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STATE OF NEVADA
BOARD OF PHARMACY

985 Damonte Ranch Pkwy, Ste 206
Reno, NV 89521

Posted: June 9, 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 hold a Public Hearing at 9:00 a.m. on Thursday, July 14, 2022.

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:

Hyatt Place
1790 East Plumb Lane
Reno, 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:

Amendment to Nevada Administrative Code (NAC) 639. The proposed amendments will require the holder of any certificate, license or permit issued by the State Board of Pharmacy to report certain convictions and administrative actions to the Board.
(LCB File R051-22)

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

The proposed regulation requires the holder of any certificate, license or permit issued by the Board to report to the Executive Secretary: (1) the holder's conviction of certain crimes; (2) certain administrative actions taken against the holder; or (3) the surrender of certain registration to manufacture, distribute or dispense controlled substances issued to the holder by the Attorney General of the United States. This regulation authorizes the Executive Secretary to require a person who reports such a conviction or administrative action to appear before the Board before the person's certificate, license or permit is renewed. The regulation is necessary to ensure licensees pose no risk to the public.

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation 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 beyond the expense of an applicant to appear before the Board when required. The regulation has a beneficial impact on both the regulated entities and the public by improving the safety of pharmaceutical care.

(b) Both immediate and long-term effects.

Immediate or long-term economic effect on regulated entities will be negligible. Impact on public is safer pharmaceutical care.

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.

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 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 July 14, 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 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. R051-22

May 5, 2022

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

AUTHORITY: § 1, NRS 639.070, 639.180 and 639.210.

A REGULATION relating to pharmacy; requiring the holder of any certificate, license or permit issued by the State Board of Pharmacy to report certain convictions and administrative actions to the Board; authorizing the Executive Secretary of the Board to require a holder of such a certificate, license or permit to appear before the Board before the renewal of a certificate, license or permit under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Board of Pharmacy to adopt regulations authorizing the Executive Secretary of the Board to issue certificates, licenses and permits. (NRS 639.070) Existing law authorizes the Board to refuse to renew, suspend or revoke a certificate, license or permit if the holder is not of good moral character, has been convicted of certain crimes or is guilty of certain other acts. (NRS 639.180, 639.210) This regulation requires the holder of any certificate, license or permit issued by the Board to report to the Executive Secretary: (1) the holder’s conviction of certain crimes; (2) certain administrative actions taken against the holder; or (3) the surrender of certain registration to manufacture, distribute or dispense controlled substances issued to the holder by the Attorney General of the United States. This regulation authorizes the Executive Secretary to require a person who reports such a conviction or administrative action to appear before the Board before the person’s certificate, license or permit is renewed.

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

1. The holder of any certificate, license or permit issued by the Board shall report to the Executive Secretary:

(a) Any conviction not later than 30 days after the conviction and provide any documentation of the conviction requested by the Executive Secretary;

(b) Any administrative action taken against the holder by any professional licensing board or any state or federal agency not later than 30 days after the final disposition of the administrative action and provide any documentation of the administrative action requested by the Executive Secretary; or

(c) The surrender of any registration issued by the Attorney General of the United States pursuant to 21 U.S.C. § 823 immediately upon the surrender and provide any documentation of the surrender requested by the Executive Secretary.

2. If a holder of a certificate, license or permit issued by the Board reports a conviction or an administrative action pursuant to subsection 1, the Executive Secretary may require the holder to appear personally before the Board before the renewal of his or her certificate, license or permit.

3. For the purposes of this section, the term “conviction” means a conviction for any crime, other than a misdemeanor traffic violation that does not involve the use of alcohol or a controlled substance, and includes, without limitation, a:

(a) Final judgment of conviction;

(b) Plea of guilty or nolo contendere;

(c) Plea pursuant to North Carolina v. Alford, 400 U.S. 25 (1970); or

(d) Guilty verdict following a bench or jury trial, regardless of whether a sentence is suspended or deferred, a final judgment of conviction has been entered or there are any pending appeals.