Nevada State Board of Pharmacy

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January 24, 2018

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 1:30 p.m., on Wednesday, March 7, 2018, at the Hyatt Place, 1790 East Plumb Lane, Reno, 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 Chapter 639 to add a new section thereto providing for the dispensing of drugs with prescription readers. Enacts provisions of Senate Bill 131 (79th Session 2017) requiring certain pharmacies to, upon request, provide a prescription reader or advice on obtaining a prescription reader.
(LCB File No. R131-17)

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

To comply with Senate Bill No. 131 of the 79th Legislative Session, a retail community pharmacy that dispenses drugs will be required to notify each person to whom a drug is dispensed that a prescription reader is available to the person.

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 on businesses or the public.

(b) Both immediate and long-term effects.

The Board anticipates that there will be no immediate or long-term economic effect on businesses or the public, or that any such effects will be negligible.

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.

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 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 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.

Amendment of Nevada Administrative Code 639.879: Scope of authority to dispense. Amends provisions relating to the dispensing of controlled substances, dangerous drugs, poisons, and devices by an advanced practice registered nurse.
(LCB File No. R132-17)

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

This regulation revises the amounts of controlled substances, dangerous drugs, poisons, and devices that an advanced practice registered nurse is authorized to prescribe.

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 on businesses or the public.

(b) Both immediate and long-term effects.

The Board anticipates that there will be no immediate or long-term economic effect on businesses or the public, or that any such effects will be negligible.

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.

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 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 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, 431 West Plumb Lane, Reno, Nevada 89509, 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. R131-17

December 4, 2017

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

AUTHORITY: §1, NRS 639.070 and section 1 of Senate Bill No. 131, chapter 112, Statutes of Nevada 2017, at page 484; §2, NRS 639.070.

A REGULATION relating to pharmacies; specifying the manner in which certain community retail pharmacies must provide notice of the availability of prescription readers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Senate Bill No. 131 of the 79th Legislative Session requires a retail community pharmacy that dispenses drugs to notify each person to whom a drug is dispensed that a prescription reader is available to the person. (Chapter 112, Statutes of Nevada 2017, at page 484) This regulation specifies the manner in which such notice must be provided.

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

To comply with the provisions of section 1 of Senate Bill No. 131, chapter 112, Statutes of Nevada 2017, at page 484, regarding notice to each person to whom a drug is dispensed, a retail community pharmacy must:

1. Post a sign in one or more places which ensures all customers of the retail community pharmacy are likely to observe the sign and which states that a prescription reader is available to the person; or

2. Provide verbal or written notice to the person to whom the drug is dispensed pursuant to a new prescription that a prescription reader is available to the person.

Sec. 2. This regulation becomes effective on January 1, 2018, or upon filing with the Secretary of State, whichever occurs later.

PROPOSED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R132-17

November 30, 2017

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

AUTHORITY: §1, NRS 639.070 and 639.1375.

A REGULATION relating to pharmacy; revising provisions concerning the authority of certain advanced practice registered nurses to dispense controlled substances, poisons, dangerous drugs and devices; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an advanced practice registered nurse who meets certain requirements to dispense controlled substances, poisons, dangerous drugs and devices. (NRS 639.1375) Existing regulations provide that such an advanced practice registered nurse has the authority to dispense controlled substances, poisons, dangerous drugs and devices only: (1) for a legitimate medical purpose within his or her scope of practice; (2) in amounts not to exceed a 30-day supply; and (3) in such amounts as are authorized by his or her collaborating physician, if any. (NAC 639.879) This regulation revises the amounts of controlled substances, poisons, dangerous drugs and devices that an advanced practice registered nurse is authorized to dispense to an amount that does not exceed the lesser of: (1) the amounts that the advanced practice registered nurse is authorized to prescribe; (2) a 365-day supply; or (3) such amounts as are authorized by his or her collaborating physician, if any.

Section 1. NAC 639.879 is hereby amended to read as follows:

639.879 1. An advanced practice registered nurse who dispenses drugs to a patient shall do so in accordance with:

(a) All applicable statutes and regulations; and

(b) The agreement between the advanced practice registered nurse and his or her collaborating physician, if any.

2. Except as otherwise provided in subsection 3, an advanced practice registered nurse who is authorized to dispense controlled substances, poisons, dangerous drugs and devices or to dispense poisons, dangerous drugs and devices may dispense a controlled substance, poison, dangerous drug and device or a poison, dangerous drug and device, as applicable, only:

(a) For a legitimate medical purpose that is within the scope of practice in which the advanced practice registered nurse is trained, qualified and competent and subject to any limitations prescribed by the State Board of Nursing pursuant to NRS 632.237; ***and***

(b) In amounts not to exceed ~~[a 30-day supply; and~~

~~(c) In such]~~ ***the lesser of:***

(1) The amounts that he or she is authorized to prescribe pursuant to NAC 639.854;

(2) A 365-day supply; or

(3) Such amounts as are authorized by his or her collaborating physician, if any.

3. An advanced practice registered nurse who is authorized to dispense dangerous drugs may dispense any method of birth control in any quantity ordered by prescription.