Proposed Regulation of the Nevada State Board of Pharmacy

Workshop – January 13, 2021

Explanation – Language in ***blue italics*** is new; language in ***red text*** [~~*omitted material*~~] is language to be omitted, and language in ***green text*** indicates prior Board-approved amendments that are in the process of being codified.

AUTHORITY: NRS 639.070; NRS 639.100

A REGULATION relating to the locations where a pharmacist may practice pharmacy; and providing other matters properly relating thereto.

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

1. Two or more dispensing practitioners registered pursuant to NAC 639.742 may apply to the Board on an application provided by the Board for a certificate of registration as an oncology group practice to maintain a single inventory of dangerous drugs at a single practice site location from which the dispensing practitioners from the oncology group practice may source drugs for dispensing at that practice site. A certificate if registration pursuant to this section shall be required for each site of practice. A certificate of registration to dispense dangerous drugs as an oncology group practice is a revocable privilege, and no holder of such a certificate of registration acquires any vested right therein or thereunder.

2. An oncology group practice registered pursuant to this section shall provide written notice to the Board no less than fifteen (15) days after the addition of a new or removal of an existing dispensing practitioner.

3. If an oncology group practice registered pursuant to this section, the dispensing practitioners from the oncology group practice:

(a) Shall have joint responsibility for compliance with the requirements of subsection 3 and 4 of NAC 639.742;

(b) May jointly employ and have joint responsibility for one or more dispensing technicians pursuant to NRS 639.742 to 639.7445, inclusive; and

(c) Maintain separate records for each dispensing practitioner with regard to the dispensing of each dangerous drug in conformance with NAC 742.745.

4. As used in this section, "oncology group practice" means two or more dispensing practitioners specializing in oncology, where substantially all of the services related to health care are provided through a group practice.

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

1. A dispensing practitioner at a site operating as a Title X family planning clinic under federal law may authorize a dispensing technician to dispense:

(a) A drug to be used for contraception or its therapeutic equivalent which has been approved by the Food and Drug Administration; or

(b) An antibiotic drug for the treatment of a sexually transmitted disease which has been approved by the Food and Drug Administration,

➥ pursuant to the provisions of NAC 639.391 - .399. The site shall not be subject to the requirements of NRS 639.23277(1).

2. For an initial prescription, a dispensing technician may only dispense a drug pursuant to this section to the patient personally at the facility.

3. As used in this section, "initial prescription" has the meaning ascribed to it in NRS 639.0082.

Section. 3. NAC 639.742 is hereby amended to read as follows:

1. Except as otherwise provided in NAC 639.7423 ***and Sections One and Two***, 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 ***and Section One***, 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 ***and Sections One and Two***, 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.