

## Proposed BDR from the Nevada State Board of Pharmacy

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

*1. In addition to the requirements for an application set forth in NRS 639.127, each applicant for registration as a pharmacist shall submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*

*2. The Board may issue a provisional registration to an applicant pending receipt of the reports from the Federal Bureau of Investigation if the Board determines that the applicant is otherwise qualified.*

*3. The Board shall not issue a certificate of registration to an applicant if the requirements of this section are not satisfied.*

**Section. 2.** Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. In addition to the requirements for an application set forth in NRS 639.1371, each applicant for registration as a pharmaceutical technician or pharmaceutical technician in training shall submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*

*2. The Board may issue a provisional registration to an applicant pending receipt of the reports from the Federal Bureau of Investigation if the Board determines that the applicant is otherwise qualified.*

*3. The Board shall not issue a certificate of registration to an applicant if the requirements of this section are not satisfied.*

**Section. 3.** Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

*The Board may require the holder of any certificate or permit issued by the Board, or any person who exercises significant influence over the operation of the holder of any license issued by the Board, to submit a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*

**Section. 4.** NRS 639.040 is hereby amended to read as follows:

1. The Board shall elect a President and a Treasurer from among its members.

2. The Board shall employ an Executive Secretary, who is not a member of the Board *and is exempt from the prohibition of NRS 622.220(4)(b)*. The Executive Secretary must have experience as a licensed pharmacist in this State or in another state with comparable licensing requirements. The Executive Secretary shall keep a complete record of all proceedings of the Board and of all certificates issued, and shall perform such other duties as the Board may require, for which services the Executive Secretary is entitled to receive a salary to be determined by the Board *which is exempt from the limitations of NRS 281.123*.

**Section. 5.** NRS 639.070 is hereby amended to read as follows:

1. The Board may:

(a) Adopt such regulations, not inconsistent with the laws of this State, as are necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) Adopt regulations requiring that prices charged by retail pharmacies for drugs and medicines which are obtained by prescription be posted in the pharmacies and be given on the telephone to persons requesting such information.

(c) Adopt regulations, not inconsistent with the laws of this State, authorizing the Executive Secretary of the Board to issue certificates, licenses and permits required by this chapter and [chapters 453](#) and [454](#) of NRS.

(d) Adopt regulations governing the dispensing of poisons, drugs, chemicals and medicines.

(e) Regulate the practice of pharmacy.

(f) Regulate the sale and dispensing of poisons, drugs, chemicals and medicines.

(g) Regulate the means of recordkeeping and storage, handling, sanitation and security of drugs, poisons, medicines, chemicals and devices, including, but not limited to, requirements relating to:

(1) Pharmacies, institutional pharmacies and pharmacies in correctional institutions;

(2) Drugs stored in hospitals; and

(3) Drugs stored for the purpose of wholesale distribution.

(h) Examine and register, upon application, pharmacists and other persons who dispense or distribute medications whom it deems qualified.

(i) Charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides, other than those specifically set forth in this chapter.

(j) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(k) Employ attorneys, inspectors, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties. *These employees are exempt from the limitations of NRS 281.123.*

(l) Enforce the provisions of [NRS 453.011](#) to [453.552](#), inclusive, and enforce the provisions of this chapter and [chapter 454](#) of NRS.

(m) Adopt regulations concerning the information required to be submitted in connection with an application for any license, certificate or permit required by this chapter or [chapter 453](#) or [454](#) of NRS.

(n) Adopt regulations concerning the education, experience and background of a person who is employed by the holder of a license or permit issued pursuant to this chapter and who has access to drugs and devices.

(o) Adopt regulations concerning the use of computerized mechanical equipment for the filling of prescriptions.

(p) Participate in and expend money for programs that enhance the practice of pharmacy.

*(q) The Board may enter into written agreements with local, state and federal agencies to improve enforcement of and compliance with the provisions of this chapter and chapters 453 and 454 of NRS.*

*(r) The Board may enter into a contract with a private vendor to administer the database of the program established pursuant to NRS 453.162.*

2. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

3. This section does not authorize the Board to prohibit open-market competition in the advertising and sale of prescription drugs and pharmaceutical services.

**Section. 6.** NRS 639.100 is hereby amended to read as follows:

1. Except as otherwise provided in this chapter, it is unlawful for any person to manufacture, engage in wholesale distribution, compound, sell or dispense, or permit to be manufactured, distributed at wholesale, compounded, sold or dispensed, any drug, poison, medicine or chemical, or to dispense or compound, or permit to be dispensed or compounded, any prescription of a practitioner, unless the person:

(a) ~~Is a prescribing practitioner, a person licensed to engage in wholesale distribution, a technologist in radiology or nuclear medicine under the supervision of the prescribing practitioner, a registered pharmacist, or a registered nurse certified in oncology under the supervision of the prescribing practitioner~~ Holds the appropriate certificate, license or permit required by this chapter or chapters 453 and 454 of NRS; and

(b) Complies with the regulations adopted by the Board.

2. A person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony,

→ and shall be punished as provided in [NRS 193.130](#).

3. Sales representatives, manufacturers or wholesalers selling only in wholesale lots and not to the general public and compounders or sellers of medical gases need not be registered pharmacists. A person shall not act as a manufacturer or wholesaler unless the person has obtained a license from the Board.

4. Any nonprofit cooperative organization or any manufacturer or wholesaler who furnishes, sells, offers to sell or delivers a controlled substance which is intended, designed and labeled "For Veterinary Use Only" is subject to the provisions of this chapter, and shall not furnish, sell or offer to sell such a substance until the organization, manufacturer or wholesaler has obtained a license from the Board.

5. Each application for such a license must be made on a form furnished by the Board and an application must not be considered by the Board until all the information required thereon has been completed. Upon approval of the application by the Board and the payment of the required fee, the Board shall issue a license to the applicant. Each license must be issued to a specific person for a specific location.

6. The Board shall not condition, limit, restrict or otherwise deny to a prescribing practitioner the issuance of a certificate, license, registration, permit or authorization to prescribe controlled substances or dangerous drugs because the practitioner is located outside this State.

**Section. 7.** NRS 639.150 is hereby amended to read as follows:

1. The Board shall hold a meeting at least once in every 6 months.

2. Four members of the Board constitute a quorum.

3. Meetings of the Board which are held ~~to deliberate on the decision in an administrative action or~~ to prepare, grade or administer examinations are closed to the public.

4. Each member of the Board is entitled to receive:
  - (a) A salary of not more than \$150 per day, as fixed by the Board, while engaged in the business of the Board; and
  - (b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.
5. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

**Section. 8.** NRS 639.170 is hereby amended to read as follows:

1. The Board shall charge and collect not more than the following fees for the following services:

For the examination of an applicant for registration as a pharmacist	Actual cost
	of the
	examination
For the investigation or registration of an applicant as a registered pharmacist, including a certificate by endorsement.....	\$200
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity	300
For the investigation or issuance of an original license to conduct a retail pharmacy, including a license by endorsement.....	600
For the biennial renewal of a license to conduct a retail pharmacy.....	500
For the investigation or issuance of an original license to conduct an institutional pharmacy, including a license by endorsement.....	600
For the biennial renewal of a license to conduct an institutional pharmacy	500
For the investigation or issuance of an original license to conduct a pharmacy at a recovery center licensed pursuant to <a href="#">NRS 639.2177</a> .....	600
For the biennial renewal of a license to conduct a pharmacy at a recovery center licensed pursuant to <a href="#">NRS 639.2177</a> .....	500
For the issuance of an original or duplicate certificate of registration as a registered pharmacist, including a certificate by endorsement.....	50
For the biennial renewal of registration as a registered pharmacist.....	200
For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse)	100
For the initial registration of a pharmaceutical technician or pharmaceutical technician in training	50
For the biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training	50
For the investigation or registration of an intern pharmacist.....	50
For the biennial renewal of registration as an intern pharmacist.....	40
For investigation or issuance of an original license to a manufacturer or wholesaler	<del>500</del> 1000
For the biennial renewal of a license for a manufacturer or wholesaler.....	<del>500</del> 1000
For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon	100
For authorization of a practitioner to dispense controlled substances or dangerous drugs, or both	300
For the biennial renewal of authorization of a practitioner to dispense controlled substances or dangerous drugs, or both.....	300

2. If an applicant submits an application for a certificate or license by endorsement pursuant to [NRS 639.136](#) or [639.2315](#), as applicable, the Board shall charge and collect not more than the fee specified in subsection 1, respectively, for:

(a) The initial registration and issuance of an original certificate of registration as a registered pharmacist.

(b) The issuance of an original license to conduct a retail or an institutional pharmacy.

3. If an applicant submits an application for a certificate or license by endorsement pursuant to [NRS 639.1365](#) or [639.2316](#), as applicable, the Board shall collect not more than one-half of the fee set forth in subsection 1, respectively, for:

(a) The initial registration and issuance of an original certificate of registration as a registered pharmacist.

(b) The issuance of an original license to conduct a retail or an institutional pharmacy.

4. If a person requests a special service from the Board or requests the Board to convene a special meeting, the person must pay the actual costs to the Board as a condition precedent to the rendition of the special service or the convening of the special meeting.

5. All fees are payable in advance and are not refundable.

6. The Board may, by regulation, set the penalty for failure to pay the fee for renewal for any license, permit, authorization or certificate within the statutory period, at an amount not to exceed 100 percent of the fee for renewal for each year of delinquency in addition to the fees for renewal for each year of delinquency.

**Section. 9.** NRS 639.243 is hereby amended to read as follows:

The statement, entitled Statement to the Respondent, shall be worded so as to inform the respondent:

1. That an accusation has been filed.

2. Of the right to a hearing before the Board to answer to the alleged violations and to submit evidence in his or her own behalf if requested by the filing of two copies of the Notice of Defense within ~~15~~ 20 days after receipt of the accusation.

**Section. 10.** NRS 639.255 is hereby amended to read as follows:

1. The holder of any certificate, license or permit issued by the Board, whose default has been entered or who has been heard by the Board and found guilty of the violations alleged in the accusation, may be disciplined by the Board by one or more of the following methods:

(a) Suspending judgment;

(b) Placing the certificate, license or permit holder on probation;

(c) Suspending the right of a certificate holder to practice, or the right to use any license or permit, for a period to be determined by the Board;

(d) Revoking the certificate, license or permit;

(e) Public reprimand; or

(f) Imposition of a fine for each count of the accusation, in accordance with the schedule of fines established pursuant to subsection 3.

*→The Board may, in connection with any discipline, place any restrictions on the certificate, license or permit holder as it deems necessary for the protection of the public.*

2. Such action by the Board is final, except that the propriety of such action is subject to review upon questions of law by a court of competent jurisdiction.

3. The Board shall, by regulation, establish a schedule of fines that may be imposed pursuant to paragraph (f) of subsection 1. Each fine must be commensurate with the severity of the applicable violation, but must not exceed \$10,000 for each violation.

4. The Board shall not issue a private reprimand.

5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

**Section. 11.** NRS 639.281 is hereby amended to read as follows:

1. Any person who secures or attempts to secure ~~registration~~ *any certificate, license or permit issued by the Board* for himself or herself or any other person by making, or causing to be made, any false representation or who fraudulently represents himself or herself to be ~~a registered pharmacist or practitioner~~ *the holder of any certificate, license or permit issued by the Board* is guilty of a misdemeanor.

2. Any certificate, *license or permit* issued by the Board on information later found to be false or fraudulent must be automatically cancelled by the Board.

**Section. 12.** NRS 639.510 is hereby amended to read as follows:

The Board shall implement and maintain reasonable security measures to protect the information obtained by the Board pursuant to NRS 639.500 and sections 1, 2 and 3 of this act ~~and all other information related to an application for a license to engage in wholesale distribution~~, to protect the information from unauthorized access, acquisition, destruction, use, modification or disclosure. The provisions of this section do not prohibit the Board from disclosing and providing such information to other state and federal agencies involved in the regulation of prescription drugs to the extent deemed necessary by the Board.

**Section. 13.** NRS 639.095 is hereby repealed.

**Sec. 14.** This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On July 1, 2021, for all other purposes.