



Nevada State Board of Pharmacy

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March 13, 2020

NOTICE OF INTENT TO ACT UPON A REGULATION

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

The Nevada State Board of Pharmacy will hold a Public Hearing at 9:00 a.m. on Thursday, April 16, 2020, at the Hilton Garden Inn, 7830 S. Las Vegas Blvd., Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption and amendment of regulations that pertain to Chapters 453 and/or 639 of the Nevada Administrative Code.

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

Amendment of Nevada Administrative Code (NAC) Chapter 639. The proposed regulation requires the holder of any certificate, license or permit issued by the Board to report certain convictions and administrative actions to the Board.
(LCB File No. R094-19)

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

The proposed amendment will add a new regulation authorizing the Board to require the holder of any certificate, license or permit issued by the Board to report a conviction of any crime, and to report any administrative action, whether completed or pending, against the holder by any professional licensing board or agency of this state or another state, to the Executive Secretary of the Board within 30 days. The proposed amendment will also authorize the Executive Secretary of the Board on behalf of the Board to require the holder of any certificate, license or permit issued by the Board who reports a conviction or an administrative action to appear personally before the Board prior to the renewal of the certificate, license or permit. The regulation is necessary for the protection, health and safety of the public.

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

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

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

(a) Both adverse and beneficial effects.

There should be no adverse economic impact from this regulation amendment on the regulated entities or on the public. The regulation is necessary for the protection, health and safety of the public.

(b) Both immediate and long-term effects.

Immediate or long-term economic effect on regulated entities will be negligible. The regulation is necessary for the protection, health and safety of the public.

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

There will be no additional or special costs incurred by the Board of Pharmacy for enforcement of this regulation amendment.

5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

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

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

The regulation is not required by federal law.

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

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

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

This regulation does not provide a new or increase of fees.

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

A copy of this notice and the regulation to be adopted and amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted and amended will be available in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. The text of each

regulation will include the entire text of any section of the Nevada Administrative Code which is proposed for amendment or repeal. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Nevada State Board of Pharmacy
Reno, Nevada

Nevada State Board of Pharmacy
Las Vegas, Nevada

Mineral County Courthouse
Hawthorne, Nevada

Elko County Courthouse
Elko, Nevada

Washoe County Courthouse
Reno, Nevada

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

LCB File No. R094-19

November 20, 2019

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

AUTHORITY: §1, NRS 639.070 and 639.180.

A REGULATION relating to pharmacists; requiring the holder of any certificate, license or permit issued by the State Board of Pharmacy to report certain convictions and administrative actions to the Board; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Board of Pharmacy to adopt regulations: (1) as are necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties; and (2) authorizing the Executive Secretary of the Board to issue certificates, licenses and permits required by law. (NRS 639.070) Existing law also authorizes the Board to refuse to renew a certificate, license or permit if the applicant has committed certain acts. (NRS 639.180, 639.210)

This regulation requires the holder of any certificate, license or permit issued by the Board to: (1) report the holder’s conviction of any crime, other than a misdemeanor traffic violation not involving the use of alcohol or a controlled substance, or any administrative action against the holder by any professional licensing board or agency of this or any other state or any federal agency to the Executive Secretary within 30 days after the conviction or the final disposition of the administrative action; and (2) provide any documentation of the conviction or administrative action requested by the Executive Secretary. This regulation also authorizes the Executive Secretary to require any such person who reports a conviction or an administrative action to appear personally before the Board before the renewal of his or her certificate, license or permit.

Section 1. Chapter 639 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The holder of any certificate, license or permit issued by the Board shall:

(a) Upon being convicted of any crime by any court of competent jurisdiction, other than a misdemeanor traffic violation not involving the use of alcohol or a controlled substance, report the conviction to the Executive Secretary within 30 days after the conviction and provide any documentation of the conviction requested by the Executive Secretary.

(b) Report any administrative action against the holder by any professional licensing board or agency of this or any other state or any federal agency to the Executive Secretary within 30 days after the final disposition of the administrative action and provide any documentation of the administrative action requested by the Executive Secretary.

2. The Executive Secretary, on behalf of the Board, may require the holder of any certificate, license or permit issued by the Board who reports a conviction or an administrative action pursuant to subsection 1 to appear personally before the Board before the renewal of the certificate, license or permit.

3. For the purposes of this section, the term “conviction” includes, without limitation:

(a) A final judgment of conviction;

(b) A plea of guilty or nolo contendere;

(c) A plea pursuant to North Carolina v. Alford, 400 U.S. 25 (1970); and

(d) A guilty verdict following a bench or jury trial, regardless of whether a sentence is suspended or deferred, a final judgment of conviction has been entered or there are any pending appeals.