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# NEVADA STATE BOARD OF PHARMACY

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*newsletter to promote pharmacy and drug law compliance*

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## **Practice Guidelines for the Administration of Buprenorphine for Treating OUD**

From August 2019 to August 2020, preliminary data from the Centers for Disease Control and Prevention show that opioid overdose deaths increased 26.8%. The United States Department of Health and Human Services released new buprenorphine practice guidelines to expand access to buprenorphine for the treatment of opioid use disorder (OUD). This guidance became effective April 28, 2021.

The *Practice Guidelines for the Administration of Buprenorphine for Treating Opioid Use Disorder* exempt eligible physicians, physician assistants (PAs), nurse practitioners (NPs), clinical nurse specialists, certified registered nurse anesthetists, and certified nurse midwives (hereinafter collectively referred to as “practitioners”) from certain certification requirements under 21 US Code (USC) §823(g)(2)(B)(i)-(ii) necessary to treat OUD with buprenorphine. The new practice guidelines provide the following exemption:

- Practitioners licensed under state law, and who possess a valid Drug Enforcement Administration (DEA) registration under 21 USC 823(f), may become exempt from the certification requirements related to training, counseling, and other ancillary services if they intend to treat no more than 30 patients with OUD using buprenorphine or other

prescription medications that are covered under 21 USC 823(g)(2)(C). Practitioners who meet the above requirements must submit a Notice of Intent (NOI) in accordance with current procedures to be covered under this exemption and receive a waiver. If a practitioner selects a patient limit of 30 in the NOI, the practitioner will not need to certify as to the training, counseling, or other ancillary services requirements listed under 21 USC 823(g)(2)(B)(i)-(ii).

- Practitioners utilizing this exemption are limited to treating no more than 30 patients at any one time.
- PAs, NPs, clinical nurse specialists, certified registered nurse anesthetists, and certified nurse midwives are required to be supervised by, or work in collaboration with, a DEA-registered physician if required by state law, or under the supervision of a physician when prescribing medications for the treatment of OUD.
- Practitioners who do not wish to practice under this exemption and its 30-patient limit may seek a waiver under 21 USC 823(g)(2) per established protocols. This means that the practitioners must submit an NOI that includes all of the certifications under 21 USC 823(g)(2)(B)(i)-(iii), and qualify for a higher patient limit through one of the methods identified in 21 USC 823(g)(2)(B)(iii).
- This exemption applies only to the prescription of Schedule III, IV, and V drugs or combinations of such drugs covered under the Controlled Substances Act, such as buprenorphine. It does not apply to the prescribing, dispensing, or the use of Schedule II medications, such as methadone, for the treatment of OUD.
- Practitioners utilizing this exemption may only treat patients who are in states where those practitioners are licensed to treat patients unless the practitioner is an employee or contractor of a US department or agency who is acting in the scope of such employment or contract.

The updated practice guidelines are located on the [Federal Register](#) page.

## References

1. [www.hhs.gov/about/news/2021/04/27/hhs-releases-new-buprenorphine-practice-guidelines-expanding-access-to-treatment-for-opioid-use-disorder.html](http://www.hhs.gov/about/news/2021/04/27/hhs-releases-new-buprenorphine-practice-guidelines-expanding-access-to-treatment-for-opioid-use-disorder.html)
2. [www.samhsa.gov/medication-assisted-treatment/become-buprenorphine-waivered-practitioner](http://www.samhsa.gov/medication-assisted-treatment/become-buprenorphine-waivered-practitioner)

## **Resumption of In-person Inspections**

Effective June 1, 2021, all inspections performed by Nevada State Board of Pharmacy inspectors will be in-person inspections unless updated guidance is provided by Governor Steve Sisolak that would prohibit this activity. The Board appreciates the timely responses from its licensees over the last year while navigating the virtual inspection process. Although the virtual inspection

process provided valuable information to the inspectors during their review process, there is no substitute for visiting the location of the licensee to physically review the business operation and speak directly with the team members. Controlled substance (CS) inventory management will be a focus of the in-person inspections moving forward. Managing pharmacists should be prepared to explain their internal policies and procedures related to CS inventory management, including how they handle discrepancies in perpetual inventory data for Schedule II CS.

## ***New Law CE***

The Board is pleased to announce that new law continuing education (CE) is available on the Board's website, just in time for pharmacist license renewal. Pharmacists, pharmaceutical technicians, and dispensing technicians, including trainees, are required to complete one hour of Nevada law approved or presented by the Board with each biennial renewal of their license. The law CE is approximately one hour in length, with a five-question post-test at the end. Licensees will need to answer four of the five questions correctly for a passing grade. Additionally, the presentation must be viewed in its entirety to receive CE credit.

The new law CE for 2021 covers a variety of topics, including:

- declination to fill a prescription;
- new requirements for electronic transmission of CS prescriptions;
- CS loss/theft reporting;
- technician-administered immunizations; and
- pharmaceutical technician training.

Technicians should keep a record of completion of the law CE at their place of work for review during the annual inspection. Pharmacists may keep a record of completion at work or at home for auditing purposes.

## ***Inspector Retired***

Pharmacy Inspector **Joe “Batman” Depczynski** retired from the Board at the end of 2020. After an esteemed career at the Reno Police Department, Joe served the Board in the northern portion of the state as an inspector and investigator for nearly 18 years. The Board extends its appreciation to Joe for his dedication to public service and the profession of pharmacy, and wishes him the best in the coming years.

## ***New Board Investigator/Inspector***

**Monica S. Segedy** graduated from California State University of Los Angeles with a degree in behavioral science and sociology of deviant behavior. In 1991, Monica attended the Federal Bureau of Investigation (FBI) Academy in Quantico, VA, and graduated as a special agent in

August 1991. Monica worked in the San Francisco, CA; Los Angeles, CA; Sacramento, CA; and Dallas, TX field offices where she investigated major drug trafficking, kidnappings, bank robbery, white collar crimes, public corruption, and domestic terrorism matters.

Monica also served as a crime scene investigator assigned to the FBI's Evidence Response Team from 1994 to 2017. Monica worked on the Oklahoma City bombing, the Trans World Airlines Flight 800 crash, and the 9/11 terrorist attacks, along with numerous local homicides. After 35 years of service with the FBI, Monica retired and moved from Dallas to

Reno, NV, where she joined the Board as an investigator in August 2020.

**Mui Lee, RPh**, graduated from Oregon State University with a bachelor of science degree in pharmacy. As a pharmacist, Mui worked for independent retail, long-term care, mail-order, and chain pharmacies. Mui's last position in retail pharmacy was as the managing pharmacist of a chain pharmacy. Mui joined the Board as an inspector in September 2020. Mui served as a volunteer in the large-scale deployment of coronavirus disease 2019 vaccines in Reno.

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*J. David "Dave" Wuest, RPh - State News Editor*

*Lemrey "Al" Carter, PharmD, MS, RPh - National News Editor & Executive Editor*

*Amy Sanchez - Publications and Editorial Manager*

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985 Damonte Ranch Pkwy, Ste 206 | Reno, NV 89521 | 775/850-1440 | Fax: 775/850-1444 | <http://bop.nv.gov>