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Workshop for Proposed Regulation of the Nevada State Board of Pharmacy

September 3rd, 2020

AUTHORITY: NRS 639.070

A REGULATION relating to dispensing of dangerous drugs and controlled substances by dispensing practitioners for human use.

Current Regulations;

NAC 639.742 Dispensing of controlled substances or dangerous drugs: Application by practitioner for certificate of registration; application by facility required under certain circumstances; duties of dispensing practitioner and facility relating to drugs; authority of dispensing practitioner and technician. ([NRS 639.070](#), [639.0727](#))

1. Except as otherwise provided in [NAC 639.7423](#), 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. Except as otherwise provided in [NAC 639.7423](#), 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](#) and [NAC 639.395](#), [639.648](#) and [639.7423](#), 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. Except as otherwise provided in [NAC 639.648](#) and [639.7423](#), 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. Except as otherwise provided in [NAC 639.7423](#), 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.

(Added to NAC by Bd. of Pharmacy by R034-02, eff. 5-30-2003; A by R035-06, 9-18-2008; R037-10, 10-15-2010; R098-13, 3-28-2014; R146-17 & R015-18, 5-16-2018)

NAC 639.7423 Dispensing of controlled substances or dangerous drugs: Application by veterinarian for certificate of registration; duties of veterinarian and veterinary facility; maintenance of records; exemption from certain regulations. ([NRS 639.070](#))

1. A licensed 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. A certificate of registration issued pursuant to this section:

(a) Entitles the licensed veterinarian to dispense controlled substances or dangerous drugs from any veterinary facility at which he or she engages in the practice of veterinary medicine.

(b) Must be renewed at the same time and in the same manner as certificates of registration by other practitioners.

(c) Is a revocable privilege, and no holder of such a certificate of registration acquires any vested right therein or thereunder.

2. A veterinary facility at which controlled substances or dangerous drugs are possessed, administered, prescribed or dispensed:

(a) Shall ensure that at least one veterinarian who practices at that veterinary facility registers and maintains a registration with the Drug Enforcement Administration of the United States Department of Justice and the Board.

(b) Except as otherwise provided in paragraph (c), may allow only veterinarians, veterinary technicians or veterinary technicians in training at that veterinary facility to prepare a prescription drug for dispensing.

(c) May allow veterinary assistants at that facility to prepare a prescription drug, other than a controlled substance or dangerous drug, for dispensing.

(d) Shall ensure that a prescription drug which is new for an animal is not dispensed unless a veterinarian or veterinary technician is at the veterinary facility or is otherwise available at the time the prescription drug is dispensed.

(e) Shall ensure that a notation is made in the medical record of the animal that contains:

(1) The name, strength and quantity of the prescription drug.

(2) The date the prescription drug was prescribed and dispensed.

(3) The directions for use.

(4) The name, signature or initials of the veterinarian who prescribed the prescription drug.

(5) The name, signature or initials of the veterinarian, veterinary technician or veterinary technician in training who prepared the prescription drug for dispensing.

(6) The name, signature or initials of the veterinarian or veterinary technician who verified the prescription drug before the prescription drug was dispensed.

(f) Shall ensure that each vial or container which contains a prescription drug has affixed to the vial or container a label that contains:

(1) Except as otherwise provided in subsection 3, the name or unique identifier of the animal and the name of the owner of the animal for which the prescription drug is prescribed.

- (2) The name, strength and quantity of the prescription drug.
- (3) The date the prescription drug was dispensed.
- (4) The name of the veterinarian who prescribed the prescription drug.
- (5) The expiration date of the prescription drug.
- (6) A unique number identifying the prescription.
- (7) The directions for use.

(g) Shall maintain a stock of prescription drugs necessary to serve the foreseeable needs of the veterinary practice.

(h) Shall ensure that drugs which are inappropriate or unlawful to the practice of veterinary medicine are not ordered or maintained in the stock of prescription drugs of the veterinary facility.

3. A label affixed to a vial or container that contains a prescription drug may contain a generic identifier for a group of animals of the same species in place of the name or unique identifier of one animal if:

- (a) The group of animals identified on the label is owned by the same person;
- (b) The prescription drug is dispensed for more than one of the animals in the group; and
- (c) The directions for use of the prescription drug are the same for each animal in the group for which the prescription drug is dispensed.

4. The authorization to possess a prescription drug is not transferrable upon the sale or other transfer of the animal or animals for which the prescription drug was dispensed.

5. A veterinary facility which maintains a stock of controlled substances or dangerous drugs for administration or dispensing shall:

- (a) Secure the stock of controlled substances or dangerous drugs in a locked container that is:
 - (1) Affixed to the structure and located within a locked room; or
 - (2) Located within a second locked container which is affixed to the structure.
- (b) Ensure that only a veterinarian or a veterinary technician designated by the veterinarian has the keys or combination to unlock the two separate locks at the start of a business day or beginning of a shift, if the veterinary facility has veterinarians on successive shifts.
- (c) Restrict access to the controlled substances or dangerous drugs to veterinarians or veterinary technicians only.
- (d) Ensure that each veterinarian or veterinary technician who accesses the secure container which stores the controlled substances or dangerous drugs records in a log:
 - (1) The name of the veterinarian or veterinary technician who accessed the secure container and the date that he or she accessed the secure container.
 - (2) The name, strength and quantity of the controlled substance or dangerous drug removed from or placed into the secure container and the total amount of all quantities of that particular controlled substance or dangerous drug remaining inside the secure container.
- (e) Ensure that a veterinarian who intends to destroy an unused portion of a controlled substance or dangerous drug records in a log the name and quantity of the controlled substance or dangerous drug that will be destroyed and the date and time that the controlled substance or dangerous drug will be destroyed. An entry made pursuant to this paragraph must be verified by an employee of the veterinary facility.
- (f) Ensure that the purchasing, storage and recordkeeping of controlled substances or dangerous drugs comply with all applicable state and federal laws.
- (g) Ensure that any controlled substance or dangerous drug is purchased by a veterinarian or with the knowledge of a veterinarian and that all controlled substances and dangerous drugs received by the veterinary facility are verified by a veterinarian or with the knowledge of the veterinarian.

(h) Maintain separate files for the records of the purchase of each controlled substance listed in schedule II of controlled substances in [NAC 453.520](#) and records of the dispensing of each controlled substance listed in schedule II of controlled substances in [NAC 453.520](#).

6. Any record made pursuant to subsections 2 to 5, inclusive, must be maintained for at least 4 years and must be available for inspection by the Board or its representative or any authorized federal, state or local regulatory agency or law enforcement agency.

7. A licensed veterinarian with a certificate of registration issued by the Board pursuant to subsection 1 and a veterinary facility at which controlled substances or dangerous drugs may be dispensed pursuant to this section are exempt from the provisions of [NAC 639.7425](#) to [639.745](#), inclusive.

8. As used in this section:

(a) "Licensed veterinarian" has the meaning ascribed to it in [NRS 638.007](#).

(b) "Prescription drug" has the meaning ascribed to it in [NAC 638.0135](#).

(c) "Veterinary facility" has the meaning ascribed to it in [NAC 638.018](#).

(Added to NAC by Bd. of Pharmacy by R015-18, eff. 5-16-2018)

NAC 639.7425 Dispensing technician: Requirements; application and fee for registration; provisional registration; issuance of certificate of registration; in-service training required for renewal of registration. ([NRS 639.070](#), [639.0727](#))

1. Except as otherwise provided in [NAC 639.7423](#), no person may act as a dispensing technician unless the person is:

(a) A registered pharmaceutical technician; or

(b) Employed at a facility to which a certificate of registration has been issued pursuant to [NAC 639.742](#) and the dispensing practitioner at that facility has registered the person as a dispensing technician.

2. A dispensing practitioner may apply to the Board to register a person as a dispensing technician by submitting to the Board the fee required by [NAC 639.744](#) and proof satisfactory to the Board that the person:

(a) Is 18 years of age or older;

(b) Has received a high school diploma or its equivalent;

(c) Has not been convicted of any felony or misdemeanor involving moral turpitude, dishonesty or the unlawful possession, sale or use of drugs; and

(d) Does not have a history of drug abuse.

3. Upon determining that a person for whom application for registration as a dispensing technician has been made by a dispensing practitioner satisfies the requirements of subsection 2, the Board will issue to the person a provisional registration as a dispensing technician for that practitioner.

4. A person acting as a dispensing technician pursuant to a provisional registration must complete at least 500 hours of training and experience provided by the dispensing practitioner relating to the skills that the person will be performing as a dispensing technician for that dispensing practitioner. Only that training and experience received by the person after the provisional registration is issued may be applied to satisfy the 500-hour requirement. In providing the training and experience, the dispensing practitioner shall supervise the training and experience of the person by observing the work of the person on a random basis at least three times each day during which the person is receiving training and experience.

5. A provisional registration issued to a person acting as a dispensing technician expires 12 months after it is issued or upon the expiration of the certificate of registration of the dispensing practitioner to whom the dispensing technician is registered, whichever is earlier. If a person acting as a dispensing technician pursuant to a provisional registration:

(a) Fails to complete the required 500 hours of training and experience before the expiration of the provisional registration, the person shall not act as a dispensing technician unless he or she is issued a

new provisional registration pursuant to this section. Any hours of training and experience completed by the person while acting as a dispensing technician pursuant to a provisional registration that has expired may not be used to satisfy the 500-hour requirement for a new provisional registration.

(b) Completes the required 500 hours of training and experience before the expiration of the provisional registration, the dispensing practitioner shall file with the Board a signed affidavit certifying:

- (1) The number of hours of training and experience successfully completed by the person.
- (2) The specific training and experience received by the person.

(3) That the person is, in the opinion of the dispensing practitioner, competent to perform the duties of a dispensing technician.

6. The Board, upon receiving the affidavit of the dispensing practitioner pursuant to subsection 5, will issue to the person a certificate of registration as a dispensing technician for that practitioner.

7. A dispensing technician shall complete at least 1 hour of in-service training during the 2-year period immediately preceding the renewal of the registration of the dispensing technician. The training must be a jurisprudence program approved or presented by the Board that relates to the practice of pharmacy or the law concerning pharmacy in this State. The dispensing technician shall retain a copy of the certificate from the Board or approved program certifying the completion of such in-service training. The copy must be:

- (a) Retained for at least 2 years; and
- (b) Readily accessible to a member of the Board or a person conducting an inspection or investigation on behalf of the Board.

(Added to NAC by Bd. of Pharmacy by R034-02, eff. 5-30-2003; A by R048-07, 12-4-2007; R087-13, 3-28-2014; R015-18, 5-16-2018)

NAC 639.743 Dispensing technician: Access to drugs; performance of functions. ([NRS 639.070, 639.0727](#))

1. Except as otherwise provided in [NRS 639.23277](#) and [NAC 639.395](#), a person to whom a dispensing practitioner is providing training and experience pursuant to subsection 4 of [NAC 639.7425](#) must not be allowed access to the room or cabinet in which drugs are stored unless accompanied by the dispensing practitioner. After the person has completed his or her training and experience and the Board has received an affidavit from the dispensing practitioner pursuant to subsection 5 of [NAC 639.7425](#):

- (a) The person may access the room or cabinet in which drugs are stored without being accompanied by the dispensing practitioner, so long as the dispensing practitioner is on-site at the facility; and
- (b) The dispensing practitioner is not required to observe the work of the person.

2. A dispensing practitioner who allows a dispensing technician to perform any function described in subsection 4 or 5 of [NAC 639.742](#) is responsible for the performance of that function by the dispensing technician. All such functions performed by a dispensing technician must be performed at the express direction and delegation of the dispensing practitioner. Each prescription with respect to which a dispensing technician performed such a function:

- (a) Must be checked by the dispensing practitioner, and the dispensing practitioner shall indicate on the label of the prescription and in his or her record regarding the prescription that the dispensing practitioner has checked the work performed by the dispensing technician; and
- (b) Must not be dispensed to the patient without the initials of the dispensing practitioner thereon. A prescription which has been so initialed must be handed to the patient only by the dispensing practitioner or an employee authorized by the dispensing practitioner.

(Added to NAC by Bd. of Pharmacy by R034-02, eff. 5-30-2003; A by R048-07, 12-4-2007; R035-06, 9-18-2008; R037-10, 10-15-2010)

NAC 639.7435 Dispensing technician: Nontransferability, expiration and termination of registration; notice of change of address of employment; subsequent employment; additional training and experience required under subsequent employer. ([NRS 639.070](#), [639.0727](#))

1. The registration of a dispensing technician is nontransferable and limited to the dispensing practitioner to whom the dispensing technician is registered. The registration of a dispensing technician expires at the same time that the certificate of registration of the dispensing practitioner expires. If a dispensing practitioner and the dispensing technician registered to that practitioner leave the facility at which they are registered, and the dispensing technician continues his or her employment with that practitioner at a different site, the dispensing practitioner shall, as soon as practicable, notify the Board of the change of address of employment of the dispensing technician.

2. If a dispensing technician no longer works as a dispensing technician for the dispensing practitioner to whom the dispensing technician is registered, the registration of the dispensing technician terminates. Except as otherwise provided in [NAC 639.7423](#), if that person is subsequently employed by another dispensing practitioner to work as a dispensing technician, the employing dispensing practitioner must, before the person may act as a dispensing technician for that practitioner:

(a) Register the person with the Board, showing the site of employment and the name of the dispensing practitioner; and

(b) Ensure that the person receives an additional 200 hours of training and experience provided by the dispensing practitioner. The additional training and experience must be provided in accordance with subsection 4 of [NAC 639.7425](#). Except as otherwise provided in [NRS 639.23277](#) and [NAC 639.395](#), the dispensing practitioner shall not allow the person to be registered as a dispensing technician to enter the room or cabinet in which drugs are stored or perform any function described in subsection 4 or 5 of [NAC 639.742](#) without the dispensing practitioner observing the act by the person to be registered as a dispensing technician until that person has completed the 200 additional hours of training and experience.

(Added to NAC by Bd. of Pharmacy by R034-02, eff. 5-30-2003; A by R048-07, 12-4-2007; R035-06, 9-18-2008; R037-10, 10-15-2010; R015-18, 5-16-2018)

Request for Regulatory Change (Non-Specific)

NAC 639.742

639.742. Dispensing of controlled substances or dangerous drugs: Application by practitioner for certificate of registration; application by group practice and facility required under certain circumstances; duties of dispensing practitioner and facility, and group practice relating to drugs; authority of dispensing practitioner and technician. (NRS 639.070, 639.0727)

1. Except as otherwise provided in [NAC 639.7423](#), 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 [shall identify on such application ~~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 dispensing practitioner shall provide written notice to the Board no less than fifteen \(15\) days prior to the addition of a new practice site or removal of an existing site of practice.](#) 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. Except as otherwise provided in [NAC 639.7423](#), if a facility from which ~~the a~~ 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 NAC 639.7423, a group practice from which two or more practitioners from the group practice intend 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. The group practice shall identify on such application each site of practice, including, without limitation, a telepharmacy, remote site or satellite consultation site, from which group practice dispensing practitioners intend to dispense controlled substances or dangerous drugs. The application shall require the group practice to designate a medical director for the group practice and the names of the practitioners in the group practice who will act as dispensing practitioners. The group practice shall provide written notice to the Board no less than fifteen \(15\) days prior to the addition of a new practice site or removal of an existing site of practice. The group practice shall provide written notice to the Board no less than fifteen \(15\) days after a change in medical director or the addition of a new or removal of an existing dispensing practitioner.](#)

[\(a\) "Group practice" means two or more practitioners who organized as a business entity in accordance with the laws of this state to provide services related to health care, if:](#)

[\(1\) Each member of the group practice provides substantially all of the services related to health care that he or she routinely provides, including,](#)

Commented [SA1]: This modification is intended to streamline the process and allow for a single application. If new locations are added or removed, the practitioner is required to inform the Board of the same with all necessary information.

With the addition of sub (3) below, this provision is intended to target solo practitioners.

Commented [SA2]: This new section is the most consequential, allowing group oncology practices to implement dispensing operations across the practice using one application.

The group must identify each location where dispensing will occur and identify a medical director and name all practitioners who intend to dispense within the practice.

without limitation, medical care, consultations, diagnoses and treatment, through the joint use of shared offices, facilities, equipment and personnel located at any site of the group practice; and
(2) Substantially all of the services related to health care that are provided by the members of the group practice are provided through the group practice.

43. Except as otherwise provided in NRS 639.23277 and NAC 639.395, 639.648 and 639.7423, ~~the a~~ dispensing practitioner dispensing at a facility that is wholly owned and operated by the practitioner or a dispensing practitioner dispensing at a facility that is not wholly owned and operated by the practitioner and the owner or owners of the facility 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 or, if agreed to by the patient in writing, via mail after the drug(s) have been verified by the dispensing practitioner or a licensed pharmacist;
- (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.

(j) Except as otherwise provided in NAC 639.648 and 639.7423, with regard to the filling and dispensing of a prescription, only a dispensing practitioner, a licensed pharmacist employed by the facility, or a dispensing technician may:

- ~~(1a)~~ Enter the room or cabinet in which drugs are stored;
- ~~(2b)~~ Remove drugs from stock;
- ~~(3e)~~ Count, pour or reconstitute drugs;
- ~~(4d)~~ Place drugs into containers;
- ~~(5e)~~ Produce and affix appropriate labels to containers that contain or will contain drugs;
- ~~(6f)~~ Fill containers for later use in dispensing drugs; or
- ~~(7g)~~ Package or repackage drugs.

Commented [3]: Intent here is to have this apply to solo docs or docs dispensing at facilities where the facility is not fully owned or operated.

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Commented [SA5]: This provision removes the requirement that the dispensing practitioner *personally* dispense the product to the patient and permits mail directly to the patient home.

Commented [SA6]: Addition permits practice to hire pharmacists to assist and support practice in dispensing operations.

5. Except as otherwise provided in NRS 639.23277 and NAC 639.395, 639.648 and 639.7423, the medical director of a group practice from which two or more dispensing practitioners from the group practice intend to dispense controlled substances or dangerous drugs from one or more of the group practices locations shall ensure that:

- (a) All drugs are ordered by the medical director of the group practice;
- (b) All drugs are received and accounted for by the medical director or a designated dispensing practitioner from the group practice;
- (c) All drugs are stored in a secure, locked room or cabinet to which only the medical director or dispensing practitioners from the group practice have the only key or lock combination. Nothing in this subsection shall prohibit a group practice with multiple practice sites from maintaining a single inventory, nor shall it prohibit a group practice from storing drugs in a single practice site location from which group practice dispensing practitioners may source drugs for dispensing in accordance with this section;
- (d) All drugs are dispensed in accordance with NAC 639.745;
- ~~(e) No prescription is dispensed to a patient unless a dispensing practitioner from the group is on-site at the facility;~~
- (f) All drugs are dispensed only to the patient at the facility or, if agreed to by the patient in writing, via mail after the drug(s) have been verified by the dispensing practitioner or a licensed pharmacist;
- (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 group practice is displayed in the room or cabinet in which drugs are stored.
- (j) Except as otherwise provided in NAC 639.648 and 639.7423, with regard to the filling and dispensing of a prescription, only a dispensing practitioner, licensed pharmacist employed by the group practice, or a dispensing technician may:

- (1) Enter the room or cabinet in which drugs are stored;
- (2) Remove drugs from stock;
- (3) Count, pour or reconstitute drugs;
- (4) Place drugs into containers;
- (5) Produce and affix appropriate labels to containers that contain or will contain drugs;
- (6) Fill containers for later use in dispensing drugs; or
- (7) Package or repackage drugs.

65. (a) Except as otherwise provided in NAC 639.7423, 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:

- (a1) He or she were a pharmacist;

Commented [SA7]: Subsection places the responsibility of dispensing operations, security, recordkeeping, etc., in the hands of the medical director.

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- (b2) His or her practice site was a pharmacy; and
 (e3) Any dispensing technician involved in the compounding was a pharmaceutical technician.

NAC 639.7423

639.7423. Dispensing of controlled substances or dangerous drugs: Application by veterinarian for certificate of registration; duties of veterinarian and veterinary facility; maintenance of records; exemption from certain regulations. (NRS 639.070)

1. A licensed 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. A certificate of registration issued pursuant to this section:
 - (a) Entitles the licensed veterinarian to dispense controlled substances or dangerous drugs from any veterinary facility at which he or she engages in the practice of veterinary medicine.
 - (b) Must be renewed at the same time and in the same manner as certificates of registration by other practitioners.
 - (c) Is a revocable privilege, and no holder of such a certificate of registration acquires any vested right therein or thereunder.

2. A veterinary facility at which controlled substances or dangerous drugs are possessed, administered, prescribed or dispensed:
 - (a) Shall ensure that at least one veterinarian who practices at that veterinary facility registers and maintains a registration with the Drug Enforcement Administration of the United States Department of Justice and the Board.
 - (b) Except as otherwise provided in paragraph (c), may allow only veterinarians, veterinary technicians or veterinary technicians in training at that veterinary facility to prepare a prescription drug for dispensing.
 - (c) May allow veterinary assistants at that facility to prepare a prescription drug, other than a controlled substance or dangerous drug, for dispensing.
 - (d) Shall ensure that a prescription drug which is new for an animal is not dispensed unless a veterinarian or veterinary technician is at the veterinary facility or is otherwise available at the time the prescription drug is dispensed.
 - (e) Shall ensure that a notation is made in the medical record of the animal that contains:
 - (1) The name, strength and quantity of the prescription drug.
 - (2) The date the prescription drug was prescribed and dispensed.
 - (3) The directions for use.
 - (4) The name, signature or initials of the veterinarian who prescribed the prescription drug.
 - (5) The name, signature or initials of the veterinarian, veterinary technician or veterinary technician in training who prepared the prescription drug for dispensing.

(6) The name, signature or initials of the veterinarian or veterinary technician who verified the prescription drug before the prescription drug was dispensed.

(f) Shall ensure that each vial or container which contains a prescription drug has affixed to the vial or container a label that contains:

(1) Except as otherwise provided in subsection 3, the name or unique identifier of the animal and the name of the owner of the animal for which the prescription drug is prescribed.

(2) The name, strength and quantity of the prescription drug.

(3) The date the prescription drug was dispensed.

(4) The name of the veterinarian who prescribed the prescription drug.

(5) The expiration date of the prescription drug.

(6) A unique number identifying the prescription.

(7) The directions for use.

(g) Shall maintain a stock of prescription drugs necessary to serve the foreseeable needs of the veterinary practice.

(h) Shall ensure that drugs which are inappropriate or unlawful to the practice of veterinary medicine are not ordered or maintained in the stock of prescription drugs of the veterinary facility.

3. A label affixed to a vial or container that contains a prescription drug may contain a generic identifier for a group of animals of the same species in place of the name or unique identifier of one animal if:

(a) The group of animals identified on the label is owned by the same person;

(b) The prescription drug is dispensed for more than one of the animals in the group; and

(c) The directions for use of the prescription drug are the same for each animal in the group for which the prescription drug is dispensed.

4. The authorization to possess a prescription drug is not transferrable upon the sale or other transfer of the animal or animals for which the prescription drug was dispensed.

5. A veterinary facility which maintains a stock of controlled substances or dangerous drugs for administration or dispensing shall:

(a) Secure the stock of controlled substances or dangerous drugs in a locked container that is:

(1) Affixed to the structure and located within a locked room; or

(2) Located within a second locked container which is affixed to the structure.

(b) Ensure that only a veterinarian or a veterinary technician designated by the veterinarian has the keys or combination to unlock the two separate locks at the start of a business day or beginning of a shift, if the veterinary facility has veterinarians on successive shifts.

(c) Restrict access to the controlled substances or dangerous drugs to veterinarians or veterinary technicians only.

(d) Ensure that each veterinarian or veterinary technician who accesses the secure container which stores the controlled substances or dangerous drugs records in a log:

(1) The name of the veterinarian or veterinary technician who accessed the secure container and the date that he or she accessed the secure container.

(2) The name, strength and quantity of the controlled substance or dangerous drug removed from or placed into the secure container and the total amount of all quantities of that particular controlled substance or dangerous drug remaining inside the secure container.

(e) Ensure that a veterinarian who intends to destroy an unused portion of a controlled substance or dangerous drug records in a log the name and quantity of the controlled substance or dangerous drug that will be destroyed and the date and time that the controlled substance or dangerous drug will be destroyed. An entry made pursuant to this paragraph must be verified by an employee of the veterinary facility.

(f) Ensure that the purchasing, storage and recordkeeping of controlled substances or dangerous drugs comply with all applicable state and federal laws.

(g) Ensure that any controlled substance or dangerous drug is purchased by a veterinarian or with the knowledge of a veterinarian and that all controlled substances and dangerous drugs received by the veterinary facility are verified by a veterinarian or with the knowledge of the veterinarian.

(h) Maintain separate files for the records of the purchase of each controlled substance listed in schedule II of controlled substances in [NAC 453.520](#) and records of the dispensing of each controlled substance listed in schedule II of controlled substances in [NAC 453.520](#).

6. Any record made pursuant to subsections 2 to 5, inclusive, must be maintained for at least 4 years and must be available for inspection by the Board or its representative or any authorized federal, state or local regulatory agency or law enforcement agency.

7. A licensed veterinarian with a certificate of registration issued by the Board pursuant to subsection 1 and a veterinary facility at which controlled substances or dangerous drugs may be dispensed pursuant to this section are exempt from the provisions of [NAC 639.7425](#) to [639.745](#), inclusive.

8. As used in this section:

(a) "Licensed veterinarian" has the meaning ascribed to it in [NRS 638.007](#).

(b) "Prescription drug" has the meaning ascribed to it in [NAC 638.0135](#).

(c) "Veterinary facility" has the meaning ascribed to it in [NAC 638.018](#).

Commented [9]: No changes made to veterinarian section

NAC 639.7425

639.7425. Dispensing technician: Requirements; application and fee for registration; provisional registration; issuance of certificate of registration; in-service training required for renewal of registration. (NRS 639.070, 639.0727)

1. Except as otherwise provided in [NAC 639.7423](#), no person may act as a dispensing technician unless the person is:

- (a) A registered pharmaceutical technician; or
- (b) Employed at a facility to which a certificate of registration has been issued pursuant to [NAC 639.742\(2\)](#) and the dispensing practitioner at that facility has registered the person as a dispensing technician; ~~or~~
- [\(c\) Employed at group practice to which a certificate of registration has been issued pursuant to NAC 639.742\(3\) and the group practice has registered the person as a dispensing technician.](#)

Commented [SA10]: Added ability of group practice to employ dispensing techs.

2. A dispensing practitioner [or group practice through its designated medical director](#) may apply to the Board to register a person as a dispensing technician by submitting to the Board the fee required by [NAC 639.744](#) and proof satisfactory to the Board that the person:

- (a) Is 18 years of age or older;
- (b) Has received a high school diploma or its equivalent;
- (c) Has not been convicted of any felony or misdemeanor involving moral turpitude, dishonesty or the unlawful possession, sale or use of drugs; and
- (d) Does not have a history of drug abuse.

~~34.~~ Upon determining that a person for whom [an](#) application for registration as a dispensing technician has been made by a dispensing practitioner [or group practice](#) satisfies the requirements of subsection 2, the Board will issue to the person a provisional registration as a dispensing technician for that practitioner [or group practice](#). [A provisional registration as a dispensing technician shall not be required for a person who is registered as a pharmaceutical technician and satisfies the requirements of subsection 2.](#)

Commented [SA11]: This provision allows individuals who are already licensed as a pharmacy technician to bypass the provisional license because they have already been trained in pharmacy practice. It also avoids the necessity of the licensed tech to complete 500 hours of training.

~~45.~~ A person acting as a dispensing technician pursuant to a provisional registration must complete at least 500 hours of training and experience provided by the dispensing practitioner [or dispensing practitioners at a group practice](#) relating to the skills that the person will be performing as a dispensing technician for that dispensing practitioner [or group practice](#). Only that training and experience received by the person after the provisional registration is issued may be applied to satisfy the 500-hour requirement. In providing the training and experience, the dispensing practitioner [or dispensing practitioners at a group practice](#) shall supervise the training and experience of the person by observing the work of the person on a random basis at least three times each day during which the person is receiving training and experience.

~~56.~~ A provisional registration issued to a person acting as a dispensing technician expires 12 months after it is issued or upon the expiration of the certificate of registration of the dispensing practitioner [or group practice](#) to ~~whom~~ [which](#) the dispensing technician is registered, whichever is earlier. If a person acting as a dispensing technician pursuant to a provisional registration:

(a) Fails to complete the required 500 hours of training and experience before the expiration of the provisional registration, the person shall not act as a dispensing technician unless he or she is issued a new provisional registration pursuant to this section. Any hours of training and experience completed by the person while acting as a dispensing technician pursuant to a provisional registration that has expired may not be used to satisfy the 500-hour requirement for a new provisional registration.

(b) Completes the required 500 hours of training and experience before the expiration of the provisional registration, the dispensing practitioner [or medical director for the group practice](#) shall file with the Board a signed affidavit certifying:

- (1) The number of hours of training and experience successfully completed by the person.
- (2) The specific training and experience received by the person.
- (3) That the person is, in the opinion of the dispensing practitioner [or medical director of the group practice](#), competent to perform the duties of a dispensing technician.

[67](#). The Board, upon receiving the affidavit of the dispensing practitioner [or medical director at the group practice](#) pursuant to subsection [56](#), will issue to the person a certificate of registration as a dispensing technician for that practitioner [or practice group](#).

[78](#). A dispensing technician shall complete at least 1 hour of in-service training during the 2-year period immediately preceding the renewal of the registration of the dispensing technician. The training must be a jurisprudence program approved or presented by the Board that relates to the practice of pharmacy or the law concerning pharmacy in this State. The dispensing technician shall retain a copy of the certificate from the Board or approved program certifying the completion of such in-service training. The copy must be:

- (a) Retained for at least 2 years; and
- (b) Readily accessible to a member of the Board or a person conducting an inspection or investigation on behalf of the Board.

NAC 639.743

639.743. Dispensing technician: Access to drugs; performance of functions. (NRS 639.070, 639.0727)

1. Except as otherwise provided in [NRS 639.23277](#) and [NAC 639.395](#), a person to whom a dispensing practitioner [or dispensing practitioners at a group practice](#) is providing training and experience pursuant to subsection [4-5](#) of [NAC 639.7425](#) must not be allowed access to the room or cabinet in which drugs are stored unless accompanied by ~~the a~~ dispensing practitioner. After the person has completed his or her training and experience and the Board has received an affidavit from the dispensing practitioner [or medical director at the group practice](#) pursuant to subsection [5-6](#) of [NAC 639.7425](#):

- (a) The person may access the room or cabinet in which drugs are stored without being accompanied by the dispensing practitioner, so long as the dispensing practitioner is on-site at the facility; and
- (b) The dispensing practitioner is not required to observe the work of the person.

2. A dispensing practitioner [or dispensing practitioner at a group practice](#) who allows a dispensing technician to perform any function described in subsection 4 or 5 of [NAC 639.742](#) is responsible for the performance of that function by the dispensing technician. All such functions performed by a dispensing technician must be performed at the express direction and delegation of ~~the a~~ dispensing practitioner. Each prescription with respect to which a dispensing technician performed such a function:

- (a) Must be checked by ~~the a~~ dispensing practitioner [or licensed pharmacist employed by a group practice](#), and the dispensing practitioner [or pharmacist](#) shall indicate on the label of the prescription and in his or her record regarding the prescription that the dispensing practitioner [or pharmacist](#) has checked the work performed by the dispensing technician; and
- (b) Must not be dispensed to the patient without the initials of the dispensing practitioner thereon. A prescription which has been so initialed must be handed to the patient only by the dispensing practitioner or an employee authorized by the dispensing practitioner.

NAC 639.7435

639.7435. Dispensing technician: Nontransferability, expiration and termination of registration; notice of change of address of employment; subsequent employment; additional training and experience required under subsequent employer. (NRS 639.070, 639.0727)

1. (a) The registration of a dispensing technician is nontransferable and limited to the dispensing practitioner [or group practice](#) to whom the dispensing technician is registered. The registration of a dispensing technician expires at the same time that the certificate of registration of the dispensing practitioner [or group practice](#) expires.

(b) If a dispensing practitioner and the dispensing technician registered to that practitioner leave ~~the a~~ facility at which they are registered, and the dispensing technician continues his or her employment with that practitioner at a different site, the dispensing practitioner shall, as soon as practicable, notify the Board of the change of address of employment of the dispensing technician.

2. If a dispensing technician no longer works as a dispensing technician for the dispensing practitioner [or group practice](#) to whom the dispensing technician is registered, the registration of the dispensing technician terminates. Except as otherwise provided in [NAC 639.7423](#), if that person is subsequently employed by another dispensing practitioner [or group practice](#) to work as a dispensing technician, the employing dispensing practitioner [or group practice](#) must, before the person may act as a dispensing technician for that practitioner:

- (a) Register the person with the Board, showing the site of employment and the name of the dispensing practitioner [or group practice](#); and
- (b) ~~If not registered as a pharmaceutical technician,~~ Ensure that the person receives an additional 200 hours of training and experience provided by the dispensing practitioner [or dispensing practitioners at the group practice](#). The additional training and experience must be provided in accordance with subsection 4 of [NAC 639.7425](#). Except as otherwise provided in [NRS 639.23277](#) and [NAC 639.395](#), ~~the a~~ dispensing practitioner [or group practice](#) shall not allow the person to be registered as a dispensing technician to enter the room or cabinet in which drugs are stored or perform any function described in subsection 4 or 5 of [NAC 639.742](#) without the dispensing practitioner observing the act by the person to be registered as a dispensing technician until that person has completed the 200 additional hours of training and experience.

NAC 639.744

639.744. Dispensing practitioner: Fee for initial registration and renewal; registration of multiple dispensing technicians. (NRS 639.070, 639.0727)

1. A dispensing practitioner [or group practice](#) shall pay to the Board a fee of \$40 for each dispensing technician whom that practitioner registers:
 - (a) At the time of application by the dispensing practitioner [or group practice](#) for initial registration of the person as a dispensing technician; and
 - (b) With the practitioner's [or group practice's](#) renewal thereafter as a part of and in addition to the practitioner's [or group practice's](#) renewal of ~~his or her~~ registration as a dispensing practitioner [or group practice](#).
2. A dispensing practitioner [or group practice](#) may register more than one dispensing technician at a time, ~~except for dispensing technicians registered with a group practice, that~~ only one of those dispensing technicians, including, without limitation, a dispensing technician staffing a remote site or satellite consultation site, may be designated and allowed to perform the functions described in subsection 4 or 5 of [NAC 639.742](#) at one time. A dispensing practitioner [or group practice](#) shall make and maintain a document on which must be recorded for each day the name of the dispensing technician so designated and allowed to perform the functions described in subsection 4 or 5 of [NAC 639.742](#), and maintain the record for not less than 2 years.

NAC 639.7445

639.7445. Dispensing practitioner: Disciplinary action for violation of NAC 639.742 to 639.7445, inclusive. (NRS 639.070)

If a dispensing practitioner [or group practice](#) allows any person to perform any act in violation of [NAC 639.742](#) to [639.7445](#), inclusive, the dispensing practitioner [or medical director for the group practice](#) is subject to discipline relating to his or her registration as a dispensing practitioner, including, without limitation, the temporary and immediate suspension of his or her registration as a dispensing practitioner until:

1. The violation is remedied; or

2. If an accusation has been made pursuant to [NRS 639.241](#), the Board holds a hearing.

NAC 639.745

639.745. Duties of certain practitioners concerning dispensing of controlled substances and dangerous drugs; maintenance of records. (NRS 639.070, 639.0727)

1. Except as otherwise provided in [NAC 639.7423](#), each practitioner who is registered with the Board to dispense controlled substances and dangerous drugs, including, without limitation, a dispensing practitioner [or group practice](#), and who dispenses such products for use by the practitioner's [or group practice's](#) patients outside his or her presence shall:

(a) Keep complete, accurate and readily retrievable records of each controlled substance and dangerous drug purchased and dispensed. The record for each such product dispensed to a patient must include:

- (1) The name of the patient and, if not readily available from the practitioner's records, the patient's address;
- (2) The name, strength and quantity of the prescribed controlled substance or dangerous drug;
- (3) The directions for use;
- (4) The date the prescription was issued; and
- (5) A unique identifying number.

(b) Maintain a separate file for the records concerning the purchase of each controlled substance listed in schedule II and a separate file for the records concerning the dispensing of each controlled substance listed in schedule II. Each prescription for a controlled substance or dangerous drug must be maintained in a separate file pursuant to the requirements set forth in [NAC 453.480](#).

(c) Keep all controlled substances and dangerous drugs in a locked storage area. Access to the storage area must be restricted to the persons described in [NRS 453.375](#).

(d) Ensure that each package or container in which a controlled substance is dispensed, except samples in the manufacturer's packages, is clearly labeled pursuant to the requirements set forth in [NRS 639.2801](#).

(e) Ensure that the package or container in which a controlled substance or dangerous drug is dispensed complies with all state and federal packaging requirements.

(f) Be deemed to be a pharmacy as that term is used in [NAC 639.926](#) and shall comply with that section.

2. Except as otherwise provided in [NAC 639.7423](#), a practitioner may dispense dangerous drugs or controlled substances only after the patient has been informed by the practitioner that the patient may request a written prescription and have it filled at another location of the patient's choosing.

3. A record regarding the dispensing of a controlled substance or dangerous drug made and kept pursuant to this section must be maintained on paper or in a computer. If the record is:

(a) Maintained on paper, the record must:

- (1) Include all the information required to be on the prescription pursuant to [NRS 639.2353](#) and [NAC 453.440](#);
- (2) Set forth on the front of the prescription a certification initialed and dated by the patient that the patient has been informed by the practitioner in accordance with subsection 2 and that the patient has agreed to have the practitioner dispense the controlled substance or dangerous drug; and
- (3) Be serially numbered and kept in numerical order in a single file for all dispensing practitioners, including, without limitation, physician assistants and advanced practice registered nurses, practicing at the same location.

(b) Maintained in a computer, the record must:

- (1) Include all the information required to be on the prescription pursuant to [NRS 639.2353](#) and [NAC 453.440](#);
- (2) Contain a certification, either in the computer or a separate paper document, initialed and dated by the patient that the patient has been informed by the practitioner in accordance with subsection 2 and that the patient has agreed to have the practitioner dispense the controlled substance or dangerous drug; and
- (3) Be searchable for any item required by paragraph (a) of subsection 1 to be included in the record.

Request for Regulatory Change (Oncology Specific)

NAC 639.742

639.742. Dispensing of controlled substances or dangerous drugs: Application by practitioner for certificate of registration; application by group oncology practice and facility required under certain circumstances; duties of dispensing practitioner ~~and~~, facility, and group oncology practice relating to drugs; authority of dispensing practitioner and technician. (NRS 639.070, 639.0727)

1. Except as otherwise provided in NAC 639.7423, 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 shall identify on such application ~~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 dispensing practitioner shall provide written notice to the Board no less than fifteen (15) days prior to the addition of a new practice site or removal of an existing site of practice. 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. Except as otherwise provided in NAC 639.7423, if a facility from which ~~the a~~ 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 NAC 639.7423, an oncology group practice from which two or more practitioners from the ~~group practice~~ oncology group practice intend 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. The ~~group practice~~ oncology group practice shall identify on such application each site of practice, including, without limitation, a telepharmacy, remote site or satellite consultation site, from which ~~group practice~~ oncology group practice dispensing practitioners intend to dispense controlled substances or dangerous drugs. The application shall require the ~~group practice~~ oncology group practice to designate a medical director for the ~~group practice~~ oncology group practice and identify the ~~names of the~~ practitioners in the ~~group practice~~ oncology group practice who will act as dispensing practitioners. The ~~group practice~~ oncology group practice shall provide written notice to the Board no less than fifteen (15) days prior to the addition of a new practice site or removal of an existing site of practice. The ~~group practice~~ oncology group practice shall provide written notice to the Board no less than fifteen (15) days after a change in medical director or the addition of a new or removal of an existing dispensing practitioner.

(a) "Oncology ~~Group practice~~" means two or more practitioners specializing in oncology including, but not limited to, ~~hematology~~hematology, radiation oncology

Commented [1]: This modification is intended to streamline the process and allow for a single application. If new locations are added or removed, the practitioner is required to inform the Board of the same with all necessary information.

With the addition of sub (3) below, this provision is intended to target solo practitioners.

Commented [2]: This new section is the most consequential, allowing group oncology practices to implement dispensing operations across the practice using one application.

The group must identify each location where dispensing will occur and identify a medical director and name all practitioners who intend to dispense within the practice.

Commented [3]: This definition is broadly worded. We may wish to add additional sub-specialties to cover the appropriate practice areas.

who organized as a business entity in accordance with the laws of this state to provide services related to health care, if:

- (1) Each member of the ~~group practice~~oncology group practice provides substantially all of the services related to health care that he or she routinely provides, including, without limitation, medical care, consultations, diagnoses and treatment, through the joint use of shared offices, facilities, equipment and personnel located at any site of the ~~group practice~~oncology group practice; and
- (2) Substantially all of the services related to health care that are provided by the members of the ~~group practice~~oncology group practice are provided through the ~~group practice~~oncology group practice.

43. Except as otherwise provided in [NRS 639.23277](#) and [NAC 639.395](#), [639.648](#) and [639.7423](#), ~~the a~~ dispensing practitioner [dispensing at a facility that is wholly owned and operated by the practitioner or a dispensing practitioner dispensing at a facility that is not wholly owned and operated by the practitioner and the owner or owners of the facility 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;~~
- ~~(e)~~ (f) All drugs are dispensed only to the patient ~~personally~~ at the facility ~~or, if agreed to by the patient in writing, via mail after the drug(s) have been verified by the dispensing practitioner or a licensed pharmacist;~~
- ~~(f)~~ (g) The price of each drug dispensed to a patient is separately itemized on any bill or statement provided to the patient;
- ~~(g)~~ (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
- ~~(h)~~ (i) The certificate for each dispensing technician employed at the facility is displayed in the room or cabinet in which drugs are stored.

(j) Except as otherwise provided in [NAC 639.648](#) and [639.7423](#), with regard to the filling and dispensing of a prescription, only a dispensing practitioner, ~~a licensed pharmacist employed by the facility,~~ or a dispensing technician may:

- (1a) Enter the room or cabinet in which drugs are stored;
- (2b) Remove drugs from stock;
- (3e) Count, pour or reconstitute drugs;
- (4d) Place drugs into containers;

Commented [4]: Intent here is to have this apply to solo docs or docs dispensing at facilities where the facility is not fully owned or operated.

Commented [5]: Removed due to sub (f)

Commented [6]: This provision removes the requirement that the dispensing practitioner *personally* dispense the product to the patient and permits mail directly to the patient home.

Commented [7]: Addition permits practice to hire pharmacists to assist and support practice in dispensing operations.

- (5e) Produce and affix appropriate labels to containers that contain or will contain drugs;
- (6f) Fill containers for later use in dispensing drugs; or
- (7g) Package or repackage drugs.

5. Except as otherwise provided in NRS 639.23277 and NAC 639.395, 639.648 and 639.7423, the medical director of a ~~group practice~~ ~~an oncology group practice~~ from which two or more dispensing practitioners from the ~~group practice~~ ~~an oncology group practice~~ intend to dispense controlled substances or dangerous drugs from one or more of the ~~group practice~~ ~~an oncology group practice~~ locations shall ensure that:

- (a) All drugs are ordered by the medical director of the ~~group practice~~ ~~an oncology group practice~~;
- (b) All drugs are received and accounted for by the medical director or a designated dispensing practitioner from the ~~group practice~~ ~~an oncology group practice~~;
- (c) All drugs are stored in a secure, locked room or cabinet to which only the medical director or dispensing practitioners from the ~~group practice~~ ~~an oncology group practice~~ have the only key or lock combination. Nothing in this subsection shall prohibit a ~~group practice~~ ~~an oncology group practice~~ with multiple practice sites from maintaining a single inventory, nor shall it prohibit a ~~group practice~~ ~~an oncology group practice~~ from storing drugs in a single practice site location from which ~~group practice~~ ~~an oncology group practice~~ dispensing practitioners may source drugs for dispensing in accordance with this section;
- (d) All drugs are dispensed in accordance with NAC 639.745;
- ~~(e) No prescription is dispensed to a patient unless a dispensing practitioner from the group is on-site at the facility;~~
- (ef) All drugs are dispensed only to the patient at the facility or, if agreed to by the patient in writing, via mail after the drug(s) have been verified by the dispensing practitioner or a licensed pharmacist;
- (ef) The price of each drug dispensed to a patient is separately itemized on any bill or statement provided to the patient;
- (gh) 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
- (hi) The certificate for each dispensing technician employed at the ~~group practice~~ ~~an oncology group practice~~ is displayed in the room or cabinet in which drugs are stored.
- (ii) Except as otherwise provided in NAC 639.648 and 639.7423, with regard to the filling and dispensing of a prescription, only a dispensing practitioner, licensed pharmacist employed by the ~~group practice~~ ~~an oncology group practice~~, or a dispensing technician may:
 - (1) Enter the room or cabinet in which drugs are stored;
 - (2) Remove drugs from stock;
 - (3) Count, pour or reconstitute drugs;

Commented [8]: Subsection places the responsibility of dispensing operations, security, recordkeeping, etc., in the hands of the medical director.

Commented [9]: Removed in full given (f) that permits dispensing on-site and via mail.

- (4) Place drugs into containers;
- (5) Produce and affix appropriate labels to containers that contain or will contain drugs;
- (6) Fill containers for later use in dispensing drugs; or
- (7) Package or repackage drugs.

65. (a) Except as otherwise provided in [NAC 639.7423](#), 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:

- (a1) He or she were a pharmacist;
- (b2) His or her practice site was a pharmacy; and
- (e3) Any dispensing technician involved in the compounding was a pharmaceutical technician.

NAC 639.7423

639.7423. Dispensing of controlled substances or dangerous drugs: Application by veterinarian for certificate of registration; duties of veterinarian and veterinary facility; maintenance of records; exemption from certain regulations. (NRS 639.070)

1. A licensed 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. A certificate of registration issued pursuant to this section:

- (a) Entitles the licensed veterinarian to dispense controlled substances or dangerous drugs from any veterinary facility at which he or she engages in the practice of veterinary medicine.
- (b) Must be renewed at the same time and in the same manner as certificates of registration by other practitioners.
- (c) Is a revocable privilege, and no holder of such a certificate of registration acquires any vested right therein or thereunder.

2. A veterinary facility at which controlled substances or dangerous drugs are possessed, administered, prescribed or dispensed:

- (a) Shall ensure that at least one veterinarian who practices at that veterinary facility registers and maintains a registration with the Drug Enforcement Administration of the United States Department of Justice and the Board.
- (b) Except as otherwise provided in paragraph (c), may allow only veterinarians, veterinary technicians or veterinary technicians in training at that veterinary facility to prepare a prescription drug for dispensing.
- (c) May allow veterinary assistants at that facility to prepare a prescription drug, other than a controlled substance or dangerous drug, for dispensing.

(d) Shall ensure that a prescription drug which is new for an animal is not dispensed unless a veterinarian or veterinary technician is at the veterinary facility or is otherwise available at the time the prescription drug is dispensed.

(e) Shall ensure that a notation is made in the medical record of the animal that contains:

- (1) The name, strength and quantity of the prescription drug.
- (2) The date the prescription drug was prescribed and dispensed.
- (3) The directions for use.
- (4) The name, signature or initials of the veterinarian who prescribed the prescription drug.
- (5) The name, signature or initials of the veterinarian, veterinary technician or veterinary technician in training who prepared the prescription drug for dispensing.
- (6) The name, signature or initials of the veterinarian or veterinary technician who verified the prescription drug before the prescription drug was dispensed.

(f) Shall ensure that each vial or container which contains a prescription drug has affixed to the vial or container a label that contains:

- (1) Except as otherwise provided in subsection 3, the name or unique identifier of the animal and the name of the owner of the animal for which the prescription drug is prescribed.
- (2) The name, strength and quantity of the prescription drug.
- (3) The date the prescription drug was dispensed.
- (4) The name of the veterinarian who prescribed the prescription drug.
- (5) The expiration date of the prescription drug.
- (6) A unique number identifying the prescription.
- (7) The directions for use.

(g) Shall maintain a stock of prescription drugs necessary to serve the foreseeable needs of the veterinary practice.

(h) Shall ensure that drugs which are inappropriate or unlawful to the practice of veterinary medicine are not ordered or maintained in the stock of prescription drugs of the veterinary facility.

3. A label affixed to a vial or container that contains a prescription drug may contain a generic identifier for a group of animals of the same species in place of the name or unique identifier of one animal if:

- (a) The group of animals identified on the label is owned by the same person;
- (b) The prescription drug is dispensed for more than one of the animals in the group; and
- (c) The directions for use of the prescription drug are the same for each animal in the group for which the prescription drug is dispensed.

4. The authorization to possess a prescription drug is not transferrable upon the sale or other transfer of the animal or animals for which the prescription drug was dispensed.

5. A veterinary facility which maintains a stock of controlled substances or dangerous drugs for administration or dispensing shall:

(a) Secure the stock of controlled substances or dangerous drugs in a locked container that is:

- (1) Affixed to the structure and located within a locked room; or
- (2) Located within a second locked container which is affixed to the structure.

(b) Ensure that only a veterinarian or a veterinary technician designated by the veterinarian has the keys or combination to unlock the two separate locks at the start of a business day or beginning of a shift, if the veterinary facility has veterinarians on successive shifts.

(c) Restrict access to the controlled substances or dangerous drugs to veterinarians or veterinary technicians only.

(d) Ensure that each veterinarian or veterinary technician who accesses the secure container which stores the controlled substances or dangerous drugs records in a log:

- (1) The name of the veterinarian or veterinary technician who accessed the secure container and the date that he or she accessed the secure container.
- (2) The name, strength and quantity of the controlled substance or dangerous drug removed from or placed into the secure container and the total amount of all quantities of that particular controlled substance or dangerous drug remaining inside the secure container.

(e) Ensure that a veterinarian who intends to destroy an unused portion of a controlled substance or dangerous drug records in a log the name and quantity of the controlled substance or dangerous drug that will be destroyed and the date and time that the controlled substance or dangerous drug will be destroyed. An entry made pursuant to this paragraph must be verified by an employee of the veterinary facility.

(f) Ensure that the purchasing, storage and recordkeeping of controlled substances or dangerous drugs comply with all applicable state and federal laws.

(g) Ensure that any controlled substance or dangerous drug is purchased by a veterinarian or with the knowledge of a veterinarian and that all controlled substances and dangerous drugs received by the veterinary facility are verified by a veterinarian or with the knowledge of the veterinarian.

(h) Maintain separate files for the records of the purchase of each controlled substance listed in schedule II of controlled substances in [NAC 453.520](#) and records of the dispensing of each controlled substance listed in schedule II of controlled substances in [NAC 453.520](#).

6. Any record made pursuant to subsections 2 to 5, inclusive, must be maintained for at least 4 years and must be available for inspection by the Board or its representative or any authorized federal, state or local regulatory agency or law enforcement agency.

7. A licensed veterinarian with a certificate of registration issued by the Board pursuant to subsection 1 and a veterinary facility at which controlled substances or dangerous

drugs may be dispensed pursuant to this section are exempt from the provisions of [NAC 639.7425](#) to [639.745](#), inclusive.

8. As used in this section:

- (a) "Licensed veterinarian" has the meaning ascribed to it in [NRS 638.007](#).
- (b) "Prescription drug" has the meaning ascribed to it in [NAC 638.0135](#).
- (c) "Veterinary facility" has the meaning ascribed to it in [NAC 638.018](#).

Commented [10]: No changes made to veterinarian section

NAC 639.7425

639.7425. Dispensing technician: Requirements; application and fee for registration; provisional registration; issuance of certificate of registration; in-service training required for renewal of registration. (NRS 639.070, 639.0727)

1. Except as otherwise provided in [NAC 639.7423](#), no person may act as a dispensing technician unless the person is:

- (a) A registered pharmaceutical technician; or
- (b) Employed at a facility to which a certificate of registration has been issued pursuant to [NAC 639.742\(2\)](#) and the dispensing practitioner at that facility has registered the person as a dispensing technician; or-
- [\(c\) Employed at a group practice oncology group practice to which a certificate of registration has been issued pursuant to NAC 639.742\(3\) and the group practice oncology group practice has registered the person as a dispensing technician.](#)

Commented [11]: Added ability of group practice to employ dispensing techs.

2. A dispensing practitioner [or group practice oncology group practice through its designated medical director](#) may apply to the Board to register a person as a dispensing technician by submitting to the Board the fee required by [NAC 639.744](#) and proof satisfactory to the Board that the person:

- (a) Is 18 years of age or older;
- (b) Has received a high school diploma or its equivalent;
- (c) Has not been convicted of any felony or misdemeanor involving moral turpitude, dishonesty or the unlawful possession, sale or use of drugs; and
- (d) Does not have a history of drug abuse.

[34.](#) Upon determining that a person for whom [an](#) application for registration as a dispensing technician has been made by a dispensing practitioner [or group practice oncology group practice](#) satisfies the requirements of subsection 2, the Board will issue to the person a provisional registration as a dispensing technician for that practitioner [or group practice oncology group practice](#). [A provisional registration as a dispensing technician shall not be required for a person who is registered as a pharmaceutical technician and satisfies the requirements of subsection 2.](#)

Commented [12]: This provision allows individuals who are already licensed as a pharmacy technicians to bypass the provisional license because they have already been trained in pharmacy practice. It also avoids the necessity of the licensed tech to complete 500 hours of training.

[45.](#) A person acting as a dispensing technician pursuant to a provisional registration must complete at least 500 hours of training and experience provided by the dispensing practitioner [or dispensing practitioners at a group practice oncology group practice](#)

relating to the skills that the person will be performing as a dispensing technician for that dispensing practitioner [or oncology group practice](#). Only that training and experience received by the person after the provisional registration is issued may be applied to satisfy the 500-hour requirement. In providing the training and experience, the dispensing practitioner [or dispensing practitioners at a group practice](#) [or an oncology group practice](#) shall supervise the training and experience of the person by observing the work of the person on a random basis at least three times each day during which the person is receiving training and experience.

56. A provisional registration issued to a person acting as a dispensing technician expires 12 months after it is issued or upon the expiration of the certificate of registration of the dispensing practitioner [or group practice](#) [or oncology group practice](#) to ~~whom~~ [which](#) the dispensing technician is registered, whichever is earlier. If a person acting as a dispensing technician pursuant to a provisional registration:

(a) Fails to complete the required 500 hours of training and experience before the expiration of the provisional registration, the person shall not act as a dispensing technician unless he or she is issued a new provisional registration pursuant to this section. Any hours of training and experience completed by the person while acting as a dispensing technician pursuant to a provisional registration that has expired may not be used to satisfy the 500-hour requirement for a new provisional registration.

(b) Completes the required 500 hours of training and experience before the expiration of the provisional registration, the dispensing practitioner [or medical director for the group practice](#) [or oncology group practice](#) shall file with the Board a signed affidavit certifying:

- (1) The number of hours of training and experience successfully completed by the person.
- (2) The specific training and experience received by the person.
- (3) That the person is, in the opinion of the dispensing practitioner [or medical director of the group practice](#) [or oncology group practice](#), competent to perform the duties of a dispensing technician.

67. The Board, upon receiving the affidavit of the dispensing practitioner [or medical director at the group practice](#) [or oncology group practice](#) pursuant to subsection **56**, will issue to the person a certificate of registration as a dispensing technician for that practitioner [or practice group](#).

78. A dispensing technician shall complete at least 1 hour of in-service training during the 2-year period immediately preceding the renewal of the registration of the dispensing technician. The training must be a jurisprudence program approved or presented by the Board that relates to the practice of pharmacy or the law concerning pharmacy in this State. The dispensing technician shall retain a copy of the certificate from the Board or approved program certifying the completion of such in-service training. The copy must be:

- (a) Retained for at least 2 years; and

(b) Readily accessible to a member of the Board or a person conducting an inspection or investigation on behalf of the Board.

NAC 639.743

639.743. Dispensing technician: Access to drugs; performance of functions. (NRS 639.070, 639.0727)

1. Except as otherwise provided in [NRS 639.23277](#) and [NAC 639.395](#), a person to whom a dispensing practitioner ~~or dispensing practitioners at a group practice~~ [an oncology group practice](#) is providing training and experience pursuant to subsection 4-5 of [NAC 639.7425](#) must not be allowed access to the room or cabinet in which drugs are stored unless accompanied by ~~the a~~ dispensing practitioner. After the person has completed his or her training and experience and the Board has received an affidavit from the dispensing practitioner ~~or medical director at the group practice~~ [oncology group practice](#) pursuant to subsection 5-6 of [NAC 639.7425](#):

- (a) The person may access the room or cabinet in which drugs are stored without being accompanied by the dispensing practitioner, so long as the dispensing practitioner is on-site at the facility; and
- (b) The dispensing practitioner is not required to observe the work of the person.

2. A dispensing practitioner ~~or dispensing practitioner at a group practice~~ [an oncology group practice](#) who allows a dispensing technician to perform any function described in subsection 4 or 5 of [NAC 639.742](#) is responsible for the performance of that function by the dispensing technician. All such functions performed by a dispensing technician must be performed at the express direction and delegation of ~~the a~~ dispensing practitioner. Each prescription with respect to which a dispensing technician performed such a function:

- (a) Must be checked by ~~the a~~ dispensing practitioner ~~or licensed pharmacist employed by a group practice~~ [an oncology group practice](#), and the dispensing practitioner ~~or pharmacist~~ shall indicate on the label of the prescription and in his or her record regarding the prescription that the dispensing practitioner ~~or pharmacist~~ has checked the work performed by the dispensing technician; and
- (b) Must not be dispensed to the patient without the initials of the dispensing practitioner thereon. A prescription which has been so initialed must be handed to the patient only by the dispensing practitioner or an employee authorized by the dispensing practitioner.

NAC 639.7435

639.7435. Dispensing technician: Nontransferability, expiration and termination of registration; notice of change of address of employment; subsequent employment; additional training and experience required under subsequent employer. (NRS 639.070, 639.0727)

1. [\(a\)](#) The registration of a dispensing technician is nontransferable and limited to the dispensing practitioner ~~or group practice~~ [an oncology group practice](#) to whom the

dispensing technician is registered. The registration of a dispensing technician expires at the same time that the certificate of registration of the dispensing practitioner ~~or group practice~~ expires.

(b) If a dispensing practitioner and the dispensing technician registered to that practitioner leave ~~the a~~ facility at which they are registered, and the dispensing technician continues his or her employment with that practitioner at a different site, the dispensing practitioner shall, as soon as practicable, notify the Board of the change of address of employment of the dispensing technician.

2. If a dispensing technician no longer works as a dispensing technician for the dispensing practitioner ~~or group practice~~ to whom the dispensing technician is registered, the registration of the dispensing technician terminates. Except as otherwise provided in [NAC 639.7423](#), if that person is subsequently employed by another dispensing practitioner ~~or group practice~~ to work as a dispensing technician, the employing dispensing practitioner ~~or group practice~~ must, before the person may act as a dispensing technician for that practitioner:

(a) Register the person with the Board, showing the site of employment and the name of the dispensing practitioner ~~or group practice~~; and

(b) ~~If not registered as a pharmaceutical technician, E~~ensure that the person receives an additional 200 hours of training and experience provided by the dispensing practitioner ~~or dispensing practitioners at the group practice~~. The additional training and experience must be provided in accordance with subsection 4 of [NAC 639.7425](#). Except as otherwise provided in [NRS 639.23277](#) and [NAC 639.395](#), ~~the a~~ dispensing practitioner ~~or group practice~~ shall not allow the person to be registered as a dispensing technician to enter the room or cabinet in which drugs are stored or perform any function described in subsection 4 or 5 of [NAC 639.742](#) without the dispensing practitioner observing the act by the person to be registered as a dispensing technician until that person has completed the 200 additional hours of training and experience.

NAC 639.744

639.744. Dispensing practitioner: Fee for initial registration and renewal; registration of multiple dispensing technicians. (NRS 639.070, 639.0727)

1. A dispensing practitioner ~~or group practice~~ shall pay to the Board a fee of \$40 for each dispensing technician whom that practitioner registers:

(a) At the time of application by the dispensing practitioner ~~or group practice~~ for initial registration of the person as a dispensing technician; and

(b) With the practitioner's ~~or group practice's~~ renewal thereafter as a part of and in addition to the practitioner's ~~or group~~

~~practiceoncology group practice's~~ renewal of ~~his or her~~ registration as a dispensing practitioner ~~or group practiceoncology group practice~~.

2. A dispensing practitioner ~~or group practiceoncology group practice~~ may register more than one dispensing technician at a time. ~~Except for dispensing technicians registered with a group practicean oncology group practice, that~~ only one of those dispensing technicians, including, without limitation, a dispensing technician staffing a remote site or satellite consultation site, may be designated and allowed to perform the functions described in subsection 4 or 5 of [NAC 639.742](#) at one time. A dispensing practitioner ~~or group practiceoncology group practice~~ shall make and maintain a document on which must be recorded for each day the name of the dispensing technician so designated and allowed to perform the functions described in subsection 4 or 5 of [NAC 639.742](#), and maintain the record for not less than 2 years.

NAC 639.7445

639.7445. Dispensing practitioner: Disciplinary action for violation of NAC 639.742 to 639.7445, inclusive. (NRS 639.070)

If a dispensing practitioner ~~or group practiceoncology group practice~~ allows any person to perform any act in violation of [NAC 639.742](#) to [639.7445](#), inclusive, the dispensing practitioner ~~or medical director for the group practiceoncology group practice~~ is subject to discipline relating to his or her registration as a dispensing practitioner, including, without limitation, the temporary and immediate suspension of his or her registration as a dispensing practitioner until:

1. The violation is remedied; or
2. If an accusation has been made pursuant to [NRS 639.241](#), the Board holds a hearing.

NAC 639.745

639.745. Duties of certain practitioners concerning dispensing of controlled substances and dangerous drugs; maintenance of records. (NRS 639.070, 639.0727)

1. Except as otherwise provided in [NAC 639.7423](#), each practitioner who is registered with the Board to dispense controlled substances and dangerous drugs, including, without limitation, a dispensing practitioner ~~or group practiceoncology group practice~~, and who dispenses such products for use by the practitioner's ~~or group practiceoncology group practice's~~ patients outside his or her presence shall:

(a) Keep complete, accurate and readily retrievable records of each controlled substance and dangerous drug purchased and dispensed. The record for each such product dispensed to a patient must include:

- (1) The name of the patient and, if not readily available from the practitioner's records, the patient's address;
- (2) The name, strength and quantity of the prescribed controlled substance or dangerous drug;

- (3) The directions for use;
- (4) The date the prescription was issued; and
- (5) A unique identifying number.

(b) Maintain a separate file for the records concerning the purchase of each controlled substance listed in schedule II and a separate file for the records concerning the dispensing of each controlled substance listed in schedule II. Each prescription for a controlled substance or dangerous drug must be maintained in a separate file pursuant to the requirements set forth in [NAC 453.480](#).

(c) Keep all controlled substances and dangerous drugs in a locked storage area. Access to the storage area must be restricted to the persons described in [NRS 453.375](#).

(d) Ensure that each package or container in which a controlled substance is dispensed, except samples in the manufacturer's packages, is clearly labeled pursuant to the requirements set forth in [NRS 639.2801](#).

(e) Ensure that the package or container in which a controlled substance or dangerous drug is dispensed complies with all state and federal packaging requirements.

(f) Be deemed to be a pharmacy as that term is used in [NAC 639.926](#) and shall comply with that section.

2. Except as otherwise provided in [NAC 639.7423](#), a practitioner may dispense dangerous drugs or controlled substances only after the patient has been informed by the practitioner that the patient may request a written prescription and have it filled at another location of the patient's choosing.

3. A record regarding the dispensing of a controlled substance or dangerous drug made and kept pursuant to this section must be maintained on paper or in a computer. If the record is:

(a) Maintained on paper, the record must:

- (1) Include all the information required to be on the prescription pursuant to [NRS 639.2353](#) and [NAC 453.440](#);
- (2) Set forth on the front of the prescription a certification initialed and dated by the patient that the patient has been informed by the practitioner in accordance with subsection 2 and that the patient has agreed to have the practitioner dispense the controlled substance or dangerous drug; and
- (3) Be serially numbered and kept in numerical order in a single file for all dispensing practitioners, including, without limitation, physician assistants and advanced practice registered nurses, practicing at the same location.

(b) Maintained in a computer, the record must:

- (1) Include all the information required to be on the prescription pursuant to [NRS 639.2353](#) and [NAC 453.440](#);
- (2) Contain a certification, either in the computer or a separate paper document, initialed and dated by the patient that the patient has been informed by the practitioner in accordance with subsection 2 and that the

patient has agreed to have the practitioner dispense the controlled substance or dangerous drug; and
(3) Be searchable for any item required by paragraph (a) of subsection 1 to be included in the record.

