



NEVADA STATE BOARD OF PHARMACY

985 Damonte Ranch Pkwy, Ste 206, Reno, NV 89521

(775) 850-1440 • 1-800-364-2081 • FAX (775) 850-1444

Email: pharmacy@pharmacy.nv.gov • Web Page: bop.nv.gov

MINUTES

May 29-30, 2024

BOARD MEETING

The Nevada State Board of Pharmacy will conduct a meeting beginning Wednesday, May 29, 2024, at 9:00 am. The meeting will continue Thursday, May 30, 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 Blvd.
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	Wayne Mitchell	Richard Tomasso
Adam Porath	Gener Tejero	Jade Jacobo	

Board Staff Present:

David Wuest	Yenh Long	Gregory Zunino	Gustaf Vanderdonck
Brett Kandt	Darlene Nases	Erin Miller	Jessette Phaynarikone
Joe Dodge	Leo Basch	Dena McClish	John Castaldo
Ken Scheuber	Todd Weiss		

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

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

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

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

2. Public Comment May 29, 2024, 9:05 AM

There was no public comment.

◆ CONSENT AGENDA ◆

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

3. Approval of the April 17-18, 2024, Board Meeting Minutes (**FOR POSSIBLE ACTION**)

Jade Jacobo recused herself from this item as she was not present for the entire Board meeting.

Board Action:

Motion: Krystal Freitas moved to approve April 17-18, 2024, Board Meeting minutes.

Second: Adam Porath

Action: Passed unanimously (Jacobó recused)

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

- A. AppliedVR, Inc – Van Nuys, CA
- B. Asure Wound Solutions, LLC – Miami, FL
- C. Luna Medical, Inc – Chicago, IL
- D. Synergy DMEPOS – Fremont, CA

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

Background Check Not Required by Law.

- 4.2.1 Publicly Traded (NAC 639.593(6)(a))
 - E. Agiliti Health, Inc – Kent, WA
 - F. CVS Pharmacy, Inc – Woonsocket, RI
 - G. Henry Schein MSO, LLC – Lenexa, KS
 - H. Henry Schein Inc – Lenexa, KS
 - I. Infusystems, Inc. – Canton, MA
 - J. Infusystems, Inc. – Lenexa, KS
 - K. Infusystems, Inc. – Santa Fe Springs, CA
 - L. Owens & Minor Distribution, Inc – Franklin, MA

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

- 4.2.3 Publicly Traded and Manufacturer (NAC 639.593(6)(a) and (d))
 - M. Abbott Laboratories, Inc – Santa Clara, CA
 - N. TG Therapeutics, Inc – Morrisville, NC

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

- 4.2.5 VAWD-Accredited (NAC 639.593(6)(c))
 - O. Teleflex, LLC – Olive Branch, MS
 - P. Top Rx, LLC – Bethlehem, PA

- 4.2.6 Manufacturer (NAC 639.593(6)(d))
 - Q. Durvet, Inc – Blue Springs, MO
 - R. Kulzer LLC – South Bend, IN
 - S. LiteCure, LLC – Forth Worth, TX
 - T. QuVa Pharma, Inc. – Sugar Land, TX
 - U. ReCor Medical, Inc. – Palo Alto, CA
 - V. Validus Pharmaceuticals, LLC – Parsippany, NJ

- 4.2.7 VAWD-Accredited and Manufacturer (NAC 639.593(6)(c) and (d))
 - W. NuCare Pharmaceuticals, Inc. – Orange, CA
 - X. OptumServe Health Services, Inc – La Crosse, WI

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

4.2.9 Background checks completed in compliance with NRS 639.500.

- Y. DBWS, LLC – Boston, MA
- Z. Iterative Scopes, Inc – Cambridge, MA
- AA. Philip Reclamation Services Houston, LLC – Houston, TX
- BB. Preferred MedSurg, Inc – Columbia, SC
- CC. Sedation Resource, Inc – Lone Oak, TX

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

- DD. NNAMHS Outpatient Pharmacy – Sparks, NV
- EE. Lake’s Crossing Center – Sparks, NV
- FF. West Henderson Hospital – Henderson, NV

4.5 Application for Out-of-State 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)**

- GG. Bayvrio Pharmacy – Tampa, FL
- HH. Covetrus North America, LLC – Elizabethtown, PA
- II. Cura Pharmacy – Tustin, CA
- JJ. Divyo Health Solutions, Inc. – Rome, GA
- KK. Ezcare Pharmacy – West Covina, CA
- LL. Genoa Health LLC – Bullhead City, AZ
- MM. Integrity Rx Specialty Pharmacy – Scottsdale, AZ
- NN. UCLA West Medical Pharmacy – Los Angeles, CA
- OO. White Label Pharmacy – Denton, TX

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

4.8 Application for Nevada Warehouse (NAC 639.622) – Non-Appearance **(FOR POSSIBLE ACTION)**

PP. AnazaoHealth Corporation – Las Vegas, NV

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

QQ. Jaime Dennison

RR. Kinga Faulkner

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

President Park disclosed that she is familiar with the Managing Pharmacists listed under Agenda Items 4.4DD and 4.4EE but can participate in this matter fairly and without bias.

Krystal Freitas recused herself from Agenda Item 4FF due to her employment.

Jade Jacobo recused herself from Agenda Item 4F due to her employment.

Board Action:

Motion: Jade Jacobo moved to approve the consent agenda with the exception of Agenda Items 4FF and 4F.

Second: Wayne Mitchell

Action: Passed unanimously.

Board Action:

Motion: Jade Jacobo moved to approve consent agenda item 4FF.

Second: Adam Porath

Action: Passed unanimously (Freitas recused).

Board Action:

Motion: Krystal Freitas moved to approve consent agenda item 4F.

Second: Wayne Mitchell

Action: Passed unanimously (Jacobó recused).

◆ WORKSHOP ◆

Wednesday, May 29, 2024 – 9:00 am

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

- A. **Amendment to Nevada Administrative Code (NAC)**. The proposed amendments establish the minimum staffing standards in a pharmacy and modify the number of pharmaceutical technicians and pharmaceutical technicians in training a pharmacist may supervise. **(FOR POSSIBLE ACTION)**

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

Yenh Long, Deputy Secretary for the Nevada Board of Pharmacy, gave an overview of the components of the regulation based off of the survey and read the proposed regulation language into record.

President Park opened the floor for public comment.

Mark Johnston from CVS Health reiterated previous comments he made at prior meetings on this workshop item. He does not believe that pharmacy is a one-size-fits-all profession that can be regulated by numbers produced by this survey. He stated that the gist of this workshop language has been tried in other states and failed, and there are not enough incoming pharmacists to satisfy the Board's approach. He believed that it would be easy to hypothesize multiple negative effects from this effort.

Liz McMenemy from the Retail Association of Nevada commented that community pharmacies need flexibility in determining staff levels for a multitude of reasons and believes that regulators should avoid limiting the number of prescriptions filled per pharmacist, per day. She recommends this conversation needs to be held in a broader area with elected officials.

Joe Kellogg from the Nevada Pharmacist Association commented that we should stay away from the numbers and look at what we want pharmacies to be part of moving forward. He submitted a written comment for the Board to review.

Khanh Pham, Nevada Pharmacist Association member, strongly opposed the increased ratio of pharmacy technicians to pharmacists. She stated that having more people to supervise would not give her enough time to counsel patients and can affect patient safety. Also, she believes this could end up limiting the choice of pharmacies for patients.

Kerry Otero, a community pharmacist, believes that this proposal would need a large amount of predictability in order for it to work. She provided multiple examples of limitations which could cause pharmacists to compromise both patient and employee safety.

Paul Howse, Pharmacy Practice Coordinator for Smith's, thinks this proposal has flaws which will limit healthcare accessibility. He believes it would be in both the patients and pharmacies' best interest to increase the pharmaceutical tech ratio but to avoid commanding how many pharmacists would be working strictly based on prescriptions per hour and non-dispensing activities.

Lisa Barnard, a Smith's Pharmacist, stated that she doesn't feel as if this proposal is an answer to the pharmacy's problems. There are more issues with PBM's, and she is worried that this proposed regulation could close pharmacies in our state.

Lorri Walmsley, Walgreens Pharmacist, stated that the proposed language is not common sense based on the feedback from the survey and believes that the questions were problematic and leading. She stated that the proposed solution does not consider many details that must be explored. The utilization of technology in community pharmacies is also a factor to consider. She requested a stakeholder meeting to discuss more reasonable solutions.

Catherine Leanna Oswald, Nevada Pharmacist, thanked the Board for addressing this issue. She agrees with the requirement for a pharmaceutical technician to be present at all times, but she asked if there would be waivers or opportunities where this could be modified for patient care needs. She encourages the Board to seek out how we are identifying the process of counseling for patient safety.

Holly Prievo, Walgreens Healthcare Supervisor, shared that Roseman University played a huge role in staffing Southern Nevada pharmacies and improved healthcare, and she is worried how she will staff her pharmacies moving forward with lower graduation numbers. She encourages the Board to consider technologically friendly solutions and expand the roles of pharmaceutical technicians.

Scott Young, a representative of a closed door, internet-based pharmacy, is not in favor of these regulations and encourages the Board to bring it back to discussion. He is in support of increased pharmaceutical tech ratio but if they move forward with the metric-based proposals which he hopes for an exemption or waiver option for a closed door, internet-based pharmacy

Kasia Kujawski from Albertson's believes that the proposed regulation will have consequences that will impair pharmacies and echoes the comments made prior. She states that this will limit non-dispensing services and will delay getting prescriptions to patients. She asks the Board to have a stakeholder meeting to discuss further.

Jeffrey Bazard fully supports the goal of assisting pharmacist burnout but believes this proposal will unintentionally cause more harm than good. He would like to see more flexible solutions that protect pharmacists without compromising patient care or the operational viability of Nevada pharmacies.

Andrea Adams, community supervising pharmacist, believes that adding laws around mandatory staffing is the wrong way to help our state's pharmacists and patients. She would like to see the Board reduce the regulatory burden on pharmacists, increase their ability to use new technology, and increase the scope of practice for pharmacists and pharmaceutical technicians. She is in support of increasing the pharmacist tech ratios.

Ken Kunke, Director of Experiential, made a clarifying comment on the number of graduating pharmacists going into residency.

President Park closed the period for public comment.

Board discussion ensued.

Yenh Long read a Zoom Direct Message into the record.

Liz McMenamin from the Retail Association of Nevada returned for a brief public comment regarding a Board member's comments. She asked for more conversations, and for the Board to set up a coalition with all involved.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the proposed regulation workshop item.

Second: Richard Tomasso

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

Nay: Jacobo

Action: Motion carries.

◆ REGULAR AGENDA ◆

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

M. Elihu Wyatt

(23-427-CS-A-S)

Brian Hardy appeared as counsel on behalf of APRN Wyatt.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the case alleging that Mr. Wyatt as medical director of The Tox Shop allowed RNs to assess, possess and administer drugs to patients without proper supervision.

Mr. Kandt presented a proposed Stipulation and Order for Case No. 23-427-CS-A-S for the Board's consideration.

The proposed stipulated penalties for Mr. Wyatt, Certificate of Registration No. CS32395, are the following: 1) one (1) year probation; 2) \$2,500 fine for the violations; and 3) \$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: Wayne Mitchell moved to approve the Stipulation and Order for Mr. Wyatt for Case No. 23-427-CS-A-S, as presented by Mr. Kandt.

Second: Jade Jacobo

Action: Passed unanimously.

D. Michael Mall

(19-086-CS-S)

Richard A. Schonfeld appeared as counsel on behalf of Dr. Mall.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the case against Dr. Mall and gave a brief overview of the charges.

Mr. Kandt presented a proposed Stipulation and Order for Case No. 19-086-CS-S for the Board's consideration.

The proposed stipulated penalties for Dr. Mall, Certificate of Registration Nos. PD00257 and CS18967, are the following: 1) Respondent forfeited Certificate of Registration Nos. PD00257 and CS18967; 2) \$2,000 fine for the violations; and 3) \$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: Wayne Mitchell moved to approve the Stipulation and Order for Dr. Mall for Case No. 19-086-CS-S, as presented by Mr. Kandt.

Second: Jade Jacobo

Action: Passed unanimously.

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

A. Keiasha Johnson

Dr. Keiasha Johnson appeared and was sworn in by President Park prior to answering questions and offering testimony.

Gustaf Vanderdonck, Assistant General Counsel for the Nevada Board of Pharmacy, prosecuted the case against Dr. Johnson alleging that she prescribed controlled substances without a valid registration and is appealing the citation and fine.

Dr. Johnson gave her testimony and requested a reduction in the fine.

Board discussion ensued.

Board Action:

Motion: Adam Porath moved to reduce the Citation and Fine to \$600.

Second: Jade Jacobo

Action: Passed unanimously.

W. Raley's Drug Center #105

(23-365-PH-N)

Kevin Lazaar appeared as counsel on behalf of Raley's Drug Center #105.

Gregory Zunino, Senior General Counsel for the Nevada State Board of Pharmacy, prosecuted the case against Raley's Drug Center #105, alleging that as the pharmacy owner, Raley's Drug Center #105 is responsible for the acts of an employee who misfilled a prescription of oral solution amoxicillin.

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

The proposed stipulated penalties for Raley's Drug Center #105 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.

Mr. Lazaar agreed with the Stipulation on behalf of Raley's Drug Center #105.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the Stipulation and Order for Raley's Drug Center #105 as presented by Mr. Zunino.

Second: Krystal Freitas

Action: Passed unanimously.

G. CVS Pharmacy #8789 (22-345-PH-N)
H. Omid Mahkhatam (22-345-RPH-A-N)

Brian Convery from CVS Health and Omid Mahkhatam appeared and were sworn in by President Park prior to answering questions and offering testimony.

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

Jade Jacobo recused herself from Items 5G and 5H due to her employment.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the cases against CVS Pharmacy #8789 and Mr. Mahkhatam alleging Mr. Mahkhatam incorrectly administered a dose of meningococcal vaccine to a six-year-old patient. In addition, he erroneously entered the dose as a second dose when no first dose was administered.

Mr. Kandt presented a proposed Stipulation and Order for Case No. 22-345-PH-N for the Board's consideration.

The proposed stipulated penalties for CVS Pharmacy # 8789, License No. PH01257, are the following: 1) \$1,500 fine for the violations; and 2) \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

The proposed stipulated penalties for Omid Mahkhatam, Certificate of Registration No. 23030, are the following: 1) \$1,500 fine for the violations; 2) \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter; and 3) complete an additional 10 CEUs on immunization.

Board discussion ensued.

Board Action:

Motion: Richard Tomasso moved to approve the Stipulation and Order for CVS Pharmacy #8789 and Omid Mahkhatam as presented by Mr. Kandt.

Second: Wayne Mitchell

Action: Passed unanimously (Jacobco recused).

C. Jay Selznick (19-043-CS-S)

Jay Selznick 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. Selznick alleging Dr. Selznick was disciplined by the Nevada State Board of Medical Examiners for engaging in conduct in violation of standards of practice related to prescribing controlled substances to treat pain. In addition, he failed to disclose the disciplinary action to the Nevada Board of Pharmacy on his 2016 biennial renewal application.

Mr. Kandt presented a proposed Stipulation and Order for Case No. 19-043-CS-S for the Board's consideration.

The proposed stipulated penalties for Dr. Selznick, Certificate of Registration No. CS07913, are the following: 1) Certificate of Registration No. CS07913 suspended for one year, the suspension is stayed, and Dr. Selznick is placed on probation; 2) \$2,000 fine for the violations; and 3) \$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: Wayne Mitchell moved to approve the Stipulation and Order for Jay Selznick as presented by Mr. Kandt.

Second: Jade Jacobo

Action: Passed unanimously.

U. Michael Stellmacher (23-260-CS-N)

Michael Stellmacher appeared and was sworn in by President Park prior to answering questions and offering testimony.

Gustaf Vanderdonck, Assistant General Counsel for the Nevada Board of Pharmacy, prosecuted the case against Michael Stellmacher alleging that he did not review the PMP as required by Nevada law.

Mr. Vanderdonck presented the Stipulation and Order for Case No. 23-260-CS-N for the Board's consideration.

The proposed stipulated penalties for Mr. Stellmacher's Certificate of Registration No. CS21884 are the following: 1) pay \$5,000 fine 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.

Board discussion ensued.

Board Action:

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

Second: Krystal Freitas

Action: Passed unanimously.

V. Joshua Hamilton

(23-335-CS-S)

Lyn Beggs appeared as counsel for Mr. Hamilton.

Joshua Hamilton appeared and was sworn in by President Park prior to answering questions and offering testimony.

Gustaf Vanderdonck, Assistant General Counsel for the Nevada Board of Pharmacy, prosecuted the case against Joshua Hamilton alleging that he did not follow PMP guidelines and did not review the PMP as required by Nevada Law for a period of five (5) years.

Mr. Vanderdonck presented the Stipulation and Order for Case No. 23-335-CS-S for the Board's consideration.

The proposed stipulated penalties for Mr. Hamilton's Certificate of Registration No. CS17584 are the following: 1) submit to quarterly inspections for one (1) year by Board staff and at the respondent's cost; 2) pay \$3,000 fine for the allegations; and 3) pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Lyn Beggs made a comment on the case and shared what has been implemented since.

Board discussion ensued.

Board Action:

Motion: Richard Tomasso moved to approve the Stipulation and Order for Joshua Hamilton as presented by Mr. Vanderdonck.

Second: Adam Porath

Action: Passed unanimously.

S. Marissa Crain (22-053-PT-S)

Marissa Crain appeared and was sworn in by President Park prior to answering questions and offering testimony.

Krystal Freitas recused herself from this item due to her employment.

Gregory Zunino, Senior General Counsel for the Nevada State Board of Pharmacy, prosecuted the case against Ms. Crain alleging diversion of controlled substances.

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

The proposed stipulated penalties for Marissa Crain are the following: 1) revocation of Certificate of Registration No. PT14524 for a period of ten (10) years.

Board discussion ensued.

Jacobo wants the attorney's fees to be assessed if she reapplies with the Board in ten (10) years.

The Board took a recess for the amended stipulation to be discussed with Ms. Crain.

Ms. Crain agreed to amend the stipulation to add \$1,500 in attorney's fees if she reapplies in ten (10) years.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Stipulation and Order for Marissa Crain as presented by Mr. Zunino with the amendment for Ms. Crain to

pay \$1,500 in attorney's fees and costs if she reapplies with the Board after a period of ten (10) years.

Second: Adam Porath

Action: Passed unanimously. (Freitas recused).

R. George James Maiorano (21-207-PT-S)

Trevor Wade appeared as counsel on behalf of Mr. Maiorano.

Gregory Zunino, Senior General Counsel for the Nevada State Board of Pharmacy, prosecuted the case against Mr. Maiorano and gave an overview of the case and reviewed the allegations.

Mr. Zunino stated that the parties have agreed for respondent to plead guilty to Count One, and that Count Two would be dismissed upon approval of the proposed Stipulation and Order by the Board.

The proposed stipulated penalties for Mr. Maiorano are the following: 1) pay a \$2,000 fine 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.

Board discussion ensued.

Board Action:

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

Second: Jade Jacobo

Board discussion ensued.

Action: Passed unanimously.

F. William Alvear (20-162-CS-S)

Donald Green appeared as counsel on behalf of Dr. Alvear.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the case against Dr. Alvear based upon his federal conviction on eight felony counts of distribution of a controlled substance.

Mr. Kandt requested that the voluntary surrender of Dr. Alvear's Certificate of Registration No. CS08254 be admitted into the record as Exhibit 1 and that the

memorandum of attorney's fees and costs totaling \$1,878.65, be admitted into the record as Exhibit 2.

Mr. Green has no objection to either Exhibit being admitted in to record.

President Park admitted Exhibit 1 and Exhibit 2 into the record.

Mr. Kandt asked the Board to make findings of fact consistent with paragraphs 1-3 of the Accusation.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to make findings of fact consistent with paragraphs 1-3 of the Accusation.

Second: Adam Porath

Action: Passed unanimously.

Mr. Kandt asked the Board to make conclusions of law consistent with paragraphs 4-11 and find Dr. Alvear guilty on all three (3) Counts of the Accusation.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to make conclusions of law consistent with paragraphs 4-11 and find Dr. Alvear guilty on all three (3) Counts of the Accusation.

Second: Adam Porath

Action: Passed unanimously.

Mr. Kandt asked the Board to enter the voluntary surrender of Certificate of Registration No. CS08254 into the record and order that Dr. Alvear cannot possess, administer, prescribe, or dispense any controlled substances until he applies for the Board for registration, effective immediately. In addition, the Board finds that the fees and costs of \$1,878.65 are reasonable, necessary, and actually incurred.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to enter the voluntary surrender of Certificate of Registration No. CS08254 into the record and order that Dr. Alvear cannot possess, administer, prescribe, or dispense any controlled substances until he applies for the Board for registration, effective immediately. In addition, the fees and costs of \$1,878.65 were reasonable, necessary, and actually incurred.

Second: Adam Porath

Action: Passed unanimously.

Mr. Kandt requested the Board to order that the memorandum of attorney's fees and costs be paid by September 1, 2024.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to order that the memorandum of attorney's fees and costs be paid by September 1, 2024.

Second: Adam Porath

Action: Passed unanimously.

Q. Ravi Ramanathan (20-076-CS-S)

John Hunt appears as counsel on behalf of Dr. Ramanathan.

Dr. Ramanathan appeared and was sworn in by President Park prior to answering questions and offering testimony.

Gregory Zunino, Senior General Counsel for the Nevada State Board of Pharmacy, prosecuted the case against Mr. Ramanathan alleging that Dr. Ramanathan engaged in overseas travel on two occasions, and in his absence, allowed other non-licensed practitioners at his practice address to sell and/or dispense dangerous drugs and controlled substances using Dr. Ramanathan's credentials.

The proposed stipulated penalties for Dr. Ramanathan are the following: 1) pay a \$5,000 fine for the allegations; and 2) pay \$1,500 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 Mr. Ramanathan as presented by Mr. Zunino.

Second: Krystal Freitas

Action: Passed unanimously

J. Kevin Petersen

(22-510-CS-S)

Kevin Petersen failed to appear.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the case against Dr. Petersen alleging that he was involved in alcohol impairment while performing his duties as a practitioner.

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.

Mr. Kandt examined Ms. Nases on service of the Notice of Intended Action and Accusation, Statement to the Respondent and Notice of Hearing.

Mr. Kandt requested that documentation of the service of the Accusation be entered into the record as Exhibit 1.

President Park admitted Exhibit 1 into the record.

Mr. Kandt called Jessette Phaynarikone as a witness.

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

Mr. Kandt examined Ms. Phaynarikone on the service of the Second Notice of Hearing.

Mr. Kandt requested that documentation of service of the Second Notice of Hearing be entered into the record as Exhibit 2.

President Park admitted Exhibit 2 into the record.

Mr. Kandt requested that the Memorandum of Attorney's Fees and Costs in the amount of \$1,614.48 be admitted into the record as Exhibit 3.

President Park admitted Exhibit 3 into the record.

Mr. Kandt requested that the courtesy email notice that he sent to Mr. Petersen be admitted into the record as Exhibit 4.

President Park admitted Exhibit 4 into the record.

Mr. Kandt requested that the Board make findings of fact consistent with paragraphs 1-4 of the Accusation.

Board Action:

Motion: Jade Jacobo moved to make findings of fact consistent with paragraphs 1-4 of the Accusation.

Second: Krystal Freitas

Action: Passed unanimously.

Mr. Kandt requested the Board make additional findings that Dr. Petersen was served the Accusation as required by Nevada law, he failed to file an Answer with the Board, and that the attorney's fees and costs totaling \$1,614.48 were reasonable, necessary, and actually incurred.

Board Action:

Motion: Jade Jacobo moved to find that Dr. Petersen was served the Accusation as required by Nevada law, he failed to file an Answer, and that the attorney's fees and costs totaling \$1,614.48 were reasonable, necessary, and actually incurred.

Second: Krystal Freitas

Action: Passed unanimously.

Mr. Kandt requested the Board make conclusions of law consistent with paragraphs 5-14 and find Dr. Petersen guilty on all four (4) Counts of the Accusation.

Board Action:

Motion: Jade Jacobo moved to make conclusion of law consistent with paragraphs 5-14 and find Dr. Petersen guilty on all four (4) Counts of the Accusation.

Second: Krystal Freitas

Action: Passed unanimously.

Mr. Kandt requested the Board to additionally conclude that Board staff gave sufficient legal notice of the hearing to Dr. Petersen.

Board Action:

Motion: Jade Jacobo moved to conclude that Board staff gave sufficient legal notice of the hearing.

Second: Krystal Freitas

Action: Passed unanimously.

Mr. Kandt recommended that Dr. Petersen's Certificate of Registration No. CS10594 be revoked effective immediately, that he cannot petition for reinstatement for a period of two years and must appear before the Board for reinstatement and assess attorney's fees and costs of \$1,614.48 to be paid by December 1, 2024.

Board Action:

Motion: Jade Jacobo moved to revoke Dr. Petersen's Certificate of Registration No. CS10594 effective immediately and he cannot petition for reinstatement for a period of two years and must appear before the Board for reinstatement; and pay attorney's fees and costs of \$1,614.48 by December 1, 2024.

Second: Krystal Freitas

Action: Passed unanimously.

23. Executive Secretary Report:

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

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

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

- L. Harrison Clayton (23-297-PT-S)

Harrison Clayton failed to appear.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the case against Mr. Clayton alleging diversion of controlled substances.

Mr. Kandt called Darlene Nases as a witness.

President Park reminded Ms. Nases that she is still under oath from a previous matter.

Mr. Kandt examined Ms. Nases on service of the Notice of Intended Action and Accusation, Statement to the Respondent and Notice of Hearing.

Mr. Kandt requested that documentation of service of the Accusation be entered into the record as Exhibit 1.

President Park admitted as Exhibit 1 into the record.

Mr. Kandt called Jessette Phaynarikone as a witness.

President Park reminded Ms. Phaynarikone that she is still under oath from a previous matter.

Mr. Kandt examined Ms. Phaynarikone on service of the Second Notice of Hearing.

Mr. Kandt requested that documentation of service of the Second Notice of Hearing be entered into the record as Exhibit 2.

President Park admitted Exhibit 2 into the record.

Mr. Kandt requested that the Memorandum of attorney's fees and costs in the amount of \$1,522.69 be admitted into the record as Exhibit 3.

President Park admitted Exhibit 3 into the record.

Mr. Kandt requested that the courtesy email notice that he sent to Mr. Clayton be admitted into the record as Exhibit 4.

President Park admitted Exhibit 4 into the record.

Mr. Kandt requested that the Board make findings of fact consistent with paragraphs 1-4 of the Accusation.

Board Action:

Motion: Jade Jacobo moved to make findings of fact consistent with paragraphs 1-4 of the Accusation.

Second: Adam Porath

Action: Passed unanimously.

Mr. Kandt asked the Board to make additional findings that Mr. Clayton was served the Accusation as required by Nevada law; that he failed to file an Answer and that the attorney's fees and costs totaling \$1,522.69 were reasonable, necessary, and actually incurred.

Board Action:

Motion: Jade Jacobo moved to find that Mr. Petersen was served the Accusation and hearing notice as required by Nevada law, he failed to file an Answer, and that the attorney's fees and costs totaling \$1,522.69 were reasonable, necessary, and actually incurred.

Second: Adam Porath

Action: Passed unanimously.

Mr. Kandt asked the Board to make a conclusion of law consistent with paragraphs 5-16 and find Mr. Clayton guilty on all five (5) Counts of the Accusation.

Board Action:

Motion: Jade Jacobo moved to make conclusion of law consistent with paragraphs 5-16 and find Mr. Clayton guilty on all five (5) Counts of the Accusation.

Second: Adam Porath

Action: Passed unanimously.

Mr. Kandt asked the Board to additionally conclude that Board staff gave sufficient legal notice of the hearing to Mr. Clayton.

Board Action:

Motion: Jade Jacobo moved to conclude that Board staff gave sufficient legal notice of the hearing.

Second: Adam Porath

Action: Passed unanimously.

Mr. Kandt asked the Board to revoke Mr. Clayton's Certificate of Registration No. PT28442 effective immediately, and he cannot petition for reinstatement for five (5)

years and assess \$1,522.69 in attorney's fees and costs.

Board Action:

Motion: Jade Jacobo moved revoke Mr. Clayton's Certificate of Registration No. PT28442 effective immediately and he cannot petition for reinstatement for five (5) years and must appear before the Board for reinstatement and assess \$1,522.69 in attorney's fees and costs.

Second: Adam Porath

Action: Passed unanimously.

Mr. Kandt asked the Board to make the \$1,522.69 in attorney's fees and costs due by December 1, 2024.

Board Action:

Motion: Jade Jacobo moved to make the attorney's fees and costs due by December 1, 2024.

Second: Adam Porath

Action: Passed unanimously.

Public Comment May 29, 2024, at 2:46PM.

Neal Watson, Member Relations for NABP, appeared to clarify a few comments made on the workshop item and gave background on the topic. He touched on NABP's task force and work groups and hopes that more pharmacists get involved.

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

Board Members Present:

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

Board Staff Present:

David Wuest	Yenh Long	Gregory Zunino	Gustaf Vanderdonck
Brett Kandt	Darlene Nases	Erin Miller	Jessette Phaynarikone
Joe Dodge	Leo Basch	Dena McClish	Ken Scheuber
John Castaldo	Todd Weiss		

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

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

Call to Order and Roll Call – Establishment of Quorum

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

Public Comment May 30, 2024, 9:00 AM

There was no public comment.

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

K. Erika Kimble (23-256-CS-S)

Michael Raine appeared as counsel on behalf of APRN Kimble.

Erika Kimble 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 Ms. Kimble and gave a brief overview of the allegations.

Mr. Kandt presented a proposed Stipulation and Order for Case No. 23-256-CS-S for the Board's consideration.

The proposed stipulated penalties for Ms. Kimble's Certificate of Registration No. CS21522 as the following: 1 one (1) year Probation; 2) \$2,500 fine for the violations; and 3) \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Board discussion ensued.

The Board asked to amend the stipulation to add quarterly inspections by Board staff over the course of her probation.

This item was tabled while counsel discussed amendments to the Stipulation.

7. Discussion and possible action to vacate Findings of Fact, Conclusions of Law and Order entered December 1, 2022, and grant a rehearing in Nevada State Board of Pharmacy v. Susan M. Bell, APRN, Case No. 21-

084-CS-S. **(FOR POSSIBLE ACTION)**

Susan Bell appeared and was sworn in by President Park before answering questions and providing testimony.

Ms. Bell stated she was unaware of the case and that documents from NVBOP were never received due to an old address on file. Ms. Bell requested that the Board vacate the previous order and requested a same-day rehearing.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to deny Ms. Bell's request to vacate the Findings of Fact, Conclusions of Law and Order entered December 1, 2022, and request for a rehearing.

Second: Wayne Mitchell

Action: Passed unanimously.

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

K. Erika Kimble (23-256-CS-S)

President Park reminded Ms. Kimble that she was already sworn in previously.

After discussion with counsel, Ms. Kimble agreed to accept the amended stipulation to add the quarterly inspections by Board staff over the course of her probation, with each of the costs not to exceed \$500 per visit.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve Ms. Kimble's amended stipulation to add the quarterly inspections by Board staff over the course of her probation, with each of the costs not to exceed \$500 per visit. Ms. Kimble will be placed on a one (1) year Probation; pay a \$2,500 fine for the allegations; and pay \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Second: Wayne Mitchell

Action: Passed unanimously.

Chandon Alexander appeared as counsel on behalf of ASP Cares.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the case against ASP Cares and gave a brief overview of the allegations.

Mr. Kandt presented a proposed Stipulation and Order for Case No. 19-011-PH-S for the Board's consideration.

The proposed stipulated penalties for ASP Cares Pharmacy, License No. PH03347 are the following: 1) \$5,000 fine for the violations; and 2) \$1,000 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Board discussion ensued.

Board Action:

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

Second: Adam Porath

Action: Passed unanimously.

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

Michael Mee appeared as counsel on behalf of Kayla Friesz.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the case against Kayla Friesz and gave an overview of the allegations.

Mr. Kandt presented a proposed Stipulation and Order for Case No. 22-345-RPH-B-N for the Board's consideration.

The proposed stipulated penalties for Ms. Friesz, Certificate of Registration No. 19635, are the following: 1) \$500 fine for the allegations; and 2) \$500 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter.

Board discussion ensued.

The Board proposed an amended stipulation to delete the assessment of \$500 for recoverable attorney's fees and costs in Paragraph 9(B).

Board Action:

Motion: Gener Tejero moved to approve an amended Stipulation and Order for Ms. Friesz for Case No. 22-345-RPH-B-N deleting Paragraph 9(B).

Second: Wayne Mitchell

Action: Passed unanimously (Jacobobo recused).

8. Discussion and possible action to approve Amended Findings of Fact, Conclusions of Law and Order in Case No. 19-144-CS-N, in settlement of *James W. Forsythe, M.D. HMD, Appellant v. Nevada State Board of Pharmacy, and Helen Park, Pharm.D., President. Respondents*, Nevada Supreme Court Case No. 87285. **(FOR POSSIBLE ACTION)**

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the case against Dr. Forsythe and gave an overview of the Findings of Fact, Conclusions of Law and Order entered January 12, 2022.

Mr. Kandt stated that the Order was upheld on a petition for judicial review and subsequently appealed to the Nevada Supreme Court and the parties negotiated proposed, amended Findings of Facts, Conclusions of Law and Order to be approved by the Board today.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the amended Findings of Facts, Conclusions of Law and Order for Dr. Forsythe.

Second: Adam Porath

Action: Passed unanimously.

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

E. Brenda Vaknin (19-134-RPH-S)

Brenda Vaknin failed to appear.

Jade Jacobo recused herself from this item due to her employment by CVS Health.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, prosecuted the case against Ms. Vaknin and gave a brief overview of the allegations.

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 offering testimony or answering questions.

Mr. Kandt examined Ms. Nases on service of the Notice of Intended Action and Accusation, Statement to the Respondent and Notice of Hearing.

Mr. Kandt requested that documentation of service of the Accusation be enter into the record as Exhibit 1.

President Park admitted Exhibit 1 into the record.

Mr. Kandt called Jessette Phaynarikone as a witness.

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

Mr. Kandt examined Ms. Phaynarikone on service of the Second Notice of Hearing.

Mr. Kandt requested that documentation of service of the Second Notice of Hearing be entered into the record as Exhibit 2.

President Park admitted Exhibit 2 into the record.

Mr. Kandt requested that the Memorandum of attorney's costs and fees in the amount of \$1,988.71 be admitted into the record as Exhibit 3.

President Park admitted Exhibit 3 into the record.

Mr. Kandt asked that the courtesy email notice that he sent to the respondent be admitted into the record as Exhibit 4.

President Park admitted Exhibit 4 into the record.

Mr. Kandt asked the Board to make findings of fact consistent with paragraphs 1-6 of the Accusation.

Board Action:

Motion: Wayne Mitchell moved to make findings of fact consistent with paragraphs 1-6 of the Accusation.

Second: Krystal Freitas

Action: Motion Passed (Jacobo recused).

Mr. Kandt asked the Board to make additional findings that Ms. Vaknin was served the Accusation as required by Nevada law, she failed to file an Answer with the Board, and that the attorney's fees and costs totaling \$1,988.71 were reasonable, necessary, and actually incurred.

Board Action:

Motion: Wayne Mitchell moved to find that Ms. Vaknin was served the Accusation as required by Nevada law, she failed to file an Answer, and that the attorney's fees and costs totaling \$1,988.71 were reasonable, necessary, and actually incurred.

Second: Krystal Freitas

Action: Motion Passed (Jacobo recused).

Mr. Kandt asked the Board to make conclusions of law consistent with paragraphs 7-12 of the Accusation and find Ms. Vaknin guilty on all three (3) Counts of the Accusation.

Board Action:

Motion: Adam Porath moved to make conclusions of law consistent with paragraphs 7-12 of the Accusation and find respondent guilty on all counts.

Second: Krystal Freitas

Action: Motion Passed (Jacobo recused).

Mr. Kandt asked the Board to additionally conclude that Board staff gave sufficient legal notice of the hearing to Ms. Vaknin.

Board Action:

Motion: Wayne Mitchell moved to conclude that the Board staff gave sufficient legal notice of the hearing to Ms. Vaknin.

Second: Krystal Freitas

Action: Motion Passed (Jacobo recused).

Mr. Kandt asked the Board to place Ms. Vaknin, Certificate of Registration No. 19231, on probation for one (1) year effective immediately; assess \$3,250 in fines for the violations due by December 1, 2024; and assess \$1,988.71 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter, due by December 1, 2024.

Board discussion ensued.

The Board proposed suspending Ms. Vaknin's Certificate of Registration No. 19231 until biennial renewal on October 31, 2025, and imposed a \$1000 fine on Count one, \$1000 fine on Count Two and \$2000 fine on Count Three.

Board Action:

Motion: Wayne Mitchell moved to suspend Vaknin's Certificate of Registration No. 19231 until October 31, 2025, effective immediately and she must appear before the Board if she plans to renew her registration for the next biennial renewal; \$4000 fine for the violations; and \$1988.71 to partially reimburse the Board for recoverable attorney's fees and costs incurred in investigating and prosecuting this matter due by December 1, 2024.

Second: Gener Tejero

Action: Motion Passed (Jacobo recused).

B. Festus Ebonka (19-012-CS-S)

This case was continued to a future Board meeting.

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

This case was continued to a future Board meeting.

O. CVS Pharmacy #6717 (20-133-PH-S)

This case was continued to a future Board meeting.

P. Negar Safavi (20-133-RPH-S)

This case was continued to a future Board meeting.

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

This case was continued to a future Board meeting.

21. Notice of Proposed Regulation Public Hearing Pursuant to NRS

233B.061(3) (FOR POSSIBLE ACTION)

- A. **REGULATION relating to pressurized stocking.** Allowing pressurized stocking to be provided without a prescription in certain circumstances. (LCB File No. R052-24)

David Wuest, Executive Secretary for the Nevada Board of Pharmacy, 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 the proposed amendments to LCB File No. R052-24, as presented by Mr. Wuest.

Second: Jade Jacobo

Action: Passed unanimously.

- B. **Amendment to Nevada Administrative Code (NAC) 639.** The proposed amendments relate to controlled substances adding tianeptine, hallucinogenic substances and fentanyl related substances to the controlled substances listed in Schedule I. (LCB File No. R054-24)

Yenh Long, Deputy Secretary for the Nevada Board of Pharmacy, 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: Jade Jacobo moved to adopt the proposed amendments to LCB File No. R054-24, as presented by Ms. Long.

Second: Krystal Freitas

Action: Passed unanimously.

- C. **REGULATIONS relating to Governor Lombardo's Executive Order 003- 2023.** Changes in these Regulations streamline and clarify licensing requirements while ensuring public safety; and providing other matters properly relating thereto. (LCB File No. R100-23)

Executive Order 003-2023

SECTION 1:

Every executive branch department, agency, board and commission shall undertake a comprehensive review of the regulations subject to its enforcement. On or before, May 1, 2023, each department, agency, board and commission shall provide a report to the Governor's office detailing how the regulation subject to its enforcement can be streamlined, clarified, reduced or otherwise improved to ensure those regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth.

SECTION 2:

As part of its report, every executive branch department, agency, board and commission shall provide a list of not less than ten (10) regulations recommended for removal, ranking them in descending order of priority.

David Wuest, Executive Secretary for the Nevada Board of Pharmacy, presented background on the proposed public hearing item.

President Park opened the floor to public comment.

Liz McMEnamin, Retail Association of Nevada, shared that she believed this is a good start but hopes that the industry can be more involved in the regulation process.

Scott Young commented that Section 7 of the proposed regulation would remove a pharmacy's authority to provide compounded drugs to a practitioner, which include veterinarians. He is concerned eliminating this authority and mentions language in NAC 638.732 which allows a veterinarian to get compounded drugs from pharmacies which may be a conflict. He wants to raise awareness to the Board on this proposed regulation.

President Park closed the floor to public comment.

Board discussion ensued.

Board Action:

Motion: Adam Porath moved to adopt the proposed amendments to LCB File No. R100-23 as presented by Mr. Wuest.

Second: Jade Jacobo

Action: Passed unanimously.

- D. **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. **(LCB File No. R013-24)**

David Wuest, Executive Secretary for the Nevada Board of Pharmacy, 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: Adam Porath moved to adopt the proposed amendments to LCB File No. R013-24 as presented by Mr. Wuest.

Second: Jade Jacobo

Action: Passed unanimously.

- E. **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. **(LCB File No. R051-24)**

Yenh Long, Deputy Secretary for the Nevada Board of Pharmacy, 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: Jade Jacobo moved to adopt the proposed amendments to LCB File No. R051-24 as presented by Ms. Long.

Second: Krystal Freitas

Action: Passed unanimously.

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

C. Seven Hills Pharmacy – Sharronville, OH

Christopher Spitzer, Managing Pharmacist, and Quayh Do, Senior Director of Pharmacy Practice, appeared and were sworn in by President Park prior to answering questions and offering testimony.

David Wuest, Executive Secretary for the Nevada Board of Pharmacy, presented background on the application and questioned Mr. Spitzer and Ms. Do on whether they can produce a letter from Paul Greenall that states that they can appear on his behalf since he signed the application, the disclosures on their application, and their business plan.

Mr. Wuest questioned their business model and asked how revenue would be shared as they want to make sure that this model does not have kickback.

The Board questioned their business model and had concerns.

President Park requested if the applicants would like to table their application so that they can work with Board staff to understand their business model.

The application was tabled for a future Board meeting.

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

B. Southwest Pharmacy – Las Vegas, NV

Lynna Ho, Managing Pharmacist, appeared and was sworn in by President Park prior to

answering questions or offering testimony.

Gustaf Vanderdonck, Assistant General Counsel for the Nevada Board of Pharmacy, presented background on the application for the Board and questioned why she wants to own a pharmacy, her experience in the field, and whether she had any prior discipline.

Dr. Ho 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 Southwest Pharmacy.

Second: Krystal Freitas

Action: Passed unanimously.

A. Southwest Specialty Pharmacy – Las Vegas, NV

Enrique Solis, Owner and Managing Pharmacist, appeared and was sworn in by President Park prior to answering questions or offering testimony.

President Park disclosed that she knows the applicant from Target Pharmacy but can participate in this matter fairly and without bias.

Gustaf Vanderdonck, Assistant General Counsel for the Nevada Board of Pharmacy, presented background on the application for the Board and questioned what made him want to open a pharmacy, his experience in the field, and what products he plans to sell.

Dr. Solis 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 Southwest Specialty Pharmacy.

Second: Adam Porath

Action: Passed unanimously.

C. The Center Community Pharmacy – Las Vegas, NV

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

President Park disclosed that she is familiar with Ms. Ramirez but can participate fairly and without bias.

David Wuest, Executive Secretary for the Nevada Board of Pharmacy, presented background on the application and questioned on what products they plan to have, where their funding will come from, her background experience, and whether they will focus on certain groups.

Mr. Wuest requested a Letter of Authorization for Ms. Ramirez to speak on behalf of the company.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Application for Nevada Pharmacy License for The Center Community Pharmacy.

Second: Krystal Freitas

Action: Passed unanimously.

9. Application for Nevada Medical, Devices, Equipment and Gases License (NAC 639.6942) – Appearance (**FOR POSSIBLE ACTION**)

B. H-Blu Medical Supply, LLC – Reno, NV

Hasib Popal appeared and was sworn in by President Park prior to questions and offering testimony.

David Wuest, Executive Secretary for the Nevada Board of Pharmacy, presented background on the application and questioned Mr. Popal on his administrative experience.

Mr. Wuest noted that Mr. Popal may need to get an administrator until he completes his hours.

President Park stated that he had not met the requirements needed to be an administrator and asked if Mr. Popal would like to table his application until he finds an administrator or finishes his hours.

This application was tabled for a future Board meeting.

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

Katherine May Johnson, Owner, and Melody Lao, RN, both appeared and were sworn in by President Park prior to answering questions and offering testimony.

David Wuest, Executive Secretary for the Nevada Board of Pharmacy, presented background on the application and questioned why they want to open this business, what type of equipment they plan to offer, and the business model they plan to use.

Mr. Wuest asked the applicants to clarify how their business will be run.

Ms. Johnson and Ms. Lao explained their model.

Board staff let applicants know that counseling is required by law.

Leo Basch, Nevada Board of Pharmacy Inspector, gave testimony on the inspections previously done on this site.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Application for Nevada Medical, Devices, Equipment and Gases License for Z-O Medical Supplies, LLC, with the condition of two (2) subsequent inspections after becoming operational, and at their expense.

Second: Adam Porath

Action: Passed unanimously.

Richard Tomasso was excused from the meeting at 12:00PM.

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

A. Vital Care of Summerlin – Las Vegas, NV

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

President Park disclosed to the Board that she may be familiar with William Tamburo but can participate in this matter fairly and without bias.

Joe Dodge, Nevada Board of Pharmacy Inspector, presented background on the application and questioned Mr. Tamburo on how long he has worked at the facility, what current services they provide, the pharmacy's staffing model, and Mr. Tamburo's experience with sterile compounding.

Board discussion ensued.

Board Action:

Motion: Wayne Mitchell moved to approve the Application for Nevada Compounding Pharmacy License application for Vital Care of Summerlin, pending approval of added services with an added inspection scheduled within 90 days of approval.

Second: Jade Jacobo

Action: Passed unanimously.

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

A. TelyRx LLC – Clearwater, FL

Thomas McKinney, CEO, and Adam Gardner, Pharmacist in Charge, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Yenh Long, Deputy Secretary for the Nevada Board of Pharmacy, presented background on the application and asked the applicants to describe their business model and how they will be obtaining prescriptions, Mr. McKinney's background, where the doctors who will be utilizing their services are licensed, and how they will verify legitimate prescriptions.

Ms. Long also asked Mr. McKinney to explain the disclosure he noted in the application.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Application for Out-of-State Pharmacy License for TelyRx LLC.

Second: Krystal Freitas

Action: Passed unanimously.

13. Application for Out-of-State Compounding Pharmacy License (NRS

639.230) – Appearance – **(FOR POSSIBLE ACTION)**

B. Preckshot Professional Pharmacy – Peoria, IL

Andrew Roseboom, Pharmacist in Charge, appeared and was sworn in by President Park prior to answering questions or offering testimony.

Joe Dodge, Nevada Board of Pharmacy Inspector, presented background on the application and questioned Mr. Roseboom on how long he has worked at the facility, an overview of the company, and whether this would be a new business in Nevada. Mr. Dodge also questioned Mr. Roseboom on what BUD they are assigning to specific products, whether validated shipping studies were done, and who was completing the testing.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Application for Out-of-State Compounding Pharmacy License application for Preckshot Professional Pharmacy.

Second: Jade Jacobo

Action: Passed unanimously.

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

A. Noble Supply & Logistics, LLC – Las Vegas, NV – Background Check Not Required in compliance with NAC 639.593(6)(d)

Thomas Noble, Owner, Natalie Nunez-Gonzalez, and Tom Little appeared and were sworn in by President Park prior to answering questions and offering testimony.

Greg Zunino presented background on the application and questioned their business site, what the medical kits will include that require a license, what locations of warehouses they have, and if they were functioning without a license prior to today.

Ms. Nunez-Gonzalez and Mr. Little answered all questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Adam Porath moved to approve the Application for Nevada Wholesaler License for Noble Supply & Logistics, LLC.

Second: Jade Jacobo

Action: Passed unanimously.

Jade Jacobo was excused from the meeting at 1:30PM.

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

A. Fagron Sterile Services – Canton, MA

Deborah McHugh, Senior Director of Quality, and Jay McEniry, Senior VP of General Counsel, appeared and were sworn in by President Park prior to answering questions or offering testimony.

Joe Dodge, Nevada Board of Pharmacy Inspector, presented background on the application and questioned whether the licensed pharmacist listed on the application was still working at the facility, what the two observations that were found at the facility during their inspection, and what steps the company took to make the necessary changes. Mr. Dodge also questioned who had final batch release, how quality worked with their pharmacist, and how many locations they have in the country.

Mr. Dodge also asked if different locations compound different products than the Las Vegas location will, whether they use robotics for compounding, and if they have microbiologists on staff at their facility.

Board discussion ensued.

Board Action:

Motion: Krystal Freitas moved to approve the Application for Out-of-State Compounding Pharmacy License application for Fagron Sterile Services.

Second: Adam Porath

Action: Motion passed (Jacobco recused).

Jade Jacobo returned to the meeting at 1:40PM.

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

A. BPS Wholesale – Jennerstown, PA – Background Check Not

Required in compliance with NAC 639.593(6)(d)

Jacqueline Martella, Owner/President/CEO, and Melissa Mostoller, Administrative Officer, appeared and were sworn in by President Park prior to answering questions and offering testimony.

Greg Zunino presented background on the application and questioned what products they will distribute and the business model they plan to use. Mr. Zunino also asked who their main customers will be as a wholesaler facility, what other states they are doing business in, and to explain the disclosure listed on their application.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Application for Out-of-State Wholesaler License for BPS Wholesale.

Second: Krystal Freitas

Action: Passed unanimously.

16. Request for Approval of Change of Managing Pharmacist pursuant to NRS 639.220 **(FOR POSSIBLE ACTION)**

A. Amber Houghland

Amber Houghland appeared and was sworn in by President Park prior to answering questions and offering testimony.

David Wuest, Executive Secretary for the Nevada Board of Pharmacy, presented background on the application for Ms. Houghland to be a managing pharmacist at two separate locations.

Mr. Wuest asked Ms. Houghland the bed count of each facility, and the disclosure she listed on her application for a pending case with NVBOP.

The Board questioned the applicant on how her time will be arranged between the two locations, and what happens if she wasn't present when medications would not be able to be used or be dispensed.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Request for Approval of Change of Managing Pharmacist for Amber Houghland.

Second: Adam Porath

Action: Passed unanimously.

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

D. Sean Darmal

Sean Darmal 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 background on the application and asked Mr. Darmal to give an overview of the conviction disclosures related to the drug offenses in California.

Mr. Darmal gave a background on what occurred that got him the conviction in the first place and shared that the records were dismissed.

Board member Tejero clarified that Mr. Darmal would need to remove/amend Schedule I drugs on his application.

Board discussion ensued.

Board Action:

Motion: Adam Porath moved to approve the Application for Controlled Substance Registration for Schedules II-V for Dr. Sean Darmal.

Second: Jade Jacobo

Action: Passed unanimously.

16. Request for Approval of Change of Managing Pharmacist pursuant to NRS 639.220 **(FOR POSSIBLE ACTION)**

B. Bryan Hoang

President Park disclosed that she is familiar with the applicant from Roseman University, but she can participate fairly and without bias.

David Wuest disclosed that he is also familiar with the applicant but can participate fairly and without bias.

Bryan Hoang appeared and was sworn in by President Park prior to answering questions or offering testimony.

David Wuest, Executive Secretary for the Nevada Board of Pharmacy, presented background on the application for Mr. Hoang to be a managing pharmacist at two separate locations.

President Park asked Mr. Hoang the difference in the two facilities and the patient size at each location.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Request for Approval of Change of Managing Pharmacist for Bryan Hoang.

Second: Adam Porath

Action: Passed unanimously.

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

A. Tammy Dessieux

Tammy Dessieux appeared via Zoom and was sworn in by President Park prior to answering questions or offering testimony.

Yenh Long, Deputy Secretary for the Nevada Board of Pharmacy, presented background on the application and questioned Ms. Dessieux on the disclosure listed on her application with the Texas State Board of Pharmacy and asked her to share what she was ordered to do per the administrative action. Ms. Long also asked why Ms. Dessieux was applying for a Nevada license.

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

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Application for Pharmacist Registration by Reciprocity for Tammy Dessieux.

Second: Krystal Freitas

Action: Passed unanimously.

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

A. Daniel Hayes

Daniel Hayes appeared via Zoom and was sworn in by President Park prior to answering questions or offering testimony.

Greg Zunino presented background on the application and questioned why Mr. Hayes was applying for reinstatement to an Inactive status, if he ever plans to move back to Nevada, what Arizona PRN group is doing to monitor his progress with his mental health. Mr. Zunino asked if his mental health condition was related to the diversion, and if he felt that he had progressed with his mental health.

Mr. Hayes answered all questions to the Board's satisfaction.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Application for Pharmacist Registration Reinstatement for Daniel Hayes, pursuant to him continuing treatment for the remainder of the two (2) year period from his Arizona Board Orders, with quarterly reports being submitted to the Nevada Board of Pharmacy.

Second: Adam Porath

Action: Passed unanimously.

Adam Porath was excused from the meeting at 2:45PM.

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

B. Charlsie Duffy-Wilcox

Charlsie Duffy-Wilcox appeared via Zoom and was sworn in by President Park prior to answering questions or offering testimony.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, presented background on the application and asked Ms. Duffy-Wilcox to give an overview of the disclosures listed on her application.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Applications for Controlled Substance Registration for Charlsie Duffy-Wilcox.

Second: Krystal Freitas

Action: Passed unanimously.

Gener Tejero was excused from the meeting at 2:52PM.

C. James Michael Murphy

James Michael Murphy appeared via Zoom and was sworn in by President Park prior to answering questions or offering testimony.

Brett Kandt, General Counsel for the Nevada Board of Pharmacy, presented background on the application and asked Mr. Murphy to give an overview of the disclosure listed on his application.

President Park questioned if the medical board placed any restrictions on his Nevada medical license.

Mr. Wuest asked Mr. Murphy if he was familiar with the Nevada PMP program.

Board discussion ensued.

Board Action:

Motion: Jade Jacobo moved to approve the Applications for Controlled Substance Registration for James Michael Murphy with the requirement to meet with Darla Zarley from the Nevada Board of Pharmacy PMP staff.

Second: Krystal Freitas

Action: Passed unanimously.

22. General Counsel Report.

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

24. Date and Location of Next Scheduled Board Meeting:

July 17-18, 2024 – Reno, NV

25. Public Comment

President Park opened the floor for public comment.

There was no public comment.

26. Adjournment