



NEVADA STATE BOARD OF PHARMACY

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• Web Page: bop.nv.gov

MINUTES

March 8-9, 2023

BOARD MEETING

The Nevada State Board of Pharmacy will conduct a meeting beginning Wednesday, March 8, 2023, at 9:00 am. The meeting will continue, Thursday, March 9, 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	Gener Tejero	Wayne Mitchell
Rolf Zakariassen	Richard Tomasso		

Board Members Not Present:

Jade Jacobo

Board Staff Present:

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

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

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

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

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

2. Public Comment March 8, 2023, 9:00 AM

Jaime Cordoba-Hernandez commented that he is present for the Board meeting.

◆ 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 January 11-12, 2023, Board Meeting Minutes (**FOR POSSIBLE ACTION**)

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve January 11-12, 2023, Board Meeting Minutes.

Second: Gener Tejero

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. Better Living Now, Inc. – Hauppauge, NY
- B. Cardinal Health at Home – Grove City, OH
- C. Sol-Millennium Medical Inc. – Suwanee, GA
- D. The Daavlin Distributing Co. – Bryan, OH

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))

- E. Afaxys Pharma LLC – Charleston, SC
- F. Airgas Therapeutics, LLC – Plumsteadville, PA
- G. Genixus, Corp – Kannapolis, NC
- H. Kesin Pharma Corporation – Oldsmar, FL
- I. Kyocera Medical Technologies, Inc. – Redlands, CA
- J. Linde Gas & Equipment Inc. – Cudahy, CA
- K. Mayne Pharma Commercial LLC – Raleigh, NC
- L. Merz North America, Inc. – Raleigh, NC
- M. National Distribution & Contracting Inc. – Lavergne, TN
- N. NDC Homecare LLC – La Vergne, TN
- O. School Health Corporation – Rolling Meadows, IL
- P. Strides Pharma, Inc. – East Brunswick, NJ
- Q. Telix Pharmaceuticals (US) Inc. – Fishers, IN
- R. Tetrphase Pharmaceuticals, Inc. – Waltham, MA
- S. Valneva USA, Inc. – Bethesda, MD
- T. Vifor Pharma, Inc – Redwood City, CA

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

- U. Cardinal Health at Home – Grove City, OH
- V. Specialty Pharmaceutical Services – Philadelphia, PA

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

- W. Axiscare Health Logistics, Inc. – Springboro, OH
- X. NextGen Pharmaceuticals LLC – Brooklyn, NY

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

- Y. On Target Laboratories, Inc. – West Lafayette, IN

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

- Z. BioDelivery Sciences International, Inc. – Stoughton, MA
- AA. CPM Medical Consultants, LLC – Richardson, TX
- BB. Embecta Medical II LLC – Parsippany, NJ
- CC. Global Blood Therapeutics, Inc. – South San Francisco, CA
- DD. IVERIC bio, Inc. – Cranbury, NJ
- EE. LifeCell Corporation – Branchburg, NJ
- FF. SpringWorks Therapeutics, Inc. – Stamford, CT

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

4.2.8 Background checks completed in compliance with NRS 639.500.

GG. PharMerica, Groveport, OH
HH. Tri-Anim Health Services, Inc. – Greenwood, IN

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

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

II. Airgas USA, LLC – Carson City, NV
JJ. Airgas USA, LLC – Elko, NV
KK. J2 Bio-Pharma LLC – Las Vegas, NV

4.3.2 Manufacturer (NAC 639.593(7)(d))

LL. Airgas USA, LLC – Sparks, NV

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

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

MM. Culinary Pharmacy – Las Vegas, NV
NN. ER at West Craig, an Extension of Centennial Hills Hospital – Las Vegas, NV

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

OO. RxCompoundStore.com – Miami, FL
PP. San Ysidro Pharmacy – Montecito, CA

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

QQ. Accredo Health Group, Inc. – Whitestown, IN
RR. Alumni Pharmacy of Loma Linda – San Bernardino, CA
SS. Better Dose Rx – Easton, PA
TT. Care-Fill LTC, Inc. – Greenville, PA
UU. Credena Health LLC – Portland, OR
VV. Koala Pharmacy Boston LLC – Boston, MA

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

- WW. Las Vegas Institute for Advanced Surgery – Las Vegas, NV
- XX. Nevada Surgical Suites – Las Vegas, NV
- YY. Queensridge Recovery Suites – Las Vegas, NV

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

- ZZ. iSLEEP, LLC – Las Vegas, NV

Krystal Freitas recused herself from Agenda Items 4NN and 4WW due to her employment.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve Consent Agenda excluding Agenda Items 4NN and 4WW.

Second: Krystal Freitas

Action: Passed unanimously.

Board Action:

Motion: Gener Tejer moved to approve Agenda Items 4NN and 4WW.

Second: Wayne Mitchell

Action: Passed unanimously (Freitas recused).

◆ REGULAR AGENDA ◆

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

- A. Walgreens Pharmacy #4854 (19-100-PH-S)
- B. Minhquang Nguyen, RPH (19-100-RPH-S)

These matters were continued to a future Board meeting.

- C. Walgreens Pharmacy #4854 (18-021-PH-S)
- D. MinhQuang Nguyen, RPH (18-021-RPH-A-S)
- E. Dimitris Efstathiou, R (18-021-RPH-C-S)

F. Maria Cruz, RPH (18-021-RPH-D-S)

These matters were continued to a future Board meeting.

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

These matters were continued to a future Board meeting.

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

This matter was continued to a future Board meeting.

L. Chad Hall, DO (21-108-CS-S)

Michael Sanft appeared as counsel on behalf of Chad Hall.

Chad Hall appeared and was sworn in by President Park prior to answering questions and offering testimony.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the case regarding Dr. Hall's failure to disclose on his 2020 controlled substance renewal application that he was under criminal indictment in Nevada. Kandt noted that Dr. Hall was subsequently acquitted on all charges.

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

The proposed stipulated penalties for Chad Hall's Certificate of Registration No. CS20510 are the following: 1) a public reprimand; 2) pay a fine of \$5,000 pursuant to a payment plan; and 3) pay \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

The Board questioned Dr. Hall on why he did not answer the renewal application truthfully.

Dr. Hall testified that he believed since he was not convicted yet that he did not have to mark "yes" on the renewal application.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the Stipulation and Order for Dr. Chad Hall as presented by Mr. Kandt.

Second: Krystal Freitas

Action: Passed unanimously.

M. Hernan Mok, RPH

(22-095-RPH-S)

Hernan Mok was not present for the hearing.

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

Steven Altig appeared as counsel on behalf of Mr. Mok.

Peter Keegan, General Counsel for the Nevada Board of Pharmacy, prosecuted the case regarding Mr. Mok diverting controlled substances from the pharmacy.

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

The stipulated penalties for Mr. Mok's Certificate of Registration No. 19930 are the following: 1) revocation for a period of one year; 2) pay a fine of \$5,000; 3) pay \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; and 4) In the event Respondent Mok petitions for reinstatement, or applies for any other certificate, license or permit with the Board, he shall appear before the Board to answer questions and give testimony regarding his application, his compliance with this Order, as well as the facts and circumstances underlying with this matter.

Mr. Keegan did want to make an amendment to paragraph 6 of the Stipulation and Order correcting "Robertson" to "Mok".

Mr. Altig requested that Mr. Mok be allowed to pay the fine in a 12-month payment plan.

Mr. Keegan wanted to comment that Mr. Mok has not been practicing pharmacy since the allegations.

Mr. Altig confirmed that Mr. Mok has ceased practicing pharmacy and is seeking treatment in an outpatient program.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the Stipulation and Order for Hernan Mok as presented by Mr. Keegan with an agreed upon 12-month payment plan.

Second: Krystal Freitas

Action: Passed unanimously.

N. Jamie Leigh Sage, PTT

(22-130-PT-N)

No representative was present on behalf of Jamie Leigh Sage.

Peter Keegan prosecuted the case.

Mr. Keegan called Darlene Nases as a witness.

Darlene Nases appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Keegan questioned Ms. Nases on her position with the Nevada Board of Pharmacy, her duties, and on the service of the Notice of Intended Action and Accusation to Ms. Sage.

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

Mr. Keegan called Kristopher Mangosing as a witness.

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

Mr. Keegan questioned Mr. Mangosing on his position with the Nevada Board of Pharmacy, his duties, and on service of the 21-day Notice of the hearing to Ms. Sage.

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

Mr. Keegan requested the Board find that Ms. Sage was properly served.

Board Action:

Motion: Wayne Mitchell moved to find that Jamie Leige Sage was properly served.

Second: President Park

Action: Passed unanimously.

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

President Park admitted Exhibits 1-4.

Mr. Keegan requested the Board find Ms. Sage was properly served and failed to appear and pursuant to NRS 622A.350(2) the Board finds the allegations against the Respondent are true.

Board Action:

Motion: Richard Tomasso moved to find the factual allegations and alleged violations against Jamie Leigh Sage as true and find that she was properly noticed for the hearing.

Second: Wayne Mitchell

Action: Passed unanimously.

Mr. Keegan requested the Board find violations of the law in Counts One and Two as proven.

Board Action:

Motion: Richard Tomasso moved to find violations of law in Counts One and Two as proven.

Second: Krystal Freitas

Action: Passed unanimously.

Mr. Keegan requested the Board to revoke Ms. Sage's non-renewed pharmaceutical technician-in-training registration.

Board discussion ensued.

Board Action:

Motion: Richard Tomasso moved to revoke Jamie Leigh Sage's Certificate of Registration No. PT24343 for a period of two years and pay a fine of \$5,000.

Second: President Park

Action: Passed unanimously.

Mr. Keegan called Darlene Nases and Kristopher Mangosing as witnesses.

President Park confirmed Ms. Nases and Mr. Mangosing are still sworn in.

Mr. Keegan wanted verification from Ms. Nases and Mr. Mangosing on their time sheets submitted regarding the time spent on this case.

Ms. Nases and Mr. Mangosing confirmed their time.

Mr. Keegan requested that Exhibit 5 be entered into the record.

President Park admitted as Exhibit 5.

Mr. Keegan requested the Board find that the attorney's fees and costs of \$446.23 were reasonable, necessary, and actually incurred.

Board Action:

Motion: Krystal Freitas moved to award the attorney's fees and costs of \$446.23 on the basis that they were reasonable, necessary, and actually incurred.

Second: Wayne Mitchell

Action: Passed unanimously.

O. Ziphealth, Inc. (22-248-PH-O)

Bridget Kelly appeared as counsel on behalf of Ziphealth, Inc.

Peter Keegan prosecuted the case regarding Ziphealth's failure to disclose an administrative action taken by Maine on their 2020 pharmacy renewal application.

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

The stipulated penalties for Ziphealth's Pharmacy License No. PH04092 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 costs incurred in investigating and prosecuting this matter.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the Stipulation and Order for Ziphealth, Inc as presented by Mr. Keegan.

Second: Rolf Zakariassen

Action: Passed unanimously.

P. Gemma McKenzie Thomson, DVM (22-542-CS-N)

Gemma Thomson was not present for the hearing.

Alan Westbrook appeared as counsel on behalf of Ms. Thomson.

Peter Keegan prosecuted the case regarding Ms. Thomson unlawfully diverting and self-administering controlled substances during work hours.

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

The stipulated penalties for Gemma Thomson's Certificate of Registration No. CS33508 are the following: 1) a one year revocation effective from the date of the Order; 2) must obtain and submit an evaluation for substance use disorder and comply with any and all recommendations set forth by the evaluator/practitioner 3) pay the fine of \$5,000 in the agreed upon payment plan; and 4) pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Mr. Westbrook requested a payment plan of 12 months to pay the fine.

Board discussion ensued.

Board Action:

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

Second: Krystal Freitas

Action: Passed unanimously.

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

A. Joshua Schaffner (22-189-S)

This matter was withdrawn, and Mr. Schaffner has agreed to pay the citation and fine with an agreed upon payment plan.

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

Q. Robert Chancellor, MD (19-003-CS-B-S)

R. Lindsay Hoffman, PA-C (19-003-CS-C-S)

These matters were continued to a future Board meeting.

7. Hearing on: (1) First Amended Stipulated Facts; Order *** Respondents Las Vegas Scripts Rx, and Nathan Edouard, RPh Only; and (2) *Stipulated* First Amended

Findings of Facts, Conclusions of Law; Order *** Respondents Las Vegas Scripts Rx, and Nathan Edouard, RPh Only (**FOR POSSIBLE ACTION**)

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

These matters were continued to a future Board meeting.

27. Approval of Dispensing Technician and Dispensing Technician in Training Applications. (**FOR POSSIBLE ACTION**)

Yenh Long, Deputy Secretary for the Nevada Board of Pharmacy, provided background on the agenda item and presented the proposed Dispensing Technician and Dispensing Technician in Training application for the Board's consideration.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the Dispensing Technician and Dispensing Technician in Training application.

Second: Krystal Freitas

Action: Passed unanimously.

28. Approval of Application to Engage in the Practice of a Pharmacy outside a Licensed Pharmacy. (**FOR POSSIBLE ACTION**)

Yenh Long provided background on the agenda item and the proposed process for how the Board staff would handle this type of request.

Ms. Long presented the proposed application to Engage in the Practice of a Pharmacy Outside a Licensed Pharmacy for the Board's consideration.

Board discussion ensued.

Gener Tejero suggested modifications to section 1 to move check box 2 to 3.

Board Action:

Motion: Gener Tejero moved to approve the application to Engage in the Practice of a Pharmacy outside a License Pharmacy with amendments to section 1 to move check box 2 to 3.

Second: Richard Tomasso

Action: Passed unanimously.

29. Approval of Prescription Drug Donation Program Application. **(FOR POSSIBLE ACTION)**

Yenh Long provided background on the agenda item and presented the proposed application for Prescription Drug Donation Program for the Board's consideration.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the application for Prescription Drug Donation Program.

Second: President Park

Action: Passed unanimously.

30. Approval of Automated Drug Dispensing System Application – For Pharmacies. **(FOR POSSIBLE ACTION)**

Yenh Long provided background on the agenda item and presented the proposed application for Automated Drug Dispensing System Application – For Pharmacies for the Board's consideration.

Rolf Zakariassen commented that the application has two Section 3's.

Ms. Long commented that she will correct the application to notate Section 4.

Board Action:

Motion: Krystal Freitas moved to approve the application for Automated Drug Dispensing System Application – For Pharmacies.

Second: Rolf Zakariassen

Action: Passed unanimously.

31. Approval of Automated Drug Dispensing System Application – For Reproductive Healthcare Centers. **(FOR POSSIBLE ACTION)**

Yenh Long provided background on the agenda item and presented the proposed application for Automated Drug Dispensing System Application – For Reproductive Healthcare Centers for the Board’s consideration.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the application for Automated Drug Dispensing System Application – For Reproductive Healthcare Centers.

Second: Wayne Mitchell

Action: Passed unanimously.

32. Approval of Reproductive Healthcare Center Group Practice – Shared Inventory Application. **(FOR POSSIBLE ACTION)**

Yenh Long provided background on the agenda item and presented the proposed application for Reproductive Healthcare Center Group Practice – Shared Inventory for the Board’s consideration.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the application for Reproductive Healthcare Center Group Practice – Shared Inventory.

Second: Gener Tejero

Action: Passed unanimously.

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

Dave Wuest, Executive Secretary for the Nevada Board of Pharmacy, and Yenh Long provided background on the agenda item.

Ms. Long presented the proposed Pharmacy Technician and Pharmacy Technician in Training Application for the Board’s consideration.

Mr. Wuest discussed paths to the Board for applicants who failed to properly disclose or provide a complete application.

Peter Keegan read the law into the record NRS 639.138 – denial of an application.

Board discussion ensued.

Mr. Wuest stated that this matter will be agendized and brought back to a future Board meeting.

33. 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 presented the General Counsel Report to the Board's satisfaction.

34. 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 presented the Executive Secretary Report to the Board's satisfaction.

12. Application for Out-of-State Pharmacy License (NRS 639.230) – Appearance (**FOR POSSIBLE ACTION**)
- A. Albertsons Central Processing Pharmacy – Itasca, IL
 - B. Albertsons Specialty Care Pharmacy – Boise, ID

Rob Geddes, Director of Regulatory of Affairs, and Iveliss Rivas, Manager at the Itasca, IL location, appeared and were sworn in by President Park prior to answering questions and offering testimony.

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

Yenh Long provided background on the applications regarding central processing and questioned Mr. Geddes on the business model.

Mr. Geddes provided background on the business model, staffing model, and the process of how entry verification and workload balancing at these central processing locations work.

Ms. Long wanted confirmation if all the pharmacists at each location are licensed in Nevada.

Mr. Geddes confirmed that only the managing pharmacist is licensed in Nevada at each location, but they are monitoring the statute to clarify this issue. However, they are looking to have other pharmacists licensed in Nevada to have additional back up.

Mr. Wuest commented that if the applications are approved the locations must follow Nevada law.

The Board wanted a step-by-step walk-through of how the central processing locations would verify a prescription and questioned if their staff is working remotely from home or an Albertson's facility.

Mr. Geddes provided the step-by-step process to the Board and commented that the staff is on-site at each location.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve out-of-state pharmacy licenses for Albertsons Central Processing Pharmacy in Itasca, IL and Albertsons Specialty Care Pharmacy in Boise, ID.

Second: Krystal Freitas

Action: Passed unanimously.

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

KayLynn Bowman

KayLynn Bowman appeared and was sworn in by President Park prior to answering questions and offering testimony.

David Wuest provided background on the appearance to the Board.

Ms. Bowman explained that she is requesting approval to engage in the practice of pharmacy at a site other than a licensed pharmacy and provided the services that she would be providing to the Board.

Board discussion ensued.

Board Action:

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

Second: Rolf Zakariassen

Action: Passed unanimously.

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

Nephron Pharmaceuticals Corporation – Murray, KY – Background Check Not Required - VAWD-Accredited (NAC 639.593(7)(c))

Srinivasa Rao, Vice President of Regulatory Affairs, and Tosin Adelakun, Regulatory Affairs Manager, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Nikole Mergo appeared as counsel on behalf of Nephron Pharmaceuticals Corporation.

David Wuest requested a Letter of Authorization for Mr. Rao and Mr. Adelakun to speak on behalf of the company.

Mr. Wuest provided background on the application and asked questions regarding the company's disclosures.

Ms. Mergo provided clarification and background on disclosures.

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve Out-of-State Wholesaler license for Nephron Pharmaceutical Corporation.

Second: Wayne Mitchell

Action: Passed unanimously.

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

A. Josephine Pharmacy – Las Vegas, NV

Dr. Obiageli Momodu, 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 Dr. Momodu but can participate in this matter fairly and without bias.

Joe Dodge, Nevada Board of Pharmacy Inspector, provided background on the application and commented that Dr. Momodu will be amending the application to remove non-sterile compounding services.

Mr. Dodge questioned Dr. Momodu on why they want to open a pharmacy, the business model, and Dr. Momodu's experience as a pharmacist.

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

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve Nevada pharmacy license for Josephine Pharmacy pending favorable inspection.

Second: Rolf Zakariassen

Action: Passed unanimously.

13. Applications for Nevada Wholesaler License (NRS 639.233) – Appearance (**FOR POSSIBLE ACTION**)

ManaMed, Inc. – Las Vegas, NV – Background Check Not Required - Manufacturer (NAC 639.593(7)(d))

Trevor Theriot, Chief Executive Officer and President appeared and was sworn in by President Park prior to answering questions and offering testimony.

Brett Kandt provided background on the application and disclosures regarding unlicensed wholesaling activity in Nevada.

Mr. Theriot commented that he did not realize that they needed to be licensed, but they worked to resolve the issue immediately. They paid the fine and applied for a wholesaling license.

The Board questioned their business model and if they hold any licenses in other states.

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

Dave Wuest commented that an inspection would be required if the licensed is approved.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve Nevada wholesaler license for ManaMed, Inc pending positive inspection.

Second: Wayne Mitchell

Action: Passed unanimously.

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

Vincent Alexis

No representative was present on behalf of Vincent Alexis.

Public Comment March 8, 2023, 3:36 PM

There was no public comment.

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

Board Members Present:

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

Board Staff Present:

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

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

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

Call to Order and Roll Call – Establishment of Quorum

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

Public Comment March 9, 2023, 9:00 AM

There was no public comment.

◆ REGULAR AGENDA ◆

24. Review of Regulations as required by Executive Order 2023-003 - Actionable Item
(FOR POSSIBLE ACTION)

SECTION 3:

Prior to submitting their respective reports, every executive branch department, agency, board and commission shall hold a public hearing, after having provided reasonable notice consistent with Chapter 233B of the Nevada Revised Statutes, to key industry stakeholders, to: (i) vet their recommended changes; (ii) solicit input as to the merits of those changes and (iii) identify other regulatory changes stakeholders feel are worthy of consideration. Stakeholder input shall be reflected in the summary of findings and recommendations included in each submitted report.

David Wuest provided background on the Executive Order 2023-003 and presented an overview of Sections 1-5 of the Order.

Mr. Wuest presented ten regulations recommended for removal or modification in accordance with Section 2 of Executive Order 2023-003.

Mr. Wuest presented a list of regulations in the Board Book currently being worked on prior to the Executive Order and shared written requests from the public on what regulations that they would like the Board to consider.

President Park opened the floor to public comment in accordance with Section 3 of Executive Order 2023-003.

Liz McMenamin from the Retail Association of Nevada suggested doing what's best for Nevada without inhibiting the patient. The industry recommends working on the pharmaceutical technician ratios due to staffing issues, removing the five-foot barriers in pharmacies, and removing the requirement that mandate pharmacists to obtain a pharmacist registration with the Board who are employed at licensed out-of-state pharmacies. She requested the Board consider the recommendations that the industry submitted and work to address these issues in Nevada.

Ken Kunke from the Nevada Pharmacy Alliance submitted four requests for the Board's consideration. These four requests were approved at the Board of Directors meeting. Mr. Kunke stated he would send an updated document stating that the request was approved by the Board of Directors after the meeting.

Jade Jacobo and Rolf Zakariassen were excused from the meeting at 9:32 AM.

Board discussion ensued.

Board Action:

Motion: Richard Tommaso moved to allow Board staff to comply with Executive Order 2023-003.

Second: Gener Tejero

Action: Passed unanimously.

25. Executive Order 2023-004 (**INFORMATIONAL ONLY**)

Order Directing All Nevada Occupational and Professional Licensing Boards to Suspend the Issuance of Any New Regulations, Show Cause for Occupational Licensing Requirements and to Provide a Recommended Pathway for Facilitating License Reciprocity.

Dave Wuest presented Executive Order 2023-004 to the Board's satisfaction.

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

A. Adesso Therapeutics – Reno, NV

Dominic Cavalli, President, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Yenh Long provided background on the application and questioned about the business model, getting business, and Mr. Cavalli's experience.

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

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve Nevada Medical, Devices, Equipment and Gases license for Adesso Therapeutics.

Second: Krystal Freitas

Action: Passed unanimously.

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

B. Ida Washington

Ida Washington appeared and was sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan provided background on the application and discipline regarding Ms. Washington prescribing controlled substances on an expired registration.

Ms. Washington provided background on her past discipline and the reason for her application.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve Controlled Substance Registration for Ida Washington.

Second: Wayne Mitchell

Action: Passed unanimously.

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

Tamera Graham

Tamera Graham appeared and was sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan provided background on the application and questioned Ms. Graham about her disclosure regarding her battery charges.

Ms. Graham provided background on her disclosure regarding a domestic violence dispute with an ex-spouse which she is currently on probation for.

The Board questioned Ms. Graham on if she has any drug issues and how she's changed from her disclosure.

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

Board discussion ensued.

Board Action:

Motion: Richard Tomasso moved to approve the Pharmaceutical Technician in Training registration for Tamera Graham with the condition that she notify the Board of her successful completion of probation.

Second: President Park

Action: Passed unanimously.

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

B. Mobility Prosthetic and Orthotic Services – Las Vegas, NV

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

Yenh Long provided background on the application and questioned the business model and Mr. Mohanty's experience with prosthetics and orthotics.

Mr. Mohanty answered Ms. Long's questions and shared his work experience. In addition, he shared that he continues to get clients which he serves in his Las Vegas location since 2021.

Ms. Long and Mr. Wuest questioned Mr. Mohanty on if he serves Nevada patients from his Las Vegas location.

Mr. Mohanty confirmed.

Ms. Long clarified that it seems the Arizona location is appropriately licensed, but the Nevada location may have been servicing patients without the appropriate licensure.

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve Nevada Medical Devices, Equipment and Gases license for Mobility Prosthetic and Orthotic Services pending favorable inspection.

Second: Wayne Mitchell

Action: Passed unanimously.

22. Request for a waiver from the managing pharmacist pursuant to NRS 639.220 (3) – Appearance (**FOR POSSIBLE ACTION**)

Nicolle Gunn

Krystal Freitas recused herself due to her employment.

Nicolle Gunn, Managing Pharmacist, and Andrew Jackson, Director of Pharmacy Centennial Hills, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest provided background on the request for Ms. Gunn to be the managing pharmacist at two locations.

Ms. Gunn described the business model and what she intends to do with the waiver submitted.

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve Nicole Gunn's request for a waiver to be the managing pharmacist at two locations.

Second: Wayne Mitchell

Action: Passed unanimously.

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

B. The Medicine Shoppe LTC Pharmacy

Krystal Freitas and President Park disclosed that they know Angela Caracci but can participate in this matter fairly and without bias.

Angela Caracci appeared and was sworn in by President Park prior to answering questions and offering testimony.

Luis Lanz appeared as counsel on behalf of The Medicine Shoppe LTC Pharmacy.

Joe Dodge provided background on the application and questioned on the business model, Ms. Caracci's experience as a pharmacist, her experience with sterile and non-sterile compounding, and the company's training processes and resources.

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

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve Nevada compounding pharmacy license for The Medicine Shoppe LTC Pharmacy pending favorable inspection.

Second: Wayne Mitchell

Action: Passed unanimously.

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

Heriberto Martinez Jr.

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

Yenh Long provided background on the application and questioned Mr. Martinez on his disclosures regarding alcohol which included a DUI, driving on a suspended license, battery charges, and stealing alcohol.

Mr. Martinez provided background on his disclosures.

Ms. Long questioned Mr. Martinez if he has issues with other substances and on the status of his recovery.

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

Board discussion ensued.

Board Action:

Motion: Richard Tomasso moved to approve application for Pharmacist Registration by Reciprocity for Heriberto Martinez Jr.

Second: President Park

Action: Passed unanimously.

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

Laughlin Pharmacy & Wellness Center – Laughlin, NV

Youjin Seo, Co-Owner, and Michelle Thu Vo, Managing Pharmacist and Co-Owner, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Krystal Freitas disclosed that Michelle Thu Vo was a classmate but can participate in this matter fairly and without bias.

Dave Wuest provided background on the application and Ms. Seo's disclosure regarding a traffic violation which was dismissed.

Mr. Wuest questioned Ms. Seo and Ms. Vo on the company's business model and the reason for opening a pharmacy.

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

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the Nevada Pharmacy application for Laughlin Pharmacy & Wellness Center pending favorable inspection.

Second: Krystal Freitas

Action: Passed unanimously.

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

A. Optum Infusion Services, 550, LLC – Cincinnati, OH

Brendon Kestler, Clinical Pharmacist, and Nicholas Devile, Clinical Pharmacist, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge provided background on the application and their request to add sterile compounding to the pharmacy's services.

Mr. Dodge questioned what products they plan to ship into Nevada.

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

Mr. Dodge reviewed their Ohio pharmacy inspection results, their sterile compounding questionnaire, and their policies and procedures and feels comfortable going forward with the application.

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve Optum Infusion Services, 550, LLC to provide sterile compounding services.

Second: Krystal Freitas

Action: Passed unanimously.

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

A. Shouping Li

Shouping Li appeared and was sworn in by President Park prior to answering questions and offering testimony.

Brett Kandt provided background on the application disclosures regarding a guilty plea in federal court for one count distribution of a controlled substance, the revocation of his medical license, his voluntary surrender of his controlled substance registration, and his voluntary surrender of his DEA license.

Mr. Kandt read the conditions of Dr. Li's medical license into the record.

Dr. Li summarized his work history, past discipline, and conditions of his license with the Nevada Medical Board.

Board discussion ensued regarding putting restrictions on Dr. Li's controlled substance registration.

Board Action:

Motion: Gener Tejero moved to approve the Controlled Substance Registration for Shouping Li for Schedules II through V with a max four-day supply.

Second: Richard Tomasso

Action: Passed unanimously.

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

B. Roadrunner Pharmacy, LLC – Phoenix, AZ

Clay Pehrson (Pharmacist), Kenneth Nelson (Managing Pharmacist), and Michael Martinez (Sterile Supervisor) appeared and were sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge provided background on the change of ownership application and questioned if there is a Lee Martin as he is the managing pharmacist listed on the application.

Mr. Nelson confirmed that he is now the managing pharmacist and is licensed in Nevada.

Mr. Dodge questioned the change of ownership and if there have been any process changes in the business.

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

Mr. Dodge commented that a sterile compounding affidavit was signed in their application stating that they would not ship sterile compounds into Nevada. He asked if they would like the affidavit removed.

Mr. Nelson confirmed.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve change of ownership for Roadrunner Pharmacy, LLC pending recent NABP Blueprint Inspection from Arizona.

Second: Gener Tejero

Action: Passed unanimously.

C. Village Lane Apothecary, LLC – Colleyville, TX

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

Joe Dodge provided background on the change of ownership application.

Mr. Dodge questioned the change of ownership, any process changes, the products being shipped into Nevada, and the results of their 2023 Texas Board of Pharmacy inspection.

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

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve the change of ownership for Village Lane Apothecary, LLC pending receipt of their 2023 Texas Board of Pharmacy inspection.

Second: Wayne Mitchell

Action: Passed unanimously.

D. Westchester Compounding Pharmacy – East Chester, NY

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

Joe Dodge provided background on the application and asked if Mr. Trikounakis would like the sterile compounding affidavit removed from their application.

Mr. Trikounakis confirmed.

Mr. Dodge questioned their business model, how they ship their products into Nevada, and who does the compounding of the products.

Mr. Trikounakis answered Mr. Dodge's questions.

The Board expressed concern on the shipping of the products especially since Nevada is hot during the summer. They requested a shipping study during the summer months.

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve the Out-of-State Compounding Pharmacy License for Westchester Compounding Pharmacy with conditions to submit a temperature study report for the shipping of their products into Nevada to Board staff during July or August.

Second: Krystal Freitas

Action: Passed unanimously.

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

D. Option Care Home Care, Inc. – Sun Valley, CA

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

Joe Dodge provided background on the application and their 2021 California Board of Pharmacy inspections results.

Ms. Chun advised that they had a 2022 California Board of Pharmacy inspection which they had recommendations that they implemented, and she wanted to add that they won't be dispensing chemotherapy products in Nevada as their current location does not have a negative pressure room. This location would only serve as emergency backup if the Nevada location needed it.

Mr. Dodge questioned if they follow the same policies and procedures as the Nevada locations.

Ms. Chun confirmed.

Mr. Dodge stated that he is comfortable going forward with the application.

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve the Out-of-State Pharmacy License for Option care Home, Inc.

Second: Wayne Mitchell

Action: Passed unanimously.

Richard Tomasso was excused from the meeting at 1:30 PM.

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

A. Amazi Harris

This matter was continued to a future Board meeting.

B. Erica Wells

Erica Wells appeared and was sworn in by President Park prior to answering questions and offering testimony.

Brett Kandt provided background on the application as Ms. Wells provided several disclosures regarding criminal history on her pharmaceutical technician application. Her disclosures are regarding playing slots underage, soliciting, and trespassing.

The Board questioned what occurred with her disclosures and why she initially did not disclose her criminal history on her initial pharmaceutical technician application.

Ms. Wells provided background on her disclosures and commented that an attorney said her criminal history from background checks will disappear after ten years, so she thought that she did not have to disclose it.

The Board questioned why she wants to be a pharmaceutical technician and if she has any other issues with Law Enforcement since 2007.

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

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Pharmaceutical Technician application for Erica Wells.

Second: Wayne Mitchell

Action: Passed unanimously.

18. Request for Pharmacist Applicant to Retake the Nevada MPJE Exam – Appearance: **(FOR POSSIBLE ACTION)**

Phuong Mai

Phuong Mai appeared and was sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest provided background on the appearance.

President Park questioned Ms. Mai on what occurred with her past Nevada MPJE attempts and how she prepared for the exams.

Ms. Mai answered that she was going through personal issues while she took the exam, but she feels ready as she is currently working in a pharmacy in Arizona.

President Park expressed that experience is good, but Nevada has a lot of laws which may be different from her experience in an Arizona Pharmacy. She suggested studying the Nevada laws.

Ms. Mai requested a chance to retake the Nevada MPJE one more time.

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve Phuong Mai to retake the Nevada MPJE one time.

Second: Krystal Freitas

Action: Passed unanimously.

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

Cesar Cabrera

Cesar Cabrera appeared and was sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest provided background on the application and disclosures regarding possession of a controlled substance.

Mr. Cabrera provided background on his disclosures. He commented that he had a career change but is looking to go back into pharmacy.

The Board questioned if he were surrounded by controlled substances if he would be tempted.

Mr. Cabrera commented that he is the program director of a treatment center, so he is surrounded by controlled substances frequently. He is not tempted at all and has been sober for years.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the application for Pharmacist Registration by Score Transfer for Cesar Cabrera pending favorable PRN-PRN evaluation or equivalent.

Second: Gener Tejero

Action: Passed unanimously.

36. Public Comment March 9, 2023, 2:02 PM

There was no public comment.

35. Date and Location of Next Scheduled Board Meeting:

April 12-13, 2023 – Reno, NV