



NEVADA STATE BOARD OF PHARMACY

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• Web Page: bop.nv.gov

MINUTES

January 17-18, 2024

BOARD MEETING

The Nevada State Board of Pharmacy will conduct a meeting beginning Wednesday, January 17, 2024, at 9:00 am. The meeting will continue Thursday, January 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:

Hilton Garden Inn
7830 S Las Vegas Boulevard
Las Vegas, NV

Via Videoconference at Zoom: <https://zoom.us/j/5886256671>
or

Via Teleconference at 1 (669) 900-6833
Meeting ID: 588 625 6671

Board Members Present:

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

Board Members Not Present:

Rolf Zakariassen

Board Staff Present:

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

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

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

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

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

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

Dave Wuest, Executive Secretary for the Nevada Board of Pharmacy, read a written public comment into record.

James Boyle requests that the Board of Pharmacy amend NAC 639.69545 (Pressurized Stockings) such that consumers are permitted to purchase stockings with a pressure rating of 30mmHG, or less, without an order from a practitioner.

◆ 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 December 6-7, 2023, Board Meeting Minutes (**FOR POSSIBLE ACTION**)

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve December 6-7, 2023, Board Meeting minutes.

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. Darah Medical Equipment and Supplies, LLC – Maumee, OH
- B. Providence Home Medical LP – McMurray, PA

4.2 Applications for Out-of-State Wholesaler License (NRS 639.233) – Non-appearance (**FOR POSSIBLE ACTION**)

Background Check Not Required by Law.

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

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

- C. Almac Pharma Services, LLC – Audubon, PA
- D. Civica, Inc – Petersburg, VA
- E. Exelead Inc – Indianapolis, IN
- F. Medtronic USA, Inc – Memphis, TN
- G. Meitheal Pharmaceuticals, Inc – Chicago, IL
- H. MicroSurgical Technology, Inc – Redmond, WA
- I. Radius Health, Inc – Boston, MA
- J. Slayback Pharma, LLC – Princeton, NJ
- K. Sumitomo Pharma America, Inc – Marlborough, MA
- L. Valinor Pharma, LLC – Bedminster, NJ

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

- M. Pfizer Inc – Pleasant Prairie, WI

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

- N. Pharma Logistics, LLC – Libertyville, IL

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

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

- O. Eyenovia – Redwood City, CA
- P. Karuna Therapeutics, Inc – Boston, MA
- Q. Spectrum Pharmaceuticals, Inc – Irving, CA

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

4.2.6 Background checks completed in compliance with NRS 639.500.

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

- R. Axelara, Inc – San Antonio, TX
- S. Crane Worldwide Logistics, LLC – Houston, TX
- T. Veterinary Service, Inc – Visalla, CA

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

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

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

- U. Apostrophe Pharmacy LLC – Gilbert, AZ
- V. Musely Compounding Pharmacy East LLC – Suwanee, GA
- W. The Transplant Pharmacy – Flowood, MS
- X. Vital Choice Specialty Pharmacy – Mesa, AZ

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

- Y. BioPlus Specialty Pharmacy Services, LLC – Denver, CO
- Z. Healthcare Evolution, LLC – Royersford, PA
- AA. Heartland Veterinary Pharmacy – Hastings, NE
- BB. HomeFree Pharmacy Services – Indianapolis, IN
- CC. Kroger Health Connect – Blue Ash, OH
- DD. Omro Meds – Omro, WI

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**)

- EE. Maribeth Moran

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

- FF. Cynthia Hewlett
- GG. Jesse James Bradberry
- HH. Gabrielle Townsley

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Consent Agenda.

Second: Wayne Mitchell

Action: Passed unanimously.

◆ REGULAR AGENDA ◆

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

J. Sheryl Cipollini (22-437-CS-S)

Sheryl Cipollini appeared and was sworn in by President Park prior to answering questions and offering testimony.

Gregory Zunino, Senior General Counsel for the Nevada Board of Pharmacy, prosecuted the case against Ms. Cipollini related to dispensing prescription drugs without a dispensing registration.

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

The proposed stipulated penalties for Ms. Cipollini Certificate of Registration No. CS30592 and CS24985 are the following: 1) pay a fine of \$5,000 for the violations; and 2) pay \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order for Sheryl Cipollini as presented by Mr. Zunino.

Second: Wayne Mitchell

Action: Passed unanimously.

L. Care Direct Rx, LLC (22-165-PH-O)

Laura Lucero appeared as counsel on behalf of Care Direct Rx, LLC.

Gus Vanderdonck, Assistant General Counsel for the Nevada Board of Pharmacy, prosecuted the case against Care Direct Rx, LLC due to their failure to disclose pending discipline on their 2020 business renewal application.

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

The proposed stipulated penalties for Care Direct Rx, LLC, License No. PH03043, are the following: 1) pay a fine of \$1,000 for the violations; and 2) pay \$500 to partially reimburse the

Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Ms. Lucero clarified that their license hadn't lapsed but was on an "inactive" status. Once they reapplied, the license was reactivated. Ms. Lucero believes that the error was an oversight.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order for Care Direct Rx, LLC, as presented by Mr. Vanderdonck.

Second: Wayne Mitchell

Action: Passed unanimously.

P. Poncia Reed, APRN (20-157-CS-S)

Poncia Reed 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, presented the case against Ms. Reed on behalf of his co-counsel, Peter Keegan.

Mr. Kandt prosecuted the case alleging the respondent allowed her medical assistant to prescribe controlled substances with a signature stamp.

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

The proposed stipulated penalties for Ms. Reed, Certificate of Registration No. CS23722, are the following: 1) pay a fine of \$1,500 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.

Ms. Reed provided a statement to the Board.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order's for Poncia Reed as presented by Mr. Kandt.

Second: Krystal Freitas

Action: Passed unanimously.

A. CVS Pharmacy #8794 (19-134-PH-S)

Jade Jacobo recused herself due to her employment with CVS Health.

Brian Convery, CVS Representative, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the case against CVS Pharmacy #8794 alleging a misfill of Estradiol 0.5mg and failure to counsel patient, which resulted in patient harm.

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

The proposed stipulated penalties for CVS Pharmacy #8794 License No. PH01405 are the following: 1) pay a fine of \$3,000 for the violations; and 2) pay \$2,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Stipulation and Order's for CVS Pharmacy #8794 as presented by Mr. Kandt.

Second: Wayne Mitchell

Action: Passed unanimously (Jacobco recused).

B. CVS Pharmacy #8798 (19-267-PH-S)

C. Joyce Suarez Cabrera, RPH (19-267-RPH-S)

Jade Jacobo recused herself due to her employment with CVS Health.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the case against CVS Pharmacy #8798 alleging that CVS Pharmacy #8798 employees failed to dispense Doxycycline 50mg with another prescription Metronidazole 250 mg which were supposed to be taken simultaneously as the prescribed course of treatment.

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

The proposed stipulated penalties for Ms. Suarez Cabrera Certificate of Registration No. 17102 are the following: 1) pay a fine of \$1,000 for the violations; and 2) pay \$500 to partially

reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

The proposed stipulated penalties for CVS Pharmacy #8798 License No. PH01094 are the following: 1) pay a fine of \$2,000 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.

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

Brian Convery, CVS Representative, appeared and President Park commented that Mr. Convery is still sworn in from a previous matter.

Board discussion ensued.

Board Action:

Motion: President Park moved to approve the Stipulation and Order's for CVS Pharmacy #8798 and for Joyce Suarez Cabrera as presented by Mr. Kandt.

Second: Krystal Freitas

Action: Passed unanimously (Jacobco recused).

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|----|----------------------|------------------|
| E. | CVS Pharmacy #8819 | (19-060-PH-S) |
| F. | Thuytrang Huynh, RPH | (19-060-RPH-A-S) |
| G. | Michael Willson, RPH | (19-060-RPH-B-S) |

Jade Jacobo recused herself due to her employment with CVS Health.

Thuytrang Huynh and Michael Willson both appeared and were sworn in by President Park.

Brian Convery, CVS Representative, appeared and President Park commented that Mr. Convery is still sworn in from a previous matter.

Gregory Zunino, Senior General Counsel for the Nevada Board of Pharmacy, prosecuted the case alleging that a prescription for magic mouth was given to the incorrect patient.

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

The proposed stipulated penalties for CVS Pharmacy #8819, License No. PH02047, are the following: 1) pay a fine of \$2,000 for the violations; and 2) pay \$350 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

The proposed stipulated penalties for Thuytrang Huynh, Certificate of Registration No. 14865, are the following: 1) pay a fine of \$1,000 for the violations; and 2) pay \$350 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

The proposed stipulated penalties for Michael Willson, Certificate of Registration No. 08572, are the following: 1) pay a fine of \$1,000 for the violations; and 2) pay \$350 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Stipulation and Order's for CVS Pharmacy #8819, Thuytrang Huynh, and Michael Willson as presented by Mr. Zunino.

Second: Wayne Mitchell

Action: Passed unanimously (Jacobo recused).

Q.	CVS Pharmacy #8821	(23-126-PH-S)
R.	Eugene Bondoc Naval	(23-126-RPH-S)

Jade Jacobo recused herself due to her employment with CVS Health.

Eugene Bondoc Naval appeared and was sworn in by President Park.

Brian Convery, CVS Representative, appeared and President Park commented that Mr. Convery is still sworn in from a previous matter.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the case against Mr. Naval on behalf of his co-counsel, Peter Keegan.

Mr. Kandt prosecuted the case alleging that during a board inspection, the pharmacist to pharmacy tech ratio was exceeded per Nevada law.

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

The proposed stipulated penalties for Eugene Bondoc Naval, Certificate of Registration No. 19578, are the following: 1) pay a fine of \$1,500 for the violations; and 2) pay \$250 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

The proposed stipulated penalties for CVS Pharmacy #8821, License No. PH01095, are the following: 1) pay a fine of \$6,000 for the violations; and 2) pay \$750 to partially reimburse the

Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to reject the Stipulation and Order's for CVS Pharmacy #8821 and Eugene Bondoc Naval as presented by Mr. Kandt.

Second: Gener Tejero

Board discussion ensued.

Aye: Tejero, Freitas, and Mitchell

Nay: Park and Tomasso

Action: Motion carries (Jacobco recused).

This matter will go into a hearing and is continued to a future board meeting.

H. CVS Pharmacy #2989 (20-011-PH-S)

Jade Jacobco recused herself due to her employment with CVS Health.

Brian Convery, CVS Representative, appeared and President Park commented that Mr. Convery is still sworn in from a previous matter.

Gregory Zunino, Senior General Counsel for the Nevada Board of Pharmacy, prosecuted the case against CVS Pharmacy #2989 alleging a misfill of Clonazepam 0.5mg instead of Ibuprofen and Amoxicillin.

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

With Mr. Convery's consent, Mr. Zunino proposed amendments to paragraph 7 and 8 of the stipulation, including an amendment to reflect that discipline will be imposed only for Count One of the Accusation. As amended, the proposed stipulated penalties for CVS Pharmacy #2989 are the following: 1) pay a fine of \$1,000 for the violations; and 2) pay \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Board discussion ensued.

Board Action:

Motion: Gener Tejero moved to approve the amended Stipulation and Order for CVS Pharmacy #2989 as presented by Mr. Zunino.

Second: Krystal Freitas

Action: Passed unanimously (Jacobco recused).

M. Efrain Armenta, RPH (23-187-RPH-S)

No representative was present on behalf of Efrain Armenta.

Gus Vanderdonck, Assistant General Counsel for the Nevada Board of Pharmacy, prosecuted the case regarding CE audit. Mr. Armenta failed to comply with biennial pharmacist registration for CE requirements.

Mr. Vanderdonck requested a default against Mr. Armenta due to his failure to appear and several attempts at service.

Mr. Vanderdonck requested that Exhibit 1-4 be entered into the record.

President Park admitted as Exhibits 1-4.

Mr. Vanderdonck requested the Board revoke Certificate of Registration No. 19224, effective immediately, and that the respondent cannot reapply for reinstatement for a period of one year.

Board discussion ensued.

Board Action:

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

Second: Jade Jacobo

Action: Passed unanimously.

Board Action:

Motion: Wayne Mitchell moved to accept the allegations in the Order as true.

Second: Jade Jacobo

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to revoke Efrain Armenta's Certificate of Registration No. 19224 and cannot reapply for reinstatement for a period of one year.

Second: Wayne Mitchell

Action: Passed unanimously.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to award the attorney's fees and costs of \$506.67 on the basis that they were reasonable, necessary, and actually incurred.

Second: Wayne Mitchell

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved that the Board Order is effective immediately.

Second: President Park

Action: Passed unanimously.

N. Juliana Izevbigie, RPH (23-193-RPH-S)

No representative was present on behalf of Juliana Izevbigie.

Gus Vanderdonck, Assistant General Counsel for the Nevada Board of Pharmacy, prosecuted the case regarding CE audit. Ms. Izevbigie failed to comply with biennial pharmacist registration for CE requirements.

Mr. Vanderdonck requested a default against Ms. Izevbigie due to her failure to appear after several attempts of service.

Mr. Vanderdonck requested that Exhibit 1-4 be entered into the record.

President Park admitted Exhibits 1-4.

Board discussion ensued.

Board Action:

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

Second: Wayne Mitchell

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to accept the allegations in the Order as true.

Second: Wayne Mitchell

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to revoke Juliana Izevbigie's Certificate of Registration No. 09672, effective immediately, and that the respondent cannot reapply for reinstatement for a period of one year.

Second: Wayne Mitchell

Action: Passed unanimously.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to award the attorney's fees and costs of \$506.67 on the basis that they were reasonable, necessary, and actually incurred.

Second: Wayne Mitchell

Action: Passed unanimously.

O. Odette Erian, RPH (23-196-RPH-S)

Jade Jacobo disclosed that Ms. Erian was a former colleague, but she can participate fairly and without bias.

Gus Vanderdonck, Assistant General Counsel for the Nevada Board of Pharmacy, prosecuted the case regarding CE audit. Ms. Erian failed to comply with biennial pharmacist registration for CE requirements.

Mr. Vanderdonck requested that Exhibit 1-4 be admitted.

President Park admitted as Exhibits 1-4.

Mr. Vanderdonck requested that the Board makes a motion that the respondent was properly served and notified of the hearing to the last address of record consistent with Nevada law.

Board Action:

Motion: Jade Jacobo moved that the respondent was properly served and notified of the hearing to the last address of record consistent with Nevada law.

Second: Krystal Freitas

Action: Passed unanimously.

Mr. Vanderdonck requested the Board make the Findings of Fact of the Order accepted as true.

Board Action:

Motion: Jade Jacobo moved that the Findings of Fact of the order accepted as true.

Second: Krystal Freitas

Action: Passed unanimously.

Mr. Vanderdonck requested the Board revoke Certificate of Registration No.16558, effective immediately, and that the respondent cannot reapply for reinstatement for a period of one year.

Board Action:

Motion: Jade Jacobo moved to revoke Certificate of Registration No.16558, effective immediately, and that the respondent cannot reapply for reinstatement for a period of one year.

Second: Krystal Freitas

Action: Passed unanimously.

Mr. Vanderdonck requests that the Board find the attorney's fees and costs of \$506.67 on the basis that they were reasonable, necessary, and actually incurred.

Board Action:

Motion: Jade Jacobo moved to award the fees and costs of \$506.67 on the basis that they were reasonable, necessary, and actually incurred.

Second: Krystal Freitas

Action: Passed unanimously.

D. Carrie Lambert, DVM

(22-484-DV-N)

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, stated that Ms. Lambert has become compliant with the Stipulation and Order and requested that the hearing on the Order to Show Cause be vacated.

President Park vacated the Order.

T. Matthew Okeke

(19-013-CS-S)

No representative was present on behalf of Matthew Okeke.

Gregory Zunino, Senior General Counsel for the Nevada Board of Pharmacy, prosecuted the case against Dr. Okeke, alleging prescribing of controlled substances while out of the country and Medicaid fraud.

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

Ms. Hunting appeared and was sworn in by President Park.

Mr. Zunino questioned Ms. Hunting on the service of the Notice of Intended Action and Accusation.

Mr. Zunino requested President Park to enter Exhibit 1, the documentation showing the serving of the Accusation into the record.

President Park admitted Exhibit 1.

Mr. Zunino requested President Park enter Exhibit 2, the email correspondence between Mr. Zunino and the respondent's attorney, Mr. Agwara, acknowledging that Dr. Okeke is his client.

Mr. Zunino requested Exhibit 2 to be entered into the record.

President Park admitted Exhibit 2.

Mr. Zunino requested that the Board find that respondent and his counsel were properly served with the accusation and notified of the hearing to the last address of record consistent with Nevada law.

Board Action:

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

Second: President Park

Action: Passed unanimously.

Mr. Zunino requested that President Park enter Exhibit 3 and Exhibit 4 into the record.

President Park admitted Exhibit 3 and Exhibit 4.

Mr. Zunino requested that the Board adopt the allegations and Accusation as true and to impose the following discipline for Dr. Okeke: 1) revoke Certificate of Registration No. CS10935, effective immediately, with the ability to reapply after one year; and 2) pay \$2,500 in fines; and 3) pay \$1,754.68 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Board Action:

Motion: Jade Jacobo moved to make the Findings of Fact consistent with paragraphs 3-18 of the Notice of Intended Action and Accusation.

Second: Krystal Freitas

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to make Conclusions of Law consistent with paragraphs 19-26 of the Notice of Intended Action and Accusation.

Second: Krystal Freitas

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to find Dr. Matthew Okeke guilty of Counts 1-9 of the Notice of Intended Action and Accusation.

Second: Krystal Freitas

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to revoke Dr. Matthew Okeke's Certificate of Registration No. CS10935, effective immediately, and that the respondent cannot reapply for reinstatement for a period of ten years.

Second: Krystal Freitas

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to impose a fine against Dr. Matthew Okeke of \$2,500 for the violations.

Second: President Park

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to award the fees and costs of \$1,754.68 on the basis that they were reasonable, necessary, and actually incurred.

Second: Krystal Freitas

Action: Passed unanimously.

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

This matter was continued to the March Board Meeting.

I. Anqi Liu (20-011-RPH-S)

This matter has been dismissed.

20. Executive Secretary Report:

A. Financial Report

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

Board discussion ensued.

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

B. Eclipse Durable Supplies, LLC – Las Vegas, NV

Isadoris Otano Gutierrez, Owner, and Adrianna Lopez, Owner and Administrator, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Gus Vanderdonck presented background on the application and questioned their business model and how they intend to get business.

Ms. Gutierrez and Ms. Lopez answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Nevada Medical, Devices, Equipment and Gases License for Eclipse Durable Supplies, LLC, pending a favorable inspection.

Second: Krystal Freitas

Action: Passed unanimously.

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

B. Lyfe Pharmacy – Las Vegas, NV

Nazokat Nigmatova, Owner and Managing Pharmacist, appeared and was sworn in by President Park prior to answering questions and offering testimony.

President Park disclosed that she knows the Managing Pharmacist, Nazokat Nigmatova, but can participate fairly and without bias.

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

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

Jade Jacobo questioned Ms. Nigmatova's work history as Managing Pharmacist at Evergreen Pharmacy.

Joe Dodge, Inspector for the Nevada Board of Pharmacy, commented that he completed an inspection at Evergreen and Ms. Nigmatova was not listed as Managing Pharmacist at that time.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Nevada Pharmacy License for Lyfe Pharmacy pending a favorable inspection, additional quarterly inspections at

the expense of the owner for the first year, and an updated application with the new pharmacy address and Ms. Nigmatova's updated work history.

Second: Richard Tomasso

Action: Passed unanimously.

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

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

Richard Tomasso was excused from the Board Meeting at 2:37PM.

Alia Najjar, counsel for Ajumobi Agu, appeared and made a request to the Board.

Alia Najjar believed that she had direct conflict to represent the respondent based on the requested documents she received. She contacted Mr. Agu yesterday to notify him of the need to retain new counsel.

Board discussion ensued.

Richard Tomasso returned to the Board Meeting at 2:41PM.

President Park granted a continuance on this matter to the March 6, 2024, Board meeting.

U. Monivirin Son, MD (23-046-CS-S)

This matter was continued to a future Board meeting.

17. Review and Approval of Continuity of Service Incentives to be added to the Policy Manual **(FOR POSSIBLE ACTION)**

Dave Wuest presented the agenda item to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: President Park moved to add the Continuity of Service Incentives to the policy manual.

Second: Wayne Mitchell

Action: Passed unanimously.

14. Approval of the Facility for Treatment with Narcotics Application **(FOR POSSIBLE ACTION)**

Yenh Long presented the amended Facility for Treatment with Narcotics Application to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: President Park moved to approve the amended Facility for Treatment with Narcotics Application as presented by Ms. Long.

Second: Jade Jacobo

Action: Passed unanimously.

20. Executive Secretary 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. Security of a Pharmacy

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

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

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

16. Approval of the CRNA Controlled Substance Application **(FOR POSSIBLE ACTION)**

Yenh Long presented the background of the proposed application for Board approval. Ms. Long references sections of the bill that was passed which will allow CRNA's to prescribe and order drugs under certain circumstances.

Board staff answered questions to the Board's satisfaction.

Board Action:

Motion: Jade Jacobo moved to approve the CRNA Controlled Substance Application as presented by Ms. Long.

Second: Krystal Freitas

Action: Passed unanimously.

Public Comment January 17, 2024, 3:06 PM

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	Jade Jacobo	Wayne Mitchell
Richard Tomasso	Gener Tejero		

Board Members Absent:

Rolf Zakariassen

Board Staff Present:

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

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

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

Call to Order and Roll Call – Establishment of Quorum

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

Public Comment January 18, 2024, 9:00 AM

There was no public comment.

◆ Workshop ◆

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

- C. Amendment to Nevada Administrative Code (NAC) 639. The proposed amendment removes various provisions relating to compounding which are in conflict with current United States Pharmacopeia compounding standards.

Joe Dodge, Inspector for the Nevada Board of Pharmacy, provided a timeline of USP events and discussions that took place prior to the publication of the revised USP Chapters 797.

Dave Wuest, Executive Secretary for the Nevada Board of Pharmacy, presented background on proposed regulation workshop item.

President Park opened the floor to public comment.

Mr. Wuest presented three written public comments to the Board.

Chad Baker, Senior Vice President of Government Relations at Flavor Rx, commented that statistics show that a large amount of Nevada pharmacies, along with multiple pharmacies across the country, provided medication flavoring to at least 2 million children's medications with no incidents of harm being reported, and that flavoring improves the taste of the medicine.

Lori Walmsley, Director of Pharmacy at Walgreens, is in support of Mr. Baker's comments. Ms. Walmsley believes that it is worthwhile to think about whether there should be other exclusions from USP 795 standards. Ms. Walmsley is concerned that products will not be available as much as they should be for patients. Her alternative thought was to adopt USP standards but create different categories, and referenced Mississippi's carve out as an example. From an operating standpoint, if flavoring becomes compounding, then you must have a patient-specific order from a prescriber.

Ken Kunke from the Nevada Pharmacy Alliance asked the Board that these changes can affect businesses compounding in Nevada. He encouraged the Board to take the implementation of the USP standards slowly, as any adaptation could cause pharmacies to be afraid of doing simple compounding and patient access may be harmed in the long run.

Matt Sarso, Owner of Solutions Specialty Pharmacy, references guidelines added to USP that could affect how much patients are charged for their medications.

Mr. Sarso read a patient letter into the record.

Mark Johnson, Pharmacist with CVS Health, commented that if flavoring becomes compounding, then the prescriber will have to authorize each compounding.

Liz MacMenamin from the Retail Association of Nevada agreed with the comments of those who spoke before her. She appealed to the Board to listen to the concerns, take the time to understand the impact, and look at the problems that have happened in California. The implementation of these standards could limit patient access, and specifically will limit medications for children.

Mr. Wuest commented that the USP standards have already been adopted, but that the Board staff's intent is to provide clarity, not just to race into implementation of the standards.

Mr. Dodge read the adopted USP standards on flavoring for clarification and shared why the USP has made the determination that flavoring is compounding. He cautioned the Board that if they were to make any exemptions that were less stringent than what USP has published, then there must be strong scientific evidence to support it.

Sean Barclay, Pharmacist at Meta Pharmacy Services, commented that the FDA already put this in motion, and they would determine whether pharmacies are following regulations. All changes will be difficult to institute flavoring and would be a re-training of prescribers.

Mr. Dodge commented that two new USP chapters went into effect that haven't been discussed. USP 800 was specific to hazardous compounding, and USP 825 was specific to radio pharmaceuticals.

Richard Tomasso was excused from the meeting at 9:59AM.

Gener Tejero, Pharmacist, entered two written letters into the record that he received via his email.

Richard Tomasso returned to the meeting at 10:03AM.

Mr. Tejero commented that the current USP interpretation may have additional safety measures for compounded, sterile products but believes that patient access to compounded medication will decrease.

Board discussion ensued.

Mr. Wuest will continue discussions and work on the language before bringing it back before the Board at a future meeting.

- A. Amendment to Nevada Administrative Code (NAC) 639. The proposed amendment ensures proper and adequate safeguards for registered nurses who participate in certain public health programs or certain mental health services.

Dave Wuest presented background on the proposed agenda item.

President Park opened the floor to public comment.

There was no public comment.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to adopt proposed regulation Amendment to Nevada Administrative Code (NAC) 639 as presented by Mr. Wuest.

Second: Wayne Mitchell

Action: Passed unanimously.

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

A. Angeles Medical Supplies LLC – Las Vegas, NV

Rebekah Thompson (Administrator), Yaequeline Gonzalez-Villafuaneq (Owner), and Ivan Ortiz (Translator) appeared and were sworn in by President Park prior to answering questions and offering testimony.

Gus Vanderdonck, Associate General Counsel for the Nevada Board of Pharmacy, presented background on the application and questioned their business model and how they intend to get business.

Ms. Thompson and Ms. Gonzalez-Villafuaneq answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Nevada Medical, Devices, Equipment and Gases License for Angeles Medical Supplies LLC.

Second: Krystal Freitas

Action: Passed unanimously.

C. Kynetic Medical Group, Inc – Las Vegas, NV

Albert Marquez, Administrator, and Jeremie Ramirez ,Director of Operations, appeared and were sworn in by President Park.

Greg Zunino, Senior General Counsel for the Nevada Board of Pharmacy, presented background on the application and questioned their business model.

Mr. Marquez and Mr. Ramirez answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Nevada Medical, Devices, Equipment and Gases License for Kynetic Medical Group, Inc.

Second: Krystal Freitas

Action: Passed unanimously.

D. LifePro Medical Supplies – Las Vegas, NV

Andrea Aguilar, Owner and Administrator, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Greg Zunino presented background on the application and questioned the business model, the types of products she plans to sell, how she intends to get business, and her experience in the field.

Gener Tejero questioned Ms. Aguilar on how she was able to purchase the stock from a wholesaler without any registration.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Nevada Medical, Devices, Equipment and Gases License for LifePro Medical Supplies, pending a favorable inspection.

Second: Gener Tejero

Action: Passed unanimously.

7. Application for Nevada Ambulatory Surgery Center License (NAC 639.4992) – Appearance (**FOR POSSIBLE ACTION**)

A. Pearl Surgery Center – North Las Vegas, NV

Sara Szabatura, Designated Representative, and Mary Gear, Pharmacist Consultant, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Yenh Long, Deputy Director for the Nevada Board of Pharmacy, requested a Letter of Authorization for Ms. Szabatura and Ms. Gear to speak on behalf of the company.

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

Ms. Szabatura and Ms. Grear answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Nevada Medical, Devices, Equipment and Gases License for Pearl Surgery Center.

Second: Jade Jacobo

Action: Passed unanimously.

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

C. Vegas Youn Pharmacy – Las Vegas, NV

Chang Kim, Pharmacist, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Yenh Long presented background on the application and questioned Mr. Kim on the business model and how he intends to solicit business.

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

Board discussion ensued.

Board Action:

Motion: President Park moved to approve the Nevada Pharmacy License for Vegas Youn Pharmacy.

Second: Jade Jacobo

Action: Passed unanimously.

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

A. Allaymeds Inc – San Antonio, TX

Suryanarayana Raju Sagi, Managing Pharmacist, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Joe Dodge presented background on the application and questioned Mr. Sagi's experience and the business model.

Mr. Dodge confirmed that Mr. Ragu will be only shipping two products into Nevada.

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

Board discussion ensued.

Board Action:

Motion: President Park moved to approve the Out-of-State Compounding Pharmacy for Allaymeds Inc.

Second: Krystal Freitas

Action: Passed unanimously.

B. Civic Center Pharmacy – Scottsdale, AZ

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

Jade Jacobo disclosed that she knows Ms. Davis but can participate fairly and without bias.

Joe Dodge presented background on the application and questioned Ms. Davis on the change of ownership, name change, and the disclosures listed.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Out-of-State Compounding Pharmacy for Civic Center Pharmacy.

Second: Wayne Mitchell

Action: Passed unanimously.

15. Request for a waiver from the Managing Pharmacist Pursuant to NRS 639.220 (3) – Appearance (**FOR POSSIBLE ACTION**)

A. J.T. Simonsen, B.S., Pharm.D

Joseph (J.T.) Simonsen appeared and was sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest presented background on the appearance.

Mr. Simonsen provided a statement to the Board and will temporarily manage the secondary pharmacy until a second managing pharmacist is hired.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the waiver request from J.T. Simonsen to manage two pharmacies for Humboldt General Hospital.

Second: Jade Jacobo

Action: Passed unanimously.

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

C. Strides Pharma, Inc – Chesnut Ridge, NY

Ken Waibel, Director of Manufacturing and Packaging, and Faiza Poshni, DEA Compliance and State Licensing Manager, appeared and were sworn by President Park prior to answering questions and offering testimony.

Gus Vanderdonck presented background on the application and questioned their business model and the products that will be manufactured.

Richard Tomasso was excused from the Board meeting at 1:33PM.

Mr. Vanderdonck requested clarification on the disclosure listed on the application and the FDA warning letter received from their parent company.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Out-of-State Wholesaler License application for Strides Pharma, Inc.

Second: Gener Tejero

Action: Passed unanimously (Tomasso excused).

A. LifeScience Logistics, LLC – Durham, NC

Jeremy Bullock, Operations Manager, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Gus Vanderdock requested a Letter of Authorization for Mr. Bullock to speak on behalf of the company.

Richard Tomasso returned to the Board meeting at 1:45PM.

Mr. Vanderdonck presented background on the application and questioned Mr. Bullock on the business model and disclosures listed on application.

Mr. Bullock answered the questions and commented that he is unfamiliar with the disclosures listed in other states as he started with the company in 2022 and the disclosures occurred prior to his employment.

Mr. Bullock stated that an updated application with his information was sent to the Board on September 1, 2023.

President Park tabled this application and will return to this matter.

B. Pharma Source Direct, Inc – Englewood, CO

Matthew Johnson, President and CEO, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Gus Vanderdonck presented background on the application and questioned Mr. Johnson on the business model and his disclosure.

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

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the ownership change on the Out-of-State Wholesaler License for Pharma Source Direct, Inc.

Second: Jade Jacobo

Action: Passed unanimously.

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

A. Hai Duong Ngo

No representative was present on behalf of Hai Duong Ngo.

This matter was continued to a future Board meeting.

B. Roland Israel

No representative was present on behalf of Roland Israel.

This matter was continued to a future Board meeting.

C. Tony Hieu La

No representative was present on behalf of Tony Hieu La.

This matter was continued to a future Board meeting.

13. Application for Controlled Substance Registration (NRS 453.226) – Appearance **(FOR POSSIBLE ACTION)**

A. Chasity Beene

This matter was continued to a future Board meeting.

B. Jacob Hedden

Jacob Hedden appeared and was sworn in by President Park prior to answering questions and offering testimony.

Gus Vanderdonck presented background on the application and questioned Mr. Hedden on the disclosure related to a substance abuse disorder.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the application for Controlled Substance Registration for Jacob Hedden with the condition that he will continue PRN treatment in Nevada through December 2024.

Second: President Park

Action: Passed unanimously.

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

B. LifeScience Logistics, LLC – Durham, NC

President Park returned to LifeScience Logistics, LLC.

Gus Vanderdonck presented background on the application and questioned Mr. Bullock on the updated application and his experience.

Yenh Long questioned Mr. Bullock on how they will function as a 3PL for some manufacturers and where the manufacturers are located.

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

Board Action:

Motion: Jade Jacobo moved to approve the Out-of-State Wholesaler License for LifeScience Logistics, LLC.

Second: Krystal Freitas

Action: Passed unanimously.

22. Public Comment January 18, 2024, 2:19PM

There was no public comment.

21. Date and Location of Next Scheduled Board Meeting:

March 6-7, 2024 – Las Vegas, NV

23. Adjournment