



NEVADA STATE BOARD OF PHARMACY

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MINUTES

April 17-18, 2024

BOARD MEETING

The Nevada State Board of Pharmacy will conduct a meeting beginning Wednesday, April 17, 2024, at 9:00 am. The meeting will continue Thursday, April 18, 2024, at 9:00 am if necessary or until the Board concludes its business. Pursuant to NRS 241.023(1)(c) the meeting is being conducted by means of remote technology. The public may attend the meeting via live stream remotely or at the following location:

Hyatt Place
1790 E Plumb Ln
Reno, NV

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	Wayne Mitchell	Richard Tomasso
Adam Porath	Gener Tejero	Jade Jacobo	

Board Staff Present:

David Wuest	Yenh Long	Gregory Zunino	Gustaf Vanderdonck
Brett Kandt	Darlene Nases	Erin Miller	Jessette Phaynarikone
Mui Lee	Joe Dodge	Todd Weiss	

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.

David 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. Board members were present, and a quorum was established.

2. Public Comment April 17, 2024, 9:00 AM

David Wuest commented that written public comments were submitted to the Board and copies are available for the public.

◆ 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 March 6-7, 2024, Board Meeting Minutes (**FOR POSSIBLE ACTION**)

Board Action:

Motion: Wayne Mitchell moved to approve March 6-7, 2024, Board Meeting minutes with the amendments to Agenda Item 5K, 5L, 5M and 5N that Krystal Freitas recused herself from voting on items relating to DVH Hospital Alliance and those involved due to her employment.

Second: Krystal Freitas

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. Mark Drug Medical Supply – Wheeling, IL

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 Publicly Traded (NAC 639.593(6)(a))

B. Cardinal Health 200, LLC – Montgomery, NY

4.2.2 Publicly Traded and VAWD-Accredited (NAC 639.593(6)(a) and (c))

4.2.3 Publicly Traded and Manufacturer (NAC 639.593(6)(a) and (d))

- C. Acer Therapeutics, Inc – Newton, MA
- D. Boston Scientific Corporation – Alpharetta, GA
- E. CymaBay Therapeutics, Inc – Fremont, CA
- F. MicroAire Surgical Instruments, LLC – Charlottesville, VA

4.2.4 Publicly Traded, VAWD-Accredited, and Manufacturer (NAC 639.593(6)(a), (c), and (d))

4.2.5 VAWD-Accredited (NAC 639.593(6)(c))

- G. Medline Industries, LP – Lacey, WA
- H. Medline Industries, LP – Wilmer, TX
- I. Pharma Logistics LLC – Libertyville, IL

4.2.6 Manufacturer (NAC 639.593(6)(d))

- J. Advanced Rx Pharmacy of Tennessee, LLC – Nashville, TN
- K. Alcon Research, LLC – Fort Worth, TX
- L. Almac Clinical Services, LLC – Durham, NC
- M. Almac Clinical Services, LLC – Souderton, NC
- N. Avyxa Pharma, LLC – Parsippany, NJ
- O. Carnegie Pharmaceuticals LLC – Delran, NJ
- P. Coloplast Corp. – Brookshire, TX
- Q. CTI Biopharma Corp – Seattle, WA
- R. Dechra Veterinary Products, LLC – Overland Park, KS
- S. Diamond Animal Health, Inc – Des Moines, IA
- T. Genentech, Inc – Hillsboro, OR
- U. Intercept Pharmaceuticals, Inc – Morristown, NJ
- V. Jazz Pharmaceuticals, Inc – Palo Alto, CA
- W. Novartis Manufacturing LLC – Indianapolis, IN
- X. Pilnova Pharma, Inc – Hillsborough, NJ
- Y. Shield Therapeutics, Inc – Wellesley Hills, MA
- Z. Tonix Medicines, Inc – Chatham, NJ
- AA. Volley Pharmaceuticals, LLC – Chester, NJ

4.2.7 VAWD-Accredited and Manufacturer (NAC 639.593(6)(c) and (d))

- BB. A-S Medication Solutions, LLC – Fremont, NE

4.2.8 Distributor for Single Manufacturer (NAC 639.593(6)(e))

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

- CC. 21st Century Environmental Management of NV, LLC – Fernley, NV
- DD. Addovis Therapeutics – Scottsdale, AZ
- EE. Presa Solutions, Inc. – Irvine, TX
- FF. Return Solutions, Inc – Knoxville, TN

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

- GG. Douglas County Sheriff's Office – Minden, NV
- HH. Douglas County Sheriff's Office – Stateline, NV
- II. ER at Boulder's Edge – Henderson, NV

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

- JJ. Heartland Pharmacy – Boise, ID

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

- KK. ASPN Pharmacies 2, LLC – Trevoise, PA
- LL. ASPN Pharmacies 3, LLC – Scottsdale, AZ
- MM. BioPlus Specialty Pharmacy Services, LLC – Indianapolis, IN
- NN. Birdi, Inc – North Canton, OH
- OO. FedRx Pharmacy – Chicago, IL
- PP. Lightning Rx – Delray Beach, FL
- QQ. MedMinder Pharmacy – Norwood, MA
- RR. Paragon Healthcare Specialty – Plano, TX
- SS. Petcare Rx Inc. – Lynbrook, NY
- TT. Tampa Pharmacy 13 LLC – Tampa, FL
- UU. Vetsource Home Delivery – Harrisburg, PA

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

4.8 Request to Engage in The Practice of Pharmacy at A Site Other Than a Licensed Pharmacy – Non-Appearance **(FOR POSSIBLE ACTION)**

- VV. Colby Meier
- WW. Quynh Nhu Doan

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

- XX. Amber La'Marnae Boulton – Pharmaceutical Technician
- YY. Brenda Corpuz – Pharmaceutical Technician
- ZZ. Patrica Lynn Manning – Pharmaceutical Technician
- AAA. Shelah Marie O'Neal – Pharmaceutical Technician
- BBB. Weslee Bryan Nesheim – Pharmaceutical Technician

President Park disclosed that she is familiar with two pharmacists listed under Agenda Item 4.8 but can participate in this matter fairly and without bias.

Board Action:

Motion: Krystal Freitas moved to approve the Consent Agenda.

Second: Wayne Mitchell

Action: Passed unanimously.

18. Review of the results of the Nevada Pharmacists Workplace and Patient Safety Survey (**FOR POSSIBLE ACTION**)

Yenh Long, Deputy Secretary for the Nevada Board of Pharmacy, presented background on the Nevada Pharmacists Workplace and Patient Safety Survey and the results of the survey.

President Park opened the floor to public comment.

Ken Kunke from the Nevada Pharmacy Alliance submitted written public comments from the organization which highlighted actions taken by other states to address pharmacy working conditions and studies done by APHA and NASPA for the Board's review.

Kelsey Maxim, Director of Retail Pharmacy for the Community Health Alliance – Nevada, commented on the workplace conditions for Nevada pharmacists and recommends more pharmacist staffing to improve workplace safety conditions and decrease pharmacist burnout.

Liz MacMenamin from the Retail Association of Nevada commented that the Board considers an affordable path to assist with the workplace safety conditions and must consider the business model for Nevada retail pharmacies. She suggests adding more pharmaceutical technicians in the workplace to assist pharmacists.

David Vasenden, Owner of Sierra Family Pharmacies, commented that the pharmaceutical technician ratio should not be limited to a 3:1 ratio but should depend on the pharmacy's practice setting and what the pharmacist can handle.

Andrew Jackson, Pharmacist, and representative of an institutional pharmacy commented that the Board considers the institutional pharmacy perspective due to the differences in the workload and job duties compared to the retail pharmacy setting.

President Park closed public comment.

Board discussion ensued.

Board Action:

Motion: Richard Tomasso moved to approve the Board staff to draft up fair and proper regulations to address and correct what the pharmacists have stated in the survey and bring it before the Board in a workshop.

Second: President Park

Board discussion ensued.

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

Nay: Tejero

Action: Motion carries.

Jade Jacobo was excused from the Board Meeting at 10:04AM.

◆ REGULAR AGENDA ◆

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

- | | |
|-----------------|---------------|
| A. Lincare, Inc | (22-552-MP-N) |
| B. Lincare, Inc | (23-467-MP-N) |

Jay Devoy appeared as counsel on behalf of Lincare, Inc.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the cases alleging Lincare locations in Sparks and Yerington operated for a period of time without an Administrator approved by the Board.

Mr. Kandt presented the Stipulation and Order for Case Nos. 22-552-MP and 23-467-MP-N for the Board's consideration.

The proposed stipulated penalties for Lincare, Inc. License No. MP00012 are the following: 1) Respondent pay a fine of \$1,000 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.

The proposed stipulated penalties for Lincare, Inc, License No. MP00122, are the following: 1) Respondent pay a fine of \$5,500 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. Devoy agrees with the Stipulations on behalf of Lincare, Inc.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the Stipulation and Orders for Lincare, Inc. for Case Nos. 22-552-MP-N and 23-467-MP-N as presented by Mr. Kandt.

Second: Adam Porath

Action: Passed unanimously.

E. Ngan Tan

(23-365-RPH-N)

Amanda Rosenthal appeared as counsel on behalf of Mr. Tan.

Ngan Tan appeared and was sworn in by President Park prior to answering questions and offering testimony.

Gregory Zunino, Senior General Counsel for the Nevada State Board of Pharmacy, prosecuted the case against Ngan Tan alleging that Mr. Tan filled a prescription with an adult dose of amoxicillin instead of a pediatric dose for a 16-month-old child.

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

The proposed stipulated penalties for Ngan Tan, Certificate of Registration No. 23478, are the following: 1) pay a fine of \$1,000 for the violations; 2) pay \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Ms. Rosenthal agrees with the Stipulation on behalf of Mr. Tan.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the Stipulation and Order for Ngan Tan as presented by Mr. Zunino.

Second: Krystal Freitas

Action: Passed unanimously.

F. Walgreens Pharmacy #12540 (23-408-PH-N)

William Stilling appeared as counsel on behalf of Walgreens Pharmacy #12540.

Gregory Zunino, Senior General Counsel for the Nevada State Board of Pharmacy, prosecuted the case against Walgreens #12540 alleging that the pharmacy operated for a period of time without a managing pharmacist and failed to notify the Board of a change to its managing pharmacist.

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

The proposed stipulated penalties for Walgreens Pharmacy #12540 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.

Mr. Stilling agreed with the Stipulation on behalf of Walgreens' #12540.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the Stipulation and Order for Walgreens Pharmacy #12540 as presented by Mr. Zunino.

Second: Krystal Freitas

Action: Passed unanimously.

I. Heliodoro Magana (20-070-PR-N)

No representative was present on behalf of Heliodoro Magana.

Gustaf Vanderdonck, Assistant General Counsel for the Nevada Board of Pharmacy, prosecuted the case against Heliodoro Magana alleging that he wrote controlled substance prescriptions without having a controlled substance registration.

Mr. Vanderdonck called Erin Miller as a witness.

Erin Miller, Administrative Assistant - Board Coordinator II for the Nevada Board of Pharmacy, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Ms. Miller testified on the service of the Notice of Intended Action and Accusation and the 21-Day Letter on Mr. Magana.

Mr. Vanderdonck requested that Exhibits 1 and 2 be entered into the record, documenting service of the Notice of Intended Action and Accusation and 21-Day Notice of Hearing on Mr. Magana.

President Park admitted Exhibits 1 and 2 into the record.

Mr. Vanderdonck commented that he emailed Mr. Magana at his last known email address on file with the Board and requested that it be entered into record as Exhibit 3.

President Park admitted Exhibit 3 into the record.

Mr. Vanderdonck requested that the Board make a Findings of Fact that Mr. Magana was properly served and noticed for the hearing.

Board Action:

Motion: President Park moved to make a Finding of Fact that Heliodoro Magana was properly served and noticed for the hearing.

Second: Wayne Mitchell

Action: Passed unanimously.

Mr. Vanderdonck requested that the Board make a Findings of Fact consistent with paragraphs 1-15 of the Notice of Intended Action and Accusation to be true.

Board Action:

Motion: President Park moved to make Findings of Fact consistent with paragraphs 1-15 of the Notice of Intended Action and Accusation to be true.

Second: Wayne Mitchell

Action: Passed unanimously.

Mr. Vanderdonck requested that the Board make Conclusions of Law consistent with paragraphs 16-34 of the Notice of Intended Action and Accusation.

Board Action:

Motion: Krystal Freitas moved to make conclusion of law consistent with paragraphs 16-34 of the Notice of Intended Action and Accusation.

Second: Wayne Mitchell

Action: Passed unanimously.

Mr. Vanderdonck requested that the Board find Mr. Magana guilty of Counts One, Two and Three of the Notice of Intended Action and Accusation.

Board Action:

Motion: Wayne Mitchell moved to find Respondent Magana guilty of Counts One, Two and Three of the Notice of Intended Action and Accusation.

Second: Krystal Freitas

Action: Passed unanimously.

Mr. Vanderdonck recommended the following discipline for Mr. Magana's Certificate of Registration No. PR14531: 1) Respondent pay a fine of \$10,000 for the violations; 2) pay \$544.55 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; and 3) Mr. Magana's Certificate of Registration No. PR14531 is revoked and cannot petition for reinstatement for a period of one year.

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve the following discipline for Heliodoro Magana's Certificate of Registration No. PR14531: 1) Respondent pay a fine of \$10,000 for the violations; 2) pay \$544.55 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; and 3) Mr. Magana's Certificate of Registration No. PR14531 is revoked, and he cannot petition for reinstatement for a period of one year.

Second: Wayne Mitchell

Action: Passed unanimously.

17. **Approval of Pharmacist Controlled Substance Registration Application (FOR POSSIBLE ACTION)**

Yenh Long, Deputy Secretary for the Nevada Board of Pharmacy, presented the background on the Pharmacist Controlled Substance Registration Application to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Pharmacist Controlled Substance Registration Application as presented by Ms. Long.

Second: Wayne Mitchell

Action: Passed unanimously.

23. 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. Legislative update

David Wuest presented the Executive Secretary Report to the Board's Satisfaction.

19. Discussion and possible action to amend, revise and/or approve proposed FY25 budget (**FOR POSSIBLE ACTION**)

David Wuest presented the proposed FY25 Budget to the Board's Satisfaction.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the pay increase for eligible employees.

Second: President Park

Action: Passed unanimously.

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

- A. Pharmapronto – Las Vegas, NV

No representative was present on behalf of Pharmapronto.

President Park will return to this agenda item.

C. Xenith Pharmaceuticals – Las Vegas, NV

Samantha Koegel and Eric Sparks appeared were sworn in by President Park prior to answering questions and offering testimony.

President Park disclosed that she is familiar with Eric Sparks from her time at Roseman University but can participate in this matter fairly and without bias.

Joe Dodge, Nevada Board of Pharmacy Inspector, presented background on the application and questioned Mr. Sparks on his pharmacist experience, Mr. Spark's experience with sterile compounding, the type of products they plan to produce, and their business plan.

The Board questioned their business model.

Mr. Dodge commented that Xenith Pharmaceuticals needs a licensure with the FDA which is a requirement of licensure with the Nevada Board of Pharmacy.

Ms. Koegel and Mr. Sparks answered the questions to the Board's satisfaction. Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Nevada Compounding Pharmacy License application for Xenith Pharmaceuticals pending the registration with the FDA and favorable Board inspection.

Second: Adam Porath

Action: Passed unanimously.

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

B. Liberty Drug, LLC – Murray, UT

Jessica Merchant and Jennifer Merchant appeared and were sworn in by President Park prior to answering questions and offering testimony.

President Park disclosed to the Board that she may know Jessica Merchant from her time at Roseman University but can participate in this matter fairly and without bias.

Joe Dodge, Nevada Board of Pharmacy Inspector, presented background on the application and questioned Ms. Jessica Merchant on her pharmacist background and experience, their business model, and the results of their last Utah Board of Pharmacy inspection.

Ms. Jennifer Merchant and Ms. Jessica Merchant answered questions to the Board's satisfaction.

President Park commented that Jennifer Merchant's personal history application needs to be updated as the work history provided showed her as a Managing Pharmacist.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Out-of-State Compounding Pharmacy License application for Liberty Drug, LLC, pending Jennifer Merchant's updated personal history application

Second: President Park

Action: Passed unanimously.

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

A. Pharmapronto – Las Vegas, NV

Leandro Seto, Owner, and Kimberly Astorino, Managing Pharmacist, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge, Nevada Board of Pharmacy Inspector, presented background on the application for a new compounding pharmacy and questioned on the new location change, Ms. Astorino's experience as a pharmacist and her non-sterile experience, and the business model.

Ms. Seto and Ms. Astorino answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: President Park moved to approve the Nevada Compounding Pharmacy License application for Pharmapronto.

Second: Krystal Freitas

Action: Passed unanimously.

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

C. Nazanin Kazeminy

(23-140-RPH-N)

President Park disclosed that she is familiar with Nazanin Kazeminy from her time at Roseman University but can participate in this matter fairly and without bias.

Lyn Beggs appeared as counsel on behalf of Ms. Kazeminy.

Gregory Zunino, Senior General Counsel for the Nevada Board of Pharmacy, prosecuted the case against Ms. Kazeminy alleging that she created false COVID vaccination cards for her former boyfriend.

Ms. Beggs requested to invoke the exclusionary rule, thus requiring each witness to wait outside the hearing room until called to testify.

President Park reminded all witnesses that they are not to discuss the case with each other as it is an on-going hearing.

Mr. Zunino and Ms. Beggs have stipulated and requested that Exhibits 1, 2, 4, 5, and 6 be entered into the record.

President Park admitted Exhibits 1, 2, 4, 5, and 6.

Mr. Zunino and Ms. Beggs gave their opening statements to the Board.

Mr. Zunino called Samantha Folk-Pruitt as a witness.

Samantha Folk-Pruitt appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Zunino questioned Ms. Folk-Pruitt on her current and former jobs, her relationship with Ms. Kazeminy, and the details of the case regarding Ms. Kazeminy.

Mr. Zunino questioned Ms. Folk-Pruitt on the contents of Exhibits 1-3.

Mr. Zunino requested that Exhibit 3 be entered into the record.

President Park admitted Exhibit 3.

Ms. Beggs objected to the witness testimony on Exhibit 3 when Ms. Folk-Pruitt gave an interpretation of the text messages that she received which were included in the exhibit.

Ms. Beggs cross-examined Ms. Folk-Pruitt.

Mr. Zunino questioned Ms. Folk-Pruitt on Exhibit 6.

The Board questioned Ms. Folk-Pruitt.

Mr. Zunino called James Biggs as a witness.

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

Mr. Zunino questioned Mr. Biggs about where he resides, his profession, his relationship with Ms. Kazeminy, and the details of the case regarding Ms. Kazeminy.

Mr. Zunino questioned Mr. Biggs about the contents of Exhibits 7-8.

Mr. Zunino requested that Exhibits 7-8 be entered into the record.

President Park admitted Exhibits 7-8 into the record.

Ms. Beggs cross-examined Mr. Biggs.

The Board questioned Mr. Biggs.

Mr. Zunino called Amanda Harris, Immunization Information System Integration Manager for WebIZ, as a witness.

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

Mr. Zunino questioned Ms. Harris on her job responsibilities, how WebIZ functions, and how a practitioner uses the program, and questioned Ms. Harris on the admitted Exhibits.

Ms. Beggs cross-examined Ms. Harris.

The Board questioned Ms. Harris.

Mr. Zunino called Monica Segedy, Investigator for the Nevada State Board of Pharmacy, as a witness.

Ms. Segedy appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Zunino questioned Ms. Segedy about her job responsibilities, her past job experience, how the allegations against Ms. Kazeminy came to her attention, and questioned Ms. Segedy on the admitted Exhibits.

Ms. Beggs objected to Ms. Segedy's testimony regarding distance between the two different pharmacies.

President Park sustained the objection by Ms. Beggs and asked Mr. Zunino to clarify his question to the witness.

Ms. Beggs cross-examined Ms. Segedy.

The Board questioned Ms. Segedy.

President Park concluded the case and commented that it will be continued until the next day, April 18, 2024.

Public Comment April 17, 2024, at 5:30PM

There was no public comment.

President Park recessed the meeting for the night and reconvened the meeting the next morning at 9:00 AM.

Board Members Present:

Helen Park	Krystal Freitas	Wayne Mitchell	Adam Porath
Richard Tomasso	Gener Tejero		

Board Members Not Present:

Jade Jacobo

Board Staff Present:

David Wuest	Yenh Long	Gregory Zunino	Gustaf Vanderdonck
Brett Kandt	Darlene Nases	Erin Miller	Jessette Phaynarikone
Joe Dodge	Mui Lee	Darla Zarley	Todd Weiss

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.

David Wuest stated that this Board Meeting is being held over Zoom and is in compliance with 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 except Jade Jacobo and a quorum was established.

Public Comment April 18, 2024, 9:00 AM

There was no public comment.

◆ REGULAR AGENDA ◆

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

C. Nazanin Kazeminy (23-140-RPH-N)

President Park commented that this is a continued hearing for Nazanin Kazeminy.

Lyn Beggs appeared as counsel on behalf of Nazanin Kazeminy.

Nazanin Kazeminy appeared and was sworn in by President Park prior to answering questions and offering testimony.

Ms. Beggs called Chang Suh as a witness.

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

Ms. Beggs questioned Mr. Suh about his relationship with Ms. Kazeminy and the admitted Exhibits.

Mr. Zunino cross-examined Mr. Suh.

The Board questioned Mr. Suh.

Ms. Beggs re-crossed Mr. Suh.

Mr. Zunino re-crossed Mr. Suh.

The Board re-questioned Mr. Suh based on testimony provided.

Richard Tomasso was excused from the Board Meeting at 9:31AM.

Ms. Beggs called Angela Summers as a witness.

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

Ms. Beggs questioned Ms. Summers about how she knew Ms. Kazeminy and the communications that she had with Mr. Biggs.

Richard Tomasso returned to the Board Meeting at 9:38AM.

Mr. Zunino objected to Ms. Beggs' question as speculation when the witness was asked to interpret Mr. Biggs' intent when he began communications with her.

Mr. Zunino objected to Ms. Summers' testimony as it seems like an attempt to smear Mr. Biggs and asked the Board to disregard her testimony.

President Park overruled the objections.

Ms. Beggs called Nazanin Kazeminy as a witness.

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

Ms. Beggs questioned Ms. Kazeminy about her employment history, her vaccination efforts that she provided as a pharmacist, what her vaccination processes in the pharmacy are, and questioned her on the admitted Exhibits.

Richard Tomasso was excused from the Board Meeting at 10:33AM and returned at 10:38AM.

Mr. Zunino cross-examined Ms. Kazeminy.

Ms. Beggs re-crossed Ms. Kazeminy.

The Board questioned Ms. Kazeminy.

Mr. Tomasso made a statement regarding the similarities in the handwriting on the COVID vaccine cards admitted into evidence.

Ms. Beggs objected to Mr. Tomasso's testimony regarding the handwriting on the COVID cards and stated that he was not a handwriting expert.

President Park sustained the objection and asked Mr. Tomasso to refrain his questioning.

Richard Tomasso was excused from the Board Meeting at 11:05AM.

Ms. Beggs re-crossed Ms. Kazeminy.

Mr. Zunino re-crossed Ms. Kazeminy.

Ms. Beggs called Jessica Kunzi, a Pharmaceutical Technician at Safeway, as a witness.

Ms. Kunzi appeared and was sworn in by President Park prior to answering questions and offering testimony.

Ms. Beggs questioned Ms. Kunzi about her current employment, her professional relationship with Ms. Kazeminy, her experiences with Mr. Biggs, and the admitted Exhibits.

Mr. Zunino cross-examined Ms. Kunzi.

The Board questioned Ms. Kunzi.

Mr. Zunino and Ms. Beggs gave their closing argument.

Board discussion ensued.

Todd Weiss, Deputy Attorney General for the Attorney General's Office, commented that before the Board's deliberation, they should not consider the testimony provided by Richard Tomasso as he is not a handwriting expert. Mr. Weiss commented that due to the quorum of the Board being only four members, if an action ends with a tie vote, it does not pass since they would need the majority. He recommends the Board motion each Count individually.

Adam Porath was excused from the meeting at 12:08PM, but a quorum was still established.

Board Action:

Motion: President Park moved to find Ms. Kazeminy guilty of Count One.

Second: Krystal Freitas

Aye: Mitchell, Freitas, Park

Nay: Tejero

Action: Motion carries.

Board Action:

Motion: President Park moved to find Ms. Kazeminy guilty of Count Two.

Second: None

Action: Motion fails.

Board Action:

Motion: President Park moved to find Ms. Kazeminy guilty of Count Three.

Second: Krystal Freitas

Board discussion ensued.

Aye: Freitas, Park

Nay: Tejero, Mitchell

Action: Motion fails.

Board Action:

Motion: President Park moved to make the Findings of Fact consistent with paragraphs 3-14 in the Notice of Intended Action and Accusation.

Second: Wayne Mitchell

Aye: Mitchell, Freitas, Park

Nay: Tejero

Action: Motion carries.

Board Action:

Motion: President Park moved to make the Conclusions of Law consistent with paragraph 29-32 in the Notice of Intended Action and Accusation.

Second: Krystal Freitas

Aye: Mitchell, Freitas, Park

Nay: Tejero

Action: Motion carries.

Mr. Zunino recommends the following discipline for Ms. Kazeminy: 1) revocation with the number of years at the Board's discretion; 2) pay a \$10,000 fine for the violations; and 3) pay attorney's fees and cost.

Ms. Beggs commented that revocation is not appropriate and recommends probation with any conditions on her registration.

Board discussion ensued.

Board Action:

Motion: President Park moved to make the following discipline for Nazanin Kazeminy Certificate of Registration No. 20034: 1) revoked and cannot petition for reinstatement for a period of two years, effective immediately; and 2) pay a fine of \$10,000 for the violations.

Second: Wayne Mitchell

Aye: Park, Mitchell, Freitas

Nay: Tejero

Action: Motion carries.

Mr. Zunino presented the Memorandum of Costs and Fees to the Board.

Ms. Beggs objected to the Memorandum of Costs and Fees and commented that since the Board has taken away Ms. Kazeminy's way of making a living to not impose any attorney's fees and cost.

Board Action:

Motion: President Park moved to award the attorney's fees and costs of \$8,406.29 on the basis that they were reasonable, necessary, and actually incurred.

Second: Mitchell

Action: Passed unanimously.

14. Petition for Removal of Restrictions on Controlled Substance Registration issued pursuant to NAC 639.7423 – Appearance. **(FOR POSSIBLE ACTION)**

- A. Victor Bruce

John Hunt appeared as counsel on behalf of Victor Bruce.

Victor Bruce appeared and was sworn in by President Park prior to answering questions and offering testimony.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, commented that Dr. Bruce is petitioning the Board for an unrestricted controlled substance Certificate of Registration No. CS33714 by removal of the restrictions placed on his registration by the Order entered January 13, 2022, in in Case No. 19-242-D-S.

President Park questioned Dr. Bruce if all the terms and conditions on his registration have been met and whether he is prepared to have an unrestricted registration.

Dr. Bruce and Mr. Hunt answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve an unrestricted Controlled Substance Registration No. CS33714 for Dr. Victor Bruce.

Second: Adam Porath

Action: Passed unanimously.

◆ WORKSHOP ◆

Thursday, April 18, 2024 – 9:00 am

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

- A. **Amendment to Nevada Administrative Code (NAC) 639.708.** The proposed amendments clarify record keeping requirements of counseling by a pharmacy.

Gustaf Vanderdonck, Assistant General Counsel for the Nevada Board of Pharmacy, presented background on the workshop item.

President Park opened the floor to public comment.

Liz MacMenamin from the Retail Association stated that members of the association are not in favor of the workshop item. After looking at workplace issues, the Board will be putting a heavier requirement on counseling. She stated that it is another administrative burden on pharmacists that could be used on the "investigative process" for the Board to collect more fines and fees.

Yenh Long, Deputy Secretary for the Nevada Board of Pharmacy, commented that the workshop clarifies existing laws and ensures the pharmacies maintain accurate, readily retrievable counseling records as Board staff have been unable to receive readily retrievable and accurate pharmacy counseling records from pharmacies during investigations.

President Park closed public comment.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve workshop item 20A as presented by Mr. Vanderdonck.

Second: President Park

Aye: Park, Mitchell

Nay: Freitas, Porath, Tejero

Action: Motion failed.

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve workshop item 20A with amendment to removing the time element from the proposed language

Second: Adam Porath

Action: Passed unanimously.

◆ PUBLIC HEARING ◆

Thursday, April 18, 2024 – 9:00 am

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

- A. **Amendment of Nevada Administrative Code (NAC) 453.510: Schedule I.** The proposed amendments relate to controlled substances adding synthetic cannabinoids to the controlled substances listed in Schedule I. (LCB File No. R101-23)

Darla Zarley, PMP administrator for the Nevada Board of Pharmacy, presented background on the public hearing item.

President Park opened the floor to public comment.

There was no public comment.

President Park closed public comment.

Board discussion ensued.

Board Action:

Motion: Adam Porath moved to adopt public hearing item (LCB File No. R101-23).

Second: Krystal Freitas

Action: Passed unanimously.

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

A. Luke Travis Babcock

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

Gustaf Vanderdonck, Assistant General Counsel for the Nevada Board of Pharmacy, presented background on the application for the Board and questioned Dr. Babcock on what his practice is and his disclosure relating to a substance abuse disorder.

Dr. Babcock provided clarification to the Board on his disclosure and commented that he does not have any current conditions on his license.

President Park questioned applicant on when his five-year period on his monitoring contract with the PRN program ends.

Board discussion ensued.

Yenh Long, Deputy for the Nevada Board of Pharmacy, questioned Mr. Babcock and requested quarterly reports from his PRN program in Florida to make sure that he is compliant.

Mr. Babcock agreed.

Board Action:

Motion: Krystal Freitas moved to approve the Controlled Substance Registration for Dr. Babcock with the condition that he is compliant with his PRN program for the remainder of the five years and provides quarterly reports to the Board.

Second: President Park

Action: Passed unanimously.

B. Japa Volchok

Japa Volchok appeared and was sworn in by President Park prior to answering questions and offering testimony.

Gustaf Vanderdonck, Assistant General Counsel for the Nevada Board of Pharmacy, presented background on the application and questioned Dr. Volchok about his practice, why he was applying for this application, and his disclosures.

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

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Controlled Substance Registration for Dr. Japa Volchok.

Second: Adam Porath

Action: Passed unanimously.

C. Scott Matthew Martin

Scott Martin appeared and was sworn in by President Park prior to answering questions and offering testimony.

Gustaf Vanderdonck, Assistant General Counsel for the Nevada Board of Pharmacy, presented background on the application and questioned Dr. Martin on his practice, why he was submitting a controlled substance registration, and his disclosure with the California Medical Board.

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

Board discussion ensued.

The Board clarified with Dr. Martin that if he only planned to prescribe antibiotics. He already has that ability under his medical license and was questioned if he wants to go forward with his application.

Dr. Martin asked the Board to approve the application for Schedule III, IV, and V Controlled Substances.

Board Action:

Motion: Adam Porath moved to approve the Controlled Substance Registration for Dr. Martin for Controlled Substances Schedule III, IV, and V

Second: Gener Tejero

Action: Passed unanimously.

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

A. Corey Rodas

Corey Rodas appeared and was sworn in by President Park prior to answering questions and offering testimony.

Yenh Long, Deputy Secretary for the Nevada Board of Pharmacy, presented background on the application and questioned Dr. Rodas on his disclosures, why he is applying for Nevada registration, and if he has issues with any other controlled substances.

President Park questioned Mr. Rodas on if he has any current restrictions on his Florida license and whether the PRN program was a requirement of licensure.

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

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Pharmacist Registration by Reciprocity application for Dr. Corey Rodas.

Second: Wayne Mitchell

Action: Passed unanimously.

13. Request for Approval of Change of Managing Pharmacist pursuant to NRS 639.220(3) – Appearance (**FOR POSSIBLE ACTION**)

A. Martin Chibueze - QHR Pharmacy

Martin Chibueze appeared and was sworn in by President Park prior to answering questions and offering testimony.

Yenh Long, Deputy Secretary for the Nevada Board of Pharmacy, presented background on the application and questioned Dr. Chibueze about his pharmacist experience and the disclosures listed in his change in managing pharmacist application.

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

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Change of Managing Pharmacist application for Dr. Martin Chibueze.

Second: Adam Porath

Action: Passed unanimously.

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

- A. Rhythm Healthcare, LLC – Corona, CA - Background Check completed in compliance with NRS 639.500
- B. Rhythm Healthcare, LLC –Memphis, TN – Background Check completed in compliance with NRS 639.500

Douglas Francis (Chief Executive Officer), Gary Colbert (Chief Financial Officer), and Mitchell Yoel (Chief Operating Officer) appeared and were sworn in by President Park prior to answering questions and offering testimony.

Gustaf Vanderdonck, Assistant General Counsel for the Nevada Board of Pharmacy, presented background on the application and questioned the applicants about the business model and their disclosures from the Nevada and Arizona Board of Pharmacy.

Mr. Francis, Mr. Colbert, and Mr. Yoel answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: President Park moved to approve the Out-of-State Wholesaler License application for Rhythm Healthcare facility located in Corona, CA and Rhythm Healthcare facility located in Memphis, TN.

Second: Krystal Freitas

Action: Passed unanimously.

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

- A. ASPN Pharmacies 4, LLC – Las Vegas, NV

Krystal Freitas and President Park disclosed that they are familiar with the designated representative, Desiree Roth, but can participate in this matter fairly and without bias.

Desiree Roth (Pharmacist), Ed McGinley (Pharmacy Management Consultant), Ami Patel (Vice President of Operations), Div Patel (Director of Operations), and Robert Anderson (Chief Financial Officer), appeared and were sworn in by President Park prior to answering questions and offering testimony.

Yenh Long, Deputy Secretary for the Nevada Board of Pharmacy, presented background on the application and questioned their business model.

The Board questioned applicants job duties, their business model, and the business processes.

The applicants answered the Board's questions.

Board discussion ensued.

President Park asked ASPN Pharmacies 4, LLC, if they would like to table their application to a future meeting so they can work with Board staff and discuss their business model.

ASPN Pharmacies 4, LLC, agreed to table the application to a future Board meeting.

15. Application for Dispensing Practitioner Registration (NRS 453.226) – Appearance
(FOR POSSIBLE ACTION)

A. David Lanzkowsky

The application was withdrawn.

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

D. Raley's Drug Center #105 (23-365-PH-N)

This matter was continued to a future Board meeting.

G. Karri Burgner (22-247-CS-A-N)

This matter was continued to a future Board meeting.

H. Ricardo Gonzalez (22-247-CS-B-N)

This matter was continued to a future Board meeting.

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

A. Jasmine Wells

This matter was continued to a future Board meeting.

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

A. H-Blue Medical Supply, LLC – Reno, NV

This matter was continued to a future Board meeting.

B. Z-O Medical Supplies, LLC – Las Vegas, NV

This matter was continued to a future Board meeting.

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

B. Vital Care of Summerlin – Las Vegas, NV

This matter was continued to a future Board meeting.

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

A. Fagron Sterile Services – Canton, MA

This matter was continued to a future Board meeting.

C. Seven Hills Pharmacy – Sharronville, OH

This matter was continued to a future Board meeting.

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

Gregory Zunino presented the General Counsel's Report to the Board.

24. Date and Location of Next Scheduled Board Meeting:

May 29-30, 2024 – Las Vegas, NV

25. Public Comment

There was no public comment.

26. Adjournment