Nevada State Board of Pharmacy

985 DAMONTE RANCH PARKWAY • SUITE 206 • RENO, NEVADA 89521
(775) 850-1440 • 1-800-364-2081 • FAX (775) 850-1444
E-mail: pharmacy@pharmacy.nv.gov • Website: bop.nv.gov

Posted: April 27, 2022

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 conduct a Public Hearing on Thursday, June 2, 2022 at 9:00 a.m.

Pursuant to NRS 241.023(1)(c) the meeting is being conducted by means of remote technology. The public may attend the meeting via live stream remotely or in person at the following location:

Hilton Garden Inn
7830 S Las Vegas Boulevard
Las Vegas, NV

Via Videoconference at Zoom: https://zoom.us/j/5886256671
or
Via Teleconference at 1 (669) 900-6833
Meeting ID: 588 625 6671

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:

A. **Amendment of Nevada Administrative Code (NAC) 639.742, 639.743, 639.744. and 639.745: Dispensing Practitioners.** (LCB File R007-21)

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

The proposed amendments establishes the definition of oncology group practice and allows an oncology group practice to obtain a certificate of registration from the State Board of Pharmacy to maintain a single inventory of dangerous drugs received at a site of practice in lieu of maintaining separate inventories for each dispensing practitioner.

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 amendment will have a beneficial effect on the regulated entities by providing cost effective inventory management for dispensing practitioners within an oncology group practice.

(b) Both immediate and long-term effects.

Both the immediate and long-term economic effects on regulated entities and on the public will be beneficial since the amendment will improve delivery of oncological care to Nevada patients.

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.

This 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.

B. **Amendment of Nevada Administrative Code (NAC) 639.240, and 639.242 639.256.** The proposed amendment to NAC 639.240, and 639.242 will amend the requirements necessary for an applicant to obtain a registration as a pharmaceutical technician and pharmaceutical technician in training. (LCB File R041-21)

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

The proposed amendment revises the conditions for the issuance of registration as a pharmaceutical technician and pharmaceutical technician in training. The amendment authorizes the issuance of registration to any applicant who is actively registered in good standing in another state; removes a requirement that an applicant who attended a school outside of the United States must submit to the Board a copy of an evaluation of his or her academic transcript as to whether his or her grades are equivalent to the grades required for an applicant who attended a school or program of training in the United States. The proposed amendment clarifies the requirements and removes unnecessary barriers expediting the licensing process.

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. Pharmaceutical technicians and technician in training applicants will benefit from removing unnecessary barriers and expediting the licensing process. The proposed amendments will benefit pharmacy staffing pressures and the public will benefit from increased access to pharmaceutical care services while continuing to uphold basic standards to protect public health, safety and welfare.

(b) Both immediate and long-term effects.

Both the immediate and long-term economic effects on regulated entities and on the public will be beneficial by expediting the licensing process, addressing pharmacy staffing pressures and improving the delivery of pharmaceutical care while continuing to uphold basic standards to protect public health, safety and welfare.

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.

This 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 regulation does not contain provisions which are more stringent than a federal regulation which regulates the same activity.

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.

C. **Amendment of Nevada Administrative Code (NAC) 639.360**: The proposed amendments revise certain requirements governing continuing education for pharmacists; eliminating the Advisory Committee on Continuing Education which advises the Board concerning the accreditation of CE. (LCB File R120-21)

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

The proposed amendment will allow an accredited school or college of pharmacy located in Nevada to offer a course of continuing education (CE), along with the designated number of units of CE without submission to the Board for approval. The proposed amendment eliminates the requirement that not less than 15 of the 30 CE units required per biennium be units in accredited programs. Instead, all CE units to be obtained through a course or program for CE provided by certain schools or governmental entities or endorsed by the Accreditation Council for Pharmacy Education. The proposed regulation exempts an applicant who is residing and practicing outside of this State, including an applicant who is on active duty in the Armed Forces of the United States and stationed outside of this State from certain requirements, and exempts from all requirements to complete CE an applicant who is a student of a health profession and has attended at least 30 hours of instruction relating to health care during a biennial renewal period. The proposed amendment clarifies the requirements, removes unnecessary barriers, and streamlines the process to provide expediency while continuing to uphold basic standards to protect public health, safety and welfare.

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. Pharmacists will benefit from removing unnecessary barriers in the licensing process while continuing to uphold basic standards to protect public health, safety and welfare.

(b) Both immediate and long-term effects.

Both the immediate and long-term economic effects on regulated entities and on the public will be beneficial by removing unnecessary barriers in the licensing process while continuing to uphold basic standards to protect public health, safety and welfare.

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.

This 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 regulation does not contain provisions which are more stringent than a federal regulation which regulates the same activity.

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 Board at pharmacy@pharmacy.nv.gov or to the Nevada State Board of Pharmacy, 985 Damonte Ranch Parkway, Suite 206 – Reno, NV 89521. Written submissions must be received by the Board on or before June 2, 2022. 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.

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.

Pursuant to NRS 233B.064(1), upon adoption of any regulation, the Board, 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 has been posted at www.notice.nv.gov and www.bop.nv.gov pursuant to Governor's Declaration of Emergency Directive 006.

PROPOSED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R007-21

February 28, 2022

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

AUTHORITY: §§1-3, NRS 639.070.

A REGULATION relating to pharmacy; establishing the requirements for an oncology group practice to obtain a certificate of registration from the State Board of Pharmacy to maintain a single inventory of dangerous drugs received at a site of practice; prescribing the procedure for renewing such a certificate; prescribing certain powers and duties of the dispensing practitioners of such a registered oncology group practice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an exclusive list of persons, including practitioners, to possess and administer a dangerous drug in this State. (NRS 454.213) Existing law authorizes the State Board of Pharmacy to adopt regulations governing the dispensing of poisons, drugs, chemicals and medicines. (NRS 639.070) **Section 2** of this regulation defines "oncology group practice" to mean two or more dispensing practitioners who practice oncology in a group practice. **Section 1** of this regulation requires such a practice that wishes to maintain a single inventory of dangerous drugs received at a site of practice in lieu of maintaining separate inventories for each dispensing practitioner of the practice to apply to the Board for a certificate of registration and submit the applicable fee. **Section 1** provides that the Board will issue a certificate of registration to an oncology group practice upon receipt of a completed application and fee. **Section 1** provides that a certificate: (1) entitles the oncology group practice to maintain a single inventory of dangerous drugs at the site of practice for which the oncology group practice received certification; (2) is a revocable privilege; and (3) is valid for 2 years after the date on which the certificate is issued. **Section 1** additionally prescribes the procedure for renewing such a certificate and requires an oncology group practice registered with the Board to notify the Board of the addition or removal of a dispensing practitioner of the practice.

Existing regulations require a practitioner who wishes to dispense dangerous drugs to obtain a certificate of registration from the Board. (NAC 639.742) Existing regulations require a practitioner who is registered with the Board to perform certain duties concerning dispensing of dangerous drugs. (NAC 639.742, 639.745) **Section 1**: (1) authorizes a dispensing practitioner of an oncology group practice registered with the Board to dispense any dangerous drug accounted for in the inventory of the oncology group practice; and (2) requires such a dispensing practitioner to maintain separate records of each dangerous drug dispensed by him or her.

Section 3 of this regulation provides that the dispensing practitioners of an oncology group practice registered with the Board are jointly responsible for ensuring compliance with certain requirements relating to dispensing dangerous drugs.

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

1. An oncology group practice that wishes to maintain a single inventory of dangerous drugs received at a site of practice in lieu of maintaining separate inventories for each dispensing practitioner of the oncology group practice must apply to the Board on an application provided by the Board for a certificate of registration and submit the fee prescribed in NAC 639.220 for authorization of a practitioner, other than a licensed veterinarian, to dispense dangerous drugs. An oncology group practice must submit a separate application and fee for each site of practice at which the oncology group practice wishes to maintain a single inventory of dangerous drugs.

2. Upon receipt of a completed application and fee, the Board will issue a certificate of registration to an oncology group practice. A certificate of registration is valid for 2 years after the date on which the certificate is issued by the Board, unless an oncology group practice renews its registration.

3. To renew a certificate of registration, an oncology group practice must submit to the Board another completed application and the fee prescribed in NAC 639.220 for biennial renewal of authorization of a practitioner, other than a licensed veterinarian, to dispense dangerous drugs.

4. A certificate of registration issued pursuant to this section:

(a) Entitles the oncology group practice to maintain a single inventory of dangerous drugs at the site of practice for which the oncology group practice received certification.

(b) Is a revocable privilege, and no holder of such a certificate of registration acquires any vested right therein or thereunder.

5. An oncology group practice registered pursuant to this section shall provide written notice to the Board of the addition to or removal of a dispensing practitioner from the oncology group practice not later than 15 days after the addition or removal, as applicable.

6. A dispensing practitioner of an oncology group practice registered pursuant to this section:

(a) May dispense any dangerous drug accounted for in the single inventory of the oncology group practice.

(b) Shall ensure that he or she complies with the requirements prescribed by NAC 639.745, including, without limitation, maintaining separate records of each dangerous drug dispensed by him or her.

Sec. 2. NAC 639.010 is hereby amended to read as follows:

639.010 As used in this chapter, unless the context otherwise requires:

1. "Board" means the State Board of Pharmacy.

2. "Controlled substances" has the meaning ascribed to it in NRS 0.031.

3. "Dangerous drug" has the meaning ascribed to it in NRS 454.201.

4. "Direct supervision" means the direction given by a supervising pharmacist who is:

(a) On the premises of the pharmacy or telepharmacy at all times when the person he or she is supervising is working at the pharmacy or telepharmacy or at a remote site or satellite consultation site; and

(b) Aware of the activities of that person related to the preparation and dispensing of medications, including the maintenance of appropriate records.

5. "Dispensing practitioner" means:

(a) A practitioner to whom the Board has issued a certificate of registration pursuant to NAC 639.742 to dispense controlled substances or dangerous drugs, or both, for human consumption; or

(b) A licensed veterinarian to whom the Board has issued a certificate of registration pursuant to NAC 639.7423 to dispense controlled substances or dangerous drugs, or both, not for human consumption.

6. "Executive Secretary" means the Executive Secretary employed by the Board pursuant to NRS 639.040.

7. "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

8. "Federally-qualified health center vehicle" means a vehicle that meets the requirements of paragraph (c) of subsection 1 of section 3 of LCB File No.R004-19.

9. "Licensed veterinarian" has the meaning ascribed to it in NRS 638.007.

10. ***"Oncology group practice" means two or more dispensing practitioners who practice oncology in a group practice.***

11. "Pharmaceutical technician" means a person who performs technical services in a pharmacy under the direct supervision of a pharmacist and is registered with the Board pursuant to NAC 639.240.

~~[11.]~~ ***12.*** "Pharmaceutical technician in training" means a person who is registered with the Board pursuant to NAC 639.242 in order to obtain the training and experience required to be a pharmaceutical technician pursuant to subparagraph (3) of paragraph (c) of subsection 2 of NAC

639.240, or who is enrolled in a program of training for pharmaceutical technicians that is approved by the Board.

~~[12.]~~ ***13.*** "Practitioner" has the meaning ascribed to it in NRS 639.0125.

~~[13.]~~ ***14.*** "Prescription drug" means a drug or medicine as defined in NRS 639.007 which:

(a) May be dispensed only upon a prescription order that is issued by a practitioner; and

(b) Is labeled with the symbol "Rx only" pursuant to federal law or regulation.

~~[14.]~~ ***15.*** "Public or nonprofit agency" means a health center as defined in 42 U.S.C. § 254b(a) which:

(a) Provides health care primarily to medically underserved persons in a community;

(b) Is receiving a grant issued pursuant to 42 U.S.C. § 254b or, although qualified to receive such a grant directly from the Federal Government, is receiving money from such a grant under a contract with the recipient of that grant; and

(c) Is not a medical facility as defined in NRS 449.0151.

~~[15.]~~ ***16.*** "Surgical center for ambulatory patients" has the meaning ascribed to it in NRS 449.019.

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

639.742 1. Except as otherwise provided in NAC 639.7423, a practitioner who wishes to dispense controlled substances or dangerous drugs, or both, for human consumption 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, or both, for human consumption. A certificate of registration to dispense

controlled substances or dangerous drugs, or both, for human consumption 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 3 of LCB File No. R004-19, if a facility from which the practitioner intends to dispense dangerous drugs or controlled substances, or both, for human consumption 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 ***this section and*** NRS 639.23277 and NAC 639.395, 639.648 and 639.7423, the dispensing practitioner and, if applicable, the owner or owners of the facility and any federally-qualified health center vehicle, 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 or federally-qualified health center vehicle, as applicable;

(f) All drugs are dispensed only to the patient personally at the facility or federally-qualified health center vehicle, as applicable;

(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.

6. Except as otherwise provided in subsection 6 of section 1 of this regulation, the dispensing practitioners of an oncology group practice registered pursuant to section 1 of this

regulation are jointly responsible for ensuring that the requirements prescribed by subsection 3 are met.

Section 3 of this regulation provides that the dispensing practitioners of an oncology group practice registered with the Board are jointly responsible for ensuring compliance with certain requirements relating to dispensing dangerous drugs.

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

1. ***An oncology group practice that wishes to maintain a single inventory of dangerous drugs received at a site of practice in lieu of maintaining separate inventories for each dispensing practitioner of the oncology group practice must apply to the Board on an application provided by the Board for a certificate of registration and submit the fee prescribed in NAC 639.220 for authorization of a practitioner, other than a licensed veterinarian, to dispense dangerous drugs. An oncology group practice must submit a separate application and fee for each site of practice at which the oncology group practice wishes to maintain a single inventory of dangerous drugs.***
2. ~~*[Upon receipt of a completed application and fee, the]*~~ ***The Board will issue a certificate of registration to an oncology group practice if the application for a certificate of registration is approved and the requisite fee is paid.*** ~~*[A certificate of registration is valid for 2 years after the date on which the certificate is issued by the Board, unless an oncology group practice renews its registration.]*~~
3. ***To renew a certificate of registration, an oncology group practice must submit to the Board another completed application and the fee prescribed in NAC 639.220 for biennial renewal of authorization of a practitioner, other than a licensed veterinarian, to dispense dangerous drugs.***
4. ***A certificate of registration issued pursuant to this section:***

(a) Entitles the oncology group practice to maintain a single inventory of dangerous drugs at the site of practice for which the oncology group practice received certification.

PROPOSED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R041-21

April 15, 2022

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

AUTHORITY: §§ 1 and 2, NRS 639.070 and 639.1371.

A REGULATION relating to pharmaceutical technicians; revising provisions governing the registration of pharmaceutical technicians and pharmaceutical technicians in training; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Pharmacy to adopt regulations establishing the required qualifications for registration as a pharmaceutical technician. (NRS 639.1371) Existing regulations establish such qualifications, which include multiple possible combinations of education and experience. (NAC 639.240) **Section 1** of this regulation removes provisions authorizing the issuance of registration as a pharmaceutical technician to an applicant who: (1) is registered as a pharmaceutical technician in another state that has equivalent requirements for registration to this State and has certain experience; (2) has certain experience in another state that does not offer registration; or (3) is certified by the Pharmacy Technician Certification Board or the National Healthcareer Association and has certain education and experience in another state. Instead, **section 1** authorizes the issuance of registration to any applicant who is actively registered in good standing in another state. **Section 1** also removes a requirement that an applicant who attended a school outside of the United States must submit to the Board a copy of an evaluation of his or her academic transcript as to whether his or her grades are equivalent to the grades required for an applicant who attended a school or program of training in the United States. **Section 1** additionally: (1) prescribes the documentation required to prove that an applicant meets certain qualifications; and (2) revises the conditions for the issuance of registration.

Section 2 of this regulation similarly revises the conditions for the issuance of registration as a pharmaceutical technician in training. **Section 2** additionally revises the expiration date of such registration from 24 months after the date of issuance to October 31 of each even-numbered year. **Section 2** also revises certain documentation that a managing pharmacist of a pharmacy where a pharmaceutical technician in training is employed is required to submit to the Board.

Section 1. NAC 639.240 is hereby amended to read as follows:

639.240 1. No person may perform the duties of a pharmaceutical technician until the person has been issued a certificate of registration.

2. An applicant for registration as a pharmaceutical technician must:

(a) Be 18 years of age or older;

(b) Be a high school graduate or the equivalent;

(c) Have complied with the requirements of subsection 4 of NRS 639.1371, as amended by section 6 of Senate Bill No. 408, chapter 218, Statutes of Nevada 2021 at page 1018; and

(d) Have complied with one of the following requirements:

(1) The successful completion of a program of training for pharmaceutical technicians, including, but not limited to, a program of training offered by a postsecondary school, that is approved by the Board pursuant to NAC 639.256.

~~[(2) Registration]~~ ***The applicant must provide with the application a copy of a certificate evidencing successful completion of such a program.***

(2) Active registration and in good standing in another state as a pharmaceutical technician. ~~[, if the requirements for registration in that state are equivalent to the requirements of this State, and the successful completion of at least 240 hours of employment as a pharmaceutical technician in a pharmacy in that state, which must be verified by the managing pharmacist of the pharmacy.~~

~~(3) If the state in which the applicant has been employed does not offer registration, licensure or certification as a pharmaceutical technician:~~

~~(I) The successful completion of at least 1,500 hours of experience in a pharmacy in that state performing the duties set forth in paragraph (c) of subsection 3 of NRS 639.1371 during the 3 years immediately preceding the date on which his or her application was submitted;~~

~~(II) The successful completion of at least 350 hours of employment in a pharmacy in this State; and~~

~~(III) The acquisition of a written statement to the Board from the managing pharmacist of the pharmacy referred to in sub-subparagraph (II) stating that the applicant, during his or her employment, demonstrated competence to perform the tasks assigned to him or her.~~

~~→ Such an applicant must register as a pharmaceutical technician in training before he or she completes the requirements of sub-subparagraph (II).~~

~~(4)]~~ ***The applicant must provide with the application a copy of the registration issued by that state.***

(3) The successful completion of at least 1,500 hours of training and experience as a ***registered*** pharmaceutical technician in training ~~[.]~~ ***providing the services set forth in paragraph (c) of subsection 3 of NRS 639.1371 in a pharmacy in this State. The applicant must provide with the application a form prescribed by the Board and completed by the managing pharmacist of the pharmacy at which the applicant received training verifying the completion of such training and experience.*** A pharmaceutical technician in training may accumulate certified hours of training from each place of employment.

~~[(5)]~~ ***(4)*** The successful completion of a program of training for pharmaceutical technicians conducted by a branch of the Armed Forces of the United States, the Indian Health Service of the United States Department of Health and Human Services or the United States Department of Veterans Affairs.

~~[(6) Certification by the Pharmacy Technician Certification Board or the National Healthcareer Association as a pharmacy technician if:~~

~~(I) The applicant successfully completes a program of training for pharmaceutical technicians conducted by a postsecondary school in another state;~~

~~(II) The program is accredited or otherwise approved by the appropriate regulatory authority in that state; and~~

~~(III) The applicant successfully completes at least 240 hours of employment as a pharmaceutical technician in training in a pharmacy in another state, which must be verified by the managing pharmacist of the pharmacy.~~

~~3. An applicant who attended a school outside the United States must submit to an organization which evaluates educational credentials a copy of the transcript of his or her academic record from that school for a determination of whether the grades the applicant received are substantially equivalent to the grades required for an applicant who attended a school, or a program of training for pharmaceutical technicians that is accredited by the American Society of Health-System Pharmacists, in the United States. The applicant must ensure that a copy of the organization's evaluation of the transcript is submitted to the Board.~~

~~4.]~~ ***The applicant must provide with the application a copy of a certificate evidencing successful completion of such a program of training***

3. The Board may deny an application for registration as a pharmaceutical technician if the applicant has:

(a) Been convicted of any felony or a misdemeanor involving moral turpitude, dishonesty or the unlawful possession, sale or use of drugs; or

(b) A history of drug abuse.

~~[5. Upon receipt of an application and the required fee, the Executive Secretary shall, unless he or she has good cause to deny the registration, issue a certificate of registration to the pharmaceutical technician.]~~

4. If the Board does not deny the application pursuant to subsection 3 and determines that the applicant meets the requirements of this chapter and chapter 639 of NRS for registration as a pharmaceutical technician, the Board will issue a certificate of registration as a pharmaceutical technician to the applicant.

Sec. 2. NAC 639.242 is hereby amended to read as follows:

639.242 1. An applicant for registration as a pharmaceutical technician in training must:

(a) Be 18 years of age or older;

(b) Be a high school graduate or the equivalent; and

(c) Participate in training while on the job and acquire experience that is commensurate with the duties of his or her employment.

2. The Board may deny an application for registration as a pharmaceutical technician in training if the applicant has:

(a) Been convicted of any felony or a misdemeanor involving moral turpitude, dishonesty or the unlawful possession, sale or use of drugs; or

(b) A history of drug abuse.

3. A person may perform the duties of a pharmaceutical technician while the person is receiving the training and experience required by paragraph (c) of subsection 1 if he or she is registered with the Board.

4. ~~[Upon receipt of an application and the required fee, the Executive Secretary shall, unless he or she has good cause to deny the registration, issue a registration certificate for a~~

~~pharmaceutical technician in training to the managing pharmacist of the pharmacy where the trainee will be employed.]~~ ***If the Board does not deny the application pursuant to subsection 2 and determines that the applicant meets the requirements of this chapter and chapter 639 of NRS for registration as a pharmaceutical technician in training, the Board will issue a certificate of registration as a pharmaceutical technician in training to the applicant.***

5. Registration as a pharmaceutical technician in training ~~[is effective for 24 months after the date of issuance unless an extension is granted by the Board.]~~ ***expires on October 31 of each even-numbered year unless renewed before that date.***

6. ~~[The registration certificate of a pharmaceutical technician in training who is receiving the training and experience required by paragraph (c) of subsection 1 will specify the pharmacy where he or she will be employed. Termination of that employment voids the registration, and the trainee must reapply for registration before his or her services may be used by another pharmacy. This subsection does not prohibit a trainee from accumulating certified hours of training from each place of employment.~~

~~7.]~~ The managing pharmacist of the pharmacy where a pharmaceutical technician in training is employed to receive the training and experience required by paragraph (c) of subsection 1 shall file with the Board a ~~[signed affidavit]~~ ***completed form prescribed by the Board*** certifying:

(a) The number of hours of training and experience the trainee has successfully completed;

(b) The specific training and experience the trainee has completed; and

(c) That the trainee is competent to perform the duties of a pharmaceutical technician.

SECOND REVISED PROPOSED REGULATION OF

THE STATE BOARD OF PHARMACY

LCB File No. R120-21

April 7, 2022

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

AUTHORITY: §§ 1-8, NRS 639.070 and 639.2176.

A REGULATION relating to pharmacy; revising certain requirements governing continuing education for pharmacists; eliminating the Advisory Committee on Continuing Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Pharmacy to adopt regulations relating to the practice of pharmacy in this State. (NRS 639.070) Existing law also requires the Board to adopt regulations which set forth continuing education requirements for pharmacists registered by the Board. (NRS 639.2176)

Existing regulations provide that the Board will not issue a certificate as a registered pharmacist, or renew the certificate of any registered pharmacist, until the applicant submits proof to the Board of receipt of 30 continuing education units within the biennium immediately preceding the current renewal period, which must include at least 15 continuing education units in accredited programs. (NAC 639.330) Existing regulations: (1) define "accredited material" as material for continuing education which has been endorsed by the Board after review by the Board, by its Advisory Committee on Continuing Education, by the Accreditation Council for Pharmacy Education or by a board of pharmacy of another state; (2) require any person seeking recognition from the Board as a provider of continuing education to apply to the Board for recognition; and (3) set forth requirements for a provider to seek accreditation for any material, course or program. (NAC 639.310, 639.340, 639.360) **Section 4** of this regulation eliminates the requirement that not less than 15 of the 30 continuing education units required per biennium be units in accredited programs. Instead, **section 4** requires all continuing education units to be obtained through a course or program for continuing education provided by certain schools or governmental entities or endorsed by the Accreditation Council for Pharmacy Education. **Section 8** of this regulation eliminates: (1) the requirement that a provider of continuing education obtain recognition from the Board; (2) the process for accreditation of materials by the Board; (3) certain associated definitions; and (4) the Advisory Committee on Continuing Education, which advises the Board concerning the accreditation of continuing education. **Sections 2, 3 and 7** of this regulation make conforming changes to reflect the elimination of the accreditation of continuing education. **Section 5** of this regulation exempts an applicant who is residing and practicing outside of this State, including an applicant who is on active duty in the Armed Forces

of the United States and stationed outside of this State, from certain requirements relating to continuing education units. **Section 5** exempts from all requirements to complete continuing education an applicant who is a student of a health profession and has attended at least 30 hours of instruction relating to health care during a biennial renewal period.

Existing regulations require a provider of continuing education to: (1) keep certain records and transmit to the Board certain information relating to continuing education courses or programs provided; and (2) furnish to each participant who completes a course or program a certificate of completion which contains certain information. (NAC 639.345, 639.350) **Section 6** of this regulation revises the information that a provider of continuing education is required to include on such a certificate of completion. **Section 8** eliminates requirements that providers keep certain records and transmit to the Board certain information relating to continuing education courses or programs provided. **Section 8** also eliminates certain requirements relating to the format, presentation and content of material for continuing education.

Section 1. NAC 639.300 is hereby amended to read as follows:

639.300 As used in NAC 639.300 to 639.390, inclusive, unless the context otherwise requires, the words and terms defined in NAC ~~[639.305 to]~~ ***639.315 and*** 639.320, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. NAC 639.315 is hereby amended to read as follows:

639.315 "Continuing education unit" means 1 full hour devoted to ~~[approved]~~ continuing education ~~[, consisting of accredited or acceptable material.]~~ ***related to the practice of pharmacy.***

Sec. 3. NAC 639.320 is hereby amended to read as follows:

639.320 "Provider" means any person ~~[recognized by the Board as]~~ responsible and competent to provide material for continuing education **.** ~~[which is accredited or acceptable.]~~

Sec. 4. NAC 639.330 is hereby amended to read as follows:

639.330 1. Except as otherwise provided in NAC 639.335, the Board will not issue a certificate as a registered pharmacist to any person pursuant to NRS ~~[639.133,]~~ ***639.127,*** or renew the certificate of any registered pharmacist, until the applicant submits proof to the Board of receipt of 30 continuing education units within the biennium immediately preceding the current renewal period.

2. A program or course for continuing education described in this subsection shall be deemed to be accredited for the purposes of NRS 639.2171 to 639.2176, inclusive. Except as otherwise provided in subsection 3 and NAC 639.335, continuing education units must be provided through a program or course for continuing education:

(a) Provided by the University of Nevada, Reno, School of Medicine, the University of Nevada, Las Vegas, School of Medicine, Touro University Nevada, Roseman University of Health Sciences, the Department of Health and Human Services or the Board; or

(b) Endorsed by the Accreditation Council for Pharmacy Education.

3. The continuing education units must include not less than ~~[:~~

~~(a) Fifteen continuing education units in accredited programs; and~~

~~(b) One]~~ ***one*** continuing education unit earned:

~~[(1)]~~ ***(a)*** In a jurisprudence program approved or presented by the Board relating to the practice of pharmacy or the law relating to pharmacy in this State; or

~~[(2)]~~ ***(b)*** By attending an entire day of any meeting of the Board if:

~~[(I)]~~ ***(1)*** The Board meets for not less than 4 hours on that day; and

~~[(II)]~~ ***(2)*** The registered pharmacist attends the entire day of the meeting regardless of the length of time that the Board meets on that day.

~~[2.]~~ ***4.*** A registered pharmacist who attends a meeting of the Board as set forth in subsection ~~[1]~~ ***3*** is entitled to receive credit for four continuing education units.

~~[3.]~~ ***5.*** No applicant may carry over any excess continuing education units earned in a previous biennium for purposes of compliance with the requirements of this section.

~~[4.]~~ ***6.*** Work-related experience acquired in fields other than the practice of pharmacy is not acceptable as credit toward the requirements of continuing education established by NRS 639.2171 to 639.2176, inclusive, and NAC 639.300 to 639.390, inclusive.

Sec. 5. NAC 639.335 is hereby amended to read as follows:

639.335 ~~[1.]~~ Applicants within the following categories are excused from full compliance with NAC 639.330:

~~[(a)]~~ ***1.*** An applicant for certification or renewal is exempt for 2 years after receipt of a degree in pharmacy conferred by an accredited school or college of pharmacy.

~~[(b)]~~ ***2.*** An applicant who is registered pursuant to NRS 639.134 need complete only a number of continuing education units proportional to the number of months remaining until the next date for biennial renewal following his or her registration. Proration will be made at the rate of 1 1/4 units per month.

~~[(c)]~~ ***3.*** An applicant who is residing and practicing outside of this State ***, including, without limitation, an applicant who is on active duty in the Armed Forces of the United States and stationed outside of this State,*** is exempt from the requirement of one continuing education unit in a jurisprudence program.

~~[2. An applicant may earn all his or her required continuing education units in acceptable programs which are not accredited if the]~~ ***An applicant who is on active duty in the Armed Forces of the United States and is stationed outside of this State is additionally exempt from the requirements of subsection 2 of NAC 639.330.***

4. ***An*** applicant ***who*** is ~~[:~~

~~(a) A]~~ ***a*** student of a health profession and has attended at least ~~[15]~~ ***30*** hours of ~~[classroom]~~ instruction ***relating to health care*** during a ~~[calendar year;~~

~~(b) On active duty in the Armed Forces and stationed outside of this State; or~~

~~(c) Residing and practicing outside of this State.]~~ ***biennial renewal period is exempt from all requirements of NAC 639.330.***

Sec. 6. NAC 639.345 is hereby amended to read as follows:

639.345 Each provider shall:

1. Keep records sufficient to document:

(a) The participation of each pharmacist;

(b) The course or program in which the pharmacist participated;

(c) Whether the pharmacist completed the program or course; and

(d) The number of continuing education units awarded to the pharmacist.

⮑ Such records must be maintained for a period of 4 years after completion of the course or program.

2. Furnish to each participant who completes a course or program a certificate of completion which contains the following information:

(a) The name of the participant.

(b) The name of the provider of the course or program.

(c) A description of the course or program.

(d) The number of continuing education units completed.

(e) The date of completion.

~~[(f) The course designation, either accredited or acceptable.]~~

Sec. 7. NAC 639.365 is hereby amended to read as follows:

639.365 1. A provider may hold himself or herself out as a provider of the material, course or program for continuing education under NRS 639.2171 to 639.2176, inclusive.

2. A provider of any accredited material, course or program ***described in subsection 2 of NAC 639.330*** may state in advertising, announcements or other promotional materials:

This course (or program) has been designated ACCREDITED by the State Board of Pharmacy for ..... continuing education units. ~~[This designation expires on ..... (date)~~

~~3. A provider of any acceptable material, course or program may state in announcements, advertising or other promotional materials:~~

~~This course (or program) has been designated as ACCEPTABLE under the guidelines for continuing education of the State Board of Pharmacy and has been assigned ..... units of credit toward continuing education.]~~

Sec. 8. NAC 639.305, 639.310, 639.340, 639.350, 639.360, 639.370, 639.380 and 639.385 are hereby repealed.

TEXT OF REPEALED SECTIONS

639.305 "Acceptable materials" defined.

"Acceptable materials" means material for continuing education which:

1. Complies with the statutory limits regarding the scope of continuing education; and

2. Is offered by a provider although the material is not endorsed by the Board, or has been submitted to and endorsed by the Board.

639.310 "Accredited material" defined.

"Accredited material" means material for continuing education which has been endorsed by the Board after review by the Board, by its advisory committee on continuing education, by the Accreditation Council for Pharmacy Education or by a board of pharmacy of another state.

639.340 Providers of continuing education: Request for recognition; grant, denial or withdrawal of recognition.

Any person seeking recognition as a provider must notify the Board of his or her intent to provide material or programs for continuing education and request recognition by the Board. The request will be granted if the Board finds that the person applying for recognition is competent to provide material or programs for continuing education, and the Board will communicate its recognition by mail. Recognition may be denied or withdrawn if the Board finds that the person has:

1. Failed to furnish material as advertised;

2. Engaged in any misleading or deceptive practice;

3. Failed to furnish material as required by law or NAC 639.300 to 639.390, inclusive;

4. Failed to comply with the laws or regulations governing continuing professional education in this State; or

5. If the material or programs are not accredited by the Accreditation Council for Pharmacy Education, failed to submit the material or programs to the Board at least 60 days before providing the material or programs.

639.350 Providers of continuing education: List of participants; reference to accreditation; information to be transmitted to Board.

1. Each provider of material:

(a) Shall maintain a list of all participants in the program for 4 years; and

(b) May use only the wording authorized in NAC 639.365 with reference to the provider's accreditation in this State.

2. In the case of any material, course or program intended to be presented at a specific time and place, the provider shall, within 60 days after completion of the course or program, transmit to the Board the following information:

(a) The names and the number of participants in the program or course.

(b) Any material changes in the program or course made since notice of accreditation was issued by the Board.

(c) The date, time and location of the presentation.

(d) The number of hours awarded for continuing education units.

(e) A brief description of the program, including the principal objective of the presentation.

639.360 Accreditation of material, course or program.

1. A provider who seeks accreditation for any material, course or program must submit it to the Board or its designee for review. The Board will notify the provider of the accreditation or denial thereof within 60 days after the submission of a completed application. In a notice of accreditation, the Board will designate the number of units of continuing education for which the course or program is accredited. Accreditation expires 2 years after issuance, unless sooner renewed.

2. In determining whether or not any submitted material, course or program should be accredited, the Board must be satisfied that:

(a) The material, course or program is presented by a provider;

(b) A certificate of completion will be issued to each participant who completes the course or program;

(c) The program includes some mechanism whereby each participant is allowed to evaluate the course with respect to the comprehensibility of the material;

(d) A complete syllabus is included;

(e) The material, course or program is accurate, applicable to pharmacy and of adequate technical quality; and

(f) If the material, course or program is not accredited by the Accreditation Council for Pharmacy Education, the material, course or program is submitted to the Board at least 60 days before the material, course or program is provided.

639.370 Materials for continuing education: Formats of programs; subject matter.

1. Approved programs for continuing education may consist of lectures, seminars, classes or correspondence courses. Presentations may be live or be given by audiotape or videotape. Material may be studied privately or in groups.

2. A provider of material for continuing education has primary responsibility for the format and presentation of the material and may designate or restrict the manner in which the material is presented.

3. Material for continuing education may cover any subject pertinent to the socioeconomic and legal aspects of health care, the properties and actions of drugs and dosage forms, and the etiology, characteristics and therapeutics of the disease state and may include:

(a) Pharmacology.

(b) Biochemistry.

(c) Physiology.

(d) Pharmaceutical chemistry.

(e) Pharmacy administration.

(f) Pharmacy jurisprudence.

(g) Public health and communicable diseases.

(h) Management of a professional practice.

(i) Anatomy.

(j) Histology.

(k) Other subject matter in the curricula of the accredited colleges and schools of pharmacy.

➥ Matter outside of these areas is subject to acceptance or rejection by the Board.

639.380 Advisory Committee on Continuing Education: Creation; number of members.

The Advisory Committee on Continuing Education is hereby created. The Committee consists of five members.

639.385 Advisory Committee on Continuing Education: Composition; powers and duties; quorum; review of materials for continuing education.

1. The composition of the Committee is as follows:

(a) A member of the Board, who is Chair of the Committee.

(b) The Executive Secretary, who is Vice Chair of the Committee.

(c) Three members appointed by the Chair of the Committee and approved by the Board.

2. The Committee:

(a) May adopt internal administrative policies and procedures.

(b) With the approval of the Board, shall establish criteria for accrediting and evaluating any material, course or program for continuing education which is not already accredited by the Accreditation Council for Pharmacy Education.

(c) May select a panel of reviewers to assist in the evaluation of various categories of materials, courses and programs for continuing education.

(d) Shall evaluate the material, course or program based on the Committee's own criteria, together with any reports from reviewers, and recommend to the Board for its final decision the accreditation of programs and the number of units of continuing education to be awarded to the programs.

(e) May adopt such rules as are necessary for its operation.

(f) Shall advise the Board on all matters relating to continuing education.

(g) May collect from each provider of continuing education a fee sufficient to allow this function of the Board to be self-supporting.

3. A quorum of the Committee is three members, at least one of whom must be the Chair or Vice Chair.

4. A provider wishing to have any material, course or program accredited must submit to the Committee:

(a) All the printed or recorded material intended to be distributed to participants;

(b) Biographical information on the persons who are responsible for the content of the course;

(c) Outlines of specifications for and the overall objectives of the presentations, if a major portion of the course or program consists of oral presentations;

(d) A copy of the provider's statement of evaluation; and

(e) An estimate of the appropriate number of units of continuing education to be awarded for completing the course or program.

5. The material so submitted may be evaluated by the Committee or, where appropriate, may be transmitted to members of a panel for its evaluation.