

June 18, 2018

Dave Wuest  
Deputy Executive Secretary  
Nevada State Board of Pharmacy  
431 W. Plumb Lane  
Reno, NV 89509

**Re: CVS Health Request in regards to NAC 639.250**

Dear Deputy Executive Secretary Wuest,

I am writing to you in my capacity as Sr Director of Pharmacy Regulatory Affairs for CVS Health. CVS Health, the largest pharmacy health care provider in the United States, is uniquely positioned to provide diverse access points to care to patients in the state of Nevada through our integrated offerings across the spectrum of pharmacy care. We would like to thank the Board for their vigilance in continuously improving the laws and regulations that guide pharmacists, intern pharmacists and pharmaceutical technicians serving Nevada patients.

NRS 639.1371(1) allows the Board to expand ratio by regulation which is currently addressed in NAC 639.250. CVS Health is requesting the Board to review and consider an expansion to pharmacy technician supervision restrictions set forth in NAC 639.250. As today's pharmacy practice environment evolves, we have seen state boards of pharmacy relax or eliminate restrictive ratios, in particular based on practice settings that are non-dispensing. Understanding that NRS 639.012 (Pharmacy definition) does not contemplate a non-dispensing pharmacy model, this type of pharmacy "front end" model where activities such as but not limited to prescription data entry, drug utilization and data entry verification occur separate from dispensing is a prominent model used in pharmacy practice today. This type of pharmacy model provides an environment in which less distractions are present, allowing pharmacists and technicians to have a sole focus on the activity in front them which leads to higher accuracy. Also, this allows a pharmacist in a dispensing pharmacy additional time for counseling and enhanced patient care. Based upon this reasoning, we request the Board consider an increased supervisory allowance, similar to Texas expansion in 2014 and most recently in Florida this year, which allows a pharmacist to supervise eight pharmaceutical technicians in the non-dispensing area of a pharmacy or any non-dispensing pharmacy.

We propose the amended language below for consideration:

**NAC 639.250 Restrictions on supervision.** (NRS 639.070, 639.0727, 639.1371) Except as otherwise provided in NAC 639.258:

1. Except as otherwise provided in this section, in a hospital, a pharmacist who is dispensing prescriptions may not supervise more than a total of three pharmaceutical technicians at one time. A pharmacist who is supervising distributive functions may not supervise more than a total of two pharmaceutical technicians and one pharmaceutical technician in training while the trainee is performing technician functions in on-the-job training.
2. Except as otherwise provided in this section, in any pharmacy, other than a hospital pharmacy, a pharmacist may not supervise more than a total of three pharmaceutical technicians or one pharmaceutical technician and two pharmaceutical technicians in training at one time.
3. In any telepharmacy, remote site or satellite consultation site, a pharmacist may not supervise more than a total of three pharmaceutical technicians at one time.

4. In any pharmacy that does not dispense controlled substances or dangerous drugs as defined in NRS 639.0065, a pharmacist may not supervise more than a total of eight pharmaceutical technicians or six pharmaceutical technicians and two pharmaceutical technicians in training at one time.

5. In any pharmacy that has a physically separate area from which controlled substances or dangerous drugs are not dispensed as defined in NRS 639.0065, a pharmacist may not supervise more than a total of either pharmaceutical technicians or six pharmaceutical technicians and two pharmaceutical technicians in training at one time. A “physically separate area” is a part of the pharmacy which is separated by a permanent wall or other barrier which restricts access between the dispensing and non-dispensing area.

46. A pharmacist may supervise more pharmaceutical technicians and pharmaceutical technicians in training at one time than are otherwise allowed pursuant to subsections 1 and 2 if:

(a) Not more than three of the pharmaceutical technicians or pharmaceutical technicians in training are performing the duties of a pharmaceutical technician as set forth in NAC 639.245; and

(b) The record kept by the pharmacy pursuant to NAC 639.245 identifies the pharmaceutical technicians and pharmaceutical technicians in training who are performing the duties of a pharmaceutical technician as set forth in NAC 639.245.

[Bd. of Pharmacy, § 639.215, eff. 6-26-80] — (NAC A 12-3-84; 2-18-88; 3-27-90; 11-15-93; 12-13-96; R016-99, 11-3-99; R037-07, 1-30-2008; R098-13, 3-28-2014)

We appreciate your time and consideration in regards to this request. If you have any questions, please contact me directly at 540-604-3661.

Sincerely,



Lauren Paul, PharmD.  
Sr Director, Pharmacy Regulatory Affairs  
CVS Health