



NEVADA STATE BOARD OF PHARMACY

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MINUTES

September 6-7, 2023

BOARD MEETING

The Nevada State Board of Pharmacy will conduct a meeting beginning Wednesday, September 6, 2023, at 9:00 am. The meeting will continue, Thursday, September 7, 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	Rosalie Bordelove	

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

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

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

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

2. Public Comment September 6, 2023, 9:00 AM

Ken Kunke from the Nevada Pharmacy Alliance wanted to share two events with the public: 1) September 22-23, 2023, an annual meeting with the Nevada Pharmacy Alliance, Nevada Society and Health-System Pharmacist, and the America Society of Consultant Pharmacists in Henderson, NV which will provide six hours of continuing education (CE) credits, and one hour of Law CE credit; and 2) October 23, 2023, a meeting called “Addressing the Opioid Epidemic” which will be pharmacist focused.

◆ 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 July 12-13, 2023, Board Meeting Minutes (**FOR POSSIBLE ACTION**)

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve July 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. Healthcare HD LLC – Dunedin, FL

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))

B. QuVa Pharma, Inc. – Phoenix, AZ

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

- C. Albiero Pharma, Inc. – Boston, MA
- D. Ascend Laboratories LLC – Parsippany, NJ
- E. Brainlab Inc. – Westchester, IL
- F. Cerapedics Inc. – Westminster, CO
- G. Coloplast Corp. – Lithia Springs, GA
- H. Coloplast Corp. – Minneapolis, MN
- I. Coloplast Corp. – North Mankato, MN
- J. Corium, LLC – Boston, MA
- K. Cranbury Pharmaceuticals, LLC – Monmouth Junction, NJ
- L. Fidia Pharma USA Inc. – Florham Park, NJ
- M. Medline Industries, LP – Mundelein, IL
- N. Neotech Products LLC – Valencia, CA
- O. OxyGo HQ Florida LLC – Orlando, FL
- P. Philips Healthcare, a division of Philips North America LLC – Bothell, WA
- Q. Philips Healthcare, a division of Philips North America LLC – Cambridge, MA
- R. Philips Image Guided Therapy Corporation – Rancho Cordova, CA
- S. Philips Ultrasound LLC – Bothell, WA
- T. Phoenix Assurance, LLC – Memphis, TN
- U. Respiroics Logistics Services, LLC – Mt. Pleasant, PA
- V. UPS Supply Chain Solutions, Inc. – Mira Loma, CA
- W. Verity Pharmaceuticals Inc. – Ewing, NJ

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

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

- X. AmerisourceBergen Drug Corporation – Denver, CO
- Y. Gemco Medical – Hudson, OH
- Z. Maks Pharma and Diagnostics Inc. – Baldwin, NY

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

- AA. Apotex Corp. – Plainfield, IN
- BB. AstraZeneca Pharmaceuticals LP – Shepherdsville, KY

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

- CC. Aadi Bioscience, Inc. – Pacific Palisades, CA
- DD. Boston Scientific Corporation – Brooklyn Park, MN
- EE. Chemocentryx Inc. – San Carlos, CA

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.

FF. Fountain Medical Supplies Inc. – Orem, UT
GG. MD Logistics LLC – Garner, NC
HH. Skyline Pharmaceuticals, Inc. – Ft. Lauderdale, FL

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

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

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)**

II. Dignity Specialty Pharmacy – Las Vegas, NV
JJ. ER at Damonte Ranch, an Extension of Northern Nevada Sierra Medical Center – Reno, NV

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

KK. Sky Vista Pharmacy – Las Vegas, NV

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

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

LL. Brava CA LLC – Novato, CA
MM. Kings Park Slope, LLC – Brooklyn, NY

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

NN. Ascension Rx 1001 – Austin, TX
OO. Brightside Specialty Pharmacy – Santa Ana, CA
PP. Burt's Pharmacy Moorpark – Moorpark, CA
QQ. PRxP of CA, LLC – Ontario, CA
RR. SKNV Pharmacy, LLC – Deerfield Beach, FL
SS. URGENTMEDRX, LLC – Boca Raton, FL

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

TT.Surgery Center of Reno, LLC – Reno, NV

- 4.10 Request to Engage in the Practice of Pharmacy at a Site Other than a Licensed Pharmacy – Non-appearance **(FOR POSSIBLE ACTION)**

UU. Trenie Kunke
VV. Zachary Rosko

- 4.11 Recommended Denial of Registration/Licensure Due to Material Omissions in Application – Non-Appearance **(FOR POSSIBLE ACTION)**

WW. Alonda Holt
XX. Jennifer Jaycox
YY. Vesta Johnson
ZZ. Rebeka Ojakhyan

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

Board discussion ensued.

Board Action:

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

Second: Wayne Mitchell

Action: Passed unanimously.

Board Action:

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

Second: Wayne Mitchell

Action: Passed unanimously (Freitas recused).

◆ REGULAR AGENDA ◆

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

H. Genoa Healthcare LLC (20-022-PH-S)

This matter was continued to a future Board meeting.

I. Craig Pivo, RPh

(20-022-RPH-S)

Craig Pivo appeared by Zoom and requested a Zoom appearance on this disciplinary matter as he has retired and relocated to Hawaii.

President Park commented that appearances related to discipline are to be in-person, but she will approve this request.

Craig Pivo 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 a misfill of alprazolam that was delivered to and ingested by a minor, causing patient harm.

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

The proposed stipulated penalties for Craig Pivo, Certificate of Registration No. 09999, 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 investigative costs.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Stipulation and Order for Craig Pivo, Certificate of Registration No. 09999, as presented by Mr. Zunino.

Second: Wayne Mitchell

Action: Passed unanimously.

C. Walgreens Pharmacy #6425

(22-359-PH-S)

D. Juan Peidra Flores, RPh

(22-359-RPH-S)

President Park disclosed that she knows Juan Peidra Flores but can participate in this matter fairly and without bias.

Gener Tejero disclosed that he has a professional business relationship with William Stilling but can participate fairly and without bias.

Juan Peidra Flores appeared and was sworn in by President Park prior to answering questions and offering testimony.

William Stilling appeared as counsel on behalf of the Respondents.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the case regarding Flores' overriding drug utilization review (DUR) warnings resulting in patient harm.

Mr. Kandt presented a proposed Stipulation and Order for Walgreen's Pharmacy #6425 and Mr. Flores for the Board's consideration.

The proposed stipulated penalties for Walgreen's Pharmacy #6425 License No. PH01594 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 Juan Peidra Flores Certificate of Registration No. 20887 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 investigative costs.

Mr. Flores provided a statement to the Board regarding changes to his practice to ensure that this error will not occur again.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order for Walgreen's Pharmacy #6425 License No. PH01594 and Juan Peidra Flores Certificate of Registration No. 20887 as presented by Mr. Kandt.

Second: Krystal Freitas

Action: Passed unanimously.

L. Ryan Ross, PT

(20-027-PT-S)

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

Brett Kandt prosecuted the case regarding Mr. Ross falsely representing himself as a Registered Pharmacist to the public.

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

The proposed stipulated penalties for Ryan Ross Certificate of Registration No. PT20827 are the following: 1) Certificate of Registration No. PT20827 is suspended, suspension is stayed and is placed on probation for one year; 2) Respondent accepts this Stipulation and Order as a public reprimand; 3) pay a fine of \$500 the violations in an agreed upon payment plan; 4) pay \$500 to partially reimburse the Board for recoverable attorney's fees and investigative costs in an agreed upon payment plan; and 5) respondent shall comply with all federal and

state statutes and regulations regarding the practice of pharmacy, and have no additional charges filed against him while on probation.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Stipulation and Order for Ryan Ross Certificate of Registration No. PT20827 as presented by Mr. Kandt.

Second: President Park

Action: Passed unanimously.

J. Smith's Pharmacy #390 (22-429-PH-N)

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

Gregory Zunino prosecuted the case regarding Smith's Pharmacy #390, which operated without a qualified managing pharmacist between March 2, 2022, and April 11, 2022. There were alleged violations by Chance Warr, RPH, who may have been operating as the managing pharmacist on an expired temporary registration; however, Smith's presented evidence to refute the allegations against Mr. Warr, so the case was dismissed against him.

Mr. Zunino presented a proposed Stipulation and Order for Smith's Pharmacy #390 for the Board's consideration.

The proposed stipulated penalties for Smith's Pharmacy #390, License No. PH01126, are the following: 1) pay a fine of \$2,000 for the violations; and 2) pay \$500 to partially reimburse the Board for recoverable attorney's fees and investigative costs.

Ms. Adams provided a statement to the Board outlining the changes at Smith's Pharmacy #390 to ensure that this will not happen again.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Stipulation and Order for Smith's Pharmacy #390, License No. PH01126, as presented by Mr. Zunino.

Second: Rolf Zakariassen

Action: Passed unanimously.

K. Delta Drugs (20-168-PH-S)

This matter was continued to a future Board meeting.

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

Jay DeVoy appeared as counsel on behalf of Preferred Homecare.

Peter Keegan, General Counsel for the Nevada Board of Pharmacy, prosecuted the case regarding Preferred Homecare operating without an approved MDEG Administrator for more than ten days.

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

The proposed stipulated penalties for Preferred Homecare License No. MP00426 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 investigative costs.

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve Stipulation and Order for Preferred Homecare License No. MP00426 as presented by Mr. Keegan.

Second: Jade Jacobo

Action: Passed unanimously.

N. Carson Tahoe Regional Medical Center (23-004-PH-N)
O. Kelly Schott, RPh (23-004-RPH-N)

Wayne Mitchell recused himself from this matter due to his previous employment with Carson Tahoe Regional Medical Center.

John Cotton appeared as counsel on behalf of Carson Tahoe Regional Medical Center and Kelly Schott.

Scott Mattes, Operations Administrator, and Kelly Schott, Managing Pharmacist, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan prosecuted the case and presented the prior discipline for Carson Tahoe Regional Medical Center in 18-041-PH-N where they entered a Stipulation to resolve

allegations of improperly compounded bupivacaine epidurals during administration by an anesthesiologist. In addition, Mr. Keegan presented the current charges for the hearing alleging Carson Tahoe's Pharmacy acting through Ms. Schott and/or other pharmacy employees gave an unlicensed certified registered nursing anesthetist physician/practitioner access to controlled substances through the Pyxis machines which resulted in patient harm.

Mr. Keegan presented a proposed Stipulation and Order for Carson Tahoe Regional Medical Center and Kelly Schott for the Board's consideration.

The proposed stipulated penalties for Carson Tahoe Regional Medical Center License No. IA00531 are the following: 1) pay a fine of \$10,000 for the violations; 2) pay \$3,500 to partially reimburse the Board for recoverable attorney's fees and investigative costs; 3) shall update internal policies and procedures to eliminate any inconsistencies with Nevada Senate Bill 336 (2023) and to ensure greater pharmacy oversight of the credential process and user access to its Pyxis machines; 4) Carson Tahoe shall undergo one (1) additional pharmacy inspection, to include a review of their user access and credentialing policies for the hospital's various Pyxis machines, within 90 days of the Order at the cost of the respondent; 5) respondent accepts this as a public reprimand; and 6) respondent acknowledges this Stipulation and Order constitutes a public record of discipline that is reportable to the National Practitioner Data Bank.

The proposed stipulated penalties for Kelly Schott Certificate of Registration No. 15719 are the following: 1) pay a fine of \$2,500 for the violations; 2) pay \$500 to partially reimburse the Board for recoverable attorney's fees and investigative costs; and 3) respondent acknowledges this Stipulation and Order constitutes a public record of discipline that is reportable to the National Practitioner Data Bank.

Board discussion ensued.

Ms. Schott and Mr. Mattes provided a statement to the Board on the process changes at the hospital and the pharmacy to ensure that this will not happen again.

Board Action:

Motion: Richard Tomasso moved to approve the Stipulation and Order for Kelly Schott Certificate of Registration No. 15719 and Carson Tahoe Regional Medical Center License No. IA00531 with an update to Carson Tahoe's Stipulation to correct paragraph C with Nevada Assembly Bill 336.

Second: Jade Jacobo

Action: Passed unanimously.

P. Edward Victoria, MD

(23-113-CS-S)

This matter was continued to a future Board meeting.

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

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

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

Nathan Edouard appeared and was sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan prosecuted the case and presented a Stipulated First Amended Findings of Fact, Conclusions of Law and Order for the Board's consideration.

The proposed stipulated penalties for LV Scripts' Pharmacy License No. PH03930 and Nathan Edouard License No. 19462 are the following: 1) LV Scripts' Pharmacy License No. PH03930 is suspended; however, the suspension is stayed and is placed on probation for one year; 2) LV Scripts' Pharmacy shall pay a fine of \$5,000 for the violations; 3) LV Scripts' Pharmacy shall pay \$2,500 to partially reimburse the Board for recoverable attorney's fees and investigative costs; 4) Nathan Edouard shall accept this Order as a public reprimand; 5) Nathan Edouard shall pay a fine of \$2,500 for the violations; and 6) Nathan Edouard shall pay \$900 to partially reimburse the Board for recoverable attorney's fees and investigative costs.

Rolf Zakariassen commented that paragraph 5 of the Order should state monthly payments of \$250.00.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulated First Amended Findings of Fact, Conclusions of Law and Order with amendment to paragraph 5 to update the monthly payments to reflect \$250.00.

Second: President Park

Action: Passed unanimously.

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

- A. Maria Cruz RPh (18-021-RPH-D-S)

William Stilling appeared as counsel on behalf of Maria Cruz.

Maria Cruz was not present for the hearing.

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

Brett Kandt prosecuted the case alleging Ms. Cruz failed to identify the duplication of prescriptions upon final product review.

The parties stipulated to the admission into evidence of Exhibit 1 (bate stamped 008-009 and 023-026) which are the actual prescription records of #1874629 for the first duplicated prescription, Exhibit 2 (bate stamped 010-11, 019-022) which are the actual copies of the prescription for prescription #1863870, Exhibit 3 (bate stamped 012-013 and 030-032) which are the copies of the original prescription related to #1896898 for the second duplicated prescription, Exhibit 4 (bate stamped 014-015 and 027-029) which are copies of the original prescription related to #1886042, Exhibit 5 (bate stamped 033-039) which are statements from employees provided by Walgreen's Pharmacy #4854 in the course of the investigation.

President Park admitted Exhibits 1-5 into the record.

Mr. Stilling and Mr. Kandt provided their arguments on the alleged violations.

Board discussion ensued.

Board Action:

Motion: President Park moved to make Findings of Fact consistent with the evidence and the admissions in Respondents' Answer and Notice of Defense.

Second: Rolf Zakariassen

Action: Passed unanimously.

Board discussion ensued on whether Ms. Cruz was guilty of Count Two.

Board Action:

Motion: Rolf Zakariassen moved to find that the facts do not support the alleged violations of law and find Maria Cruz not guilty of Count Two.

Second: Gener Tejero

Action: Passed unanimously.

B. Roosevelt Watson, MD

(22-112-CS-S)

No representative was present on behalf of Roosevelt Watson.

Brett Kandt prosecuted the case and noted that no Answer and Notice of Defense was filed in response to the charges that Dr. Watson prescribed 119 controlled substances for six family members whom he did not have a bona fide therapeutic relationship, executed a DEA Form 104 surrendering his DEA Registration No. FW4079427 for cause as included in the record on page 1876 of the Board's supporting materials, and received a suspension of his Certification of Registration No. CS12287 as included in the record on page 1875.

Mr. Kandt called Shirley Hunting, Board Coordinator for the Nevada Board of Pharmacy, as a witness.

Shirley Hunting appeared and was sworn in by President Park prior to answering questions and offering testimony.

Ms. Hunting testified as to service of the Notice of Intended Action and Accusation.

Mr. Kandt requested admission into evidence of Exhibit 1, documenting service of the Notice of Intended Action and Accusation.

President Park admitted Exhibit 1 into the record.

Mr. Kandt called Kristopher Mangosing, Assistant Board Coordinator for the Nevada Board of Pharmacy, as a witness.

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

Mr. Mangosing testified as to service of the 21-day Notice of the Hearing.

Mr. Kandt requested admission into evidence of Exhibit 2, documenting the service of the 21-day Notice of the Hearing.

President Park admitted Exhibit 2 into the record.

Mr. Kandt requested the Board make the Findings of Fact consistent with paragraphs 1-4 of the Notice of Intended Action and Accusation and find that the Respondent was given notice of this hearing in compliance with the law.

Board Action:

Motion: Jade Jacobo moved to make Findings of Fact consistent with paragraphs 1-4, and respondent was given notice of this hearing in compliance with law.

Second: Krystal Freitas

Action: Passed unanimously.

Mr. Kandt requested the Board find Dr. Watson guilty of Counts One through Seven consistent with paragraphs 15-22 of the Notice of Intended Action and Accusation.

Board Action:

Motion: Jade Jacobo moved to find Dr. Roosevelt Watson guilty of Counts One through Seven consistent with paragraphs 15-22 of the Notice of Intended Action and Accusation.

Second: Krystal Freitas

Action: Passed unanimously.

Mr. Kandt requested the Board to revoke Dr. Watson's Certificate of Registration No. CS12287 and respondent cannot petition for reinstatement for a period of five years, effective immediately.

Board Action:

Motion: Jade Jacobo moved to revoke Roosevelt Watson's Certificate of Registration No. CS12287, and he cannot petition for reinstatement for a period of five years, effective immediately.

Second: Krystal Freitas

Action: Passed unanimously.

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

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

No representative was present for Cobalt Medical Supply Inc.

Gregory Zunino provided background on the appearance regarding unlicensed wholesale practice and their request for an appeal from their citation and fine order.

Mr. Zunino called Kristopher Mangosing, Assistant Board Coordinator for the Nevada Board of Pharmacy, as a witness.

President Park reminded Kristopher Mangosing that he is still sworn in from an earlier matter.

Mr. Zunino questioned Mr. Mangosing on serving the 21-day Notice of Hearing to Cobalt Medical Supply Inc.

Mr. Zunino presented a Declaration by Mui Lee regarding her findings on Cobalt Medical Supply Inc.

Mr. Zunino requested the admission of the 21-day Notice of Hearing as Exhibit 1 and Declaration of Mui Lee as Exhibit 2.

President Park admitted the documents as Exhibit 1 and 2.

Rosalie Bordelove, Deputy Attorney General for the Attorney's General's Office, recommended amending the motion to include that respondent was adequately notified of the hearing.

Board Action:

Motion: Jade Jacobo moved to uphold the \$5000 Citation and Fine for Cobalt Medical Supply Inc. and moved to find that respondent was adequately notified of the hearing based on Board counsel's recommendation.

Second: Wayne Mitchell

Action: Passed unanimously.

21. 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, Executive Secretary for the Nevada Board of Pharmacy, provided the Executive Secretary Report to the Board's satisfaction.

17. Discussion and possible action to request an Attorney General Opinion pursuant to NRS 228.150 on the authority of a Nevada-licensed homeopathic physician to prescribe or dispense a controlled substance or dangerous drug. **(FOR POSSIBLE ACTION)**

Brett Kandt provided background on the Attorney General Opinion request to the Board.

Rosalie Bordelove, Deputy Attorney General for the Attorney's General's Office, responded with some informational background.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to request an Attorney General Opinion pursuant to NRS 228.150 on the authority of a Nevada-licensed homeopathic physician to prescribe or dispense a controlled substance or dangerous drug

Second: Krystal Freitas

Action: Passed unanimously.

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

- | | | |
|----|--------------------|------------------|
| E. | CVS Pharmacy #8804 | (19-131-PH-S) |
| F. | Sandra Le, RPh | (19-131-RPH-A-S) |
| G. | Khanh V. Pham, RPh | (19-131-RPH-B-S) |

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

Krystal Freitas disclosed that she knows Khanh Pham but stated that she can participate in this matter fairly and without bias.

William Stilling appeared as counsel on behalf of CVS Pharmacy #8804.

Sandra Le and Khanh Pham appeared and were sworn in by President Park prior to answering questions and offering testimony.

Gregory Zunino prosecuted the case regarding a patient undergoing in vitro fertilization (IVF) and prescribed endometrin; however, she received a misfill of misoprostol, a medication used to terminate a pregnancy, not to assist with fertility treatments.

Mr. Zunino requested the admission of stipulated Exhibits 1-14 into the record.

President Park admitted Exhibits 1-14.

Mr. Zunino called the complaint witness, Timika Thomas.

Timika Thomas appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Zunino questioned Ms. Thomas on the events that occurred with the misfill.

Mr. Stilling cross-examined Ms. Thomas.

Ms. Thomas answered Mr. Zunino's questions and provided a statement regarding the misfill.

Mr. Zunino called Sandra Le as a witness.

President Park reminded Ms. Le that she is still sworn in from previously.

Mr. Zunino questioned Ms. Le on the exhibits and the events that occurred with the misfill.

Mr. Stilling re-crossed Ms. Le.

The Board questioned Ms. Le.

Mr. Zunino called Khanh Pham as a witness.

President Park reminded Mr. Pham that he is still sworn in from previously.

Mr. Zunino questioned Mr. Pham on the exhibits and the events that occurred with the misfill.

Mr. Still re-crossed Mr. Pham.

The Board questioned Mr. Pham.

Mr. Zunino called Ms. Le as a witness again and questioned her.

Board discussion ensued.

Board Action:

Motion: President Park moved to make Findings of Fact consistent with paragraphs 5-13 of the Notice of Intended Action and Accusation.

Second: Krystal Freitas

Action: Passed unanimously.

Board discussion ensued on whether they found Sandra Le guilty of Counts One and Two.

Board Action:

Motion: Krystal Freitas moved to find Sandra Le guilty of Count One and Count Two.

Second: Wayne Mitchell

Action: Passed unanimously.

Board discussion ensued on whether they found Khanh Pham guilty of Count Three.

Board Action:

Motion: Wayne Mitchell moved to find Khanh Pham guilty of Count Three.

Second: Krystal Freitas

Action: Passed unanimously.

Board discussion ensued on whether they found CVS Pharmacy #8804 guilty of Count Four.

Board Action:

Motion: Krystal Freitas moved to find CVS Pharmacy #8804 guilty of Count Four.

Second: Wayne Mitchell

Action: Passed unanimously.

Board discussion ensued on the proposed discipline for Sandra Le Certificate of Registration No. 18241.

Rosalie Bordelove read NAC 639.955(1)(d) into the record.

Board Action:

Motion: Wayne Mitchell moved to award the attorney fees and costs of \$1,056.60 on the basis that they were reasonable, necessary, and actually incurred.

Second: Krystal Freitas

Action: Passed unanimously.

Board Action:

Motion: Wayne Mitchell moved to make the following penalties for Sandra Le Certificate of Registration No. 18241: 1) pay a fine of \$2,000 for the violations; 2) 5 hours of Continuing Education (CE) courses relating to safe medication practice within twelve months of the Order; 3) Certificate of Registration No.18241 is revoked, revocation is stayed, and respondent is placed on probation for one year, effective immediately; and 4) pay \$352.20 to partially reimburse the Board for recoverable attorney's fees and investigative costs.

Second: Richard Tomasso

Action: Passed unanimously.

Board discussion ensued on the proposed discipline for Khanh Pham Certificate of Registration No. 16235.

Board Action:

Motion: Wayne Mitchell moved to make the following penalties for Khanh Pham Certificate of Registration No. 16235: 1) pay a fine of \$750 for the violations; 2) pay \$352.20 to partially reimburse the Board for recoverable attorney's fees and investigative costs; 3) 3 hours of Continuing Education (CE) courses relating to safe medication practice; and 4) Certificate of Registration No. 16235 is revoked, revocation is stayed, and respondent is placed on probation for one year, effective immediately.

Second: Richard Tomasso

Action: Passed unanimously.

Board discussion ensued on the proposed discipline for CVS Pharmacy #8804, License No. PH01093.

Board Action:

Motion: Wayne Mitchell moved to make the following penalties for CVS Pharmacy #8804 License No. PH01093: 1) pay a fine of \$10,000 for the violations; and 2) pay \$352.20 to partially reimburse the Board for recoverable attorney's fees and investigative costs.

Second: Richard Tomasso

Action: Passed unanimously.

Public Comment September 6, 2023, 4:41 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	Wayne Mitchell	Rolf Zakariassen
Richard Tomasso	Jade Jacobo		

Board Members Absent:

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			

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 except Gener Tejero, and a quorum was established.

Public Comment September 7, 2023, 9:00 AM

There was no public comment.

Thursday September 7, 2023 – 9:00 am

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

- A. **Amendment to the Nevada Administrative Code (“NAC”) 639.** The proposed amendments relate to the licensing requirements for facilities for treatment with narcotics and provide other matters properly relating thereto. (LCB File No. R196-22)

Dave Wuest provided background on the public hearing item.

President Park opened the floor to public comment.

There was no public comment.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to adopt the proposed Amendment to Nevada Administrative Code (NAC) 639. (LCB File No. R196-22)

Second: Wayne Mitchell

Action: Passed unanimously.

◆ WORKSHOP ◆

Thursday September 7, 2023 – 9:00 am

18. Notice of Proposed Regulation Workshop Pursuant to NRS 233B.061(2)
(FOR POSSIBLE ACTION):

- A. **Amendment of Nevada Administrative Code (NAC) 639.694: Administrator required.** The proposed amendment to NAC 639.694 will allow for an inventory of certain durable medical equipment to be stored at a licensed hospital and provided to patients upon discharge from the hospital.

Gregory Zunino provided background on proposed regulation workshop item.

President Park opened the floor to public comment.

There was no public comment.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to adopt proposed regulation with the following amendments: 5(a) the administrator is limited to five locations within a 50-mile radius, remove 5(b), and 5(c) will put the contractual obligation on the applicant.

Second: Wayne Mitchell

Action: Passed unanimously.

- B. **Amendment of Nevada Administrative Code (NAC) 639.520: Security of Prescription Departments Administrator required.** Current law imposes certain requirements for the security of a pharmacy. The Board will solicit comments regarding these requirements.

Dave Wuest provided background on proposed regulation workshop item.

President Park opened the floor to public comment.

Liz McMenamin, Retail Association of Nevada, commented that this will be costly for consumers/pharmacies. These laws will not deter people from stealing drugs in these pharmacies. She would like the Board to work with the Retail Association on this item.

Lauren Paul, Executive Director of Regulatory Affairs at CVS Health, suggests combining two sections in Nevada law relating to the security of the premises and the security of the prescription departments which personnel ensures the security of the pharmacy, must have a barrier of some type, and must have some type of locking mechanism on the doors but not the specificity of the five-foot wall or dead bolt lock. She suggests shrinking the specificity of NAC 639.520 and combining the similar language of NAC 639.470 into one. Also, an opportunity can be brought before the Board to provide alternate security, processes, or systems if the Board should wish for review.

Board discussion ensued.

Mr. Wuest will meet with the industry on the proposed regulation and report to the Board at a future meeting.

- C. **Amendment of Nevada Administrative Code (NAC) 639.XXX: Administrative Fine in Lieu of Disciplinary Action.** The proposed amendment clarifies the circumstances when the Board may assess an administrative fine pursuant to NRS 639.2895 in lieu of taking formal disciplinary action against a holder of a certificate, certification, license, or permit issued by the Board. With respect to minor violations, the proposed amendment further limits the amount of the fine that could otherwise be imposed pursuant to NRS 639.2895.

Gregory Zunino provided background on proposed regulation workshop item.

President Park opened the floor to public comment.

There was no public comment.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to adopt proposed regulation Amendment of Nevada Administrative Code (NAC) 639.XXX: Administrative Fine in Lieu of Disciplinary Action as presented by Mr. Zunino.

Second: Krystal Freitas

Action: Passed unanimously.

- D. **Amendment of Nevada Administrative Code (NAC) 639.XXX: Assembly Bill No. 156 (2023) – An Act Relating to Substance Use Disorders.** This law

requires the Board to adopt regulations related to: (a) The requirements to register with the Board to engage in the activity authorized by this section; and (b) Establishing a protocol for the actions authorized by the bill.

Dave Wuest provided background on proposed regulation workshop item.

President Park opened the floor to public comment.

Krystal Riccio is in favor of the proposed language, but she suggests changing “medication for addiction treatment” to “medication assisted treatment” or “medication substance abuse disorder” to be more medical about it rather than use stigmatizing language.

Liz McMenamin from the Retail Association of Nevada is in favor of the proposed language.

Zach Rosko, Pharmacist, is in favor of the proposed language.

Ken Kunke from the Nevada Pharmacy Alliance is in favor of the proposed language.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to adopt proposed regulation Amendment of Nevada Administrative Code (NAC) 639.XXX: Assembly Bill No. 156 (2023) – An Act Relating to Substance Use Disorders.

Second: President Park

Action: Passed unanimously.

12. Applications for Nevada Wholesalers License (NRS 639.233) Appearance (**FOR POSSIBLE ACTION**)

Reliable Healthcare Logistics, LLC – Reno, NV

Lizbeth Hernandez, Compliance Specialist, and Cheryl Oleski, Director of Quality, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan questioned Ms. Hernandez and Ms. Oleski on if they are allowed to speak on behalf of the company and requested a Letter of Authorization.

Mr. Keegan provided background on the application and questioned their business model.

Ms. Hernandez and Ms. Oleski answered questions to the Board’s satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Nevada wholesaler application for Reliable Healthcare Logistics, LLC.

Second: Krystal Freitas

Action: Passed unanimously.

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

E. Hikma Pharmaceuticals USA Inc. – Cherry Hill, NJ

B. Hikma Injectables USA Inc. – Dayton, NJ

Cindy Mitman (Managing Pharmacist for Dayton, NJ location), Mahmoud El Rouby (Managing Pharmacist for Cherry Hill, NJ location), Jenny Giuffre (Associate Director of Microbiology and Environmental Monitoring), and John Kalis (Senior Director of Regulatory Affairs) appeared and were sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge, Nevada Board of Pharmacy Inspector, questioned Hikma Pharmaceuticals USA Inc. on their business, their FDA inspection results, and their New Jersey Board Inspection results.

The Board questioned Hikma Pharmaceuticals USA Inc. on their application regarding their compounding questionnaire.

Mr. El Rouby answered questions to the Board's satisfaction.

Board Action:

Motion: Jade Jacobo moved to approve the out-of-state outsourcing facility for Hikma Pharmaceuticals USA Inc.

Second: Krystal Freitas

Action: Passed unanimously.

Mr. Dodge questioned Hikma Injectables USA Inc. on their business, their FDA inspection results, and their New Jersey Board Inspection results.

Board Action:

Motion: Jade Jacobo moved to approve out-of-state outsourcing facility for Hikma Injectables USA Inc.

Second: Krystal Freitas

Action: Passed unanimously.

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

A. Adrianna Rivera

Adrianna Rivera appeared and was sworn in by President Park prior to answering questions and offering testimony.

Gregory Zunino provided background on the application and her disclosure regarding a DUI.

Mr. Zunino questioned Ms. Rivera about the events that occurred with her DUI and why she wants to be a Pharmaceutical Technician.

The Board questioned if she is seeking treatment with alcohol counseling or has any other issues with alcohol.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the pharmaceutical technician in training application for Adrianna Rivera pending favorable PRN-PRN or equivalent evaluation.

Second: Rolf Zakariassen

Action: Passed unanimously.

B. Bernice Benscoter

This matter was withdrawn.

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

A. Brava NC LLC – Morrisville, NC

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

Joe Dodge provided background on the application and questioned the business model, Ms. Young's pharmacist experience, and their North Carolina's pharmacy inspection results.

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

Board Action:

Motion: Krystal Freitas moved to approve the out-of-state compounding pharmacy license for Brava NC LLC.

Second: Jade Jacobo

Action: Passed unanimously.

15. Petition for Reinstatement of Controlled Substance Registration – Appearance. **(FOR POSSIBLE ACTION)**

Ronald Smith

Ronald Smith appeared and was sworn in by President Park prior to answering questions and offering testimony.

Brett Kandt provided background on the application and Dr. Smith's petition for reinstatement with the Board.

The Board questioned Mr. Smith about what has changed since the Board revoked his controlled substance registration and what he intends to do if he is reinstated.

Mr. Smith answered the Board's questions.

Mr. Kandt commented that Dr. Smith's application is incomplete as all disciplinary documents are not provided.

Board discussion ensued.

The Board will table this application and will return to this matter.

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

B. Primera Professional Pharmacy – Sugar Land, TX

Paula Hooper, Managing Pharmacist, and Patty Heinz, Vice President of Operations, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge provided background on the application and questioned the business model, Ms. Hooper's disclosure, and their policies and procedures.

Ms. Hooper and Ms. Heinz answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the out-of-state compounding pharmacy application for Primera Professional Pharmacy.

Second: Krystal Freitas

Action: Passed unanimously.

C. Town Total Compounding Center – Woodbury, NY

Joseph Navarra, Owner and Pharmacist, and Justin Tan, 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 the business model and Mr. Tan's pharmacist experience.

Board discussion ensued.

Dave Wuest questioned their business model which may not comply with Nevada law, so he recommends that Mr. Navarra might want to contact Board staff to confirm.

Board Action:

Motion: Rolf Zakariassen moved to approve the out-of-state compounding pharmacy application for Town Total Compounding Center.

Second: Jade Jacobo

Action: Passed unanimously.

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

James Arnett

James Arnett appeared and was sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest provided background on the application and questioned Mr. Arnett on his disclosure regarding diversion of controlled substances.

Mr. Arnett provided clarification on the events that occurred with his disclosures.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the pharmacist registration by reciprocity application for James Arnett.

Second: Krystal Freitas

Action: Passed unanimously.

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

D. WP Pharma Labs, Inc. – Dallas, TX

Matthew Watkins, Director of Quality, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge provided background on the application and questioned the business model, Ms. May's pharmacist experience, and their policies and procedures.

Mr. Watkins answered Mr. Dodge's questions.

Mr. Dodge has concerns regarding their peptide compounding. If the Board goes forward with approving, he recommends WP Pharma Labs provide information on the sources of where they are receiving their peptides.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the out-of-state compounding pharmacy application for WP Pharma Labs, Inc. pending positive inspection at the company's expense.

Second: Krystal Freitas

Action: Passed unanimously.

16. Application for Physician Assistant -Prescribe/Controlled Substance Registration – Appearance **(FOR POSSIBLE ACTION)**

Aaron Kuehl

Aaron Kuehl appeared and was sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest questioned Mr. Kuehl about his disclosure regarding diversion of controlled substances, resisting an officer, and entering the Professional Recovery Network (PRN) Program in Nevada.

Mr. Keuhl provided background on the events that occurred with his disclosures and why he is looking to go back into the medical field.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the application for physician assistance - prescribe/controlled substance for Aaron Kuehl with conditions that he must comply with the remainder of his Nevada Board of Medical Examiners Agreement.

Second: President Park

Action: Passed unanimously.

15. Petition for Reinstatement of Controlled Substance Registration – Appearance. **(FOR POSSIBLE ACTION)**

Ronald Smith

The Board returned back to Ronald Smith's application.

Brett Kandt presented documentation to the Board for Ronald Smith: 1) a letter from North Carolina Medical Board entered a Partial Relief of Consent Order Obligations; 2) Judgement in a Criminal Case for Case Number: 2:19-cr-00154-RFB-VCF; and 3) North Carolina Medical Board Partial Relief of Consent Order Obligations.

Mr. Kandt commented that Mr. Smith's Nevada medical license is active and unrestricted.

Mr. Smith provided background on the events that occurred and the practice that he intends to do if his controlled substance registration is reinstated.

Board discussion ensued.

Board Action:

Motion: Richard Tomasso approved the controlled substance application for Ronald Smith with condition that he comply with the remainder of his Nevada PRN Agreement.

Second: Jade Jacobo

Action: Passed unanimously.

Richard Tomasso and Wayne Mitchell were excused from the hearing at 1:30 PM.

Wayne Mitchell returned to the meeting at 1:36 PM.

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

C. PQ Pharmacy – Brooksville, FL

Angela Kassay (Vice President), Cari Smith (Quality Manager), Doug Sway (Pharmacist), and Hale Dimetry (Chief Operating Officer and Managing Pharmacist) appeared and were sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge questioned the business model, their FDA inspection, and their policies and procedures.

PQ Pharmacy answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the out-of-state outsourcing facility for PQ Pharmacy.

Second: Krystal Freitas

Action: Passed unanimously.

A. BPI Labs, LLC – Largo, FL

This matter was continued to a future Board meeting.

D. STERRX, LLC – Plattsburgh, NY

This application was withdrawn.

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

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

This application was withdrawn.

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

E. 1st Choice Pharmacy – Holiday, FL

This matter was continued to a future Board meeting.

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

Seven Hills Pharmacy, LLC – Sharonville, OH

There was no representative present on behalf of Seven Hills Pharmacy, LLC.

This matter will be continued to a future Board meeting.

23. Public Comment September 7, 2023, 1:48 PM

There was no public comment.

22. Date and Location of Next Scheduled Board Meeting:

October 11-12, 2023 – Las Vegas, NV

23. Adjournment