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Proposed Regulation of the Nevada State Board of Pharmacy

Workshop

July 18, 2019

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: §1, NRS 639.070

A REGULATION relating to increasing the number of pharmaceutical technicians that a pharmacist may supervise; requiring personnel handling prescription drugs to be licensed by the Board; and providing other matters properly relating thereto.

Section 1. NAC 639.250 is hereby amended as follows: Except as otherwise provided in NAC 639.258:

1. Except as otherwise provided in this section, in a hospital,

(a) A pharmacist who is dispensing prescriptions may not supervise more than a total of *eight* ~~three~~ pharmaceutical technicians *or pharmaceutical technicians in training* at one time *and no more than one of those persons may be a pharmaceutical technician in training.* [~~A pharmacist who is supervising distributive functions may not supervise more than a total of four [two] pharmaceutical technicians and one pharmaceutical technician in training while the trainee is performing technician functions in on the job training.~~]

(b) *When there are two or more pharmacists on duty, a pharmacist who is performing non-chart order dispensing may not supervise more than one pharmaceutical technician or pharmaceutical technician in training. That pharmacist's presence in the facility cannot be included in calculating the ratio described in subsection 1(a) above.*

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 *eight* ~~three~~ pharmaceutical technicians or *five* ~~one~~ pharmaceutical *technicians* ~~technician~~ and *three* ~~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. 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.]~~

4. Except as otherwise provided in NAC 639.520(4), no person may perform any task in a pharmacy where they come into contact with any prescription drug that is not packaged for final sale and verified by a pharmacist unless that person is registered with the Board as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training.

5. Subject to the limitations above, each holder of a pharmacy license issued by the Board shall establish the ratio of pharmacists to pharmaceutical technicians for its pharmacy. The managing pharmacist or pharmacist in charge of the pharmacy has discretion to reduce that ratio as necessary to promote patient safety and for the protection of the public. No other person, registrant or licensee may interfere with the exercise of the managing pharmacist or pharmacist in charge's independent professional judgment as to staffing and pharmacist to pharmaceutical technician ratios for that pharmacy.

Sec. 2. **NAC 639.701 is hereby repealed.** ~~The following acts are not required to be performed by a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training:~~

~~—1. Entering information into the pharmacy's computer other than information contained in a new prescription concerning the prescription drug and the directions for its use.~~

~~—2. Processing sales, including the operation of a cash register.~~

~~—3. Stocking shelves.]~~

~~—4. Delivering medication to a patient or to areas of a hospital where patients are cared for.]~~

21 (2)

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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 453.162; NRS 453.163; NRS 639.070; NRS 639.1371; NRS 639.23507; NRS 639.23916

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 453 of NAC is hereby amended by adding thereto the following provisions:

1. A managing pharmacist under NRS 639.220 shall designate any intern pharmacist, pharmaceutical technician, or pharmaceutical technician in training employed by the pharmacy that will be responsible for accessing the database of the computerized program established pursuant to NRS 453.162 on behalf of the pharmacy.

2. A intern pharmacist, pharmaceutical technician, or pharmaceutical technician in training designated pursuant to subsection 1 must complete the course of training required pursuant to subsection 6 of NRS 453.164 before he or she is provided with Internet access to the database.

3. The managing pharmacist shall be liable for any action of any person designated pursuant to subsection 1 relating to accessing the database.

4. The managing pharmacist shall immediately notify the Board whenever any person designated pursuant to subsection 1 ceases to be employed by the pharmacy and shall cooperate with the Board to take any action necessary to terminate access to the database by that person.

Sec. 2. NAC 453.070 is hereby amended as follows:

1. Except as otherwise provided in [NAC 453.074](#), a practitioner other than a veterinarian may designate not more than two members of his or her staff to act as delegates for the purpose of accessing the database of the computerized program established pursuant to [NRS 453.162](#) to obtain a patient utilization report pursuant to [NRS 639.23507](#) on behalf of the practitioner.

2. A delegate designated pursuant to subsection 1 must complete the course of training required pursuant to subsection ~~5~~6 of [NRS 453.164](#) before the delegate is provided with Internet access to the database.

3. The practitioner shall be liable for any action of the delegate relating to accessing the database.

4. The practitioner shall immediately notify the Board whenever a delegate designated pursuant to subsection 1 ceases to be a member of his or her staff and shall cooperate with the Board to take any action necessary to terminate access to the database by that person.

Sec. 3. NAC 453.074 is hereby amended as follows:

1. A hospital may designate members of the staff of the hospital to act as delegates for the purpose of accessing the database of the computerized program established pursuant to [NRS 453.162](#) to obtain a patient utilization report pursuant to [NRS 639.23507](#) on behalf of a physician providing service in a hospital emergency department.

2. A delegate designated pursuant to subsection 1 must complete the course of training required pursuant to subsection ~~56~~ of [NRS 453.164](#) before the delegate is provided with Internet access to the database.

3. The hospital shall be liable for any action of the delegate relating to accessing the database.

4. The hospital shall immediately notify the Board whenever a delegate designated pursuant to subsection 1 ceases to be a member of the staff and shall cooperate with the Board to take any action necessary to terminate access to the database by that person.

Section. 4. Chapter 453 of NAC is hereby amended by adding thereto the following provisions:

1. A practitioner who is not licensed to practice in this State, but is authorized by the laws of another state or by federal law to prescribe a controlled substance in conformance with 21 CFR § 1306.03 may enroll with the Board pursuant to this section for Internet access to the database of the computerized program established pursuant to NRS 453.162 to obtain a patient utilization report pursuant to NRS 453.162(1)(a)(1).

2. To enroll pursuant to this section for Internet access to the database, the practitioner must apply to the Board on an application provided by the Board. The practitioner must complete the course of training required pursuant to subsection 6 of NRS 453.164 before he or she is provided with Internet access to the database.

3. A practitioner acting pursuant to subsection 1:
(a) May not designate any delegates pursuant to NAC 453.070; and
(b) Is subject to the laws and jurisdiction of the State of Nevada, including, without limitation, any regulations adopted by the Board, relating to accessing the database.

Section. 5. Chapter 453 of NAC is hereby amended by adding thereto the following provisions:

1. A pharmacist who is not registered in this State, but is a registered pharmacist authorized by the laws of another state or by federal law to dispense a controlled substance in conformance with 21 CFR § 1306.06, may enroll with the Board pursuant to this section for Internet access to the database of the computerized program established pursuant to NRS 453.162 to obtain a patient utilization report pursuant to NRS 453.162(1)(a)(1).

2. To enroll pursuant to this section for Internet access to the database, the pharmacist must apply to the Board on an application provided by the Board. The pharmacist must complete the course of training required pursuant to subsection 6 of NRS 453.164 before he or she is provided with Internet access to the database.

3. A pharmacist acting pursuant to subsection 1 is subject to the laws and jurisdiction of the State of Nevada, including, without limitation, any regulations adopted by the Board, relating to accessing the database.

21 (3)

Proposed Regulation of the Nevada State Board of Pharmacy

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AUTHORITY: NRS 453.221; NRS 639.070; NRS 639.170

Section. 1. NAC 639.220 is hereby amended as follows:

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

	Actual cost of the examination
For the examination of an applicant for registration as a pharmacist.....	
For the investigation or registration of an applicant as a registered pharmacist.....	\$180 <i>200</i>
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity.....	180 <i>200</i>
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 <i>200</i>
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 <i>50</i>
For the biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training.....	40 <i>50</i>
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.....	80 200
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.....	80 200
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, other than a licensed veterinarian, 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, other than a licensed veterinarian, 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 authorization of a licensed veterinarian to dispense controlled substances or dangerous drugs, or both.....	150
For the biennial renewal of authorization of a licensed 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 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 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](#),
 È 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(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](#),
 È 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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AUTHORITY: NRS 353.1466; NRS 453.221; NRS 639.070; NRS 639.170

Section. 1. NAC 453.190 is hereby amended as follows:

The fee for registration or reregistration must be paid when the application for registration or reregistration is submitted for filing. The payment must be made by *credit card, debit card or electronic transfer of money, or by* ~~a~~ personal, certified or cashier's check or ~~a~~ money order payable to the State Board of Pharmacy. Any attempted payment made in the form of stamps, foreign currency or an endorsed check of a third person will not be accepted. ~~If the Board refuses to register an applicant, the payment will be refunded.~~

Section. 2. Chapter 639 of NAC is hereby amended by adding thereto the following provisions:

Payment of any fee charged by the Board must be made by credit card, debit card or electronic transfer of money, or by personal, certified or cashier's check or money order payable to the State Board of Pharmacy.