



# NEVADA STATE BOARD OF PHARMACY

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## MINUTES

December 6-7, 2023

## BOARD MEETING

The Nevada State Board of Pharmacy will conduct a meeting beginning Wednesday, December 6, 2023, at 9:00 am. The meeting will continue, Thursday, December 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	Gus Vanderdonck
Brett Kandt	Gregory Zunino	Darlene Nases	Joe Dodge
Darla Zarley	Leo Basch	Kenneth Scheuber	Dena McClish
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 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 December 6, 2023, 9:00 AM

There was no public comment.

◆ CONSENT AGENDA ◆

The Consent Agenda contains matters of routine acceptance. The Board Members may approve the consent agenda items as written or, at their discretion, may address individual items for discussion or change.

3. Approval of the October 11-12, 2023, Board Meeting Minutes (**FOR POSSIBLE ACTION**)

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve October 11-12, 2023, Board Meeting minutes.

Second: Wayne Mitchell

Action: Passed unanimously.

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

- A. Next Science, LLC – Jacksonville, FL
- B. Synapse Health, Inc. – Skokie, IL
- C. Wellstart Medical, LLC – Mesa, AZ
- D. Wellstart Medical, LLC – Port St. Lucie, 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))

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

E. Amring Pharmaceuticals Inc. – Berwyn, PA

- F. AVEO Pharmaceuticals, Inc – Boston, MA
- G. Beaver-Visitec International, Inc. – Waltham, MA
- H. Catalent Pharma Solutions, LLC – San Diego, CA
- I. Coloplast Corp. – Ontario, CA
- J. Creekwood Pharmaceuticals LLC – Parsippany, NJ
- K. Dechra Veterinary Products, LLC – Overland Park, KS
- L. DJO, LLC – Fort Worth, TX
- M. Elanco Clinton Laboratories – Clinton, IN
- N. Elevar Therapeutics, Inc. – Fort Lee, NJ
- O. Geodis Logistics, LLC – Edwardsville, IL
- P. InvaGen Pharmaceuticals, Inc. – Fall River, MA
- Q. IVERIC Bio, Inc – Cranbury, NJ
- R. Ivy Animal Health, Inc – Lenexa, KS
- S. Linde, Inc – Glendale, AZ
- T. Linde, Inc. – Magna, UT
- U. Linde, Inc. – Wilmington, CA
- V. Linde, Inc. – Pittsburg, CA
- W. Mindray North America – Mahwah, NJ
- X. Nordent Manufacturing, Inc. – Elk Grove Village, IL
- Y. Salter Labs – El Paso, TX
- Z. Strand Health Group, LLC – Las Vegas, NV
- AA. Vygon USA – Lansdale, PA

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

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

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

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

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.**

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

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

- BB. Kuehne + Nagel, Inc. – DFW Airport, TX
- CC. Kuehne + Nagel, Inc – Durham, NC
- DD. Medline Industries, LP – Hammond, LA
- EE. Septodont Inc. – Lancaster, PA

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)**

- FF. Northern Nevada HOPES – Reno, NV
- GG. PAM Health Rehabilitation Hospital of Henderson – Henderson, NV
- HH. 986 Pharmacy #8021 – Las Vegas, NV

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

- II. Cure 4 The Kids Foundation – Las Vegas, NV
- JJ. OrthoPro of Carson City, Inc – Carson City, NV
- KK. Pure Medical Equipment – Las Vegas, NV

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

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

- LL. Angel’s Pharmacy – Titusville, FL
- MM. BioPlus Specialty Pharmacy Services, LLC – Chandler, AZ
- NN. Scripts Rx Pharmacy, LLC – Houston, TX
- OO. Zeal SP, LLC – Pittsburgh, PA

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

- PP. Affinity Surgery Center, LLC – Las Vegas, NV

4.9 Request to Engage In The Practice Of Pharmacy At A Site Other Than A Licensed Pharmacy – Non-appearance **(FOR POSSIBLE ACTION)**

- QQ. Raquel Lynn Whitworth
- RR. Melanie S. Riggs
- SS. Ana Franceska Ordanez
- TT. Joanne M. Dominguez
- UU. Kurt Kaleb
- VV. Diana Beth Quach
- WW. Kathryn Dao
- XX. Deanna Marie Damiano
- YY. Emily J. Hightower
- ZZ. Tanya Marie Stone
- AAA. Jason Sean Yee

4.10 Recommended Denial of Registration/Licensure Due To Material Omissions On Application – Non-Appearance **(For Possible Action)**

BBB. Patrick Sather  
CCC. Devyn Hagarty  
DDD. Kenva Calloway

Krystal Freitas disclosed that she knows the pharmacists representing Agenda Item 4QQ and Agenda Item 4JJ but can participate in these matters fairly and without bias.

President Park disclosed that she knows several pharmacists in Agenda Item 4.9 but can participate in these matters fairly and without bias.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve December Consent Agenda.

Second: Krystal Freitas

Action: Passed unanimously.

◆ REGULAR AGENDA ◆

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

A. Ajumobi Agu (22-535-CS-S)

This matter was continued to a future Board Meeting.

C. Smith's Pharmacy #348 (20-217-PH-S)

D. D. Mahender Nath (20-217-RPH-S)

Lisa Hamel, Pharmacy Practice Coordinator for Smith's Pharmacy, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Laura Lucero appeared as counsel on behalf of D. Mahender Nath.

Gregory Zunino, Senior General Counsel for the Nevada Board of Pharmacy, prosecuted the case alleging that fraudulent controlled substance prescriptions were filled at Smith's Pharmacy #348 while Mr. Nath was the managing pharmacist.

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

The proposed stipulated penalties for Mr. Nath Certificate of Registration No. 09133 are the following: 1) pay a fine of \$1,000 for the violations; and 2) pay \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

The proposed stipulated penalties for Smith's Pharmacy License No. PH01097 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 costs incurred in investigating and prosecuting this matter.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order's for D. Mahender Nath and Smith's Pharmacy #348 as presented by Mr. Zunino.

Second: Wayne Mitchell

Action: Passed unanimously.

G. Joanna Reyes (22-447-CS-S)

Joanna Reyes appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Zunino prosecuted the case against Ms. Reyes' based upon a Stipulated Settlement and Disciplinary Order related to the prescribing of controlled substances in California, with a recommendation that the Board impose reciprocal discipline.

Mr. Zunino commented that Ms. Reyes Advance Practice Registered Nurse License is currently on inactive status in Nevada.

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

The proposed stipulated penalties for Ms. Reyes are as follows: Certificate of Registration No. CS29711 shall be revoked; however, the revocation shall be stayed pending her successful completion of probation in Nevada ending March 31, 2026. To successfully complete her Nevada probation, Respondent must: 1) successfully complete her California probation; 2) place her Nevada nursing license on active status before engaging in the practice of advanced nursing in Nevada; 3) petition the Board to place her Certificate of Registration No. CS29711 on active status before prescribing any dangerous drugs or controlled substances in Nevada; and 4) Respondent shall 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: Krystal Freitas moved to approve the Stipulation and Order for Joanna Reyes as presented by Mr. Zunino.

Second: Rolf Zakariassen

Action: Passed unanimously.

H.	CVS Pharmacy #5811	(19-046-PH-S)
I.	Heidi Wickham	(19-046-RPH-A-S)
J.	Adalberto Garza	(19-046-RPH-B-S)

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

Brian Convery (CVS Representative), Heidi Wickham (Managing Pharmacist), and Adalberto Garza (Pharmacist) appeared and were 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 alleging the pharmacist failed to provide medication counseling to a patient and failed to confer with the prescriber on duplication of therapy for a patient.

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

The proposed stipulated penalties for Heidi Wickham Certificate of Registration No. 16474 are the following: 1) pay a fine of \$1,000 for the violations; and 2) pay \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

The proposed stipulated penalties for Adalberto Garza Certificate of Registration No. 18029 are the following: 1) pay a fine of \$1,000 for the violations; and 2) pay \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

The proposed stipulated penalties for CVS Pharmacy #5811 License No. PH01912 are the following: 1) pay a fine of \$3,000 for the violations; and 2) pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Mr. Convery and Ms. Wickham commented on changes at CVS to ensure that this error will not happen again.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Stipulation and Order's for Heidi Wickham, Adalberto Garza, and CVS Pharmacy #5811 as presented by Mr. Kandt.

Second: President Park

Action: Passed unanimously (Jacobco and Zakariassen recused).

O. Kristin Hestdalen (19-228-CS-S)

Brett Kandt reported that Dr. Hestdalen has come into compliance with her Order and has paid her fine of \$5,000 and \$900 in attorney's fees and costs, so no further action is needed on the Order to Show Cause.

Her Nevada Certificate of Registration No. CS11061 is non-renewed and forfeited pursuant to NRS 639.180(6).

M. CVS Pharmacy #5113 (19-132-PH-S)

N. Arash Khosh (19-132-RPH-S)

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

Arash Khosh appeared and was sworn in by President Park prior to answering questions and offering testimony.

Brian Convery, Representative on behalf of CVS, is still sworn in from previous matters.

Brett Kandt prosecuted the case alleging Mr. Khosh engaged in unprofessional conduct when he informed a patient that medication in stock was limited and refused to fill a prescription, and then falsely represented to the Board investigator that there was a shortage of Norco 7.5/325 mg in the pharmacy stock on July 12, 2019.

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

The proposed stipulated penalties for Arash Khosh are a stayed suspension of Certificate of Registration No. 20020 with probation for a period of one year subject to the following conditions: 1) a fine of \$2,000 for the violations; and 2) \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter. The stipulated penalties for CVS Pharmacy #5113, License No. PH01951, are a fine of \$2,000.00 for the violations; and \$1,000.00 to partially reimburse the Board for recoverable attorney's fees and investigative costs.

President Park disclosed that she is familiar with Mr. Khosh but can participate in this matter fairly and without bias.

Mr. Khosh provided a statement to the Board on the errors that occurred.



Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Stipulation and Order's for CVS Pharmacy #5113 and Arash Khosh as presented by Mr. Kandt.

Second: Wayne Mitchell

Action: Passed unanimously (Jacobco and Zakariassen recused).

F. Sharron Thompson (21-183-S)

Neither Sharron Thompson nor a representative was present for the hearing.

Gregory Zunino prosecuted the case against Ms. Thompson alleging that she possessed pre-signed prescription blanks, assisted and abetted unlicensed practice of pharmacy, improperly stored dangerous drugs and/or controlled substances, and failed to label compounded drug products.

Mr. Zunino requested a default against Ms. Thompson due to her failure to appear and several attempts of service.

Mr. Zunino requested Declaration of Shirley Hunting and Exhibits 1-2 be entered into the record.

President Park admitted Exhibits 1-2.

Mr. Zunino recommends the proposed discipline as follows: 1) revoke her Certificate of Registration No. CS31142 with the condition that she cannot reapply for reinstatement for a period of at least one year; 2) pay a fine of \$2,500 for the violations; and 3) pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Mr. Zunino requested the Board adopt paragraphs 1-24 as the Findings of Fact and paragraphs 25-52 as the Conclusions of Law.

Board discussion ensued.

Board Action:

Motion: President Park moved to find that respondent was properly served and noticed of the hearing.

Second: Jade Jacobo

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to make Findings of Fact consistent with paragraphs 1-24 of the Notice of Intended Action and Accusation.

Second: Krystal Freitas

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to make Conclusions of Law consistent with paragraphs 25-52 of the Notice of Intended Action and Accusation.

Second: Krystal Freitas

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to impose the following discipline upon Sharron Thompson: 1) Revoke Certificate of Registration No. CS31142 with the condition that she cannot petition for reinstatement for a period of at least one year from the date of this Order; 2) pay a fine of \$2,500 for the violations; and 3) pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Second: Krystal Freitas

Action: Passed unanimously.

B. Eric Tingley (22-465-RPH-S)

No representative was present on behalf of Eric Tingley.

Brett Kandt prosecuted the case against Eric Tingley based upon his pleading guilty in U.S. District Court Case for the District of Connecticut to possession with intent to distribute oxycodone and alprazolam, a felony.

Mr. Kandt requested pages 1824-1839 of the Board Book be entered into the record.

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

Ms. Hunting was sworn in and testified as to service of the Notice of Intended Action and Accusation on Mr. Tingley at his address of record.

Mr. Kandt requested admission of Exhibit 1 in the record, documenting service of the Notice of Intended Action and Accusation on Mr. Tingley.

President Park admitted Exhibit 1 into the record.

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

Ms. Nases was sworn and testified as to service of the 21-day Notice of the Hearing on Mr. Tingley at his last address of record.

Mr. Kandt requested admission of Exhibit 2 in the record, documenting service of the 21-day Notice of the Hearing on Mr. Tingley.

President Park admitted Exhibit 2 into the record.

Mr. Kandt requested the Board make Findings of Fact consistent with paragraphs 1-3 of the Notice of Intended and Accusation and make an additional finding of fact that respondent was properly served and notified of the hearing to the last address of record consistent with Nevada law.

Board Action:

Motion: Jade Jacobo moved to make Findings of Fact consistent with paragraphs 1-3 of the Notice of Intended and Accusation and found that respondent was properly served and notified of the hearing in accordance with Nevada law.

Second: Krystal Freitas

Action: Passed unanimously.

President Park admitted pages 1824-1839 of the Board Book into the record.

Mr. Kandt requested the Board make Conclusions of Law consistent with paragraphs 4-11 of the Notice of Intended Action and Accusation and make an additional conclusion of law that Board staff gave sufficient legal notice of the hearing.

Board Action:

Motion: Jade Jacobo moved to make Conclusions of Law consistent with paragraphs 4-11 of the Notice of Intended Action and Accusation and made an additional conclusion of law that Board staff gave sufficient legal notice of the hearing.

Second: Krystal Freitas

Action: Passed unanimously.

Mr. Kandt requested the Board revoke the certificate of registration of Respondent Eric Tingley, RPH, Certificate of Registration No. 14697, pursuant to NRS 639.255(1)(d) effective immediately and that respondent may not petition for reinstatement of his certificate of registration for a period of ten (10) years.

Board Action:

Motion: Jade Jacobo moved to revoke the certificate of registration of Respondent Eric Tingley, RPH, Certificate of Registration No. 14697, pursuant to NRS 639.255(1)(d) effective immediately and that respondent may not petition for reinstatement of his certificate of registration for a period of ten (10) years.

Second: Krystal Freitas

Action: Passed unanimously.

L. Morgan Towler (23-424-PTT-S)

No representative was present on behalf of Morgan Towler.

Gus Vanderdonck, Assistant General Counsel for the Nevada Board of Pharmacy, prosecuted the case regarding Ms. Towler diverting a high number of controlled substances from Walgreens #3844.

Mr. Vanderdonck requested a default be made against Ms. Towler and requested two witnesses be called to demonstrate a default against Ms. Towler.

Mr. Vanderdonck called Shirley Hunting, Board Coordinator for the Nevada Board of Pharmacy, and Darlene Nases, Assistant Board Coordinator for the Nevada Board of Pharmacy, be called as witnesses.

President Park commented that Ms. Hunting and Ms. Nases are still sworn in from a previous matter.

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

Ms. Nases testified as to service of the 21-day Notice of the Hearing for Ms. Towler.

Mr. Vanderdonck requested that Exhibit 1, the serving of the Accusation, and Exhibit 2, the 21-day Notice of Hearing, be entered into the record.

President Park admitted as Exhibits 1-2.

Board Action:

Motion: President Park moved to find that respondent was properly served and noticed of the hearing.

Second: Rolf Zakariassen

Action: Passed unanimously.

Mr. Vanderdonck requested the Board make Findings of Fact consistent with paragraphs 1-12 of the Notice of Intended Action and Accusation.

Board Action:

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

Second: Rolf Zakarissen

Action: Passed unanimously.

Mr. Vanderdonck requested the Board make Conclusions of Law consistent with paragraphs 13-20 of the Notice of Intended Action and Accusation.

Board Action:

Motion: Jade Jacobo moved to make Conclusions of Law consistent with paragraphs 13-20 of the Notice of Intended Action and Accusation.

Second: Rolf Zakaraissen

Action: Passed unanimously.

Mr. Vanderdonck requested the Board make the following discipline for Morgan Towler: 1) Revoke Certificate of Registration No. PT23168 effective immediately and that respondent may not reapply for a period of ten years.

Board Action:

Motion: Jade Jacobo moved to revoke Morgan Towler's Certificate of Registration No. PT23168 effective immediately and that respondent may not reapply for a period of ten years.

Second: Rolf Zakaraissen

Action: Passed unanimously.

E. Maninder Singh Herr

(21-147-CS-S)

No representative was present on behalf of Maninder Singh Herr.

Gregory Zunino prosecuted the case alleging unprofessional conduct by a practitioner and violations of State Law related to the practice of pharmacy.

Mr. Zunino would like to proceed with the hearing as Mr. Herr has agreed with a Stipulation and Order that has been reviewed and approved by his Attorney Tony Abbatangelo, Esq.

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

The proposed stipulated penalties for Maninder Herr Certificate of Registration No. CS26975 and DV00698 are the following: 1) both certificates are revoked as of the effective date of this Order. Respondent shall not be eligible to apply to the Board for reinstatement of either certificate of registration for a period of one year after the effective date of this Order; 2) pay a fine of \$2,500 for the violations; 3) pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Mr. Zunino commented that on page 3 of the Stipulation and Proposed Order, the due date for the payment of the fine, attorney's fees and costs is erroneously stated as December 31, 2024, when in fact it should be February 1, 2024.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order for Maninder Herr with amendments to paragraph 12 and paragraph 13 to amend the payment due date from December 31, 2024, to February 1, 2024, contingent upon Mr. Herr's signed consent to the amendments.

Second: Gener Tejero

Action: Passed unanimously.

K. Matthew Okeke (19-013-CS-S)

This matter was continued to a future Board Meeting.

A. Ajumobi Agu (22-535-CS-S)

This matter was continued to a future Board Meeting.

P. Plus One Pharmacy (21-189-PH-S)

This matter was continued to a future Board Meeting.

16. Application for Pharmacist Registration Renewal (NRS 453.226) – Appearance (**FOR POSSIBLE ACTION**)

A. Tooraj Bereliani

Tooraj Bereliani appeared and was sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest provided the background to the disclosure and requested more clarification on the events that occurred.

Mr. Bereliani explained to the Board the background to his disclosure.

B. Morris Ghadishah

Morris Ghadishah appeared and was sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest provided the background to the disclosure and requested more clarification on the events that occurred.

Mr. Ghadishah explained to the Board the background to his disclosure.

C. Melanie Joe

Melanie Joe appeared and was sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest provided the background to the disclosure and requested more clarification on the events that occurred.

Ms. Joe explained to the Board the background to her disclosure.

D. Bahram Samouha

Bahram Samouha appeared and was sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest provided the background to the disclosure and requested more clarification on the events that occurred.

Mr. Samouha explained to the Board the background to his disclosure.

E. Pasang Sherpa

Pasang Sherpa appeared and was sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest provided the background to the disclosure and requested more clarification on the events that occurred.

Mr. Sherpa explained to the Board the background to his disclosure.

22. Executive Secretary Report:

- A. Financial Report
- B. Issuance of Temporary Licenses and Registrations
- C. Change of Address Business List
- D. Meetings with Other Health Care Regulatory Boards
- E. Licensing Activities Report
- F. Citations & Fines issued pursuant to NRS 632.2895
- G. State Opioid Meeting

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

Board discussion ensued.

18. Discussion on Audit by Casey Neilon Pursuant to NRS 218G.400 for Fiscal Year Ending June 30, 2022 – **(FOR POSSIBLE ACTION)**

Dave Wuest presented background to the audit to the Board's satisfaction.

Board discussion ensued.

21. General Counsel Report. Note: The Board may exclude the public for a report on potential or existing litigation pursuant to NRS 241.015(3)(b)(2).

Gregory Zunino and Brett Kandt presented the General Counsel Report to the Board's satisfaction.

22. Executive Secretary Report:

Dave Wuest presented more information on his Executive Secretary Report to the Board's satisfaction.

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

- A. CPAP LV – Las Vegas, NV

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



Gus Vanderdonck presented background on the application and questioned Ms. Mersha on the business model and how she intends to get business.

The Board questioned the consultant that she works with and how she got into this business.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Nevada Medical, Devices, Equipment and Gases license for CPAP LV.

Second: Rolf Zakariasen

Action: Passed unanimously.

B. Southwest DME, Inc. – Las Vegas, NV

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

Gus Vanderdonck presented background on the application and questioned the business model and what she learned in her mentor's DME's business.

The Board questioned the work that she's been doing at Southwest DME, who is currently working there, and the products that she intends to supply.

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

Yenh Long, Deputy Secretary for the Nevada Board of Pharmacy, questioned if Southwest DME currently has any current equipment stored at the facility.

Ms. Ramos commented that she does have the current equipment stored: commodes, walkers, and canes.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Nevada Medical, Devices, Equipment and Gases license for Southwest DME, Inc.

Second: Krystal Freitas

Action: Passed unanimously.

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

A. Capital Care Pharmacy, LLC – Las Vegas, NV

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

Dave Wuest presented background on the application, and he commented that the location address and the managing pharmacist has changed.

The new managing pharmacist is Zorah Bernabe Certificate of Registration No. 15265, and the new location for the pharmacy is 5693 S. Jones Boulevard #119 Las Vegas, NV 89118.

Mr. Yu provided his background as he is not a pharmacist but was a business manager of another pharmacy called Trinity Pharmacy. He has branched off and is now opening his own pharmacy.

The Board questioned Ms. Bernabe on how she knows Mr. Yu and her experience as a pharmacist.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Nevada pharmacy license for Capital Care Pharmacy, LLC pending updated pharmacy application.

Second: Krystal Freitas

Action: Passed unanimously.

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

A. David Espinosa

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

Dave Wuest presented background on the application and the disclosure regarding Mr. Espinosa writing a controlled substance prescription for himself under another practitioner's signature.

Mr. Espinosa explained the events that occurred with his disclosure in Texas.

Mr. Espinosa currently has a Dispensing Vet registration and has no current restrictions with the Nevada Board of Pharmacy.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Controlled Substance Registration for David Espinosa.

Second: Rolf Zakariassen

Action: Passed unanimously.

Public Comment December 6, 2023, 3:00 PM

There was no public comment.

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

Board Members Present:

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

Board Staff Present:

Dave Wuest	Yenh Long	Shirley Hunting	Gus Vanderdonck
Brett Kandt	Gregory Zunino	Darlene Nases	Joe Dodge
Darla Zarley	Kenneth Scheuber	Leo Basch	Dena McClish

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 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 December 7, 2023, 9:00 AM

There was no public comment.

◆ Public Hearing ◆

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

- 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. (LCB File R059-23)

Dave Wuest presented background on the public hearing item which includes an amendment to NAC 639.408(1).

President Park opened the floor to public comment.

Assemblymen David Orentlicher appreciates the Board in considering this regulation as it will help Nevadans by allowing registered pharmacists to prescribe medications to treat opioid use disorders.

Lea Case from the Nevada Psychiatric Association commented that a letter was submitted with recommendations in regard to this regulation. She suggested the following changes to the proposed regulation: 1) a collaborative practice agreement between a pharmacist and practitioner when the pharmacist is prescribing medications to treat opioid use disorders; 2) continuing education credits for pharmacist; and 3) mirroring similar prescribing authority of pharmacists in other states.

Ken Kunke from the Nevada Pharmacy Alliance thanks the Board for answering the questions on whether Registered Pharmacist can do this practice outside of a licensed pharmacy. He commented that the Nevada Psychiatric Association recommending collaborative practice agreements is not the intentions of the statute. The intention was to remove barriers and open the service to more people. Ken Kunke also commented that continuing education of 30 hours is already required for a pharmacist every two years in Nevada. In addition, this service requires pharmacists to get a DEA number which requires 8 hours of training; therefore, the Nevada Pharmacy Alliance feels that additional continuing education requirements will create barriers to this service.

Krystal Riccio stated that the regulation is a move in the right direction and answers concerns regarding current access to patient care barriers in Nevada. She stated that Roseman University's current curriculum addresses several concerns of the Nevada Psychiatric Association. Ms. Riccio expressed concern that the proposed regulation does not allow the pharmacist to administer long-acting injectables used in the treatment for OUD outside of a pharmacy.

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

Kelly Morgan, Emergency Physician & EMS Medical Director and oversees Las Vegas Fire & Rescue and Las Vegas Fire, stated that she supports the proposed regulation. She requested that the Board consider when patients receive buprenorphine treatment from a pharmacist, and how documentation of treatment including patient follow-up services are documented in the patient's medical record.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to adopt the proposed regulation LCB File R059-23 as presented by Mr. Wuest.

Second: Wayne Mitchell

Action: Passed unanimously.

- A. **Amendment to the Nevada Administrative Code (“NAC”) 453.** The proposed amendments concern the process by which persons apply to the Board to obtain a certificate of registration to dispense controlled substances, pursuant to NRS 453.226, and provide other matters properly relating thereto. (LCB File R197-22)

Brett Kandt presented 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: Krystal Freitas moved to adopt the proposed regulation LCB File R197-22 as presented by Mr. Kandt.

Second: Rolf Zakariassen

Action: Passed unanimously.

- B. **Amendment of Nevada Administrative Code (NAC) 639. 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. (LCB File No. R057-23)

Gregory Zunino presented background on the public hearing item.

President Park opened the floor to public comment.

Liz McMenamin from the Retail Association of Nevada commented that the Board should consider a matrix for the fines. If there is no harm, a letter would be better as opposed to being fined. She thinks helping pharmacists learn from their mistakes rather than going after them with a fine would help them become better pharmacists. She is in favor of the proposed regulation but hopes the Board will consider other alternatives than a fine.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to adopt the proposed regulation LCB File No. R057-23 as presented by Mr. Zunino.

Second: President Park

Action: Passed unanimously.

- C. **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. (LCB File R058-23)

Dave Wuest presented background on public hearing item.

President Park opened the floor to public comment.

Mr. Wuest commented that written public comment was provided which was presented to the Board.

There was no other public comment.

Board Action:

Motion: Jade Jacobo moved to adopt the proposed regulation LCB File No. R058-23 as presented by Mr. Wuest.

Second: Wayne Mitchell

Action: Passed unanimously.

◆ Workshop ◆

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

A. **Amendment to Nevada Administrative Code (NAC) 453. The proposed amendment adds Zuranolone to the schedule IV controlled substances list.**

Darla Zarley, Grant and Project Analyst for the Nevada Board of Pharmacy, presented background on the 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 the proposed regulation for Amendment to Nevada Administrative Code (NAC) 453. The proposed amendment adds Zuranolone to the schedule IV controlled substances list.

Second: Krystal Freitas

Action: Passed unanimously.

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

A. Quality Compounding Rx of America – Las Vegas, NV

Jade Jacobo disclosed that she knows the Managing Pharmacist Jubdatul Arefin but can participate fairly and without bias.

Jubdatul Arefin (Managing Pharmacist), RJ Fernando (Pharmaceutical Technician), Sky Countryman (Chief Executive Officer), and Gevork Nordanyan (Chief Financial Officer) appeared and were sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge, Board Inspector for the Nevada Board of Pharmacy, presented background on the application and questioned the pharmacy's representatives on why they decided to open in Nevada, the staff's experience and the business processes with sterile compounding, and Mr. Arefin's citation and fine issued by the Board.

Mr. Arefin and Mr. Countryman answered questions to the Board's satisfaction.

Mr. Dodge feels comfortable with going forward with the application and recommends an inspection prior to the approval of the pharmacy license.

Board discussion ensued.

Board Action:

Motion: President Park moved to approve the Nevada compounding pharmacy license for Quality Compounding Rx of America.

Second: Jade Jacobo

Action: Passed unanimously.

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

A. Seven Hills Pharmacy, LLC – Sharonville, OH

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

Dave Wuest presented background on the application and questioned their business model, the ownership, and their discipline history.

Mr. Spitzer answered Mr. Wuest questions and commented that Truepill is their parent company and is not really familiar with all the discipline history. In addition, their business model is that they are mail order/fulfillment center in filling prescriptions for people who have contracts or subscriptions with their company.

Mr. Wuest is concerned with their business model since it may not be allowed by current Nevada law.

Board discussion ensued.

President Park asked if Seven Hills Pharmacy would like to table their application so that he can get more information on their discipline and check with Board staff on the business model.

Mr. Spitzer confirmed.

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

15. Application for Pharmacist Registration Reinstatement – Appearance **(FOR POSSIBLE ACTION)**



A. Aurora Bejto

Aurora Bejto appeared and was sworn in by President Park prior to answering questions and offering testimony.

Brett Kandt presented background on the application and the disclosure regarding Ms. Bejto having her pharmacist registration revoked back in 2021 due to diversion.

Ms. Bejto provided background to her disclosure, and the steps that she has taken since her revocation with the Board. The steps included receiving her Washington pharmacist license and doing remote MTM services, entering a recovery program, and starting an e-commerce business.

Mr. Wuest commented that her current Order does not allow her to practice pharmacy with any entity licensed with the Board. He wanted to confirm if Ms. Bejto has been physically located in Nevada and provided MTM services to patients.

Ms. Bejto confirmed.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the application for pharmacist registration reinstatement for Aurora Bejto with the following conditions: 1) She must continue her PRN or equivalent program for a period of five years and must submit quarterly reports to Board; 2) She may not be a managing pharmacist for a period of two years; 3) She may not work in the pharmacy for more than 40 hours per week; and 4) She must notify employers of her diversion history.

Second: Gener Tejero

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

Nay: Mitchell

Action: Motion carries.

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

A. Covetrus North America, LLC – Phoenix, AZ

Kelly Ann Barnes, Senior of Regulatory and Compliance, and Natalie Salese, Managing Pharmacist, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge presented background on the application for a change of ownership, a name change, and to add the service of sterile compounding.

Mr. Dodge questioned their ownership change, changes to their business and processes, their sterile compounding processes, Ms. Salese's experience with sterile compounding, and their Arizona Board of Pharmacy inspection in 2022.

Ms. Barnes and Ms. Salese answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the out-of-state compounding pharmacy license for Covetrus North America, LLC.

Second: Rolf Zakariassen

Action: Passed unanimously.

B. Strive Pharmacy – Gilbert, AZ

Alexander Snyder (Attorney for Quarles and Brady – not licensed in Nevada), Chase Weston (Director of Pharmacy and Development), and Matthew Montes De Oca (Managing Pharmacist) appeared and were sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge presented background on the application and questioned Strive Pharmacy on their sterile compounding processes, their Arizona Board of Pharmacy Inspection, and their discipline disclosures in Arizona, Utah, California, and Idaho relating to compounding.

Mr. Montes De Oca and Mr. Weston answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the out-of-state compounding pharmacy license pending Arizona's Consent Order and any other outstanding discipline documents from California and Idaho.

Second: President Park

Action: Passed unanimously.

C. Wickliffe Veterinary Pharmacy – Lexington, KY

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

Joe Dodge presented background on the application regarding a change of ownership and questioned if there were any business changes, their sterile compounding processes, and their Kentucky Board of Pharmacy inspection.

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

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

Richard Tomasso was excused from the Board meeting at 11:42 AM.

Board discussion ensued.

Board Action:

Motion: President Park moved to approve the out-of-state compounding pharmacy license for Wickliffe Veterinary Pharmacy.

Second: Krystal Freitas

Action: Passed unanimously (Tomasso excused).

11. Application For Out Of State Wholesaler License (NRS 639.233) – Appearance –  
**(FOR POSSIBLE ACTION)**

A. Eclipse Meds, LLC – Fort Worth, T

Joe Jimenez Jr., Designated Representative, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Yenh Long presented background on the application and questioned his discipline disclosure regarding a DUI.

Richard Tomasso returned to the Board meeting at 11:44 AM.

Mr. Jimenez answered questions to the Boards satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the out-of-state wholesaler license for Eclipse Meds, LLC.

Second: Krystal Freitas

Action: Passed unanimously.

12. Application for Nevada Wholesaler License (NRS 639.233) – Appearance – **(FOR POSSIBLE ACTION)**

A. LifePro Medical Supplies – Las Vegas, NV

Andrea Aguilar, Designated Representative, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Jade Jacobo and Krystal Freitas were excused from the Board meeting at 11:49 AM.

Yenh Long presented background on the application and questioned their business model and how they intend to get clients.

Jade Jacobo and Krystal Freitas returned to the Board meeting at 11:51 AM.

Ms. Aguilar answered questions.

Ms. Long commented that her business model may need a Medical, Device, and Equipment and Gases (MDEG) application.

Board discussion ensued.

President Park asked if LifePro Medical Supplies would like to table their application so that she can work with Board staff to confirm business model and application needed.

Ms. Aguilar confirmed.

President Park tabled application at Ms. Aguilar's request.

13. Application for Nevada Warehouse License – Appearance **(FOR POSSIBLE ACTION)**

A. Metro Logistics, Inc. – North Las Vegas, NV

Monte Massongill (Vice President), Samuel Potts (Chief Financial Officer), Thomas Mattingly (President), Kevin Yarbrough (General Manager for Las Vegas), Alisa Wilson (Senior Policy Director) appeared and were sworn in by President Park prior to answering questions and offering testimony.

Yenh Long presented background on the application.

Dave Wuest commented if Metro Logistics, Inc. would like to go into closed session due to their business.

Mr. Massongill requested a closed session.

Board Action:

Motion: President Park moved to go into closed session.

Second: Jade Jacobo

Action: Passed unanimously.

Board Action:

Motion: President Park moved to go into open session.

Second: Jade Jacobo

Action: Passed unanimously.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve Nevada warehouse license for Metro Logistics, Inc.

Second: Jade Jacobo

Action: Passed unanimously.

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

A. Brian Stanley Bogdanowicz

Brian Bogdanowicz appeared and was sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest presented background on the application and the disclosure regarding a DUI.

Mr. Bogdanowicz provided clarification on his disclosure.

Board discussion ensued.

Board Action:

Motion: Rolf Zakariassen moved to approve the application for pharmacist registration by reciprocity for Brian Bogdanowicz.

Second: Jade Jacobo

Action: Passed unanimously.

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

B. Camilo Murillo

Camilo Murillo appeared and was sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest presented background on the application and the disclosure regarding selling of cannabis, disorderly intoxication, criminal mischief, and reckless driving.

Ms. Murillo provided background to her disclosures.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the application for controlled substance registration for Camilo Murillo.

Second: Krystal Freitas

Action: Passed unanimously.

24. Public Comment December 7, 2023, 1:51PM

There was no public comment.

23. Date and Location of Next Scheduled Board Meeting:

January 17-18, 2024 – Las Vegas, NV

25. Adjournment