

December 2024 Board Meeting Handouts

16A. Executive Report – Financials

5P. Jack Thomas Jr.

5O. Matthew Okeke, MD

5L. Safe Chain Solutions

5Q. Wilson F. Bernales, MD

5G. DeeFlat Pharmacy

5H. Thu Thi Phuong Vo

5I. Laughlin Pharmacy & Wellness Center

5J. Youjin Seo

16A

SFY25 MONTHLY BUDGET REPORT
 NEVADA STATE BOARD OF PHARMACY
 Oct-24

| REVENUES | APPROVED BUDGET | BUDGET AMENDMENTS | REVISED BUDGET | CURRENT MONTH REVENUE/EXPENSE | PRIOR MONTH(S) REVENUE/EXPENSE | PROJECTIONS THROUGH 6/30/2025 | TOTAL REVENUE/EXPENSE SFY25 | DIFFERENCE |
|-----------------------|----------------------|-------------------|----------------------|-------------------------------|--------------------------------|-------------------------------|-----------------------------|-------------|
| Beginning Balance | \$ 4,663,661 | | \$ 4,663,661 | \$ - | \$ - | \$ 4,663,661 | \$ 4,663,661 | \$ - |
| Renewal Fees | \$ 6,106,426 | | \$ 6,106,426 | \$ 2,653,440 | \$ 3,538,050 | \$ (85,064) | \$ 6,106,426 | \$ - |
| Registration Fees | \$ 1,297,680 | | \$ 1,297,680 | \$ 121,025 | \$ 317,550 | \$ 859,105 | \$ 1,297,680 | \$ - |
| Recovered Costs | \$ 30,000 | | \$ 30,000 | \$ 10,347 | \$ 33,818 | \$ (14,164) | \$ 30,000 | \$ - |
| CC Processing Fees | \$ 300,000 | | \$ 300,000 | \$ 134,665 | \$ 184,546 | \$ (19,211) | \$ 300,000 | \$ - |
| Change MGR RPh | \$ 22,800 | | \$ 22,800 | \$ 1,600 | \$ 3,150 | \$ 18,050 | \$ 22,800 | \$ - |
| Inspections | \$ 5,000 | | \$ 5,000 | \$ 68 | \$ 8,754 | \$ (3,822) | \$ 5,000 | \$ - |
| Interest Income | \$ 30,000 | | \$ 30,000 | \$ 19,176 | \$ 32,497 | \$ (21,672) | \$ 30,000 | \$ - |
| Late Fees | \$ 15,000 | | \$ 15,000 | \$ 900 | \$ 400 | \$ 13,700 | \$ 15,000 | \$ - |
| Total Revenues | \$ 12,470,567 | \$ - | \$ 12,470,567 | \$ 2,941,221 | \$ 4,118,764 | \$ 5,410,582 | \$ 12,470,567 | \$ - |
| EXPENSES | | | | | | | | |
| Payroll | \$ 4,139,230 | | \$ 4,139,230 | \$ 309,242 | \$ 915,992 | \$ 2,913,996 | \$ 4,139,230 | \$ - |
| Operating | \$ 1,382,732 | | \$ 1,382,732 | \$ 297,181 | \$ 246,274 | \$ 839,277 | \$ 1,382,732 | \$ - |
| Equipment | \$ 25,000 | | \$ 25,000 | \$ 400 | \$ - | \$ 24,600 | \$ 25,000 | \$ - |
| In-State Travel | \$ 110,000 | | \$ 110,000 | \$ 11,126 | \$ 15,168 | \$ 83,706 | \$ 110,000 | \$ - |
| Out-of-State Travel | \$ 65,000 | | \$ 65,000 | \$ 1,662 | \$ 2,191 | \$ 61,146 | \$ 65,000 | \$ - |
| DAG Cost | \$ 40,000 | | \$ 40,000 | \$ 1,570 | \$ 415 | \$ 38,015 | \$ 40,000 | \$ - |
| Reserve | \$ 6,708,605 | \$ - | \$ 6,708,605 | \$ - | \$ - | \$ - | \$ 6,708,605 | \$ - |
| Total Expenses | \$ 12,470,567 | \$ - | \$ 12,470,567 | \$ 821,182 | \$ 1,180,040 | \$ 3,960,740 | \$ 12,470,567 | \$ - |
| Balance | \$ - | \$ - | \$ - | | | | \$ - | \$ - |

5P

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**JACK KELTON THOMAS, JR.,
Certificate of Registration No. CS08932
And DV00496,**

Respondent.

Case Nos. 22-187-CS-S

**MEMORANDUM OF
COSTS AND FEES**

Pursuant to NRS 622.400, the undersigned hereby submits the following itemized bill of costs and reasonable attorney's fees incurred by the Nevada State Board of Pharmacy in connection with the investigation and prosecution of the above-entitled administrative action.

Investigation Time (Investigator Kenneth Scheuber)

| <u>Date(s)</u> | <u>Description</u> | <u>Hours</u> | <u>Rate</u> | <u>Amount</u> |
|---------------------------|--------------------|--------------|-------------|---------------|
| 2022 | See attached | 26.5 | \$50.00 | \$1,325.00 |
| Subtotal (Investigation): | | | | \$1,325.00 |

Attorney Time (Gregory Zunino)

| <u>Date(s)</u> | <u>Description</u> | <u>Hours</u> | <u>Rate</u> | <u>Amount</u> |
|----------------|-------------------------------------|--------------|-------------|---------------|
| 8/9/24 | Review File, Draft Accusation | 3.5 | \$60.00 | \$210.00 |
| 8/22/24 | Review File, Finalize Accusation | 1.5 | \$60.00 | \$90.00 |
| 9/27/24 | Assemble Exhibits for Hearing | 1.0 | \$60.00 | \$60.00 |
| 10/5/24 | Review Answer and Notice of Defense | .25 | \$60.00 | \$15.00 |
| 10/10/24 | Assemble Discovery Materials | 1.5 | \$60 | \$90 |

Attorney Time (Gregory Zunino Continued)

| <u>Date(s)</u> | <u>Description</u> | <u>Hours</u> | <u>Rate</u> | <u>Amount</u> |
|--------------------------|--|--------------|-------------|---------------|
| 10/10/24 | Email to Dr. Jack Thomas | .25 | \$60 | \$15 |
| 10/11/24 | Draft Amended Accusation | 1.25 | \$60 | \$75 |
| 11/5/24 | Conference w/ ED re Settlement Proposal; Email To Dr. Jack Thomas | .75 | \$60 | \$45 |
| 11/11/24 | Review Amended Answer And Notice of Defense; Review Email from Dr. Jack Thomas | .5 | \$60 | \$30 |
| 12/5/24 | Hearing (Estimated) | .5 | \$60 | \$30 |
| Subtotal (Attorney Time) | | | | \$630.00 |

Administrative Costs

| <u>Date(s)</u> | <u>Description</u> | <u>Hours</u> | <u>Rate</u> | <u>Amount</u> |
|--|--|--------------|-------------|-------------------|
| 9/11/24 | Erin Miller sent Accusation via regular/certified mail. | 1.0 | \$35 | \$35 |
| 9/16/24 | Jessette Phaynarikone sent Notice of Hearing via regular/certified mail. | 0.5 | \$35 | \$17.50 |
| 9/11/24 | Erin Miller sent First Amended Accusation via regular/certified mail. | 1.0 | \$35 | \$35 |
| 10/31/24 | Jessette Phaynarikone sent Notice of Hearing via regular/certified mail. | 0.5 | \$35 | \$17.50 |
| Board Coordination Time | | | | \$105.00 |
| Total Mailing Cost: | | | | \$68.50 |
| Subtotal (Administrative Costs and Fees) | | | | <u>\$173.50</u> |
| Total Costs and Fees: | | | | \$2,128.50 |

I, Gregory L. Zunino, affirm, to the best of my knowledge and belief, that the foregoing is a true and correct statement of costs and reasonable attorney's fees incurred by the Board in the above-entitled action.

DATED this 25th day of November 2024.



Senior General Counsel
Nevada State Board of Pharmacy

INVESTIGATIONAL HOURS

CASE NUMBER 22-187-CS-5

NAME Kenneth Schenkel

| DATE | ACTIVITY | TOTAL HRS |
|----------|---|-----------|
| 06-23-22 | DATE CASE Recd. AND Reviewed. Files Created. INVESTIGATIVE REPORTS created. E-MAIL FROM KENNETH | 1.25 |
| 06-26-22 | Print CONTRACT INFO. | .50 |
| 07-01-22 | TALKED TO KEN MENNELL SEVERAL TIMES. Drove TO BRITAINING TO INVENTORY CONTROLLED SUBSTANCES | 6.0 |
| 07-07-22 | KEN MENNELL UPDATE ON CASE. | 1.0 |
| 07-11-22 | Recd WHISKEY K. E-MAIL. Copy of NVB Recd. UPDATED CASE | 1.0 |
| 07-13-22 | Chary got DR Cook License. TALKED TO ALTHEA FROM DEA. TALKED TO CHRISTINA AT VET BOARD. | 1.5 |
| 07-19-22 | E-MAIL FROM DEA ALTHEA. | .25 |
| 07-20-22 | MEETING Scheduled for FRIDAY | .25 |
| 07-22-22 | MEETING WITH KEN MENNELL. Reviewed HIS Report. | 1.50 |
| 07-25-22 | Recd DEA CHEMIST. | .50 |
| 07-26-22 | INTERVIEW WITH ADRIANNE, DR. WALLACE, DR. STESS, AND CHRY. Recd DR. STESS STATEMENT. | 2.00 |
| 07-27-22 | Recd ADRIANNE, CHRY, DR. WALLACE STATEMENTS UPDATE THE CASE Report. | 1.50 |
| 08-19-22 | INTERVIEWED JACK THOMAS. UPDATE THE CASE. | 1.00 |
| 08-25-22 | SENT Document Request To KEN MENNELL. | 1.25 |
| 08-26-22 | RECEIVED NYE County SITTING Report, DR. THOMAS STATEMENT. Recd 1 PAGE OF Employment Agreement. | 1.00 |
| 8-31-22 | E-MAIL Recd from ADRIANNE FROM DR. WALLACE. | .25 |
| 9-1-22 | DEA Purchases Recd FROM Dodgewood Pharmacy | 1.00 |
| 9-10-22 | DR. WALLACE ON Dessert HAVE Animal Software. Received CALCULATIONS w/ CHRY on Steroids. | .50 |
| 9-12-22 | Recd Controlled Substance Ordering INFO FROM ADRIANNE @ Dodgewood Pharmacy. UPDATE CASE. | .75 |
| 9-13-22 | TALKED TO CHRY Regarding 24 Month Window | 1.50 |
| 9-14-22 | Recd Copy of Bureau Report. UPDATE CASE | 1.00 |
| 9-21-22 | CASE REVIEW BY OTC LAS VEGAS REVIEW COMMITTEE | .25 |
| 9-30-22 | INTERVIEWED KRISTIA. | .75 |
| 10-5-22 | FOLLOW UP WITH KANTON. Cover Pages Printed. | 1.00 |

TOTAL HOURS 26.50
 HOURLY RATE
 TOTAL DOLLARS

SIGNATURE 

DATE 10-05-22

FILED
NOV 12 2024
NEVADA STATE BOARD
OF PHARMACY

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**JACK KELTON THOMAS, JR., DVM,
Certificate of Registration Nos. CS08932 and
DV00496,**

Respondent.

Case No. 22-187-CS-S

**ANSWER AND NOTICE
OF DEFENSE**

Respondent above named, in answer to the First Amended Notice of Intended Action and Accusation filed in the above-entitled matter before the Nevada State Board of Pharmacy, declares:

1. That his/her objection to the First Amended Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against him/her, is hereby interposed on the following grounds: (State specific objections or insert "none").

See attached.

2. That, in answer to the First Amended Notice of Intended Action and Accusation, he/she admits, denies and alleges as follows:

See attached.

I hereby declare, under penalty of perjury, that the foregoing Answer and Notice of Defense, and all facts therein stated, are true and correct to the best of my knowledge.

DATED this _____ day of _____ 2024.

JACK KELTON THOMAS, JR., DVM

Nevada State Board of Pharmacy
985 Damonte Ranch Pkwy
Suite 206
Reno, Nevada 89521

Subj: Response to Notice Of Intended Action and Accusation regarding Jack Thomas, Jr and Case No. 22-187-CS-S.

To: Nevada State Board of Pharmacy,

Respondent above named, in answer to the First Amended Notice of Intended Action and Accusation filed in the above-entitled matter before the Nevada State Board of Pharmacy, declares:

1. That his/her objection to the Notice of Intended Action and Accusation as being incomplete or failing to state clearly the charges against him/her, is hereby interposed on the following grounds: Incorrect, incomplete, and/or false allegations.
2. That, in answer to the Notice of Intended Action and Accusation, he/she admits, denies, and alleges as follows:
3. Respondent was again contacted by the current Practice Manager at Animal Care Center of Pahrump with information of an employee signing for a certified mail at that address. I am shocked at the complete failure to ensure the privacy of these documents prior to the scheduled hearing. This mailing was performed after a board representative called my personal phone and was reminded of the current mailing address. The same documents were sent to my current mailing address on or about 7 days later. I, again, object to these sensitive, personal documents being delivered to unauthorized persons and accepted with unauthorized signatures.

In response to the above listed action, Respondent submits the following:

1. Under Factual Allegations, the following are not factual or are misleading:
 - A. (5) Respondent's AVPM NV PC 1 LLC employment contract did not "purportedly relieve Thomas of any responsibility for managing the business of Animal Care Center of Pahrump." This allegation is false. The employment contract specifically states the following:
 - a. "You shall devote your full business time and attention (in accordance with standard policies and practices of the Employer for full time employment) to the performance of your duties and responsibilities hereunder as an employed veterinarian of the Employer."
 - b. "For clarity and for the avoidance of doubt, it is acknowledged and agreed that the scope of services to be rendered by you for the Employer shall be limited to

the practice of veterinary medicine (and shall not involve any management or administrative duties). "

There is no part of this that is open to interpretation.

- B. (6) This allegation is incomplete and false. The last sentence should read "Rastella ordered buprenorphine using respondent's credentials without respondent's knowledge or authorization. That change makes this sentence factual.
- C. (7) There was no investigation in May of 2022.
- D. (10) Respondent (employee) had no requirement, authority, or duty to identify another practitioner (employee) with the responsibility to supervise Rastella (employee) to secure the storage and tracking of controlled substances at the Animal Care Center of Pahrump. This is a management and/or administrative duty. Respondent was specifically, legally, and contractually restricted to from all management or administrative duties. This allegation is false.
- E. (12) Between November 2019 and June 2022, Respondent was specifically, legally, and contractually required to unequivocally be removed from any and all management or administrative knowledge of the facilities practices and procedures related to procurement, possession, storage, and dispensing of buprenorphine after being forced to abdicate all said responsibilities. This allegation is false.
- F. (13) In November 2019, Respondent was legally forced and contractually required to vacate (in the petitioners writing – "abdicate") any responsibility for supervising the procurement, possession, storage, and dispensing by others of dangerous drugs or controlled substances. This was not voluntary for Respondent. The allegation, as written, is incomplete and misleading.
- G. (14) Respondent had neither responsibility nor ability to "take reasonable steps to ensure another practitioner assumed responsibility for supervising the procurement, possession, storage, and dispensing of dangerous drugs and controlled substances." Respondent was legally and contractually forced to abdicate all management and administrative duties for the entirety of this investigation period. Amerivet management or administration is the obvious responsible party to make this management and/or administrative decision. This allegation is false.
- H. (15) In November 2019, upon contractually and legally forcing Respondent to abdicate all management and administrative responsibilities, Amerivet management was completely and fully in charge of all employee responsibilities and duties. They were also completely and fully responsible for all practices, procedures, and policy for Animal Care Center of Pahrump. Respondent was contractually removed of any responsibility to take steps of any kind in a management or administrative role which would include the management and administration of Rastella's ordering and handling of controlled substances. This allegation is false.

- I. (16) This allegation is incomplete. Regardless of Respondent previous knowledge and familiarity with operations prior to November 2019, Amerivet contractually and legally took full and complete management and administrative control. Amerivet contractually forced Respondent to abdicate any and all management or administrative responsibilities. Respondent had no verbal or written knowledge of continued use of credentials by Amerivet. Respondent could not have legally or contractually taken any steps to ensure buprenorphine was ordered under some other practitioner's credentials, reasonable or otherwise. This is a management and administrative duty and was expressly and specifically removed from Respondent duties as an employed Doctor of Veterinary Medicine for Amerivet.
- J. (17, 18, 19, 20, 21) These allegation could not have been "as a result of Respondent's acts or omissions" as Respondent was expressly forbidden from management or administrative control or responsibility regarding any of these allegations. Amerivet was fully and completely responsible for their failures in these allegations. Amerivet had full responsibility to ensure these allegations could not occur. These were Amerivet management and administrative failures, not Respondent's. This is fact. These allegations are all false.
- K. (22) Respondent never used the words "Board", "Drug Enforcement Agency", or "DEA" in the single conversation with other senior employees when made aware of the diversion.
- L. (24) Respondent's position (employed Doctor of Veterinary Medicine with no management or administrative responsibilities by lawful contract), tenure, and responsibilities ("shall devote your full business time and attentionto the performance of your duties and responsibilities hereunder as an employed veterinarian of the Employer. For clarity and for the avoidance of doubt, it is acknowledged and agreed that the scope of the services to be rendered by you for the Employer shall be limited to the practice of veterinary medicine (and shall not involve any management of administrative duties")) expressly precludes Respondent from any involvement in any steps that may need to be taken in any management or administrative decisions. Even in light of these limitations, Respondent, in coordination with other employees, completely and fully removed Rastella's access to ordering or handling of any and all controlled substances to successfully and fully prevent the continued diversion of controlled substances from the Animal Care Center of Pahrump. This allegation is false.

2. In response to COUNT ONE:

- A. The entirety of Count ONE is in the capacity of management and administrative duties. None of these were or could possibly be interpreted as being the responsibility of the Respondent in the capacity of an employed veterinarian with Amerivet. Additionally, Respondent did not have any authority to respond to or control any of these duties due to the very

specific contractual limiting of Respondent duties as an employee of Amerivet. Respondent was contractually required to the very specific following:

"You shall devote your full business time and attention (in accordance with the standard policies and practices of the Employer for full time employment) to the performance of your duties and responsibilities hereunder as an employed veterinarian of the Employer."

"For clarity, and for the avoidance of doubt, it is acknowledged and agreed that the scope of the services to be rendered by you to the Employer shall be limited to the practice of veterinary medicine (and shall not involve any management or administrative duties."

- B. There is no ambiguity or interpretation here at all. COUNT ONE is applicable only to Amerviet. COUNT ONE is not applicable to Respondent.

Respondent's duties to his patients as an employed veterinarian at Animal Care Center of Pahrump were completely professionally, faithfully and diligently fulfilled and documented in applicable medical records and logs.

3. In response to COUNT TWO:

- A. (48) Respondent did not know nor reasonably should have known that one or more persons had been diverting dangerous drugs and /or controlled substances from the Animal Care Center of Pahrump until the issue was revealed at the February 2022 meeting. As mentioned multiple times in this document, Respondent was contractually removed of any management or administrative duties. Respondent was contractually to "devote your full business time and attention...to the performance of your duties and responsibilities hereunder as an employed veterinarian of the Employer." "For clarity, and for the avoidance of doubt, it is acknowledged and agreed that the scope of the services to be rendered by you for the Employer shall be limited to the practice of veterinary medicine (and shall not involve any management of administrative duties)"

All above noted allegations and both Counts should be vacated and this Case should be closed at the next Nevada Board of Pharmacy meeting in December. As I am unable to be present at the upcoming meeting, I submit this response as my testimony and I respectfully request the board review my written response before "accepting the allegations are true". I have rejected the proposed settlement dated November 5, 2024 by Gregory Zunino.

I, hereby declare, under penalty of perjury, that the foregoing Answer and Notice of Defense, and all facts therein stated are true and correct to the best of my knowledge.

Dated this eighth day of November 2024.

Please contact me at this email address regarding any further communication.

Respectfully submitted,

Dr. Jack K Thomas, Jr BS, DVM

50

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Case Nos. 19-013-CS-S

Petitioner,

v.

**MEMORANDUM OF
COSTS AND FEES**

**MATTHEW OKEKE, M.D.,
Certificate of Registration No. CS10935,**

Respondents.

Pursuant to NRS 622.400, the undersigned hereby submits the following itemized bill of costs and reasonable attorney's fees incurred by the Nevada State Board of Pharmacy in connection with the investigation and prosecution of the above-entitled administrative action.

Investigation Time (Investigator Dena McClish)

| <u>Date(s)</u> | <u>Description</u> | <u>Hours</u> | <u>Rate</u> | <u>Amount</u> |
|---------------------------|--------------------|----------------|-------------|---------------|
| 2018-2019 | Investigation | 20 (Estimated) | \$50.00 | \$1,000.00 |
| Subtotal (Investigation): | | | | \$1,000.00 |

Attorney Time (Gregory Zunino)

| <u>Date(s)</u> | <u>Description</u> | <u>Hours</u> | <u>Rate</u> | <u>Amount</u> |
|----------------|--|--------------|-------------|---------------|
| 2/22/2023 | Review Report, Review Statutes and Regulations, Draft Accusation | 4.5 | \$60.00 | \$270.00 |
| 9/18/23 | Review Report, Public Records, Draft Amended Accusation | 2.5 | \$60.00 | \$150.00 |
| 11/14/23 | Draft Proposed Stipulation | 1.25 | \$60.00 | \$75.00 |
| 11/21/23 | Draft Amended Stipulation | .5 | \$60.00 | \$30.00 |
| 12/11/23 | Email to Opposing Counsel | .25 | \$60.00 | \$15.00 |
| 1/11/2024 | Assemble Exhibits | 2.25 | \$60.00 | \$135.00 |
| 1/17/2024 | Conference with Opposing Counsel | .25 | \$60.00 | \$15.00 |

Attorney Time (Gregory Zunino Continued)

| <u>Date(s)</u> | <u>Description</u> | <u>Hours</u> | <u>Rate</u> | <u>Amount</u> |
|--------------------------|---|--------------|-------------|---------------|
| 4/26/24 | Legal Research Re Surrender of License; Email to Opposing Counsel | .5 | \$60 | \$30 |
| 5/13/24 | Email to Opposing Counsel Re Postponement of Hearing | .25 | \$60 | \$15 |
| 9/20/24 | Call w/ Sarah Bradley of BME Re BME Complaints Email to Opposing Counsel | .5 | \$60 | \$30 |
| 11/5/24 | Call w/ Sarah Bradley of BME Review Transcript of BME Hearing; Review BME Complaints | 1.5 | \$60 | \$90 |
| 11/13/24 | Conference with ED Re Settlement Proposal and Status; Draft Settlement Proposal; Email to Opposing Counsel | .5 | \$60 | \$30 |
| 11/20/24 | Assemble/Redact Exhibits For Hearing; Draft Letter to Opposing Counsel | 3.25 | \$60 | \$195 |
| 11/20/24 | Meet with Darla Zarley re Testimony and Exhibits | .75 | \$60 | \$45 |
| 11/21/24 | Call w/ Sarah Bradley of BME; Review Transcripts of BME Hearings. | 2.5 | \$60 | \$150 |
| 12/5/24 | Hearing (Estimated) | 3.0 | \$60 | \$180 |
| Subtotal (Attorney Time) | | | | \$1,455.00 |

Administrative Costs


| <u>Date(s)</u> | <u>Description</u> | <u>Hours</u> | <u>Rate</u> | <u>Amount</u> |
|----------------|---|--------------|-------------|---------------|
| 7/20/23 | Shirley Hunting sent out Accusation via certified/regular mail. | 1.0 | \$35 | \$35 |

Administrative Costs (Continued)

| <u>Date(s)</u> | <u>Description</u> | <u>Hours</u> | <u>Rate</u> | <u>Amount</u> |
|----------------------------------|---|--------------|-------------|-------------------|
| 9/29/23 | Shirley Hunting sent out First Amended Accusation via certified/regular mail. | 1.0 | \$35 | \$35 |
| 12/14/23 | Darlene Nases sent January 2024 Notice of Hearing sent to Matthew Okeke | 0.5 | \$35 | \$17.50 |
| 1/24/24 | Darlene Nases sent out Final Order To Matthew Okeke and Counsel Liborius Agwara | 0.5 | \$35 | \$17.50 |
| 2/12/24 | Jessette Phaynarikone sent March 2024 Notice of Hearing | 0.5 | \$35 | \$17.50 |
| 3/14/24 | Erin Miller sent Order Vacating Decision for Matthew Okeke | 0.5 | \$35 | \$17.50 |
| 4/29/24 | Jessette Phaynarikone sent May 2024 Notice of Hearing | 0.5 | \$35 | \$17.50 |
| 8/5/24 | Erin Miller sent September 2024 Notice of Hearing | 0.5 | \$35 | \$17.50 |
| 9/16/24 | Jessette Phaynarikone sent October 2024 Notice of Hearing | 0.5 | \$35 | \$17.50 |
| 10/31/24 | Jessette Phaynarikone sent December 2024 Notice of Hearing | 0.5 | \$35 | \$17.50 |
| Board Coordination Time: | | | | \$210.00 |
| Total Mailing Cost | | | | \$124.19 |
| Subtotal (Administrative Costs): | | | | <u>\$334.19</u> |
| Total Costs and Fees: | | | | \$2,789.19 |

I, Gregory L. Zunino, affirm, to the best of my knowledge and belief, that the foregoing is a true and correct statement of costs and reasonable attorney's fees incurred by the Board in the above-entitled action.

DATED this 25th day of November 2024.



Senior General Counsel
Nevada State Board of Pharmacy

5L

FILED
NOV 27 2024
NEVADA STATE BOARD
OF PHARMACY

William J. Stilling (NBN 9915)
STILLING & HARRISON, PLLC
222 S. Main St., Ste. 500
Salt Lake City, Utah 84101
Telephone: 801-341-2021
Facsimile: (801) 341-2021
Email: bstilling@SHhealthlawyers.com

Attorney for Respondent Safe Chain Solutions, LLC

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

SAFE CHAIN SOLUTIONS, LLC,
Wholesaler License No. WH02131

Respondent.

CASE NOS. 24-356-WH0)

RESPONDENT'S ANSWER AND
NOTICE OF DEFENSE

Respondent Safe Chain Solutions, LLC, by and through its counsel William J. Stilling, of and for Stilling & Harrison, PLLC, answers and provides notice of its defense to the Notice of Intended Action and Accusation ("Notice") in the above-entitled matter and declares as follows.

REQUEST FOR HEARING

Respondent requests a hearing on the Notice.

RESPONSES TO ALLEGATIONS AND CAUSES OF ACTION

In answer to the Notice, Respondent admits, denies, and alleges as follows. Each reference to a "paragraph" is reference to a paragraph in the Notice.

JURISDICTION

1. Respondent admits the allegations in paragraph 1.

FACTUAL ALLEGATIONS

2. Respondent denies the allegations in paragraph 2.
3. Respondent denies the allegations in paragraph 3.
4. Respondent admits that the FDA issued a warning letter on June 8, 2023, and that the document speaks for itself. Respondent does not admit to observations and statements in the warning letter.
5. Without admitting to the statements in the September 30, 2024, Cease & Desist letter, Respondent admits the allegations in paragraph 5. Respondent had previously ceased shipping all Gilead Sciences, Inc. ("Gilead") products as of July 2021. Respondent remains in compliance with the Cease & Desist letter.

APPLICABLE LAW

6. Paragraph 6 is a statement of law and is not susceptible to admission or denial.
7. Paragraph 7 is a statement of law and is not susceptible to admission or denial.
8. Paragraph 8 is a statement of law and is not susceptible to admission or denial.
9. Paragraph 9 is a statement of law and is not susceptible to admission or denial.
10. Paragraph 10 is a statement of law and is not susceptible to admission or denial.
11. Paragraph 11 is a statement of law and is not susceptible to admission or denial.
12. Paragraph 12 is a statement of law and is not susceptible to admission or denial.
13. Paragraph 13 is a statement of law and is not susceptible to admission or denial.

COUNT ONE

Violation of Federal Law - Sale/Distribution of Counterfeit Drugs

14. Respondent denies the allegations in paragraph 14.
- 15.

COUNT TWO
Violation of State Law - Sale/Distribution of Counterfeit Drugs

16. Respondent denies the allegations in paragraph 15.

COUNT THREE
Violation of Federal Law - Falsification of Records

17. Respondent denies the allegations in paragraph 16.

COUNT FOUR
Violation of State Law - Falsification of Records

18. Respondent denies the allegations in paragraph 17.

COUNT FIVE
Unprofessional Conduct - Fraudulent/Deceitful Practice/Transaction

19. Respondent denies the allegations in paragraph 18.

COUNT SIX
Unprofessional Conduct-Incompetent, Unskillful or Negligent Performance of Duties

20. Respondent denies the allegations in paragraph 19.

OTHER DEFENSES

21. Counts 1 through 6 fail to state a claim upon which relief can be granted.

22. The factual allegations in the Notice are incomplete and create an impression of wrongdoing by Respondent. Respondent will provide evidence at a hearing that demonstrates Respondent did not engage in wrongdoing. Respondent will also provide evidence that from September 9 through 11, 2024, FDA inspected Respondent's facility in Maryland and that the FDA verbally communicated to Respondent's personnel that based on the inspection the FDA intends to close its case regarding Respondent.

RESERVATION OF RIGHTS

23. Respondent reserves the right to assert other factual, legal, and equitable defenses.

24. Respondent reserves the right to amend this Answer.

OTHER

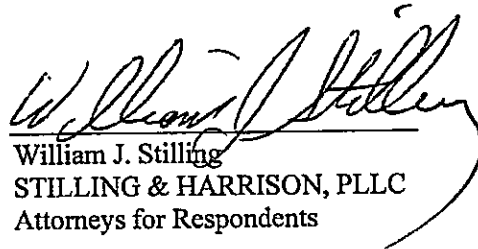
25. To the extent Respondent has not expressly admitted a factual allegation, it denies all such allegations.

PRAYER FOR RELIEF

26. That the Board dismiss all Causes of Action in the Notice or that the Board finds that the allegations in the Notice and all evidence presented to the Board do not support imposing discipline on any of the Respondent.

27. That the Board provide further relief to Respondent as it finds just and proper.

DATED this 27th day of November 2024.



William J. Stilling
STILLING & HARRISON, PLLC
Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2024, I caused to be served a true and correct copy of the foregoing **ANSWER AND NOTICE OF DEFENSE** by the method indicated below to:

Brett Kandt
General Counsel
Nevada State Board of Pharmacy
985 Damonte Ranch Pkwy #206,
Reno, NV 895219
Nevada State Board of Pharmacy
(bkandt@pharmacy.nv.gov)

- U.S. Mail postage prepaid
- Hand delivery
- Overnight Mail
- Facsimile
- Electronic Mail

David Wuest
Executive Secretary
Nevada State Board of Pharmacy
985 Damonte Ranch Pkwy #206,
Reno, NV 895219
dwuest@pharmacy.nv.gov

- U.S. Mail postage prepaid
- Hand delivery
- Overnight Mail
- Facsimile
- Electronic Mail



William J. Kelly

JOE LOMBARDO
Governor



HELEN PARK
President

J. DAVID WUEST
Executive Secretary

STATE OF NEVADA
BOARD OF PHARMACY

985 Damonte Ranch Pkwy, Ste 206
Reno, NV 89521

September 30, 2024

VIA CERTIFIED U.S. MAIL

Charles D. Boyd
Chief Executive Officer
Safe Chain Solutions, LLC
822 Chesapeake Drive
Cambridge, MD 21613-9408

Re: CEASE & DESIST ORDER (Case No. 24-356-WH-O)

Dear Mr. Boyd:

The Nevada State Board of Pharmacy has determined that Safe Chain Solutions, LLC (Safe Chain), Nevada Wholesaler License No. WH02131, has sold and/or distributed counterfeit drugs purportedly manufactured by Gilead Sciences, Inc., for the treatment of HIV-1 patients, including Biktarvy and Descovy, to no fewer than two pharmacies located in Nevada. This constitutes a violation of federal and State law, including, without limitation, 21 U.S.C. 360eee-1, 21 U.S.C. 331(t), NRS 454.351(1), NRS 585.380, NRS 585.410, NRS 585.420, NRS 639.550, NRS 639.555, NAC 639.599, NAC 639.602 and/or NAC 639.603.

Safe Chain is hereby ordered pursuant to NRS 639.2895(1) to immediately CEASE and DESIST engaging in the sale and/or distribution of counterfeit HIV-1 drugs purportedly manufactured by Gilead Sciences, Inc., including Biktarvy and Descovy, into Nevada.

Regards,

A handwritten signature in blue ink, appearing to read "Brett Kandt".

Brett Kandt
General Counsel
Nevada State Board of Pharmacy

Tele: 775-850-1440 • Fax: 775-850-1444 • Web: bop.nv.gov
• E-mail: pharmacy@pharmacy.nv.gov

9171 9690 0935 0313 8182 90

5Q

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

WILSON F. BERNALES, M.D.,
Certificate of Registration Nos. CS27754,

Respondent.

Case No. 23-015-CS-S

STIPULATION AND ORDER

J. David Wuest, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, by and through counsel, Gregory L. Zunino, Senior General Counsel, and Respondent Wilson F. Bernales, M.D. ("Respondent"), by and through counsel, John Hunt, Esq., of Clark Hill, hereby stipulate and agree as follows:

1. The Nevada State Board of Pharmacy (the "Board") has jurisdiction over Respondent and this matter.
2. The Board's staff properly served Respondent with the Notice of Intended Action and Accusation ("Accusation") on file in this matter, together with the Statement to Respondent and Notice of Hearing.
3. Respondent acknowledges that after consulting with counsel, he understands the terms of this Stipulation and Order ("Stipulation") and has executed it knowingly and voluntarily.
4. Respondent is aware of the right to a hearing on the matters alleged in the Accusation, the right to reconsideration of a Board determination in a contested case, the right to appeal a Board determination in a contested case, and all other rights afforded to Respondent under NRS Chapter 233B, the Nevada Administrative Procedure Act, NRS Chapter 622A, which governs administrative procedure before the Board, NRS Chapter 639, the Nevada Pharmacy Act, and NRS Chapter 453, the Nevada Uniform Controlled Substances Act.
5. Conditioned on the acceptance of this Stipulation by the Board, and excluding the right to challenge any determination that Respondent has failed to comply with the provisions of this

Stipulation, Respondent hereby freely and voluntarily waives his right to a hearing, reconsideration, appeal, and other rights related to this action as identified above.

6. Respondent admits that evidence exists, and that Board staff prosecuting this case could present such evidence at an administrative hearing, to establish a factual basis for the violations alleged in Count One and Count Two of the Accusation regarding discipline imposed by the Nevada State Board of Medical Examiners for misleading statements and/or material omissions made in connection with applications for licensure in the various jurisdictions where Respondent holds a license to practice medicine.

7. Concerning Count Three of the Accusation, Respondent has submitted proof that he received an honorable discharge from the U.S. Army. According to Respondent, he inadvertently represented to the Board, on his renewal applications for a certificate of registration to prescribe controlled substances in Nevada, that he had not previously served in the military. Respondent affirms that he is proud of his military service and had no motive to conceal it. The parties agree that this is a credible explanation for any misstatements by Respondent concerning his prior military service. Therefore, in the interest of fairness, Count Three of the Accusation shall be dismissed upon approval of this Stipulation by the Board.

8. Now, therefore, to resolve this matter without incurring any further costs or the expenses associated with a hearing, the parties agree to the imposition of the following penalties as to the violations alleged in Count One and Count Two of the Accusation, to wit:

- A. Respondent accepts this Stipulation as a public reprimand issued pursuant to NRS 639.255(1)(e).
- B. Respondent shall pay the sum of Seven Hundred Fifty and 00/100 Dollars (\$750.00) to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter. This sum shall be payable by *cashier's check*, *certified check*, or *money order* written to the "Nevada State Board of Pharmacy." Respondent shall remit payment in full to the Board's Reno office, located at 985 Damonte Ranch Parkway, Suite 206, Reno, Nevada 89521, on or before January 15, 2025.

9. This Stipulation constitutes a full and final resolution of the Accusation in Case No. 23-015-CS-S. Respondent understands and acknowledges that his failure to comply with the terms stated herein may result in issuance by the Executive Secretary of an order to show cause, pursuant to NAC 639.965, directing Respondent to appear before the Board at the next regularly scheduled meeting for a show cause hearing. If such a hearing results in a finding of a violation by Respondent, the Board may impose additional discipline not inconsistent with the provisions of NRS Chapter 639.

10. The Board's Senior General Counsel will present this Stipulation to the Board for approval pursuant to NRS 622.330 at the Board's regularly scheduled public meeting on December 3, 2024, in Las Vegas, Nevada. The Board Members and Staff may discuss and deliberate regarding this Stipulation, even if Respondent fails to appear for the meeting.

11. The Board may accept this Stipulation, but it is not obligated to do so. If this Stipulation is approved by the Board, it shall be a public record pursuant to NRS 622.330 and shall be reported to the National Practitioner Data Bank pursuant to 42 U.S.C. § 1396r-2 and 45 CFR Part 60. If unapproved, this Stipulation shall become effective as of the date upon which the Board enters its written order below.

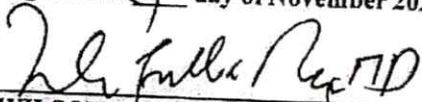
12. If the Board rejects any part or all this Stipulation, and unless the parties reach an alternative agreement on the record during the hearing, the parties agree that the Board may hear a full contested hearing on the merits of all alleged violations as stated in the Accusation. The terms and admissions herein may not be used, relied upon, or referred to by any party during any such hearing.

13. Subject to the approval of this Stipulation by the Board, the Board and Respondent agree to release each other from any or all additional claims arising from the facts set forth in the Accusation on file herein, whether known or unknown that might otherwise have been asserted by the Board on or before the effective date of this Stipulation.

Respondent has fully considered the charges and allegations contained in the *Notice of Intended Action and Accusation* in this matter, and the terms of this Stipulation, and has freely and voluntarily agreed to the terms set forth herein, and waived certain rights, as stated herein.

AGREED:

Signed this 21 day of November 2024.



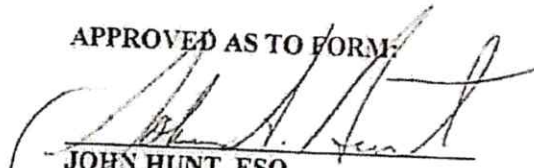
WILSON F. BERNALES, M.D.
Certificate of Registration No. CS27754

Signed this 21st day of November 2024.



GREGORY L. ZUNINO
Senior General Counsel
Nevada Bar No. 4805

APPROVED AS TO FORM:



JOHN HUNT, ESQ.
Clark Hill
Nevada Bar No. 1888

ORDER

As to Respondent Wilson F. Bernal, M.D., in Case No. 23-015-CS-S, the Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as its final decision in the matter and orders that the terms of the foregoing Stipulation be made effective upon the date of entry set forth below.

IT IS SO ORDERED.

Entered this ____ day of December 2024.

Helen Park, President
Nevada State Board of Pharmacy

5G

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**DEEFLAT PHARMACY,
Pharmacy License No. PH04171, and**

v.

**THU THI PHUONG VO, RPH,
Certificate of Registration No. 18661,**

Respondents.

**CASE NOS. 24-282-PH-O
24-282-RPH-O**

**STIPULATION AND ORDER
[RESPONDENT DEEFLAT
PHARMACY ONLY]**

J. David Wuest, in his capacity as Executive Secretary of the Nevada State Board of Pharmacy (Board), by and through General Counsel Brett Kandt, and Respondent DeeFlat Pharmacy, Pharmacy License No. PH04171, by and through counsel, Courtney M. Sullivan, Esq., **HEREBY STIPULATE AND AGREE THAT:**

1. The Board has jurisdiction over Respondent and these matters.
2. On or about November 20, 2024, Respondent was served with the Notice of Intended Action and Accusation (Accusation) on file in Case No. 24-282-PH-O together with the Statement to Respondent and Notice of Hearing.
3. Respondent is entering into this Stipulation in lieu of filing an Answer and Notice of Defense to the Accusation.
4. Respondent is fully aware of the right to seek the advice of counsel in this matter prior to entering into this Stipulation.
5. Respondent is aware of the right to a hearing on the matters alleged in the Accusation, the right to reconsideration, the right to appeal and any and all other rights which may be accorded pursuant to NRS Chapter 233B (Nevada Administrative Procedure Act), NRS

Chapter 622A (Administrative Procedure Before Certain Regulatory Bodies), and NRS Chapter 639 (Nevada Pharmacy Act).

6. Conditioned on the acceptance of this Stipulation by the Board, and with the exception of the right to challenge any determination that Respondent has failed to comply with the provisions of this Stipulation, Respondent hereby knowingly and voluntarily waives the rights to a hearing, reconsideration, appeal and any and all other rights related to this action that may be accorded by NRS Chapter 233B (Nevada Administrative Procedure Act), NRS Chapter 622A (Administrative Procedure Before Certain Regulatory Bodies), and NRS Chapter 639 (Nevada Pharmacy Act).

7. Respondent does not contest the allegations in the Accusations, but acknowledges that Board staff prosecuting this case could present such evidence at an administrative hearing to establish a factual basis for the violations alleged therein, *to wit*:

A. DeeFlat Pharmacy, located in Arizona, dispensed adulterated and/or misbranded sterile drug products into Nevada that were not compounded in compliance with NAC 639.6701-.6702, *inclusive*, NAC 639.6705 -.67079, *inclusive*, and related federal law, 21 USC § 353a and USP-797 standards, in further violation of 21 USC § 331(a), (b) and/or (c), NRS 454.351(1), NRS 585.520(1) and (2), NRS 639.100(1) and/or NRS 639.286;

B. DeeFlat Pharmacy dispensed compounded drug products into Nevada without the authority to do so, in violation of NRS 639.100 and/or NRS 639.233;

C. As the pharmacy/pharmacy owner at which the violations alleged herein occurred, DeeFlat Pharmacy is responsible for those violations, including all errors and omissions of the pharmacy personnel, and subject to discipline pursuant to NRS 639.230(5), NAC 639.702 and/or NAC 639.945(3); and

D. Personnel of DeeFlat Pharmacy engaged in unprofessional conduct as defined in NAC 639.945(1)(a) and (i), and DeeFlat Pharmacy is therefore subject to discipline pursuant to NAC 639.945(3) and 639.210(4).

8. Those violations are pled with particularity in the Accusation and grounds for action pursuant to NRS 639.210 and NRS 639.255.

9. To resolve this matter without incurring any further costs or the expense associated with a hearing, the Board and Respondent DeeFlat Pharmacy, Pharmacy License No. PH04171, stipulate to the following penalties:

A. The pharmacy license of Respondent DeeFlat Pharmacy, Pharmacy License No. PH04171, is revoked pursuant to NRS 639.255(1)(d);

B. Pursuant to NRS 622A.410(1) and 639.257(1), Respondent may not petition for reinstatement of the pharmacy license for a period of ten (10) years from the effective date of this Order;

C. In the event Respondent applies for reinstatement of the pharmacy license, or applies for any other certificate, license or permit with the Board, Respondent shall appear before the Board to answer questions and give testimony regarding the application, compliance with this Order, and the facts and circumstances underlying this matter;

D. Pursuant to NRS 639.255(1)(f) and NAC 639.955(5), DeeFlat Pharmacy shall pay a fine of Twenty Thousand Dollars (\$20,000.00) for the violations, by personal, business, certified or cashier's check or money order made payable to "State of Nevada, Office of the Treasurer," to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, due and payable by December 1, 2025; and

E. Pursuant to NRS 622.400, DeeFlat Pharmacy shall pay Two Thousand Dollars (\$2,000.00) to partially reimburse the Board for reasonable attorney's fees and recoverable costs incurred in investigating and prosecuting this matter, by personal, business, certified or cashier's check or money order made payable to the "Nevada State Board of Pharmacy" to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, due and payable by December 1, 2025.

10. Any failure by Respondent to comply with the terms of this Order may result in issuance by the Executive Secretary of an order to show cause pursuant to NAC 639.965

directing Respondent to appear before the Board at the next regularly scheduled meeting for a show cause hearing. If such a hearing results in a finding of a violation of this Order by Respondent, the Board may impose additional discipline upon Respondent not inconsistent with the provisions of NRS Chapter 639.

11. General Counsel will present this Stipulation to the Board for approval pursuant to NRS 622.330 at the Board's regularly scheduled public meeting on December 4, 2024. Respondent will appear at the meeting to answer questions from the Board Members and/or Board Staff. The Board Members and Staff may discuss and deliberate regarding this Stipulation, even if Respondent or counsel are not present at the meeting.

12. The Board has discretion to accept this Stipulation, but it is not obligated to do so. If this Stipulation is approved by the Board, it shall be a public record pursuant to NRS 622.330 and shall be reported to the National Practitioner Data Bank pursuant to 42 USC § 1396r-2 and 45 CFR Part 60.

13. If the Board rejects any part or all of this Stipulation, and unless they reach an alternative agreement on the record during the hearing, the parties agree that a full hearing on the merits of this matter may be heard by the Board at a later date. The terms and admissions herein may not be used or referred to in a full hearing on the merits of this matter.

14. Subject to the approval of this Stipulation by the Board, the Board and Respondent agree to release one another from any and all additional claims arising from the facts set forth in the Accusation on file herein, whether known or unknown that might otherwise have existed on or before the effective date of this Order.

Respondent has fully considered the charges and allegations contained in the *Notice of Intended Action and Accusation* in this matter, and the terms of this Stipulation, and have knowingly and voluntarily agreed to the terms set forth herein, and waived certain rights, as stated herein.

AGREED:

Signed this ___ day of _____ 2024

Signed this ___ day of _____ 2024

**AUTHORIZED REPRESENTATIVE
DEEFLAT PHARMACY
Pharmacy License No. PH04171**

**BRETT KANDT, ESQ.
General Counsel
Nevada State Board of Pharmacy**

**APPROVED AS TO FORM AND CONTENT
this ___ day of _____ 2024**

**COURTNEY M. SULLIVAN, ESQ.
Counsel for Respondent**

ORDER

The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as to Respondent DeeFlat Pharmacy, Pharmacy License No. PH04171, in Case No. 24-282-PH-O, and hereby orders that the terms of the foregoing Stipulation be made immediately effective upon execution below.

IT IS SO ORDERED.

Entered this ___ day of December 2024.

Helen Park, Pharm.D.
President
Nevada State Board of Pharmacy

5H

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

LAUGHLIN PHARMACY &
WELLNESS CENTER,
Pharmacy License No. PH04520,

YOUJIN SEO, RPH,
Certificate of Registration No. 18704, and

THU VO, RPH,
Certificate of Registration No. 18661,

Respondents.

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

DEEFLAT PHARMACY,
Pharmacy License No. PH04171, and

v.

THU THI PHUONG VO, RPH,
Certificate of Registration No. 18661,

Respondents.

CASE NOS. 24-289-RPH-B-S
24-282-RPH-O

STIPULATION AND ORDER
[RESPONDENT VO ONLY]

J. David Wuest, in his capacity as Executive Secretary of the Nevada State Board of Pharmacy (Board), by and through General Counsel Brett Kandt, and Respondent Thu Thi Phuong Vo, RPh (Vo), Certificate of Registration No. 18661, by and through counsel, Courtney M. Sullivan, Esq., **HEREBY STIPULATE AND AGREE THAT:**

1. The Board has jurisdiction over Respondent and these matters.

2. On or about October 21, 2024, Respondent was served with the Notice of Intended Action and Accusation (Accusation) on file in Case No. 24-289-RPH-B-S together with the Statement to Respondent and Notice of Hearing.

3. On or about November 20, 2024, Respondent was served with the Notice of Intended Action and Accusation (Accusation) on file in Case No. 24-282-RPH-O together with the Statement to Respondent and Notice of Hearing.

4. Respondent is entering into this Stipulation in lieu of filing an Answer and Notice of Defense to the Accusations in Case Nos. 24-289-RPH-B-S and 24-282-RPH-O.

5. Respondent is fully aware of the right to seek the advice of counsel in this matter prior to entering into this Stipulation.

6. Respondent is aware of the right to a hearing on the matters alleged in the Accusation, the right to reconsideration, the right to appeal and any and all other rights which may be accorded to her pursuant to NRS Chapter 233B (Nevada Administrative Procedure Act), NRS Chapter 622A (Administrative Procedure Before Certain Regulatory Bodies), and NRS Chapter 639 (Nevada Pharmacy Act).

7. Conditioned on the acceptance of this Stipulation by the Board, and with the exception of the right to challenge any determination that Respondent has failed to comply with the provisions of this Stipulation, Respondent hereby knowingly and voluntarily waives the rights to a hearing, reconsideration, appeal and any and all other rights related to this action that may be accorded to her by NRS Chapter 233B (Nevada Administrative Procedure Act), NRS Chapter 622A (Administrative Procedure Before Certain Regulatory Bodies), and NRS Chapter 639 (Nevada Pharmacy Act).

8. Respondent contests the allegations in each Accusation, but acknowledges that Board staff prosecuting this case could present such evidence at an administrative hearing to establish a factual basis for the violations alleged therein, *to wit*:

Case No. 24-289-RPH-B-S

A. Vo, as co-owner and managing pharmacist of Respondent Laughlin Pharmacy & Wellness Center, License No. PH04520, dispensed adulterated and/or misbranded sterile drug products that were not compounded in compliance with NAC 639.6701-.6702, *inclusive*, NAC 639.6705 -.67079, *inclusive*, and related federal law, 21 U.S.C. § 353a and USP-797 standards, in further violation of 21 U.S.C. § 331(a), (b) and/or (c), NRS 454.351(1), NRS 585.520(1) and (2), NRS 639.100(1) and/or NRS 639.286;

B. Vo and Laughlin Pharmacy personnel directly administered compounded drug products to patients in violation of NRS 454.213;

C. Vo and Laughlin Pharmacy failed to keep and maintain complete, accurate and readily retrievable records accounting for all dangerous drugs in violation of NRS 454.286, NRS 454.291, NAC 639.487(2) and/or NAC 639.510(2)(b); and

D. Vo engaged in unprofessional conduct and conduct contrary to the public interest as defined in NAC 639.945(1)(a) and (i).

Case No. 24-282-RPH-O

A. Vo, as a pharmacist employed by Respondent DeeFlat Pharmacy, License No. PH04171, located in Arizona, dispensed adulterated and/or misbranded sterile drug products into Nevada that were not compounded in compliance with NAC 639.6701-.6702, *inclusive*, NAC 639.6705 -.67079, *inclusive*, and related federal law, 21 U.S.C. § 353a and USP-797 standards, in further violation of 21 U.S.C. § 331(a), (b) and/or (c), NRS 454.351(1), NRS 585.520(1) and (2), NRS 639.100(1) and/or NRS 639.286;

B. Vo and DeeFlat Pharmacy dispensed compounded drug products into Nevada without the authority to do so, in violation of NRS 639.100 and/or NRS 639.233; and

C. Vo engaged in unprofessional conduct and conduct contrary to the public interest as defined in NAC 639.945(1)(a) and (i).

9. Those violations are pled with particularity in the Accusations in Case Nos. 24-289-RPH-B-S and 24-282-RPH-O and grounds for action pursuant to NRS 639.210, NRS 639.220(1), NRS 639.230(5), NRS 639.255 and/or NRS 639.2328(2)(d)(4).

10. To resolve Case Nos. 24-289-RPH-B-S and 24-282-RPH-O without incurring any further costs or the expense associated with a hearing, the Board and Vo stipulate to the following penalties. The certificate of registration of Respondent Thu Thi Phuong Vo, RPh, Certificate of Registration No. 18661, is revoked pursuant to NRS 639.255(1)(d); the revocation is stayed, and Respondent is placed on probation for a period of three (3) years pursuant to NRS 639.255(1)(b) subject to the following conditions:

A. Pursuant to NRS 639.255(1)(f) and NAC 639.955(5), Vo shall pay a fine of Five Thousand Dollars (\$5,000.00) for the violations, by personal, business, certified or cashier's check or money order made payable to "State of Nevada, Office of the Treasurer," to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, due and payable by April 1, 2025;

B. Pursuant to NRS 622.400, Vo shall pay Two Thousand Dollars (\$2,000.00) to partially reimburse the Board for reasonable attorney's fees and recoverable costs incurred in investigating and prosecuting this matter, by personal, business, certified or cashier's check or money order made payable to the "Nevada State Board of Pharmacy" to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, due and payable by April 1, 2025;

C. Vo shall not work as managing pharmacist of any pharmacy licensed by the Board while on probation;

D. Vo shall not hold an ownership interest in any pharmacy licensed by the Board;

E. Vo shall not engage in the practice of compounding sterile drug products unless and until she completes twenty (20) extra hours of continuing education (CE) on sterile

compounding, in addition to the CE hours she must otherwise complete to maintain licensure, and provides certificates demonstrating completion to the Board;

F. Vo shall complete ten (10) extra hours of continuing education (CE) on nonsterile compounding, in addition to the CE hours she must otherwise complete to maintain licensure, and provide certificates demonstrating completion to the Board; and

G. Vo shall comply with all federal and state statutes and regulations regarding controlled substances and dangerous drugs, and have no additional charges filed against her while on probation.

Upon successful completion of probation, Respondent's Certificate of Registration No. 18661 will be fully restored.

11. Any failure by Respondent to comply with the terms of this Order may result in issuance by the Executive Secretary of an order to show cause pursuant to NAC 639.965 directing Respondent to appear before the Board at the next regularly scheduled meeting for a show cause hearing. If such a hearing results in a finding of a violation of this Order by Respondent, the Board may lift the stay and immediately revoke Certificate of Registration No. 18661, and impose additional discipline upon Respondent not inconsistent with the provisions of NRS Chapter 639.

12. General Counsel will present this Stipulation to the Board for approval pursuant to NRS 622.330 at the Board's regularly scheduled public meeting on December 4, 2024. Respondent will appear at the meeting to answer questions from the Board Members and/or Board Staff. The Board Members and Staff may discuss and deliberate regarding this Stipulation, even if Respondent or counsel are not present at the meeting.

13. The Board has discretion to accept this Stipulation, but it is not obligated to do so. If this Stipulation is approved by the Board, it shall be a public record pursuant to NRS 622.330 and shall be reported to the National Practitioner Data Bank pursuant to 42 USC § 1396r-2 and 45 CFR Part 60.

14. If the Board rejects any part or all of this Stipulation, and unless they reach an alternative agreement on the record during the hearing, the parties agree that a full hearing on the merits of this matter may be heard by the Board at a later date. The terms and admissions herein may not be used or referred to in a full hearing on the merits of this matter.

15. Subject to the approval of this Stipulation by the Board, the Board and Respondent agree to release one another from any and all additional claims arising from the facts set forth in the Accusations in Case Nos. 24-289-RPH-B-S and 24-282-RPH-O on file herein, whether known or unknown that might otherwise have existed on or before the effective date of this Order, including without limitation, any action in Arizona arising from the facts set forth in the Accusation in Case No. 24-282-RPH-O that may constitute grounds for action pursuant to NRS 639.210(14).

Respondent has fully considered the charges and allegations contained in the *Notice of Intended Action and Accusation* in Case No. 24-289-RPH-B-S, and the *Notice of Intended Action and Accusation* in Case No. 24-282-RPH-O, and the terms of this Stipulation, and has knowingly and voluntarily agreed to the terms set forth herein, and waived certain rights, as stated herein.

AGREED:

Signed this ___ day of _____ 2024

Signed this ___ day of _____ 2024

THU THI PHUONG VO, RPH
Certificate of Registration No. 18661

BRETT KANDT, ESQ.
General Counsel
Nevada State Board of Pharmacy

APPROVED AS TO FORM AND CONTENT
this ___ day of _____ 2024

COURTNEY M. SULLIVAN, ESQ.
Counsel for Respondent

ORDER

The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as to Respondent Thu Thi Phuong Vo, RPh, Certificate of Registration No. 18661, in Case Nos. 24-289-RPH-B-S and 24-282-RPH-O, and hereby orders that the terms of the foregoing Stipulation be made immediately effective upon execution below.

IT IS SO ORDERED.

Entered this ____ day of December 2024.

Helen Park, Pharm.D.
President
Nevada State Board of Pharmacy

51

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**LAUGHLIN PHARMACY &
WELLNESS CENTER,
Pharmacy License No. PH04520,**

**YOUJIN SEO, RPH,
Certificate of Registration No. 18704, and**

**THU VO, RPH,
Certificate of Registration No. 18661,**

Respondents.

**CASE NOS. 24-289-PH-S
24-289-RPH-A-S
24-289-RPH-B-S**

**STIPULATION AND ORDER
[RESPONDENTS LAUGHLIN
PHARMACY AND SEO ONLY]**

J. David Wuest, in his capacity as Executive Secretary of the Nevada State Board of Pharmacy (Board), by and through General Counsel Brett Kandt, and Respondents Youjin Seo, RPh (Seo), Certificate of Registration No. 18704, and Laughlin Pharmacy & Wellness Center (Laughlin Pharmacy), Pharmacy License No. PH04520, by and through counsel, Michael M. Lin, Esq., **HEREBY STIPULATE AND AGREE THAT:**

1. The Board has jurisdiction over Respondents and this matter.
2. On or about October 21, 2024, Respondent were served with the Notice of Intended Action and Accusation (Accusation) on file in this matter together with the Statement to Respondent and Notice of Hearing.
3. On or about November 18, 2024, Respondents each filed an Answer and Notice of Defense to the Accusation.

4. Respondents are fully aware of the right to seek the advice of counsel in this matter and obtained the advice of counsel prior to entering into this Stipulation.

5. Respondents are aware of the right to a hearing on the matters alleged in the Accusation, the right to reconsideration, the right to appeal and any and all other rights which may be accorded to them pursuant to NRS Chapter 233B (Nevada Administrative Procedure Act), NRS Chapter 622A (Administrative Procedure Before Certain Regulatory Bodies), and NRS Chapter 639 (Nevada Pharmacy Act).

6. Conditioned on the acceptance of this Stipulation by the Board, and with the exception of the right to challenge any determination that either Respondent has failed to comply with the provisions of this Stipulation, Respondents hereby knowingly and voluntarily waive their rights to a hearing, reconsideration, appeal and any and all other rights related to this action that may be accorded to them by NRS Chapter 233B (Nevada Administrative Procedure Act), NRS Chapter 622A (Administrative Procedure Before Certain Regulatory Bodies), and NRS Chapter 639 (Nevada Pharmacy Act).

7. Respondents do not contest the allegations in the Accusation, but acknowledge that Board staff prosecuting this case could present such evidence at an administrative hearing to establish a factual basis for the violations alleged therein, *to wit*, that:

A. Seo, as co-owner and a staff pharmacist at Laughlin Pharmacy, together with Respondent Thu Vo, RPh (Vo), Certificate of Registration No. 18661, as managing pharmacist, dispensed adulterated and/or misbranded sterile drug products that were not compounded in compliance with NAC 639.6701-.6702, *inclusive*, NAC 639.6705 -.67079, *inclusive*, and related federal law, 21 USC § 353a and USP-797 standards, in further violation of 21 USC § 331(a), (b) and/or (c), NRS 454.351(1), NRS 585.520(1) and (2), NRS 639.100(1) and/or NRS 639.286;

B. Seo and Vo directly administered compounded drug products to patients in violation of NRS 454.213;

C. Seo, Vo and Laughlin Pharmacy failed to keep and maintain complete, accurate and readily retrievable records accounting for all dangerous drugs in violation of NRS 454.286, NRS 454.291, NAC 639.487(2) and/or NAC 639.510(2)(b);

D. Seo engaged in unprofessional conduct and conduct contrary to the public interest as defined in NAC 639.945(1)(a) and (i); and

E. As the pharmacy/pharmacy owner at which the violations alleged herein occurred, Seo and Laughlin Pharmacy are responsible for those violations, including all errors and omissions of the pharmacy personnel, and subject to discipline pursuant to NRS 639.230(5), NAC 639.702 and/or NAC 639.945(3).

8. Those violations are pled with particularity in the Accusation and grounds for action pursuant to NRS 639.210 and NRS 639.255.

9. To resolve this matter without incurring any further costs or the expense associated with a hearing, the Board and Respondent Youjin Seo, RPh, Certificate of Registration No. 18704, stipulate to the following penalties. The certificate of registration of Respondent Youjin Seo, RPh (Seo), Certificate of Registration No. 18704, is revoked pursuant to NRS 639.255(1)(d); the revocation is stayed, and Respondent is placed on probation for a period of three (3) years pursuant to NRS 639.255(1)(b) subject to the following conditions:

A. Pursuant to NRS 639.255(1)(f) and NAC 639.955(5), Seo shall pay a fine of Five Thousand Dollars (\$5,000.00) for the violations, by personal, business, certified or cashier's check or money order made payable to "State of Nevada, Office of the Treasurer," to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, due and payable by April 1, 2025;

B. Pursuant to NRS 622.400, Seo shall pay Two Thousand Dollars (\$2,000.00) to partially reimburse the Board for reasonable attorney's fees and recoverable costs incurred in investigating and prosecuting this matter, by personal, business, certified or cashier's check or money order made payable to the "Nevada State Board of Pharmacy" to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, due and payable by April 1, 2025;

C. Seo shall not work as managing pharmacist of any pharmacy licensed by the Board while on probation;

D. Seo shall not engage in the practice of compounding sterile drug products unless and until she completes twenty (20) extra hours of continuing education (CE) on sterile compounding, in addition to the CE hours she must otherwise complete to maintain licensure, and provides certificates demonstrating completion to the Board;

E. Seo shall not engage in the practice of compounding nonsterile drug products unless and until she completes ten (10) extra hours of continuing education (CE) on nonsterile compounding, in addition to the CE hours she must otherwise complete to maintain licensure, and provide certificates demonstrating completion to the Board; and

F. Respondent shall comply with all federal and state statutes and regulations regarding controlled substances and dangerous drugs, and have no additional charges filed against her while on probation.

Upon successful completion of probation, Respondent's Certificate of Registration No. 18704 will be fully restored.

10. To resolve this matter without incurring any further costs or the expense associated with a hearing, the Board and Respondent Laughlin Pharmacy & Wellness Center, Pharmacy License No. PH04520, stipulate to the following penalties. The pharmacy license of

Respondent Laughlin Pharmacy & Wellness Center, Pharmacy License No. PH04520, is revoked pursuant to NRS 639.255(1)(d); the revocation is stayed, and Respondent is placed on probation for a period of three (3) years pursuant to NRS 639.255(1)(b) subject to the following conditions:

A. Pursuant to NRS 639.255(1)(f) and NAC 639.955(5), Laughlin Pharmacy shall pay a fine of Twelve Thousand Dollars (\$12,000.00) for the violations by personal, business, certified or cashier's check or money order made payable to "State of Nevada, Office of the Treasurer," to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, due and payable by April 1, 2025;

B. Pursuant to NRS 622.400, Laughlin Pharmacy shall pay Two Thousand Dollars (\$2,000.00) for partially reimburse the Board for recoverable attorney's fees and recoverable costs incurred in investigating and prosecuting this matter by personal, business, certified or cashier's check or money order made payable to the "Nevada State Board of Pharmacy" to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, due and payable by April 1, 2025;

C. Prior to compounding sterile drug products, Laughlin Pharmacy shall comply with the following requirements:

(i) Consistent with NAC 639.67013, the managing pharmacist and a designated person (technician) shall complete the USP Implementation Training, CORE Compounding Training and Sterility Assurance Training courses through accredited vendor PCCA; training will take place onsite and online at <https://www.pccarx.com/PCCAEducation/Pharmacy>. Documentation of successful completion shall be provided to Board staff.

(ii) Consistent with NAC 639.67013, the managing pharmacist and a designated person (technician) shall complete all modules comprising the Sterile Compounding

Training Schedule through Critical Point at <https://www.criticalpoint-lms.com>. Documentation of successful completion shall be provided to Board staff.

(iii) Upon completion of items (i) and (ii), Laughlin Pharmacy shall be subject to inspection by Board staff pursuant to NRS 639.090 and NRS 639.289.

Upon resuming the compounding of sterile drug products, Laughlin Pharmacy shall comply with the following requirements:

(iv) Consistent with NAC 639.67013, each pharmacist and pharmaceutical technician shall complete the training specified in items (i) and (ii) prior to engaging in the practice of compounding sterile drug products.

(v) Laughlin Pharmacy shall undergo at least two (2) inspections by the National Association of Boards of Pharmacy (NABP) during the probation period, with all findings provided directly to Board staff.

D. Board inspectors shall conduct quarterly inspections of Laughlin Pharmacy for the probation period, and Respondent shall bear and reimburse the Board for inspection costs in an amount not to exceed \$500 per quarterly inspection;

E. Laughlin Pharmacy shall establish and put into practice all necessary policies and procedures for compounding and dispensing drug products in conformance with federal and state law; and

F. Respondent shall have no new charges filed against Laughlin Pharmacy while on probation.

Upon successful completion of probation, Respondent's License No. PH04520 will be fully restored.

11. Any failure by either Respondent to comply with the terms of this Order may result in issuance by the Executive Secretary of an order to show cause pursuant to NAC 639.965

directing the non-compliant Respondent to appear before the Board at the next regularly scheduled meeting for a show cause hearing. If such a hearing results in a finding of a violation of this Order by the non-compliant Respondent, the Board may lift the stay and immediately revoke the certification or registration or pharmacy license of the non-compliant Respondent, as applicable, and impose additional discipline upon that Respondent not inconsistent with the provisions of NRS Chapter 639.

12. General Counsel will present this Stipulation to the Board for approval pursuant to NRS 622.330 at the Board's regularly scheduled public meeting on December 4, 2024. Respondents will appear at the meeting to answer questions from the Board Members and/or Board Staff. The Board Members and Staff may discuss and deliberate regarding this Stipulation, even if Respondents or counsel are not present at the meeting.

13. The Board has discretion to accept this Stipulation, but it is not obligated to do so. If this Stipulation is approved by the Board, it shall be a public record pursuant to NRS 622.330 and shall be reported to the National Practitioner Data Bank pursuant to 42 USC § 1396r-2 and 45 CFR Part 60, and shall be further reported pursuant to NAC 639.960.

14. If the Board rejects any part or all of this Stipulation, and unless they reach an alternative agreement on the record during the hearing, the parties agree that a full hearing on the merits of this matter may be heard by the Board at a later date. The terms and admissions herein may not be used or referred to in a full hearing on the merits of this matter.

Respondents have fully considered the charges and allegations contained in the *Notice of Intended Action and Accusation* in this matter, and the terms of this Stipulation, and have knowingly and voluntarily agreed to the terms set forth herein, and waived certain rights, as stated herein.

AGREED:

Signed this ___ day of _____ 2024

Signed this ___ day of _____ 2024

LAUGHLIN PHARMACY &
WELLNESS CENTER
Pharmacy License No. PH04520

YOUJIN SEO, RPH
Certificate of Registration No. 18704

**APPROVED AS TO FORM AND
CONTENT**
this ___ day of _____ 2024

Signed this ___ day of _____ 2024

MICHAEL M. LIN, ESQ.
Counsel for Respondents

BRETT KANDT
General Counsel
Nevada State Board of Pharmacy

ORDER

The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as to Respondent Youjin Seo, RPh, Certificate of Registration No. 18704, and Respondent Laughlin Pharmacy & Wellness Center, Pharmacy License No. PH04520, in Case Nos. 24-289-PH-S and 24-289-RPH-A-S, and hereby orders that the terms of the foregoing Stipulation be made immediately effective upon execution below.

IT IS SO ORDERED.

Entered this ___ day of December 2024.

Helen Park, Pharm.D.
President
Nevada State Board of Pharmacy

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BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

**LAUGHLIN PHARMACY &
WELLNESS CENTER,
Pharmacy License No. PH04520,**

**YOUJIN SEO, RPH,
Certificate of Registration No. 18704, and**

**THU VO, RPH,
Certificate of Registration No. 18661,**

Respondents.

**CASE NOS. 24-289-PH-S
24-289-RPH-A-S
24-289-RPH-B-S**

**STIPULATION AND ORDER
[RESPONDENTS LAUGHLIN
PHARMACY AND SEO ONLY]**

J. David Wuest, in his capacity as Executive Secretary of the Nevada State Board of Pharmacy (Board), by and through General Counsel Brett Kandt, and Respondents Youjin Seo, RPh (Seo), Certificate of Registration No. 18704, and Laughlin Pharmacy & Wellness Center (Laughlin Pharmacy), Pharmacy License No. PH04520, by and through counsel, Michael M. Lin, Esq., **HEREBY STIPULATE AND AGREE THAT:**

1. The Board has jurisdiction over Respondents and this matter.
2. On or about October 21, 2024, Respondent were served with the Notice of Intended Action and Accusation (Accusation) on file in this matter together with the Statement to Respondent and Notice of Hearing.
3. On or about November 18, 2024, Respondents each filed an Answer and Notice of Defense to the Accusation.

4. Respondents are fully aware of the right to seek the advice of counsel in this matter and obtained the advice of counsel prior to entering into this Stipulation.

5. Respondents are aware of the right to a hearing on the matters alleged in the Accusation, the right to reconsideration, the right to appeal and any and all other rights which may be accorded to them pursuant to NRS Chapter 233B (Nevada Administrative Procedure Act), NRS Chapter 622A (Administrative Procedure Before Certain Regulatory Bodies), and NRS Chapter 639 (Nevada Pharmacy Act).

6. Conditioned on the acceptance of this Stipulation by the Board, and with the exception of the right to challenge any determination that either Respondent has failed to comply with the provisions of this Stipulation, Respondents hereby knowingly and voluntarily waive their rights to a hearing, reconsideration, appeal and any and all other rights related to this action that may be accorded to them by NRS Chapter 233B (Nevada Administrative Procedure Act), NRS Chapter 622A (Administrative Procedure Before Certain Regulatory Bodies), and NRS Chapter 639 (Nevada Pharmacy Act).

7. Respondents do not contest the allegations in the Accusation, but acknowledge that Board staff prosecuting this case could present such evidence at an administrative hearing to establish a factual basis for the violations alleged therein, *to wit*, that:

A. Seo, as co-owner and a staff pharmacist at Laughlin Pharmacy, together with Respondent Thu Vo, RPh (Vo), Certificate of Registration No. 18661, as managing pharmacist, dispensed adulterated and/or misbranded sterile drug products that were not compounded in compliance with NAC 639.6701-.6702, *inclusive*, NAC 639.6705 -.67079, *inclusive*, and related federal law, 21 USC § 353a and USP-797 standards, in further violation of 21 USC § 331(a), (b) and/or (c), NRS 454.351(1), NRS 585.520(1) and (2), NRS 639.100(1) and/or NRS 639.286;

B. Seo and Vo directly administered compounded drug products to patients in violation of NRS 454.213;

C. Seo, Vo and Laughlin Pharmacy failed to keep and maintain complete, accurate and readily retrievable records accounting for all dangerous drugs in violation of NRS 454.286, NRS 454.291, NAC 639.487(2) and/or NAC 639.510(2)(b);

D. Seo engaged in unprofessional conduct and conduct contrary to the public interest as defined in NAC 639.945(1)(a) and (i); and

E. As the pharmacy/pharmacy owner at which the violations alleged herein occurred, Seo and Laughlin Pharmacy are responsible for those violations, including all errors and omissions of the pharmacy personnel, and subject to discipline pursuant to NRS 639.230(5), NAC 639.702 and/or NAC 639.945(3).

8. Those violations are pled with particularity in the Accusation and grounds for action pursuant to NRS 639.210 and NRS 639.255.

9. To resolve this matter without incurring any further costs or the expense associated with a hearing, the Board and Respondent Youjin Seo, RPh, Certificate of Registration No. 18704, stipulate to the following penalties. The certificate of registration of Respondent Youjin Seo, RPh (Seo), Certificate of Registration No. 18704, is revoked pursuant to NRS 639.255(1)(d); the revocation is stayed, and Respondent is placed on probation for a period of three (3) years pursuant to NRS 639.255(1)(b) subject to the following conditions:

A. Pursuant to NRS 639.255(1)(f) and NAC 639.955(5), Seo shall pay a fine of Five Thousand Dollars (\$5,000.00) for the violations, by personal, business, certified or cashier's check or money order made payable to "State of Nevada, Office of the Treasurer," to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, due and payable by April 1, 2025;

B. Pursuant to NRS 622.400, Seo shall pay Two Thousand Dollars (\$2,000.00) to partially reimburse the Board for reasonable attorney's fees and recoverable costs incurred in investigating and prosecuting this matter, by personal, business, certified or cashier's check or money order made payable to the "Nevada State Board of Pharmacy" to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, due and payable by April 1, 2025;

C. Seo shall not work as managing pharmacist of any pharmacy licensed by the Board while on probation;

D. Seo shall not engage in the practice of compounding sterile drug products unless and until she completes twenty (20) extra hours of continuing education (CE) on sterile compounding, in addition to the CE hours she must otherwise complete to maintain licensure, and provides certificates demonstrating completion to the Board;

E. Seo shall not engage in the practice of compounding nonsterile drug products unless and until she completes ten (10) extra hours of continuing education (CE) on nonsterile compounding, in addition to the CE hours she must otherwise complete to maintain licensure, and provide certificates demonstrating completion to the Board; and

F. Respondent shall comply with all federal and state statutes and regulations regarding controlled substances and dangerous drugs, and have no additional charges filed against her while on probation.

Upon successful completion of probation, Respondent's Certificate of Registration No. 18704 will be fully restored.

10. To resolve this matter without incurring any further costs or the expense associated with a hearing, the Board and Respondent Laughlin Pharmacy & Wellness Center, Pharmacy License No. PH04520, stipulate to the following penalties. The pharmacy license of

Respondent Laughlin Pharmacy & Wellness Center, Pharmacy License No. PH04520, is revoked pursuant to NRS 639.255(1)(d); the revocation is stayed, and Respondent is placed on probation for a period of three (3) years pursuant to NRS 639.255(1)(b) subject to the following conditions:

A. Pursuant to NRS 639.255(1)(f) and NAC 639.955(5), Laughlin Pharmacy shall pay a fine of Twelve Thousand Dollars (\$12,000.00) for the violations by personal, business, certified or cashier's check or money order made payable to "State of Nevada, Office of the Treasurer," to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, due and payable by April 1, 2025;

B. Pursuant to NRS 622.400, Laughlin Pharmacy shall pay Two Thousand Dollars (\$2,000.00) for partially reimburse the Board for recoverable attorney's fees and recoverable costs incurred in investigating and prosecuting this matter by personal, business, certified or cashier's check or money order made payable to the "Nevada State Board of Pharmacy" to be received by the Board's Reno office located at 985 Damonte Ranch Parkway – Suite 206, Reno, Nevada 89521, due and payable by April 1, 2025;

C. Prior to compounding sterile drug products, Laughlin Pharmacy shall comply with the following requirements:

(i) Consistent with NAC 639.67013, the managing pharmacist and a designated person (technician) shall complete the USP Implementation Training, CORE Compounding Training and Sterility Assurance Training courses through accredited vendor PCCA; training will take place onsite and online at <https://www.pccarx.com/PCCAEducation/Pharmacy>. Documentation of successful completion shall be provided to Board staff.

(ii) Consistent with NAC 639.67013, the managing pharmacist and a designated person (technician) shall complete all modules comprising the Sterile Compounding

Training Schedule through Critical Point at <https://www.criticalpoint-lms.com>. Documentation of successful completion shall be provided to Board staff.

(iii) Upon completion of items (i) and (ii), Laughlin Pharmacy shall be subject to inspection by Board staff pursuant to NRS 639.090 and NRS 639.289.

Upon resuming the compounding of sterile drug products, Laughlin Pharmacy shall comply with the following requirements:

(iv) Consistent with NAC 639.67013, each pharmacist and pharmaceutical technician shall complete the training specified in items (i) and (ii) prior to engaging in the practice of compounding sterile drug products.

(v) Laughlin Pharmacy shall undergo at least two (2) inspections by the National Association of Boards of Pharmacy (NABP) during the probation period, with all findings provided directly to Board staff.

D. Board inspectors shall conduct quarterly inspections of Laughlin Pharmacy for the probation period, and Respondent shall bear and reimburse the Board for inspection costs in an amount not to exceed \$500 per quarterly inspection;

E. Laughlin Pharmacy shall establish and put into practice all necessary policies and procedures for compounding and dispensing drug products in conformance with federal and state law; and

F. Respondent shall have no new charges filed against Laughlin Pharmacy while on probation.

Upon successful completion of probation, Respondent's License No. PH04520 will be fully restored.

11. Any failure by either Respondent to comply with the terms of this Order may result in issuance by the Executive Secretary of an order to show cause pursuant to NAC 639.965

directing the non-compliant Respondent to appear before the Board at the next regularly scheduled meeting for a show cause hearing. If such a hearing results in a finding of a violation of this Order by the non-compliant Respondent, the Board may lift the stay and immediately revoke the certification or registration or pharmacy license of the non-compliant Respondent, as applicable, and impose additional discipline upon that Respondent not inconsistent with the provisions of NRS Chapter 639.

12. General Counsel will present this Stipulation to the Board for approval pursuant to NRS 622.330 at the Board's regularly scheduled public meeting on December 4, 2024. Respondents will appear at the meeting to answer questions from the Board Members and/or Board Staff. The Board Members and Staff may discuss and deliberate regarding this Stipulation, even if Respondents or counsel are not present at the meeting.

13. The Board has discretion to accept this Stipulation, but it is not obligated to do so. If this Stipulation is approved by the Board, it shall be a public record pursuant to NRS 622.330 and shall be reported to the National Practitioner Data Bank pursuant to 42 USC § 1396r-2 and 45 CFR Part 60, and shall be further reported pursuant to NAC 639.960.

14. If the Board rejects any part or all of this Stipulation, and unless they reach an alternative agreement on the record during the hearing, the parties agree that a full hearing on the merits of this matter may be heard by the Board at a later date. The terms and admissions herein may not be used or referred to in a full hearing on the merits of this matter.

Respondents have fully considered the charges and allegations contained in the *Notice of Intended Action and Accusation* in this matter, and the terms of this Stipulation, and have knowingly and voluntarily agreed to the terms set forth herein, and waived certain rights, as stated herein.

AGREED:

Signed this ___ day of _____ 2024

Signed this ___ day of _____ 2024

LAUGHLIN PHARMACY &
WELLNESS CENTER
Pharmacy License No. PH04520

YOUJIN SEO, RPH
Certificate of Registration No. 18704

**APPROVED AS TO FORM AND
CONTENT**
this ___ day of _____ 2024

Signed this ___ day of _____ 2024

MICHAEL M. LIN, ESQ.
Counsel for Respondents

BRETT KANDT
General Counsel
Nevada State Board of Pharmacy

ORDER

The Nevada State Board of Pharmacy hereby adopts the foregoing Stipulation as to Respondent Youjin Seo, RPh, Certificate of Registration No. 18704, and Respondent Laughlin Pharmacy & Wellness Center, Pharmacy License No. PH04520, in Case Nos. 24-289-PH-S and 24-289-RPH-A-S, and hereby orders that the terms of the foregoing Stipulation be made immediately effective upon execution below.

IT IS SO ORDERED.

Entered this ___ day of December 2024.

Helen Park, Pharm.D.
President
Nevada State Board of Pharmacy