discussion ensued.

The Board clarified a Letter of Authorization is not needed since Mr. Marcelino is the Designated Representative and necessary documentation was received.

Board Action:

Motion: Jade Jacobo moved to approve Out-of-State Wholesaler license for VistaPharm, LLC pending receipt of the updated Surety Bond.

Second: Gener Tejero

Action: Passed unanimously.

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

Jill Marquardt

Jill Marquardt appeared and was sworn in by President Park prior to answering questions and offering testimony.

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

Ms. Marquardt provided background on her business model and what she intends to do.

Mr. Wuest questioned on how she intends to implement security and hide private information from others when she is working from home.

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

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve Jill Marquardt's request to engage in the practice of pharmacy at a site other than a licensed pharmacy.

Second: Jade Jacobo

Action: Passed unanimously.

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

Amazi Harris

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

Dave Wuest provided background on the appearance and his discussion with the Dean of Northwest Career College about the situation.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve Pharmaceutical Technician application for Amazi Harris.

Second: Rolf Zakariassen

Action: Passed unanimously.

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

Partell Specialty Pharmacy – Las Vegas, NV

Jeffrey Lang, Managing Pharmacist, and Robert Seik, Owner, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Gener Tejero recused himself from the item due to a potential conflict of interest.

Joe Dodge provided background on the application and the documentation regarding Partell Specialty Pharmacy not participating in compounding by the FDA.

Mr. Dodge questioned Mr. Lang's experience as a pharmacist, the pharmacy's policies and procedures, the FDA's findings of the pharmacy, their business processes, and the updates to the pharmacy.

Mr. Lang and Mr. Seik answered Board's questions.

Mr. Dodge recommended the following conditions if their license is approved: 1) Proof of documentation that the FDA was notified that Partell Specialty Pharmacy is re-engaging in sterile compounding; 2) Policies and procedures are approved and dated; and 3) quarterly inspections for a period of one year.

Dave Wuest recommended that a third-party consultant look at their policies and procedures and operations as recommended by the FDA.

The Board discussed their concerns about the pharmacy.

President Park asked if they would like to table application to address concerns the Board has.

Mr. Seik confirmed.

President Park tabled application at Mr. Seik's request.

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

Hany Saad

Hany Saad appeared and was sworn in by President Park prior to answering questions and offering testimony.

Rickey Strong appeared as counsel and witness on behalf of Mr. Saad.

Yenh Long provided background on application regarding Mr. Saad on his disclosure where he falsely represented himself as a practitioner to get controlled substance prescriptions.

Ms. Long questioned Mr. Saad on the events that occurred with his disclosure, the discipline taken by the Florida Board, and why he wants to be licensed in Nevada.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Pharmacist Registration by Reciprocity for Hany Saad with the following conditions: 1) Mr. Saad is not permitted to review, verify, fill, or dispense controlled substance prescriptions for Nevada patients; and 2) Mr. Saad must appear before the Board prior to engaging in the practice of pharmacy within the State of Nevada.

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.

18. Request for approval for Board Staff to conduct a survey to assess pharmacy workplace conditions (**FOR POSSIBLE ACTION**)

Yenh Long provided background on agenda item to the Board.

Board discussion ensued.

President Park opened the floor to public comment.

Ken Kunke from the Nevada Pharmacy Alliance commented that he is in favor of the survey. He believes that the Board has the appropriate contact information for all licensees in the state. In addition, he wants to mention that APhA and NASPA has a survey on the Pharmacy Workplace and Well-being Reporting (PWWR) portal which has Nevada ranked as last in the nation for the last 12 months. He thinks this survey will help to see what steps can be done to make the work conditions better.

Liz MacMenamin from the Retail Association of Nevada appreciates the Board's work on this but expressed concern over the Board's authority on this matter. They request Board staff to be cognizant of potential questions on the survey and request to have some input on the survey questions.

President Park closed the floor to public comment.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the request for approval for Board Staff to conduct a survey to assess pharmacy workplace conditions.

Second: Wayne Mitchell

Action: Passed unanimously.

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

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

There was no representative present on behalf of Zimmer Us, Inc.

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

V. Jonathan Sorelle, MD

(22-027-CS-S)

Jonathan Sorelle appeared and was sworn in by President Park prior to answering questions and offering testimony.

Joshua Dickey and Rebecca Crooker appeared as counsel on behalf of Dr. Sorelle.

Brett Kandt prosecuted the case regarding several violations where Dr. Sorelle failed to properly segregate and/or dispose of expired drugs, failed to verify dispensed prescriptions of technicians, failed to review his prescriber activity in the PMP from 09/23/2016-8/13/2022, and allowed unauthorized persons to access PMP and/or to issue electronic prescriptions for controlled substances.

Mr. Dickey made a Motion to Dismiss Counts One and Two of the Amended Accusation on the basis outlined in his June 14 correspondence of failure to state a claim in light of the Stipulated Facts that Dr. Sorelle and his staff had no actual involvement in diversion. Mr. Kandt opposed, citing *U.S. v. Moore*, 423 U.S. 122 (1975), in which the U.S. Supreme Court upheld a physician's criminal conviction for unlawful dispensing of controlled substances under 21 U.S.C. § 841 in part because he "took no precautions against prescription misuse or diversion."

President Park denied the Motion to Dismiss.

Yenh Long, Deputy Secretary, read Stipulated Facts into the record.

Mr. Kandt noted an amendment to paragraph 5 of the Amended Accusation as the dates should reflect September 23, 2016 – August 13, 2022.

Mr. Kandt called David Jones as a witness.

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

Mr. Kandt questioned Mr. Jones on his position with the Nevada Board of Pharmacy and his investigation on Dr. Sorelle.

Mr. Kandt questioned Mr. Jones on Dr. Sorelle's MyRx report date-stamped 0068 and requested that it be entered into the record as Exhibit A.

President Park admitted Exhibit A into the record.

Mr. Kandt questioned Mr. Jones on an audio recording of his December 12, 2022, interview of Dr. Sorelle and requested portions of the audio recording be entered into the record as Exhibit B.

President Park admitted Exhibit B into the record.

Mr. Dickey cross-examined Mr. Jones.

Mr. Kandt re-examined Mr. Jones.

Jade Jacobo was excused from the meeting at 2:41PM.

Mr. Kandt called Darla Zarley as a witness.

Darla Zarley appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Kandt questioned Ms. Zarley on her position with the Nevada Board of Pharmacy and background on the PMP.

Ms. Crooker cross-examined Ms. Zarley.

Mr. Kandt re-examined Ms. Zarley.

David Jones was called back as a witness.

Mr. Kandt questioned Mr. Jones on the fraudulent activity that was found on Dr. Sorelle's PMP account.

Mr. Dickey cross-examined.

Mr. Kandt re-examined.

Mr. Dickey called Jonathan Sorelle as a witness.

President Park confirmed that Dr. Sorelle is still sworn in.

Mr. Dickey questioned Dr. Sorelle on his educational background and his current practice.

Mr. Kandt cross-examined Dr. Sorelle.

Krystal Freitas was excused from the meeting at 3:25PM.

Mr. Dickey re-examined Dr. Sorelle.

Board discussion ensued.

Mr. Kandt requested the Board make Findings of Fact consistent with the Stipulated Facts.

Board Action:

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

Second: Richard Tomasso

Action: Passed unanimously (Freitas and Jacobo excused).

Mr. Kandt requested the Board to make an additional Finding of Fact consistent with paragraph 6 of the Amended Accusation on the basis in the audio recording (Exhibit B) and Dr. Sorelle's testimony constitute admissions to the factual allegation.

Mr. Dickey objects to this allegation as these individuals were not processing electronic controlled substance prescriptions on their own.

Board discussion ensued.

Board Action:

Motion: President Park moved to make Finding of Fact consistent with paragraph 6 of the Amended Notice of Intended Action and Accusation on the basis in the audio recording (Exhibit B) and Dr. Sorelle's testimony constitute admissions to the factual allegation.

Second: Gener Tejero

Action: Passed unanimously (Freitas and Jacobo excused).

Mr. Kandt stipulated that Count Five should only consist of violations of state law and not federal law.

The Board discussed what Counts Dr. Sorelle in the Amended Accusation was guilty of.

Board Action:

Motion: Wayne Mitchell moved to dismiss Counts One and Two against Dr. Sorelle of the Amended Accusation.

Second: Richard Tomasso

Aye: Tejero, Mitchell, Tomasso

Nay: Park, Zakariassen

Action: Motion carries (Freitas and Jacobo excused).

Board Action:

Motion: Wayne Mitchell moved to find Dr. Sorelle guilty of Counts Three through Counts Eleven of the Amended Accusation with the exception that Count Five will have the federal law component removed.

Second: Gener Tejero

Action: Passed unanimously (Freitas and Jacobo excused).

Mr. Kandt requested that documentation of attorney's fees and costs of \$5,363 be entered in the record as Exhibit C.

President Park admitted Exhibit C into the record.

Mr. Kandt requested the Board award attorney's fees and cost of \$5,363 on the basis that they were reasonable, necessary, and actually incurred.

Board Action:

Motion: President Park moved to award the attorney's fees and costs of \$5,363 on the basis that they were reasonable, necessary, and actually incurred.

Second: Gener Tejero

Action: Passed unanimously (Freitas and Jacobo excused).

Dave Wuest recommended the following discipline for Dr. Sorelle: 1) quarterly reviews for one year with Darla Zarley to review PMP compliance; and 2) quarterly inspections for one year of Dr. Sorelle's practice at his expense to ensure expired drugs are not being dispensed to patients.

Board discussion ensued.

Board Action:

Motion: President Park moved to make the following penalties for Dr. Jonathan Sorelle: 1) Certificate of Registration Nos. CS16072 and PD00567 are suspended, the suspensions are stayed and Dr. Sorelle shall be placed on probation for one year; 2) pay a fine of \$10,000; 3) pay \$5,363 to partially reimburse the Board for recoverable attorney's fees and investigative costs; 4) quarterly reviews for one year with Darla Zarley on PMP compliance; and 5) quarterly inspections for one year of Dr. Sorelle's practice at his expense.

Second: Wayne Mitchell

Action: Passed unanimously (Freitas and Jacobo excused).

20. Discussion and possible action to amend, revise and/or approve proposed FY24 budget (**FOR POSSIBLE ACTION**)

Dave Wuest presented the FY24 budget to the Board's satisfaction.

19. Review and approval of the Policy Manual (**FOR POSSIBLE ACTION**)

Dave Wuest presented the updated Policy Manual to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: President Park moved to approve the Policy Manual as presented by Board staff.

Second: Rolf Zakariassen

Action: Passed unanimously (Freitas and Jacobo excused).

Mr. Wuest provided background on proposed pay increases for approved Board staff.

Board discussion ensued.

Motion: Richard Tomasso moved to approve the \$3 pay increase for approved Board staff as presented by Mr. Wuest.

Second: Gener Tejero

Action: Passed unanimously (Freitas and Jacobo excused).

Wayne Mitchell provided background on proposed pay increases for Dave Wuest and Yen Long to be in line with state legislation.

Board discussion ensued.

Motion: Richard Tomasso moved to return the salaries for Dave Wuest and Yen Long to their previous annual salary before any and all reductions in pay, then increase those salaries upward from their adjusted salary amounts by 12% per legislation.

Second: President Park

Action: Passed unanimously (Freitas and Jacobo excused).

20. 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).

There was no General Counsel Report.

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

A. 1st Choice Pharmacy – Holiday, FL

This matter was continued to a future Board Meeting.

B. Custom Rx Pharmacy and Wellness Concepts – Wichita, KS

This matter was continued to a future Board Meeting.

D. Kings Park Slope, LLC – Brooklyn, NY

This matter was continued to a future Board Meeting.

E. Primera Professional Pharmacy – Sugar Land, TX

This matter was continued to a future Board Meeting.

F. Town Total Compounding Center – Woodbury, NY

This matter was continued to a future Board Meeting.

G. WP Pharma Labs, Inc. – Dallas, TX

This matter was continued to a future Board Meeting.

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

BPI Labs, LLC – Largo, FL

This matter was continued to a future Board Meeting.

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

Jorge Burgos

This matter was continued to a future Board Meeting.

24. Public Comment at 5:15 PM

Crane Pomerantz, Counsel on behalf of Jorge Burgos, wanted to know why Mr. Burgos was not called. He was present, and this item was tabled on April 14 due to needing more documentation. Mr. Burgos has been waiting since November for his registration.

23. Date and Location of Next Scheduled Board Meeting:

July 12-13, 2023 – Reno, NV

25. Adjournment