

JOE LOMBARDO  
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*President*

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**STATE OF NEVADA**  
**BOARD OF PHARMACY**

985 Damonte Ranch Pkwy, Ste 206  
Reno, NV 89521

Posted: April 24, 2024

**NOTICE OF INTENT TO ACT UPON A REGULATION**

Notice of Hearing for the Adoption and Amendment of  
Regulations of the Nevada State Board of Pharmacy

The Nevada State Board of Pharmacy will hold a Public Hearing at 9:00 a.m. on Thursday, May 30, 2024.

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

The purpose of the hearing is to receive comments from all interested persons regarding the adoption and amendment of regulations that pertain to Chapter 639 and/or 453 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.060:

- A. **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)

1. The need for and the purpose of the proposed regulation or amendment.

The existing law authorizes the Nevada State Board of Pharmacy to adopt regulations: (1) relating to the registration and control of the dispensing of controlled substances within this State; and (2) governing the dispensing of poisons, drugs, chemicals and medicines (NRS 453.221, 639.070). The existing law authorizes a certified registered nurse anesthetist working under the supervision of a physician order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices to treat a patient under the care of physician in a critical access hospital before, during and after surgery or childbirth. (Section 2.6 of Senate Bill No. 336, chapter 229, Statutes of Nevada 2023, at page 1444).

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation is attached to this notice.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public:

(a) Both adverse and beneficial effects.

There should be an economic impact from this regulation amendment on the regulated entities but not on the public. The regulation amendment will have a beneficial effect on the regulated entities and on the public by allowing more access to patient care by certified registered nurse anesthetist.

(b) Both immediate and long-term effects.

Both the immediate and long-term economic effects on regulated entities and on the public will be beneficial by allowing more access to patient care by certified registered nurse anesthetist.

4. The estimated cost to the agency for enforcement of the proposed regulation.

The cost to the Board for enforcement of the proposed regulation cannot be determined at this time since it will be dependent upon the number of applicants for registration/licensure.

5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping

is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board of Pharmacy is not aware of any similar regulations of any other state or local governmental agency that the proposed regulation amendment overlaps or duplicates.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The regulation is not required by federal law.

7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The Board of Pharmacy is not aware of any similar federal regulation of the same activity in which the state regulation is more stringent.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

The regulation amendment requires the certified registered nurse anesthetist to pay registrations fees to obtain a controlled substance registration. The revenue generated from the fee increase will partially offset the costs of regulatory enforcement of this regulation incurred by the Board of Pharmacy.

Persons wishing to comment upon the proposed action of the Board may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Board at [teambc@pharmacy.nv.gov](mailto:teambc@pharmacy.nv.gov) or to the Nevada State Board of Pharmacy, 985 Damonte Ranch Parkway, Suite 206 – Reno, NV 89521. Written submissions must be received by the Board on or before May 30, 2024. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board may proceed immediately to act upon any written submissions.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Nevada State Board of Pharmacy in writing at 985 Damonte Ranch Pkwy., #206, Reno, Nevada 89521, or by calling (775) 850-1440. Please notify us at least one (1) week prior to the scheduled meeting date to allow time to secure any necessary equipment or provisions prior to the meeting.

This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this

notice and the proposed regulation will also be mailed to members of the public upon request.

Pursuant to NRS 233B.064(1), upon adoption of any regulation, the Board, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at:

[www.notice.nv.gov](http://www.notice.nv.gov)

[www.bop.nv.gov](http://www.bop.nv.gov)

[www.leg.state.nv.us](http://www.leg.state.nv.us).

Nevada State Board of Pharmacy  
Reno, Nevada

Nevada State Board of Pharmacy  
Las Vegas, Nevada

Nevada State Library  
100 N. Stewart St.  
Carson City, NV 89701

**PROPOSED REGULATION OF  
THE STATE BOARD OF PHARMACY**

**LCB File No. R051-24**

April 10, 2024

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §§ 1-6, NRS 453.221 and 639.070.

A REGULATION relating to certified registered nurse anesthetists; requiring a certified registered nurse anesthetist to obtain a certificate of registration to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices under certain circumstances; prescribing the procedure and fees for the issuance and renewal of such a certificate; requiring a certified registered nurse anesthetist to notify the State Board of Pharmacy of a change in location of practice; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law authorizes the State Board of Pharmacy to adopt regulations: (1) relating to the registration and control of the dispensing of controlled substances within this State; and (2) governing the dispensing of poisons, drugs, chemicals and medicines. (NRS 453.221, 639.070) Existing law authorizes a certified registered nurse anesthetist working under the supervision of a physician to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices to treat a patient under the care of a physician in a critical access hospital before, during and after surgery or childbirth. (Section 2.6 of Senate Bill No. 336, chapter 229, Statutes of Nevada 2023, at page 1444)

**Section 3** of this regulation prohibits a certified registered nurse anesthetist from ordering, prescribing, possessing and administering controlled substances, poisons, dangerous drugs and devices under such circumstances unless he or she has been issued a certificate of registration by the Board. **Section 3** prescribes: (1) the process for the issuance and renewal of such a certificate; and (2) certain conditions applicable to such a certificate. **Section 6** of this regulation prescribes the fee for the issuance or renewal of such a certificate. **Section 5** of this regulation sets forth the grounds for denial, suspension or revocation of such a certificate.

**Section 4** of this regulation requires a certified registered nurse anesthetist to notify the Board of a change in the location of the practice of the certified registered nurse anesthetist not later than 10 days after the change occurs. **Section 2** of this regulation defines “certified registered nurse anesthetist” for purposes of **sections 3, 4 and 5**.

**Section 1.** Chapter 639 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

**Sec. 2.** *As used in sections 3, 4 and 5 of this regulation, unless the context otherwise requires, “certified registered nurse anesthetist” has the meaning ascribed to it in NRS 632.014, as amended by section 2.8 of Senate Bill No. 336, chapter 229, Statutes of Nevada 2023, at page 1445.*

**Sec. 3. 1.** *A certified registered nurse anesthetist shall not order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices in accordance with paragraph (a) of subsection 1 of section 2.6 of Senate Bill No. 336, chapter 229, Statutes of Nevada 2023, at page 1444, unless he or she holds a certificate of registration issued by the Board.*

*2. Each application of a certified registered nurse anesthetist for the issuance or renewal of a certificate of registration to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices in accordance with paragraph (a) of subsection 1 of section 2.6 of Senate Bill No. 336, chapter 229, Statutes of Nevada 2023, at page 1444, must be accompanied by the fee prescribed by NAC 639.220 and include:*

- (a) The name, address, social security number and telephone number of the applicant;*
- (b) A copy of his or her:*
  - (1) License as a registered nurse; and*
  - (2) Certificate of registration as a certified registered nurse anesthetist; and*
- (c) Any other information requested by the Board.*

3. *The Board may require a certified registered nurse anesthetist who applies for a certificate of registration to appear personally before the Board for a determination and an assignment of the specific authority to be granted to the certified registered nurse anesthetist.*

4. *Any certificate of registration issued pursuant to this section is a revocable privilege and no holder of such a certificate acquires any vested right therein or thereunder.*

5. *A certificate of registration issued pursuant to this section must be renewed biennially.*

Sec. 4. *A certified registered nurse anesthetist shall notify the Board in writing of a change in the location of the practice of the certified registered nurse anesthetist not later than 10 days after the change occurs.*

Sec. 5. *The Board may deny the application of a certified registered nurse anesthetist for a certificate of registration or suspend or revoke his or her certificate of registration if the certified registered nurse anesthetist:*

1. *Is not of good moral character;*
2. *Is guilty of habitual intemperance;*
3. *Becomes or is under the influence of liquor, any depressant drug or a controlled substance while on duty, unless the drug or substance has been taken pursuant to a practitioner's prescription;*
4. *Is guilty of unprofessional conduct or conduct contrary to the public interest;*
5. *Is addicted to the use of any controlled substance;*
6. *Has been convicted of a violation of any federal law or law of this or any other state relating to controlled substances;*
7. *Has been convicted of a felony or other crime involving moral turpitude, dishonesty or corruption;*

- 8. *Has willfully made to the Board or its authorized representative any false written statement which is material to the administration or enforcement of any provision of chapter 453, 454 or 639 of NRS;*
- 9. *Has obtained a certificate of registration by filing any application, record or affidavit or any information in support thereof, which is false or fraudulent;*
- 10. *Has violated any provision of the Federal Food, Drug, and Cosmetic Act or any other state or federal law or regulation relating to prescription drugs;*
- 11. *Has failed to renew his or her certificate of registration by failing to pay the renewal fee;*
- 12. *Has failed to maintain the security of his or her drug supply;*
- 13. *Has supplied patients with prescriptions that are presigned in blank;*
- 14. *Has violated section 2.6 of Senate Bill No. 336, chapter 229, Statutes of Nevada 2023, at page 1444, any provision of chapter 453, 454, 585 or 639 of NRS or any regulation pertaining to the practice of pharmacy, controlled substances, dangerous drugs or devices; or*
- 15. *Has had his or her license as a registered nurse or certificate of registration as a certified registered nurse anesthetist issued pursuant to chapter 632 of NRS suspended or revoked.*

**Sec. 6.** NAC 639.220 is hereby amended to read as follows:

639.220 1. The Board hereby adopts the following schedule of fees:

For the examination of an applicant for registration as a pharmacist ..... Actual cost  
of the  
examination



For the investigation or registration of an applicant as a registered pharmacist.....	\$200
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity.....	200
For the investigation or issuance of an original license to conduct a retail pharmacy .....	500
For the biennial renewal of a license to conduct a retail pharmacy .....	500
For the investigation or issuance of an original license to conduct an institutional pharmacy .....	500
For the biennial renewal of a license to conduct an institutional pharmacy .....	500
For the investigation or issuance of an original license to conduct a pharmacy in a correctional institution .....	500
For the biennial renewal of a license to conduct a pharmacy in a correctional institution.....	500
For the investigation or issuance of an original license to conduct a pharmacy in a recovery center or ambulatory surgical center licensed pursuant to chapter 449 of NRS .....	500
For the biennial renewal of a license to conduct a pharmacy in a recovery center or ambulatory surgical center licensed pursuant to chapter 449 of NRS .....	500
For the issuance of an original or duplicate certificate of registration as a registered pharmacist.....	50
For the biennial renewal of registration as a registered pharmacist .....	200

For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse) .....	100
For the initial registration of a pharmaceutical technician, pharmaceutical technician in training, dispensing technician or dispensing technician in training.....	50
For the biennial renewal of registration of a pharmaceutical technician, pharmaceutical technician in training, dispensing technician or dispensing technician in training .....	50
For the investigation or registration of an intern pharmacist .....	40
For the biennial renewal of registration as an intern pharmacist .....	40
For the investigation or registration of an advanced practice registered nurse or a physician assistant to prescribe drugs that are not controlled substances .....	80
For the biennial renewal of registration of an advanced practice registered nurse or a physician assistant to prescribe drugs that are not controlled substances .....	80
For authorization of a physician, advanced practice registered nurse, physician assistant, euthanasia technician, researcher, instructional user or any other authorized person, except a practitioner who is a medical intern or resident physician, to prescribe or possess controlled substances .....	200

For the biennial renewal of authorization of a physician, advanced practice registered nurse, physician assistant, euthanasia technician, researcher, instructional user or any other authorized person, except a practitioner who is a medical intern or resident physician, to prescribe or possess controlled substances.....200

*For authorization of a certified registered nurse anesthetist to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices in accordance with paragraph (a) of subsection 1 of section 2.6 of Senate Bill No. 336, chapter 229, Statutes of Nevada 2023, at page 1444 .....200*

*For biennial renewal of authorization of a certified registered nurse anesthetist to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices in accordance with paragraph (a) of subsection 1 of section 2.6 of Senate Bill No. 336, chapter 229, Statutes of Nevada 2023, at page 1444.....200*

For authorization of a practitioner who is a medical intern or resident physician to prescribe or possess controlled substances .....80

For the biennial renewal of authorization of a practitioner who is a medical intern or resident physician to prescribe or possess controlled substances .....80

For the investigation or issuance of an original license to engage in business as an authorized warehouse or medical products provider .....500

For the biennial renewal of a license to engage in business as an authorized warehouse or medical products provider .....	500
For the investigation or issuance of an original license to a manufacturer or wholesaler.....	1,000
For the biennial renewal of a license for a manufacturer or wholesaler .....	1,000
For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon.....	50
For authorization of a practitioner, other than a licensed veterinarian, to dispense controlled substances or dangerous drugs, or both, for human consumption for each location where the practitioner will dispense controlled substances or dangerous drugs, or both, for human consumption.....	300
For the biennial renewal of authorization of a practitioner, other than a licensed veterinarian, to dispense controlled substances or dangerous drugs, or both, for human consumption for each location where the practitioner will dispense controlled substances or dangerous drugs, or both, for human consumption.....	300
For authorization of a licensed veterinarian to dispense controlled substances or dangerous drugs, or both, not for human consumption.....	150
For the biennial renewal of authorization of a licensed veterinarian to dispense controlled substances or dangerous drugs, or both, not for human consumption.....	150

For the investigation or issuance of an original license for an automated drug dispensing system.....	500
For the biennial renewal of a license for an automated drug dispensing system.....	500
For the investigation or issuance of an original license to a pharmacy authorizing the use of a mechanical device to furnish drugs and medications for administration to patients at a medical facility.....	250
For the biennial renewal of a license to a pharmacy authorizing the use of a mechanical device to furnish drugs and medications for administration to patients at a medical facility.....	250
For the investigation or issuance of an original license for a facility for treatment with narcotics to administer opioid agonist treatment medication.....	80
For the biennial renewal of a license for a facility for treatment with narcotics to administer opioid agonist treatment medication.....	80

2. The penalty for failure to pay the renewal fee for any license, permit or certificate within the statutory period, as provided in subsection 6 of NRS 639.170, is 50 percent of the renewal fee for each period of delinquency in addition to the renewal fee for each period of delinquency.

3. Any person who has been registered as a pharmacist in this State for at least 50 years is not required to pay the fee for the biennial renewal of a certificate of registration as a registered pharmacist.

4. The provisions of this section concerning the fee for the biennial renewal of the authorization to dispense controlled substances or dangerous drugs do not apply to an advanced practice registered nurse who is required to pay a fee pursuant to NAC 639.870.

5. A practitioner employed by or serving as an independent contractor of a health center:

(a) Which is a federally-qualified health center that provides health care primarily to medically underserved persons in a community; and

(b) Which is not a medical facility as defined in NRS 449.0151,

↪ is not required to pay a fee to the Board for a change of address or for an additional address at which the practitioner dispenses drugs.

6. A practitioner who is exempt from the payment of a fee pursuant to subsection 5 shall notify the Board in writing of each change of address or additional address, or both.

7. In addition to any other fees paid by an applicant for a certificate, license or permit issued pursuant to chapter 639 of NRS, the Board may require that the applicant pay the actual costs of inspection incurred by the Board.