



NEVADA STATE BOARD OF PHARMACY

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MINUTES

March 6-7, 2024

BOARD MEETING

The Nevada State Board of Pharmacy will conduct a meeting beginning Wednesday, March 6, 2024, at 9:00 am. The meeting will continue Thursday, March 7, 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	Adam Porath	Gener Tejero	

Board Staff Present:

Dave Wuest	Yenh Long	Darlene Nases	Gregory Zunino
Brett Kandt	Peter Keegan	Gus Vanderdonck	Jessette Phaynarikone
Erin Miller	Joe Dodge	Darla Zarley	Leo Basch
Kenneth Scheuber	Dena McClish	Todd Weiss	

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

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. Board members were present, except Gener Tejero, and a quorum was established.

2. Public Comment March 6, 2024, 9:00 AM

Mark Brunton, Pharmacy Technician Representative on the Board of Directions for the Nevada Pharmacy Alliance, and the Nevada Society of Health System Pharmacists, would like to submit a proposal to increase engagement with pharmaceutical technicians in Nevada. A pharmaceutical technician advisory committee to the Board gives an opportunity to provide a platform for deliberation and recommendations regarding training standards, scope of practice, and continuing professional development. This will promote competence, confidence, and engagement among our technicians. He seeks the Board’s support to establish this committee.

◆ 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 January 17-18, 2024, Board Meeting Minutes (**FOR POSSIBLE ACTION**)

Board Action:

Motion: Wayne Mitchell moved to approve January 17-18, 2024, 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. Pacific Medical, Inc (Northern NV Sierra) – Reno, NV
- B. Pacific Medical, Inc (Renown S Meadows) – Reno, NV
- C. Vantive US Healthcare, LLC – Largo, FL

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

Background Check Not Required by Law.

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

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

- D. ALOM Technologies Corporation – Indianapolis, IN
- E. Aphenia Pharma Solutions – Cookeville, TN
- F. BE Pharmaceuticals, Inc – Cary, NC
- G. DMG America, LLC – Englewood, NJ
- H. Embody, Inc – Norfolk, VA
- I. Emmaus Medical, Inc – Torrance, CA
- J. Implants Ltd – Jamaica, NY
- K. Maclean Health – Sacramento, CA
- L. Progressive Medical, Inc – Fenton, MO
- M. RVL Pharmaceuticals, Inc – Bridgewater, NJ
- N. Seagen Inc – Bothel, WA
- O. Seagen Inc – Bothel, WA
- P. Time-Cap Laboratories, Inc – Melville, NY
- Q. Vantive US Healthcare, LLC – Largo, FL
- R. X4 Pharmaceuticals, Inc – Boston, MA

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

- S. Animal Health International, Inc – Ontario, CA
- T. Animal Health International, Inc – Twin Falls, IN
- U. Cintas Corporation No. 2 – Sparks, NV
- V. Zoetis US LLC – Lee’s Summit, MO

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

- W. Morris & Dickson Co., LLC – Shreveport, LA
- X. M&D Specialty Distribution, LLC – Shreveport, LA

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))

- Y. Delcath System, Inc – Queensbury, NY
- Z. The J. Molner Company, LLC – Jersey City, NJ
- AA. Verastem Oncology – Needham, MA

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

4.2.8 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)

BB. AnovoRx Distribution, LLC – Chandler, AZ

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

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

CC. City Pharmacy II – Las Vegas, NV

DD. ER at Cadence - Henderson, NV

EE. ER at Desert's Edge – Las Vegas, NV

FF. Ok'Care Pharmacy – Las Vegas, NV

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

GG. Apothecary Options – Chico, CA

HH. King's Pharmacy & Compounding Center – Irvine, CA

II. RPC2B, LLC – Millburn, NJ

JJ. Undefined Pharmacy, LLC – Warren, NJ

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

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

KK. 14H Pharmacy, LLC – Riverside, CA

LL. Access Therapy Center – Pittsburgh, CA

MM. BioPlus Specialty Pharmacy Services, LLC – Indianapolis, IN

NN. BioPlus Specialty Pharmacy Services, LLC – St. Louis, MO

OO. Cardinal Health Pharmacy Services, LLC – Dublin, OH

PP. CarelonRx Pharmacy, Inc – Grand Prairie, TX

QQ. Nomi Health Pharmacy – Salt Lake City, UT

RR. Norco Inc – Boise, ID

SS. PersonalRx – East Rutherford, NJ

TT. Quality Drug Corporation – Irvine, CA

4.7 Application for Nevada Warehouse (NAC 639.622) – Non- Appearance **(FOR**

POSSIBLE ACTION)

UU. Pacific Medical, Inc – Carson City, NV

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

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

VV. Las Vegas Institute for Advanced Surgery – Las Vegas, NV

WW. Nevada Surgical Suites – Las Vegas, NV

XX. Nevada Surgical Suites – Las Vegas, NV

YY. Nevada Surgical Suites – Las Vegas, NV

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

ZZ. Gabriela Castillo R – Pharmaceutical Technician

AAA. Sammie Sok – Pharmaceutical Technician

BBB. Tiffany Michelle James – Pharmaceutical Technician

CCC. Terry Muratore – Controlled Substance

DDD. Terry Muratore – Veterinarian Dispense

Krystal Freitas recused herself from item 4DD due to her employment.

Board Action:

Motion: Jade Jacobo moved to approve the Consent Agenda with exemption to Agenda Item 4DD.

Second: Wayne Mitchell

Action: Passed unanimously.

Board Action:

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

Second: Wayne Mitchell

Action: Passed unanimously (Freitas recused).

◆ REGULAR AGENDA ◆

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

C. ASP Cares Pharmacy (19-011-PH-S)

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the case against ASP Cares Pharmacy but requested that the Board return to this item as the representative is not present.

President Park tabled hearing and will return to this matter.

E. Jay Selznick (19-043-CS-N)

This matter was continued to a future Board meeting.

F. Kochy Tang (19-126-CS-S)

Maria Nutile appeared as counsel on behalf of Kochy Tang.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the case against Dr. Tang alleging that the respondent, as a medical director, authorized an employee (RN) to independently access, possess, store, and administer dangerous drugs to patients with whom respondent did not establish a bona fide therapeutic relationship. In addition, respondent falsified patient information and issued false prescriptions to obtain compounded dangerous drugs for office use.

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

The proposed stipulated penalties for Dr. Tang, Certificate of Registration No. CS06260, are the following: 1) Respondent's Certificate of Registration No. CS06260 is placed on probation for one year; 2) \$2,500 fine for the violations; and 3) \$1,000 payment to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Ms. Nutile commented that the charges were from six years ago and changes have been in place since then.

Board Action:

Motion: Krystal Freitas moved to approve the Stipulation and Order as presented by Mr. Kandt.

Second: Wayne Mitchell

Action: Passed unanimously.

Monivirin Son 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 Dr. Son alleging Dr. Son failed to timely renew his Certificate of Registration Nos. CS25265, CS12420, and CS15562 on October 31, 2018, and thereafter issued 2,684 prescriptions of controlled substances to 484 patients in Nevada between November 1, 2018, and June 21, 2023, without a valid controlled substance registration and without accessing the Prescription Monitoring Program (PMP) to review the patient utilization report. Respondent applied for a new Certificate of Registration No. CS35699 on June 22, 2023, but failed to submit proof of DEA registration and enroll for Internet access to the PMP database.

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

The proposed stipulated penalties for Dr. Son, Certificate of Registration No. CS35699, are the following: 1) Respondent's Certificate of Registration No. CS35699 is suspended for two years; the suspension is stayed, and Respondent is placed on probation; 2) \$16,000 fine for the violations; and 3) \$2,500 payment to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Dr. Son agreed to the stipulation.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order as presented by Mr. Kandt.

Second: Wayne Mitchell

Action: Passed unanimously.

Christopher Reade appeared as counsel on behalf of Matthew Kikuchi.

Matthew Kikuchi was sworn in by President Park prior to answering questions and offering testimony.

Gus Vanderdonck, Assistant General Counsel for the Nevada Board of Pharmacy, prosecuted the case against Dr. Kikuchi alleging that he failed to query a PMP report for any of his prescriptions from January 19, 2016, to June 13, 2021. The respondent is now in compliance with PMP laws and regulations.

The proposed stipulated penalties for Dr. Kikuchi's Certificate of Registration No. CS23600 are the following: 1) Respondent will continue compliance with all PMP related laws and regulations; 2) pay a fine of \$6,500 for the violations; and 3) pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order as presented by Mr. Vanderdonck.

Second: Krystal Freitas

Action: Passed unanimously.

J. Matthew Okeke

(19-013-CS-S)

Matthew Okeke was sworn in by President Park prior to answering questions and offering testimony.

Liborius Agwara appeared as counsel on behalf of Dr. Okeke.

Gregory Zunino, Senior General Counsel for the Nevada State Board of Pharmacy, presented a Petition for Reconsideration to the Board that was submitted by Dr. Okeke's attorney, Mr. Agwara, who requested that the Board vacate a default order that was entered at the January 2024 Board Meeting due to a non-appearance by Dr. Okeke and/or Mr. Agwara.

Mr. Agwara stated that Dr. Okeke signed a stipulation that would have settled the case, but he was out of the country and was not aware that his staff neglected to forward the signed stipulation to Mr. Zunino.

Mr. Zunino recommended that the Board grant the Petition for Reconsideration and continue the case to the May meeting, under the condition that Dr. Okeke will not prescribe or possess any controlled substances within his practice until this matter is resolved.

President Park granted the Petition for Reconsideration for Dr. Okeke. This case will be continued to the May Board meeting.

O. Cheryl Saunders

(23-167-CS-N)

Kathleen Jones appeared as counsel on behalf of Cheryl Saunders

Cheryl Saunder appeared via Zoom.

President Park disclosed that Ms. Saunders may be someone that she works with at the Nevada Department of Corrections but has not met her. President Park stated that she can participate in

this matter fairly and without bias.

Gregory Zunino, Senior General Counsel for the Nevada Board of Pharmacy, prosecuted the case alleging that Ms. Saunders procured dangerous drugs for Aesthetics MedSpa and allowed an unlicensed person to possess, store, and/or administer these dangerous drugs without any supervision or direction by a practitioner.

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

The proposed stipulated penalties for Ms. Saunders, Certificate of Registration No. CS27884, are the following: 1) pay a fine of \$1,500 for the violations; and 2) pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; and 3) Ms. Saunders has agreed to cooperate and testify in the Board's cases against the Aesthetics MedSpa and the respondents who administered the drugs without a practitioner present.

Ms. Jones stated that her client agrees with the Stipulation and Order as presented.

Board Action:

Motion: Krystal Freitas moved to approve the Stipulation and Order as presented by Mr. Zunino.

Second: Adam Porath

Action: Passed unanimously.

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

Chandon Alexander appeared as counsel on behalf of Plus One Pharmacy.

Gus Vanderdonck, Assistant General Counsel for the Nevada Board of Pharmacy, prosecuted the case alleging that the owner of the Plus One Pharmacy, a non-licensee and non-pharmacist, ordered and received a shipment of dangerous drugs without a pharmacist present.

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

The proposed stipulated penalties for Plus One Pharmacy License No. PH04369 are the following: 1) Respondents License No. PH04369 shall be suspended for one year; however, the suspension is stayed; 2) pay a fine of \$5,000 for the violations; and 3) pay \$2,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Mr. Alexander commented that this drug shipment was received in error prior to the opening of the pharmacy, and it was shipped back to the vendor and a refund was given.

Board discussion ensued.

Jade Jacobo disclosed that she saw this case in Arizona when it was presented, but that she can participate in this matter fairly and without bias.

Board Action:

Motion: Krystal Freitas moved to approve the Stipulation and Order as presented by Mr. Vanderdonck.

Second: Jade Jacobo

Action: Passed unanimously.

W. John Tolentino

(22-021-CS-S)

John Tolentino and Mark Chase, Clinical Director PRN of Nevada, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan, General Counsel for the Nevada Board of Pharmacy, prosecuted the case against Mr. Tolentino related to an Agreement with the Nevada State Board of Nursing for diversion of a controlled substances for personal use that he failed to disclose on his November 25, 2020, Controlled Substance Registration.

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

The proposed stipulated penalties for Mr. Tolentino Certificate of Registration No. CS31227 are the following: 1) Respondent's Certificate of Registration No. CS31227 shall be revoked for two years, effective immediately; 2) Respondent will continue to comply with the Agreement given by the Nevada State Board of Nursing in Case No. 2022020005; 3) pay a fine of \$5,000 within one year of the Order; and 3) pay \$750 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter within 30 days of the Order.

The Board questioned Mr. Tolentino on the terms of his Agreement with the Board of Nursing.

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

Board discussion ensued.

Jade Jacobo and Wayne Mitchell feel that a two-year revocation is more appropriate.

The Board took a recess for Mr. Keegan, and the Respondent to discuss new terms of the proposed Stipulation and Order

Gener Tejero joined the Board meeting at 10:17AM.

Mr. Tejero recused himself from this Agenda Item as he was not present for the hearing.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order as presented by Mr. Keegan with amendment to the revocation would be for two years instead of one year.

Second: Krystal Freitas

Action: Passed unanimously (Tejero recused).

K. DVH Hospital Alliance	(22-053-PH-S)
L. Marissa Crain	(22-053-PT-S)
M. Elliott Asarch	(22-053-RPH-A-S)
N. Matthew Huntington	(22-053-RPH-B-S)

Krystal Freitas recused herself from item 5K due to her employment.

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

Maria Nutile appeared as counsel on behalf of Matthew Huntington and DVH Hospital Alliance.

Lyn Beggs appeared as counsel on behalf of Elliot Asarch.

Marissa Crain appeared via Zoom and was told by her attorney, Thomas Gibson, to attend.

Mr. Zunino was not aware Ms. Crain was represented by counsel.

Board discussion ensued.

Dave Wuest requested that these Agenda Item's be tabled.

President Park tabled hearings and will return to these matters.

X. Wal-Mart Pharmacy #10-4239	(22-089-PH-N)
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Shelley Tustison, Senior Director of Pharmacy Practice Compliance, Grace Collinson, Director of Practice Compliance, appeared and were sworn in by President Park prior to answering questions and offering testimony.

William Stilling appeared as counsel on behalf of Walmart Pharmacy #10-4239.

Peter Keegan, General Counsel for the Nevada Board of Pharmacy, prosecuted the case against Wal-Mart Pharmacy #10-4239 alleging that employees mis-filled Metformin Hydrochloride ER 500mg tablets ASC, quantity 360, with two bottles of 100 tablets of Metformin Hydrochloride ER

500 MG AS tablets and one bottle of amlodipine besylate tablet, USP 5mg, quantity 500.

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

The proposed stipulated penalties for Wal-Mart Pharmacy #10-4239 License No. PH02772 are the following: 1) pay a fine of \$1,000 for the violations within 30 days of the Order; and 2) pay \$750 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter within 30 days of the Order.

Board discussion ensued.

Jade Jacobo is not in favor of the Stipulation and Order. This is one misfill case of many, as human error does happen. Ms. Jacobo believes our resources would be better utilized in preventing the errors from moving forward or even coming into formation.

Board Action:

Motion: President Park moved to approve the Stipulation and Order as presented by Mr. Keegan for Wal-Mart Pharmacy #10-4239.

Second: Adam Porath

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

Nay: Jacobo

Action: Motion carries.

C. ASP Cares Pharmacy (19-011-PH-S)

This matter was continued to a future Board Meeting.

D. Venus Vedadi (19-011-RPH-S)

Lyn Beggs appeared as counsel on behalf of Venus Vedadi.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the case against Ms. Vedadi alleging she provided preprinted prescription blanks to Kindred Outpatient Wound Care Hospital. Vedadi also erroneously entered the prescriber's name Dr. L.R. on the illegally preprinted prescription blank form and dispensed several prescriptions which included a misfill of six tubes of 30g Santyl Ointment rather than one 30g tube.

The proposed stipulated penalties for Venus Vedadi, Certificate of Registration No. 18969, are the following: 1) Respondent's Certificate of Registration No. 18969 is suspended for two years; the suspension is stayed, and Respondent is placed on probation; 2) \$5,000 fine for the violations; and 3) \$1,000 payment to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

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

On behalf of her client, Ms. Beggs shared with the Board that Ms. Vedadi has not been with ASP Pharmacy since 2019 and that she would say that she was not the individual who promoted sending the blank pre-printed prescription pads to the wound care providers, however the respondent believed the proposed stipulation was reasonable and asked the Board to accept the stipulation today.

Board Action:

Motion: Krystal Freitas moved to approve the Stipulation and Order as presented by Mr. Kandt.

Second: Wayne Mitchell

Action: Passed unanimously.

A. CVS Pharmacy #9967

(19-049-PH-S)

B. Mihreteab Tesema

(19-049-RPH-S)

Jade Jacobo recused herself from this matter due to her employment with CVS.

Krystal Freitas disclosed that she is familiar with Mihreteab Tesema but can participate in this matter fairly and without bias.

Brian Convery, Representative for CVS Pharmacy #9967, and Mihreteab Tesema appeared and were sworn in by President Park prior to answering questions and offering testimony.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the case alleging that Mr. Tesema failed to contact the prescriber for clarification on a prescription.

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

The proposed stipulated penalties for Mr. Tesema, Certificate of Registration No. 18570, are the following: 1) \$1,000 fine for the violations; and 2) \$500 payment 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 #9967, License No. PH01250, are the following: 1) \$2,000 fine for the violations; and 2) \$1,000 payment to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

President Park asked respondent Tesema if he recalled the day that the misfill happened and if he could tell the Board what occurred.

Mr. Tesema provided a statement to the Board on the events that occurred.

Board discussion ensued.

On behalf of the prosecution, Mr. Kandt requested that the Board reject the stipulation and continue the matter to a future date.

Mr. Convery and Mr. Tesema requested that the Board reject the stipulation.

Board Action:

Motion: President Park moved to reject the Stipulation and Order as presented by Mr. Kandt for Mihreteab Tesema and CVS Pharmacy #9967.

Second: Wayne Mitchell

Action: Passed unanimously (Jacobo recused).

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| K. DVH Hospital Alliance | (22-053-PH-S) |
| L. Marissa Crain | (22-053-PT-S) |
| M. Elliott Asarch | (22-053-RPH-A-S) |
| N. Matthew Huntington | (22-053-RPH-B-S) |

Krystal Freitas recused herself from item 5K, 5L, 5M, and 5N due to her employment.

Todd Weiss, Deputy Attorney General, presented the options for how the Board can address the situation with Marissa Crain being remote when she was ordered to appear. The Board can treat her as a default for not complying with the order served or put it on record that Ms. Crain will need to appear in person at the next meeting while proceeding with the other respondents.

President Park will give Ms. Crain an opportunity to appear at a future Board meeting, but the Board will proceed with the remaining respondents' cases.

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

Gregory Zunino, Senior General Counsel for the Nevada Board of Pharmacy, prosecuted the case against DVH Hospital Alliance, License No. IB02134, and Matthew Huntington, Certificate of Registration No. 18203, both represented by Ms. Nutile. It is alleged that Ms. Crain, a pharmacy technician, stole a large quantity of controlled substances over a two-year period from the hospital. Matthew Huntington was the managing pharmacist during the latter half of Ms. Crain's tenure at the hospital. The hospital had the technology in place that could have detected the theft, and by failing to use the technology, Mr. Huntington performed his duties in a negligent or unskilled manner.

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

The proposed stipulated penalties for DVH Hospital Alliance License No. IB02134 are the following: 1) Submit to four quarterly inspections of the pharmacy to be done by Board inspectors

at the pharmacy's expense; 2) pay a fine of \$10,000 for the violations; and 3) pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

The proposed stipulated penalties for Matthew Huntington Certificate of Registration No. 18203 are the following: 1) Respondent's Certificate of Registration No. 18203 will be suspended for one year; however, the suspension is stayed; 2) Respondent, as long as he is Managing Pharmacist, shall facilitate the performance of DVH Hospital Alliance of its responsibilities as long as he remains employed by DVH Hospital Alliance; 3) pay a fine of \$2,500 for the violations; and 4) pay \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Ms. Nutile clarified for the Board that Mr. Huntington was not the managing pharmacist for the latter half of the two-year period, but for four months of that two-year period. She also noted that once Mr. Huntington became aware of the way to run the electronic report, he self-reported this to the Board and assisted in the investigation. DVH Hospital has also made many changes, including now having a risk manager for this hospital and the region. The risk manager is now involved in the running of reports and inspections daily.

Board discussion ensued.

President Park disclosed that she is familiar with Elliott Asarch from Roseman University, but she can participate in this matter fairly and without bias.

Board Action:

Motion: Wayne Mitchell moved to accept the Stipulation and Order as presented by Mr. Zunino for Matthew Huntington.

Second: Jade Jacobo

Aye: Porath, Jacobo, Tomasso, Tejero, and Mitchell

Nay: Park

Action: Motion carries (Freitas recused).

Board Action:

Motion: Wayne Mitchell moved to approve the Stipulation and Order as presented by Mr. Zunino for DVH Hospital Alliance.

Second: Jade Jacobo

Action: Passed unanimously (Freitas recused).

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

The proposed stipulated penalties for Elliott Asarch, Certificate of Registration No. 19265, are the following: 1) Respondent's Certificate of Registration No. 19265 is suspended for one year, however, the suspension is stayed; 2) pay a fine of \$2,500 for the violations; and 3) pay \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Lyn Beggs clarified that Mr. Asarch came to work for DVH Hospital when Ms. Crain was out on medical leave and when she returned the diversion commenced again. When Mr. Asarch started with DVH, he noticed that Ms. Crain had inappropriate access to the safe and he modified her access; however, her access was restored, and they are unaware of who restored her access.

Board discussion ensued.

Board Action:

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

Second: Wayne Mitchell

Aye: Porath, Jacobo, Tomasso, Tejero, and Mitchell
Nay: Park

Action: Motion carries (Freitas recused).

G. Ryan Ross

(20-027-PT-S)

Ryan Ross failed to appear.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the case against Ryan Ross on an order to show cause due to Mr. Ross's non-compliance with a stipulation and order entered September 6, 2023.

Mr. Kandt called Darlene Nases as a witness.

Darlene Nases, Board Coordinator for the Nevada Board of Pharmacy, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Ms. Nases testified on the service of the Order to Show Cause on Mr. Ross.

Mr. Kandt requested that Exhibit 1 be entered into the record, documenting service of the Order to Show Cause on Mr. Ross.

President Park admitted Exhibit 1 into the record.

Mr. Kandt called Jessette Phaynarikone as a witness.

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

Ms. Phaynarikone testified on the service of the 21-day Notice of Hearing on Mr. Ross.

Mr. Kandt requested that Exhibit 2 be entered into the record, documenting service of the 21-day Notice of Hearing on Mr. Ross.

President Park admitted Exhibit 2 into the record.

Mr. Kandt called back Ms. Nases as a witness.

Ms. Nases testified on the receipt of respondent's payments of fines, and attorney's fees and costs to the Board, pursuant to the payment schedule that Mr. Ross agreed upon.

Mr. Kandt requested that Exhibit 3 be entered into the record, documenting Mr. Ross' payments.

President Park admitted Exhibit 3 into the record.

Mr. Kandt asked Ms. Nases for details on what occurred when the respondent sent his first payments to the Board.

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

Mr. Kandt asked the Board to make a finding of the fact that the respondent failed to make timely payments of the fine and recoverable attorney's and costs pursuant to the Stipulation and Order.

Mr. Kandt asked the Board to make a finding of fact that Board staff attempted service of the Order to Show Cause on Respondent on January 25, 2024.

Mr. Kandt asked the Board to make a finding of fact that the Board staff attempted service of the Notice of Hearing on the Respondent on February 1, 2024.

Board Action:

Motion: Jade Jacobo moved to make findings of fact that respondent failed to make timely payments of the fine and recoverable attorney's fees and costs pursuant to the Stipulation and Order; that Board staff attempted service on the Respondent of the Order to Show Cause on January 25, 2024; and that Board staff attempted service on the Respondent of the Notice of Hearing on February 1, 2024.

Second: Krystal Freitas

Action: Passed unanimously.

Mr. Kandt asked the Board to make a finding of fact that Board staff has satisfied the service requirements of Nevada law, and that the respondent was properly noticed of the hearing.

Board Action:

Motion: Jade Jacobo moved to find that Board staff has satisfied the service requirements of Nevada law, and that the respondent was properly noticed of the hearing.

Second: Krystal Freitas

Action: Passed unanimously.

Mr. Kandt requested that the Board revoke Mr. Ross' Certificate of Registration No. PT2827 and cannot reapply for reinstatement for a period of one year.

Board Action:

Motion: Jade Jacobo moved to revoke Ryan Ross Certificate of Registration No. PT2827 and cannot reapply for reinstatement for a period of one year.

Second: Adam Porath

Action: Passed unanimously.

Mr. Kandt requested that the Board make the Order effective immediately.

Board Action:

Motion: Jade Jacobo moved to make the Order effective immediately.

Second: President Park

Action: Passed unanimously.

- Y. CVS Pharmacy #8821
- Z. Eugene Bondoc Naval

- (23-126-PH-S)
- (23-126-RPH-S)

Jade Jacobo recused herself from this matter due to her employment.

Eugene Bondoc Naval appeared and was sworn in by President Park prior to answering questions and offering testimony.

William Stilling appeared as counsel on behalf of CVS Pharmacy #8821 and Mr. Naval.

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

Peter Keegan, General Counsel for the Nevada Board of Pharmacy, prosecuted the case and reminded the Board that a Stipulation and Order was proposed to the Board in the January 2024 Board meeting. The Stipulation and Order was declined, and the Board requested a hearing on this matter.

Mr. Keegan requested Exhibit 1, Exhibit 2, and Exhibit 3 be entered into the record, and Mr. Stilling requested Exhibit A, Exhibit B, and Exhibit C be entered into the record.

President Park admitted Exhibits 1-3 and Exhibits A-C

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

Mr. Keegan called Dena McClish, Board Investigator for the Nevada Board of Pharmacy, as a witness.

Dena McClish appeared and was sworn in by President Park prior to answering questions and offering testimony.

Mr. Keegan questioned Ms. McClish about the case and her findings.

Mr. Stilling cross-examined.

Mr. Keegan re-crossed.

Mr. Keegan called Eugene Naval as a witness.

President Park commented that Mr. Naval is still sworn in from previously.

Mr. Keegan questioned Mr. Naval on the events that occurred with the case.

Mr. Still cross-examined.

Mr. Keegan re-crossed.

The Board questioned Mr. Naval about the events that occurred with the case.

Board discussion ensued.

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

Board Action:

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

Second: Krystal Freitas

Action: Passed unanimously (Jacobobo recused).

Mr. Keegan requested the Board to make Conclusions of Law consistent with paragraphs 15-23 of the Notice of Intended Action and Accusation.

Board Action:

Motion: President Park moved to make Conclusions of Law consistent with paragraphs 15-23 of the Notice of Intended Action and Accusation.

Second: Krystal Freitas

Action: Passed unanimously (Jacobo recused).

Board Action:

Motion: Krystal Freitas moved to find Respondent Naval guilty of Count One.

Second: Adam Porath

Action: Passed unanimously (Jacobo recused).

Board Action:

Motion: Krystal Freitas moved to find Respondent CVS Pharmacy #8821 guilty of Count Two.

Second: President Park

Action: Passed unanimously (Jacobo recused).

Board Action:

Motion: Krystal Freitas moved to find Respondent Naval guilty of Count Three.

Second: President Park

Action: Passed unanimously (Jacobo recused).

Board Action:

Motion: Krystal Freitas moved to find Respondent CVS Pharmacy #8821 guilty of Count Four.

Second: Adam Porath

Action: Passed unanimously (Jacobo recused).

Board discussion ensued.

Motion: Richard Tomasso moved to make the following discipline for Respondent CVS Pharmacy #8821: 1) Respondent CVS shall pay \$20,000 for the violations in Count Two and Count Four; and 2) quarterly inspections of the pharmacy to be done by Board inspectors for one year.

Second: President Park

Action: Passed unanimously (Jacobo recused).

Board Action:

Motion: Gener Tejero moved to make the following discipline for Respondent Naval: 1) Respondent Naval shall pay a fine of \$500 for the violations in Count One; and 2) Respondent Naval shall pay a fine of \$250 for Count Three.

Second: Adam Porath

Action: Passed unanimously (Jacobo recused).

Board Action:

Motion: Gener Tejero moved to award the attorney's fees and costs of \$1,000 on the basis that they were reasonable, necessary, and actually incurred.

Second: Krystal Freitas

Action: Passed unanimously (Jacobo recused).

Board Action:

Motion: Gener Tejero moved to discipline Respondent CVS Pharmacy #8821 by paying \$750 to partially reimburse the Board for recoverable attorney's fees and costs.

Second: Krystal Freitas

Action: Passed unanimously (Jacobo recused).

Board Action:

Motion: Gener Tejero moved to discipline Respondent Naval by paying \$250 to partially reimburse the Board for recoverable attorney's fees and costs.

Second: Krystal Freitas

Action: Passed unanimously (Jacobo recused).

President Park gave Respondent CVS Pharmacy #8821 and Respondent Naval 60 days from the effective date of the Order to pay the fines and fees.

H. Ajumobi Agu

(22-535-CS-S)

Ajumobi Agu 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 Dr. Agu alleging Dr. Agu issued electronic prescriptions for controlled substances after the Nevada Board of Pharmacy suspended his Certificate of Registration No. CS21324 due to the Nevada Board of Medical Examiners (NSBME) summarily suspending his medical license for violating prior NSBME disciplinary orders.

Mr. Kandt and Dr. Agu both provided their opening arguments on the alleged violations.

Mr. Kandt called Darla Zarley, PMP Administrator, as a witness.

Darla Zarley appeared and was sworn in by President Park prior to answering questions and offering testimony.

Dr. Zarley testified on a prescriber activity report detailing electronic controlled substance prescriptions Dr. Agu issued when his controlled substance registration was suspended.

Mr. Kandt requested Exhibit 1, Dr. Agu's prescriber activity report, be entered into the record.

President Park admitted Exhibit 1 into the record.

Dr. Agu cross-examined Dr. Zarley.

D. Zarley testified on copies of electronic controlled substance prescriptions Dr. Agu issued when his controlled substance registration was suspended.

Mr. Kandt requested Exhibit 2, copies of electronic controlled substance prescriptions, be entered into the record.

President Park admitted Exhibit 2 into the record.

Dr. Zarley testified on a MyRx Activity History report for Dr. Agu, and that he failed to review his prescriber activity report every six months.

Mr. Kandt requested Exhibit 3, MyRx Activity History report for Dr. Agu, be entered into the record.

President Park admitted Exhibit 3 into the record.

Dr. Agu gave testimony on a police report he filed regarding his electronic controlled substance

prescribing credential and testified that his prescribing credentials were compromised and resulted in the unlawful issuance of fraudulent controlled substances prescriptions by a third party.

Dr. Agu and Mr. Kandt requested the police report be entered into the record as Exhibit 4.

President Park admitted Exhibit 4 into the record.

Mr. Kandt and Dr. Agu gave their closing arguments.

Board discussion ensued.

Mr. Kandt requested the Board make findings of fact consistent with paragraphs 1-5 of the Notice of Intended Action and Accusation.

Board Action:

Motion: Jade Jacobo moved to make findings of fact consistent with paragraphs 1-5 of the Notice of Intended Action and Accusation.

Second: President Park

Action: Passed unanimously.

Mr. Kandt requested the Board make as an additional finding of fact the Nevada State Board of Medical Examiner's Second Summary Suspension against Dr. Agu issued on September 19, 2023.

Board Action:

Motion: Jade Jacobo moved to make a finding of fact of the Nevada State Board of Medical Examiner's Second Summary Suspension issued on September 19, 2023.

Second: Krystal Freitas

Action: Passed unanimously.

Mr. Kandt presented documentation of attorney's fees and costs of \$4,065.51 that were previously provided to Dr. Agu.

Dr. Agu had no objection to the attorney's fees and costs.

Mr. Kandt requested that the attorney's fees and costs of \$4,065.51 be entered into the record as Exhibit 5.

President admitted Exhibit 5 into the record.

Mr. Kandt requested that the Board award the attorney's fees and costs of \$4,065.51 on the basis that they were reasonable, necessary, and actually incurred.

Board Action:

Motion: Jade Jacobo moved to award the attorney fees and costs of \$4,065.51 on the basis that they were reasonable, necessary, and actually incurred.

Second: Krystal Freitas

Action: Passed unanimously.

Mr. Kandt requested the Board make conclusions of law consistent with paragraphs 6-12 of the Notice of Intended Action and Accusation and find the respondent guilty of Counts 1-5 in the Accusation as set forth in paragraphs 13-17.

Board Action:

Motion: Jade Jacobo moved to make conclusions of law consistent with paragraphs 6-12 of the Notice of Intended Action and Accusation and find the respondent guilty of Counts 1-5 in the Accusation as set forth in paragraphs 13-17.

Second: Krystal Freitas

Action: Passed unanimously.

Mr. Kandt asked the Board to make an additional conclusion of law based on the respondent's testimony today. Dr. Agu testified that his prescribing credentials were compromised and resulted in the unlawful issuance of fraudulent controlled substances prescriptions by a third party. Dr. Agu failed to comply with Nevada law by failing to secure his hard token and credentials and to timely report if they are compromised. In addition, he failed to comply with Nevada Law by failing to review his prescriber activity report every six months.

Board Action:

Motion: Jade Jacobo moved to make a conclusion of law based on the respondent's testimony that his prescribing credentials were compromised and resulted in the unlawful issuance of fraudulent controlled substances prescriptions by a third party. Dr. Agu failed to comply with Nevada law by failing to secure his hard token and credentials and his failure to timely report if they are compromised. In addition, he failed to comply with Nevada Law by failing to review his prescriber activity report every six months.

Second: Krystal Freitas

Action: Passed unanimously.

Mr. Kandt requested the Board take disciplinary action against Dr. Agu including an award of costs and attorney's fees in the amount of \$4,065.51 and impose a fine on the respondent at the Board's discretion.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to take the following discipline against Dr. Agu's Certificate of Registration No. CS21324, by an order effective immediately: 1) award \$4,065.51 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter within one year of the Order; 2) Dr. Agu's Controlled Substance Certificate of Registration No. CS21324 is revoked and he cannot petition for reinstatement for a period of two years from the date of the Order; and 3) pay a fine of \$5,000 for the violations within one year of the Order.

Second: Krystal Freitas

Action: Passed unanimously.

R. Maurice Vargas (21-086-CS-N)

This matter was continued to a future Board meeting.

S. Candice Denham (23-257-CS-S)

This matter was continued to a future Board meeting.

T. Walgreens Pharmacy #05479 (21-169-PH-S)

This matter was continued to a future Board meeting.

U. Walgreens Pharmacy #02445 (21-169-PH-S)

This matter was continued to a future Board meeting.

V. Grace Opulencia (21-169-RPH-S)

This matter was continued to a future Board meeting.

Public Comment March 6, 2024.

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 Adam Porath

Board Staff Present:

Dave Wuest Yen Long Darlene Nases Gregory Zunino
Brett Kandt Peter Keegan Gus Vanderdonck Jesette Phaynarikone
Erin Miller 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, and a quorum was established.

Public Comment March 7, 2024, 9:00 AM

Liz MacMenamin from the Retail Association of Nevada, requested for a permanent change in the 3-to-1 ratio of pharmaceutical technicians allowed per one pharmacist in pharmacies. She commented that during COVID, the Board allowed a 6-to-1 ratio with the health, safety, and welfare of the public as the reasoning, and yet the ratio was reversed back to 3-to-1 even after those in the industry asked for an official change to occur. She shared how there were no disciplinary cases that stemmed from having the 6-to-1 ratio during the pandemic, and that pharmacies with high traffic need more personnel. Ms. MacMenamin commented that the \$10,000 fine amounts that the Board is implementing on the respondents should only be given out during death or egregious infractions.

Michelle Dolly, a Managing Pharmacist for a non-resident wholesale distribution center, wanted to bring a recently passed Assembly Bill 110 to the Board’s attention. The bill exempts dialysis medication from having the pharmacist do the final check before shipping the medications out directly to a patient’s home. She is concerned that she’s being instructed by her employer to let a warehouse worker do the final check on an “Rx only” product and shared that she had been told that she no longer needs to label prescription boxes since she does not have to verify prescriptions.

◆ WORKSHOP ◆

Thursday, March 7, 2024 – 9:00 am

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

- A. **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.

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

President Park opened the floor to public comment.

Liz MacMenamin from the Retail Association is in favor of the proposed workshop.

Mark Johnston, Pharmacist for CVS Health, commented that the term “legal guardian” used in this language is a very legal term, and makes it difficult for the pharmacist to determine who the legal guardian may be. He suggested using the word “agent” or “an agent of the patient” in a broader term that could open it up to a more realistic determination by the pharmacist. He worries that if it is up to the pharmacist to determine the legal guardian, then flavoring most likely will not occur.

Chad Baker, Senior Vice President of Government Relations for Flavor Rx, commented that the language being considered on flavoring after the feedback at the last meeting is appreciated by the company. He believed the language to be pragmatic and in line with what many other states have already adopted and thought that pharmacies could continue to provide flavoring with these commonsense requirements in place.

Gener Tejero, Pharmacist, requested that the Board adopt certain exceptions to USP 797. On the previous iterations of 797, Mr. Tejero noted that many of edits that have been redlined out in this version of the amendment which means that the previous iteration of USP 797 had many changes that differed from the 797 itself. He proposed four changes for the Board to adopt that were outlined as: 1) Viable air sampling timing and locations; 2) Surface sampling timing and locations; 3) Sterility Testing; and 4) Bacterial Endotoxins Testing.

Matt LaSarso, Solutions Specialty Pharmacy Owner, read a letter into record from one of his patients on this issue. Mr. LaSarso shared that while doing this at his pharmacy, the only endotoxin failures that they have seen came directly from the manufacturer package before it was shipped to them.

President Park closed public comment.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the proposed regulation amendment to USP 795 as presented by Mr. Wuest.

Second: Krystal Freitas

Action: Passed unanimously.

Board Action:

Motion: Adam Porath moved to approve the proposed regulation amendment to USP 797 as presented by Mr. Wuest.

Second: Richard Tomasso

Aye: Park, Porath, Freitas, Tomasso, Mitchell

Nay: Tejero, Jacobo

Action: Motion carries.

- B. **Amendment to Nevada Administrative Code (NAC).** The proposed amendments establishes the registration requirements for certified registered nurse anesthetist, under the supervision of a physician licensed pursuant to chapter 630 or 633 or NRS, to order, prescribe, possess, and administer controlled substances, poisons, dangerous drugs and devices to treat a patient under the care of a licensed physician in a critical access hospital in preparation for surgery or childbirth, during surgery or childbirth and while a patient recovers from surgery or childbirth.

Yenh Long, Deputy Secretary for the Nevada Board of Pharmacy, presented the background on the proposed workshop item.

President Park opened the floor to public comment.

There was no public comment.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the proposed regulation amendments as presented by Ms. Long.

Second: Adam Porath

Action: Passed unanimously.

- C. **Amendment to Nevada Administrative Code (NAC) 453.** The proposed amendments relate to controlled substances adding tianeptine, hallucinogenic substances and fentanyl related substances to the controlled substances listed in Schedule I.

Dave Wuest presented background on the proposed workshop item.

President Park opened the floor to public comment.

There was no public comment.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the proposed regulation amendment as presented by Mr. Wuest.

Second: Wayne Mitchell

Action: Passed unanimously.

- D. **A REGULATION relating to pressurized stocking.** Allowing pressurized stocking to be provided without a prescription in certain circumstances.

Dave Wuest presented background on the proposed workshop item.

President Park opened the floor to public comment.

There was no public comment.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to adopt the proposed workshop item as presented by Mr. Wuest.

Second: Krystal Freitas

Action: Passed unanimously.

◆ PUBLIC HEARING ◆

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

- A. **Amendment of Nevada Administrative Code (NAC) 453.540: Schedule IV.**
The proposed amendment to NAC 453.540 will add zuranolone to the list of controlled substances listed in Schedule IV.
(LCB File No. R144-23)

Yenh Long presented background on the proposed public hearing item.

President Park opened the floor to public comment.

There was no public comment.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to adopt LCB File No. R144-23.

Second: Adam Porath

Action: Passed unanimously.

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

- A. Roland Israel

Roland Israel appeared and was sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest presented background on the appearance regarding his disclosure on his pharmacist registration renewal.

Mr. Israel gave an overview of what occurred with the California Board of Pharmacy and what was included in his Stipulation with them.

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

- A. Sunrise Respiratory Care, Inc – Las Vegas, NV

Craig Sherman, MDEG Administrator, appeared and was sworn in by President Park prior to answering questions and offering testimony.

Peter Keegan presented background on the application and questioned Mr. Sherman on their business model.

President Park questioned Mr. Sherman to give the Board on their business model and their products and services that they will provide.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the application for Nevada Medical, Devices, Equipment and Gases License for Sunrise Respiratory Care.

Second: Jade Jacobo

Action: Passed unanimously.

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

A. Las Vegas Community Pharmacy – Las Vegas, NV

This application was withdrawn.

B. Nevada Specialty Pharmacy – Las Vegas, NV

Waseem Sarwar, Managing Pharmacist, and Salman Azeem, Owner, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Gus Vanderdonck presented background on the application questioned the applicants about their business model.

Mr. Sarwar and Mr. Azeem answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the application for Nevada Pharmacy License for Nevada Specialty Pharmacy pending a favorable inspection.

Second: Krystal Freitas

Action: Passed unanimously.

C. Trinity Pharmacy – Las Vegas, NV

Sanjay Veerkar, Owner, appeared and was sworn in by President Park prior to answering

questions and offering testimony.

Gus Vanderdonck presented background on the application for the Board and questioned on their ownership change that will occur, pharmacy laws in Nevada, and their marketing strategy/business model.

The Board questioned Mr. Veerkar and why he chose to enter the pharmacy industry and if he is familiar with Trinity Pharmacy.

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

Joe Dodge, Board Inspector, gave background on the prior action taken against Trinity Pharmacy.

Board discussion ensued.

Board Action:

Motion: Adam Porath moved to approve the ownership change for Trinity Pharmacy.

Second: Jade Jacobo

Action: Passed unanimously.

D. Trusted Care Pharmacy – Henderson, NV

Chisom Umeh, 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 Ms. Umeh from her time at Roseman University but can participate in this matter fairly and without bias.

Gus Vanderdonck presented background on the application and questioned Ms. Umeh on the status of the pharmacy building construction, the facilities they will provide, and her business/marketing model.

President Park asked applicant how she plans to exit her current job once her pharmacy is approved and open.

Joe Dodge reminded applicant of the security requirements of the five-foot barrier that will be reviewed in the inspection process.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Nevada pharmacy application for Trusted Care Pharmacy pending favorable inspection.

Second: Krystal Freitas

Action: Passed unanimously.

Jade Jacobo was excused from the Board meeting at 11:24 AM.

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

A. Vital Care of Henderson – Henderson, NV

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

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

Joe Dodge presented background on the sterile compounding application for the Board and questioned applicant on his experience with sterile compounding and what products they plan to compound at the facility.

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

Jade Jacobo returned to the Board meeting at 11:28 AM.

Mr. Dodge questioned Mr. Coulter that the owner, Sean Louvelle, signed an affidavit stating that they will not perform sterile compounding and asked if he would like it removed from the application.

Mr. Coulter confirmed.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the service modification to add sterile compounding for Vital Care of Henderson.

Second: Jade Jacobo

Action: Passed unanimously.

9. Application for Out-of-State Compounding Pharmacy License (NRS 639.230) – Appearance – **(FOR POSSIBLE ACTION)**
- A. Med-Plus Pharmacy – Livermore, CA
 - B. Polaris Pharmacy Services – Covina, CA

Adam Porath was excused from the Board meeting at 11:33 AM.

Flynn Lew (Managing Pharmacist and Designated Representative for Polaris Pharmacy Services), Shawn Ho (Designated Representative for Polaris), and Carlos Cruz (Vice President of Regulatory Affairs & Business Development for Polaris) all appeared and were sworn in by President Park prior to answering questions and offering testimony.

Adam Porath returned to the meeting at 11:36 AM.

Joe Dodge presented background on the application for Med-Plus Pharmacy and questioned the applicants on what services that they plan to provide, the disclosures included on the application, California Board inspections results, and the products their shipping into Nevada.

Mr. Ho, Mr. Cruz, and Mr. Lew answered questions Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: President Park moved to approve the out-of-state compounding pharmacy license application for Med-Plus Pharmacy.

Second: Adam Porath

Action: Passed unanimously.

Joe Dodge presented background on the Polaris Pharmacy Services application and questioned the applicants to on the service modification and the name change for their location in California, and questioned if the issues found in a California Board inspection were addressed.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the service modification and name change for Polaris Pharmacy Services.

Second: Krystal Freitas

Action: Passed unanimously.

C. Seven Hills Pharmacy – Sharonville, OH

This matter was continued to a future Board meeting.

10. Request for Pharmacist Application to Retake the Nevada MPJE Exam (NRS 639.120(1)) – Appearance (**FOR POSSIBLE ACTION**)

A. Rakan Sayegh

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

Rakan Sayegh appeared and was sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest presented background on Mr. Sayegh's appearance before the Board.

President Park questioned Mr. Sayegh and what has occurred with his past exams and what he has done to prepare for his MPJE Exam.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Rakan Sayegh to retake the Nevada MPJE Exam one more time within one year.

Second: President Park

Action: Passed unanimously.

D. Woman's International Pharmacy, Inc – Youngstown, AZ

Elmer Mares Morales (Pharmacist Manager), Sue Mogen (PIC), Dana Larson (Quality Manager) and Michelle Violi (Director of Compliance) appeared and were sworn in by President Park prior to answering questions and offering testimony.

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

Joe Dodge presented background on the application and questioned applicants on the service modification for sterile compounding.

Gener Tejero questioned applicants on how they complete their sterility testing for Category III.

The applicants answered questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the service modification for sterile compounding for Woman's International Pharmacy, Inc.

Second: Krystal Freitas

Action: Passed unanimously.

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

A. HaiDuong Ngo

HaiDuong Ngo appeared was sworn in by President Park prior to answering questions and offering testimony.

Dave Wuest presented background on appearance regarding her pharmacist renewal disclosure.

Ms. Ngo provided background on her disciplinary action in 2022 over controlled-substance prescriptions being filled at her pharmacy and is now on a five-year probation with the California Board of Pharmacy.

Mr. Wuest asked the applicant what training she is required to complete from the action.

The Board asked the applicant if she will practice in Nevada or if she will stay in California, and to explain her reasoning for renewing this registration.

Ms. Ngo answered all questions to the Board's satisfaction.

The Board is concerned with the allegations against Ms. Ngo.

Board discussion ensued.

C. Tony Hieu La

Tony Hieu La appeared and was sworn in by President Park prior to answering questions and

offering testimony.

Dave Wuest presented background on appearance regarding his pharmacist renewal disclosure.

Mr. Wuest also asked Mr. La what action was taken against his license from the action taken in California.

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

12. Application for Pharmaceutical Technician in Training Registration (NAC 639.240) – Appearance (**FOR POSSIBLE ACTION**)

A. Morgan Alexis Miller

Morgan Miller appeared and was sworn in by President Park prior to answering questions and offering testimony.

Greg Zunino presented background on the application and questioned Ms. Miller on her current employment at a pharmacy, why she wanted to get into retail pharmacy, her admission into the Amethyst Recovery Center, and what current treatment or support she is receiving.

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

Board discussion ensued.

Board Action:

Motion: Richard Tomasso moved to approve application for pharmaceutical technician in training registration pending favorable substance abuse disorder evaluation but must appear before the Board at a future Board meeting.

Second: Jade Jacobo

Action: Passed unanimously.

13. Application for Dispensing Practitioner Registration (NRS 453.226) – Appearance - (**FOR POSSIBLE ACTION**)

B. David Lanzkowsky

This matter was continued to a future Board meeting.

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

A. Chasity Beene

Chasity Beene appeared and was sworn in by President Park prior to answering questions and offering testimony.

Greg Zunino presented background on the application and questioned Ms. Beene on why she is in need of a controlled substance registration and what occurred with her past disclosures.

Ms. Beene 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 Chasity Beene.

Second: Adam Porath

Action: Passed unanimously.

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

Greg Zunino presented the General Counsel Report to the Board's satisfaction.

18. Executive Secretary Report:

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

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

19. Date and Location of Next Scheduled Board Meeting:

April 17-18, 2024 – Reno, NV

20. Public Comment at 2:16 PM

There was no public comment.

21. Adjournment

