

PROPOSED REGULATION OF THE NEVADA STATE BOARD OF PHARMACY

WORKSHOP

January 11, 2018

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

AUTHORITY: NRS 639.070(1)(d).

A REGULATION relating to the dispensing of veterinary medicine by veterinarians including in veterinary facilities.

Section 1. Chapter 639 of NAC is hereby amended by adding thereto the provisions set forth in section 2 and 3 of this regulation.

Sec. 2. NAC 639.742 shall be amended to read as follows:

1. [A] *Except as otherwise provided in subsections 6 and 7, a* practitioner who wishes to dispense controlled substances or dangerous drugs must apply to the Board on an application provided by the Board for a certificate of registration to dispense controlled substances or dangerous drugs. A practitioner must submit a separate application for each site of practice, including, without limitation, a telepharmacy, remote site or satellite consultation site, from which the practitioner wishes to dispense controlled substances or dangerous drugs. A certificate of registration to dispense controlled substances or dangerous drugs is a revocable privilege, and no holder of such a certificate of registration acquires any vested right therein or thereunder.

2. [H] *Except as otherwise provided in subsections 6 and 7, if* a facility from which the practitioner intends to dispense dangerous drugs or controlled substances is not wholly owned and operated by the practitioner, the owner or owners of the facility must also submit an application to the Board on a form provided by the Board.

3. Except as otherwise provided in NRS 639.23277, *(R 146-17)*, and NAC 639.395 and *subsections 6 and 7*, the dispensing practitioner and, if applicable, the owner or owners of the facility, shall ensure that:

- (a) All drugs are ordered by the dispensing practitioner;
- (b) All drugs are received and accounted for by the dispensing practitioner;
- (c) All drugs are stored in a secure, locked room or cabinet to which the dispensing practitioner has the only key or lock combination;
- (d) All drugs are dispensed in accordance with NAC 639.745;
- (e) No prescription is dispensed to a patient unless the dispensing practitioner is on-site at the facility;
- (f) All drugs are dispensed only to the patient personally at the facility;
- (g) The price of each drug dispensed to a patient is separately itemized on any bill or statement provided to the patient;
- (h) All drugs are dispensed only for medically necessary purposes and according to prevailing standards of care for practitioners practicing in the specialty claimed or practiced by the dispensing practitioner; and
- (i) The certificate for each dispensing technician employed at the facility is displayed in the room or cabinet in which drugs are stored.

4. ~~[With]~~ *Except as otherwise provided in subsections 6 and 7, with* regard to the filling and dispensing of a prescription at a facility, only the dispensing practitioner or a dispensing technician may:

- (a) Enter the room or cabinet in which drugs are stored;
- (b) Remove drugs from stock;

- (c) Count, pour or reconstitute drugs;
- (d) Place drugs into containers;
- (e) Produce and affix appropriate labels to containers that contain or will contain drugs;
- (f) Fill containers for later use in dispensing drugs; or
- (g) Package or repackage drugs.

5. **[A]** *Except as otherwise provided in subsections 6 and 7, a dispensing practitioner may compound drug products if he or she complies with the provisions of NAC 639.661 to 639.690, inclusive, as if:*

- (a) He or she were a pharmacist;
- (b) His or her practice site was a pharmacy; and
- (c) Any dispensing technician involved in the compounding was a pharmaceutical technician.

6. A veterinarian who wishes to dispense controlled substances or dangerous drugs must apply to the Board on an application provided by the Board for a certificate of registration to dispense controlled substances or dangerous drugs and pay a fee established by the Board. A certificate of registration issued pursuant to this section entitles the veterinarian to dispense controlled substances or dangerous drugs from any veterinary facility at which he practices veterinary medicine. A certificate of registration under this section must be renewed at the same time and in the same manner as certificates of registration by other practitioners. A certificate of registration to dispense controlled substances or dangerous drugs is a revocable privilege, and no holder of such a certificate of registration acquires any vested right therein or thereunder.

7. A veterinarian with a certificate of registration to dispense controlled substances or dangerous drugs and a veterinary facility from which controlled substances or dangerous drugs

may be dispensed are exempt from NAC 639.7425 through NAC 639.745, but shall comply with NAC 638.0628 and NAC 638.0629 regarding the dispensing performed by the veterinarian and the veterinary facility.

Sec. 3. NAC 639.220 shall be amended to read as follows:

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.....	\$180
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity.....	180
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 issuance of an original or duplicate certificate of registration as a registered pharmacist.....	50
For the biennial renewal of registration as a registered pharmacist.....	180
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 or pharmaceutical technician in training.....	40
For the biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training.....	40
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, ambulatory surgical center, facility for treatment with narcotics, researcher, instructional user or any other authorized person to prescribe or possess controlled substances.....	80

For the biennial renewal of authorization of a physician, advanced practice registered nurse, physician assistant, euthanasia technician, ambulatory surgical center, facility for treatment with narcotics, researcher, instructional user or any other authorized person to prescribe or possess controlled substances.....	80
For the investigation or issuance of an original license to engage in business as an authorized warehouse, medical products provider or medical products wholesaler.....	500
For the biennial renewal of a license to engage in business as an authorized warehouse, medical products provider or medical products wholesaler.....	500
For the investigation or issuance of an original license to a manufacturer or wholesaler.....	500
For the biennial renewal of a license for a manufacturer or wholesaler.....	500
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 to dispense controlled substances or dangerous drugs, or both, for each location where the practitioner will dispense controlled substances or dangerous drugs, or both.....	300
For the biennial renewal of authorization of a practitioner to dispense controlled substances or dangerous drugs, or both, for each location	300

where the practitioner will dispense controlled substances or dangerous drugs, or both.....

For authorization of a veterinarian to dispense controlled substances or dangerous drugs, or both..... 150

For the biennial renewal of authorization of a veterinarian to dispense controlled substances or dangerous drugs, or both..... 150

2. The penalty for failure to pay the renewal fee for any license, permit or certificate within the statutory period, as provided in subsection 4 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 health center:

(a) Which is a federally qualified health center as defined in 42 U.S.C. § 1396d(1)(2)(B), as that section existed on March 1, 2000, 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 the fee for the collective certification of advanced practice registered nurses in the employ of a public or nonprofit agency as set forth in subsection 1.

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

(a) Which is a federally qualified health center as defined in 42 U.S.C. § 1396d(l)(2)(B), as that section existed on March 1, 2000, 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.

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

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Explanation – Language in *blue italics* is new; language in *red text* [~~omitted material~~] is language to be omitted, and language in *green text* indicates prior Board-approved amendments that are in the process of being codified.

AUTHORITY: NRS 639.070; NRS 639.251; NRS 639.253; NRS 639.255.

A REGULATION relating to the issuance of an order to show cause for failure to comply with an order entered by the Board; and providing other matters properly relating thereto.

Section. 1. Chapter 639 of NAC is hereby amended by adding thereto the provisions set forth as sections 2-6 of this regulation.

Sec. 2. *If the Board enters an order imposing discipline pursuant to NRS 639.255 and the respondent fails to comply with the terms of the order, the Executive Secretary acting in his or her official capacity may issue an order to show cause directing the respondent to appear before the Board at the next regularly-scheduled meeting for a show cause hearing.*

Sec. 3. *The order to show cause shall set forth the grounds for any proposed action and direct the respondent to show cause why the proposed action should not be taken by the Board.*

Sec. 4. *Upon the issuance of an order to show cause, a copy of the order shall promptly be served on the respondent and the respondent's attorney of record, either personally or by registered or certified mail.*

Sec. 5. *If the show cause hearing results in a finding of a violation of the Board's original order by the respondent or if the respondent fails to give sufficient reasons why the proposed action should not be taken by the Board, the Board may take the proposed action*

Sec. 6. *A respondent subject to an order to show cause who fails to appear at the show cause hearing shall be deemed to have waived objection to the proposed action.*

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AUTHORITY: NRS 453.162; NRS 639.23507; § 58 of AB 474

A REGULATION relating to access to the database of the program established pursuant to NRS 453.162; and providing other matters properly relating thereto.

Section. 1. Chapter 639 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. 1. *A practitioner registered pursuant to NRS 453.226 shall register with the Board to access the database of the program established pursuant to NRS 453.162.*

2. Access to the database is a revocable privilege, and no holder of such access acquires any vested right therein or thereunder.

Sec. 3 1. *Except as otherwise provided in section 4 of this regulation, a practitioner registered pursuant to section 2 of this regulation may designate no more than two members of his or her staff to act as delegates for the purposes of accessing the database of the computerized program established pursuant to NRS 453.162 and obtaining patient utilization reports from the computerized program on behalf of the practitioner.*

2. The delegate must complete the course of instruction required pursuant to NRS 453.164(5).

3. The practitioner shall be liable for all actions of the delegate in accessing the database pursuant to this section.

Sec. 4. *The Executive Secretary may authorize a hospital to designate members of hospital staff to act as delegates for the purposes of accessing the database of the computerized*

program and obtaining patient utilization reports from the computerized program established pursuant to NRS 453.162 on behalf a physician providing service in a hospital emergency department.

2. The delegate must complete the course of instruction required pursuant to NRS 453.164(5).

3. The hospital and the physician providing service in a hospital emergency department shall be liable for all actions of the delegate in accessing the database pursuant to this section.

Sec. 5. *1. If the Executive Secretary has probable cause to believe that the database of the program established pursuant to NRS 453.162 has been intentionally accessed by a person or for a purpose not authorized pursuant to NRS 453.162 to 453.165, inclusive, NRS 639.23507, or section 57 of AB 474, the Executive Secretary may immediately suspend or terminate Internet access to the database.*

2. In the event of such a suspension or termination, the Executive Secretary shall provide notice to any person whose Internet access to the database is suspended or terminated.

3. In the event of such a suspension or termination, the Executive Director may summarily suspend a registration issued pursuant to NRS 453.226 until proceedings can be initiated pursuant to NRS 639.241 to 639.2576, inclusive.

4. Any person whose Internet access to the database is suspended or terminated may request a hearing before the Board contesting the suspension or termination. The Board shall conduct a hearing at the next regularly scheduled meeting of the Board, but in any event, the hearing must be conducted no later than 45 days after the date of suspension or termination

unless a continuance is requested by the person whose access has been suspended or terminated.

Sec. 6. *Information obtained from the database of the program established pursuant to NRS 453.162 relating to a patient must be disclosed only to that patient or that patient's attorney upon request using a notarized authorization form that shall be provided by the Board, except as otherwise provided in NRS 453.164(7).*

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