JOE LOMBARDO
Governor

HELEN PARK
President

J. DAVID WUEST
Executive Secretary

STATE OF NEVADA

BOARD OF PHARMACY

985 Damonte Ranch Pkwy, Ste 206
Reno, NV 89521

Posted: November 2, 2023

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, December 7, 2023.

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 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 Chapter 639 and/or 453 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.060:

A. Amendment to the Nevada Administrative Code (NAC) 453. The proposed amendments concern the process by which persons apply to the Board to obtain a certificate of registration to dispense controlled substances, pursuant to NRS 453.226, and provide other matters properly relating thereto. (LCB File R197-22)

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

The proposed regulation requires a person to be registered with the Drug Enforcement Administration (DEA) of the United States Department of Justice to dispense controlled substances in this State and in order to engage in any activity for which registration by the Board is required. This regulation additionally requires an applicant for the renewal of a registration to submit to the Board proof that he or she is registered with the DEA to dispense controlled substances in this State. The proposed amendment clarifies the requirements that a DEA registration and registration with the Board is required to dispense controlled substances.

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. The regulation amendment will have a beneficial effect on the regulated entities by clarifying the requirements for dual registration to dispense controlled substances in Nevada. The regulation has a beneficial impact on the regulated entities and the public by ensuring the delivery of safe and reliable pharmaceutical care.

(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 ensuring the delivery of safe and reliable pharmaceutical care which will benefit 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.

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 Board of Pharmacy is not aware of any similar federal regulation 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. Administrative Fine in Lieu of Disciplinary Action.

The proposed amendment clarifies the circumstances when the Board may assess an administrative fine pursuant to NRS 639.2895 in lieu of taking formal disciplinary action against a holder of a certificate, certification, license, or permit issued by the Board. With respect to minor violations, the proposed amendment further limits the amount of the fine that could otherwise be imposed pursuant to NRS 639.2895. (LCB File No. R057-23)

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

The proposed regulation authorizes the Executive Secretary of the Board, in lieu of imposing disciplinary action, to impose an administrative fine of not more than $1,000.00 against the holder of a certificate, license or permit which has expired because the holder failed to submit the fee for renewal or the holder violates any regulation adopted by the Board. The regulation removes unnecessary barriers and streamlines the licensing process to provide expediency and ensure licensees pose no risk to the public 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 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 and on the public by efficiently streamlining the licensing process to provide expediency 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.

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 Board of Pharmacy is not aware of any similar federal regulation 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.

C. **Amendment of Nevada Administrative Code (NAC) 639.694: Administrator required.** The proposed amendment to NAC 639.694 will allow for an inventory of certain durable medical equipment to be stored at a licensed hospital and provided to patients upon discharge from the hospital. (LCB File R058-23)

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

The proposed regulation amendment authorizes a medical products provider to hold at a hospital an inventory of ambulatory aids for sale to patients upon discharge pursuant to a contract with the hospital under which the hospital agrees to furnish appropriate providers of health care who will be available at all times to assist patients with the use and operation of those aids. The medical products provider is required to employ an administrator who: (1) is designated as the medical products provider's administrator for the hospital; (2) does not serve in that capacity for more than five hospitals, none of which may be located more than 50 miles from each of the others; (3) meets the requirements for administrators prescribed by existing regulations; and (4) is on call and reasonably available at all times to assist patients with the use and operation of those aids. The delivery of ambulatory aids is required to occur at the site of the hospital. The medical products provider is required to obtain and maintain a license to engage in business as a medical products provider for each hospital at which the medical products provider intends to hold and sell an inventory of ambulatory aids. The proposed amendment will improve patient access and the delivery of medically necessary ambulatory aids needed upon discharge from the acute or post-acute care setting.

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. The regulation amendment will have a beneficial effect on the regulated entities and on the public by improving patient access and delivery of ambulatory aids in Nevada.

(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 to ambulatory aids and the improvement of patient care and outcomes.

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 Board of Pharmacy is not aware of any similar federal regulation 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.

D. Amendment of Nevada Administrative Code (NAC) 639.XXX: Assembly Bill No. 156 (2023) – An Act Relating to Substance Use

Disorders. This law requires the Board to adopt regulations related to: (a) The requirements to register with the Board to engage in the activity authorized by this section; and (b) Establishing a protocol for the actions authorized by the bill. (LCB File R059-23)

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

The proposed amendments will create a new section to implement the provisions of Assembly Bill No. 156 requiring a pharmacist to register with the State Board of Pharmacy and perform certain assessments before prescribing and dispensing drugs for medication-assisted treatment of opioid use disorder (OUD); requiring a pharmacist to prescribe and dispense drugs for medication-assisted treatment of opioid use disorder as part of a documented treatment plan; requiring the documentation and periodic reviews of such treatment; and providing other matters properly relating thereto. The proposed amendment reduces barriers and expands access to medication treatment for individuals with OUD. (LCB File R059-23)

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. The regulation amendment will have a beneficial effect on the regulated entities and public by expanding access to medication treatment for individuals with OUD.

(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 reducing barriers and expanding access to medication treatment for individuals with OUD which will benefit 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.

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 Board of Pharmacy is not aware of any similar federal regulation 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.

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 teambc@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 December 6, 2023. 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.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Nevada State Board of Pharmacy in writing at 985 Damonte Ranch Pkwy., #206, Reno, Nevada 89521, or by calling (775) 850-1440. Please notify us at least one (1) week prior to the scheduled meeting date to allow time to secure any necessary equipment or provisions prior to the meeting.

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. R197-22

May 11, 2023

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

AUTHORITY: § 1, NRS 453.221, 453.226 and 639.070.

A REGULATION relating to controlled substances; revising the conditions under which a person is authorized to dispense controlled substances; revising the requirements to renew registration to dispense controlled substances; 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 registration and control of the dispensing of controlled substances. (NRS 453.221) Existing law further authorizes the Board to adopt regulations that: (1) are necessary for the protection of the public relating to the practice of pharmacy; (2) authorize the Executive Secretary of the Board to issue certificates, licenses and permits required for the practice of pharmacy or for the dispensing of controlled substances; and (3) govern the dispensing of poisons, drugs, chemicals and medicines. (NRS 639.070) Existing law requires a practitioner or other person who dispenses any controlled substance to biennially register with the Board. (NRS 453.226) Existing regulations prescribe certain activities relating to controlled substances for which such registration is required. (NAC 453.110, 453.120, 453.130) Existing regulations: (1) prohibit a person from engaging in any activity that requires registration with the Board unless the person is registered; and (2) authorizes a person to renew his or her registration every 2 years by submitting to the Board an application for renewal and paying the renewal fee. (NAC 453.210)

This regulation requires a person to be registered with the Drug Enforcement Administration of the United States Department of Justice to dispense controlled substances in this State and in order to engage in any activity for which registration by the Board is required. This regulation additionally requires an applicant for the renewal of a registration to submit to the Board proof that he or she is registered with the Drug Enforcement Administration to dispense controlled substances in this State.

Section 1. NAC 453.210 is hereby amended to read as follows:

453.210 1. A person who is required to be registered:

(a) May apply for registration at any time.

(b) Shall not engage in any activity for which registration is required ~~[until]~~ *:*

(1) Until his or her application for registration is granted and a certificate of registration is issued to the person by the Board ~~[.]~~ *; and*

(2) Unless he or she is registered with the Drug Enforcement Administration to dispense controlled substances in this State and has provided a copy of that registration to the Board.

2. A person who is registered may renew his or her registration biennially by ~~[submitting]~~ *:*

(a) Submitting an application for renewal *;*

(b) Presenting proof that he or she is registered with Drug Enforcement Administration to dispense controlled substances in this State; and ~~[paying]~~

(c) Paying the renewal fee.

3. All registrations expire on October 31 of each even-numbered year.

PROPOSED REGULATION OF

THE STATE BOARD OF PHARMACY

LCB File No. R057-23

October 9, 2023

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

AUTHORITY: § 1, NRS 639.070.

A REGULATION relating to pharmacy; authorizing the imposition of an administrative fine for certain violations; establishing a process for the appeal of such an administrative fine; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes a procedure for the revocation, suspension, limitation or placement of conditions upon the rights and privileges granted by any certificate, certification, license or permit issued by the State Board of Pharmacy. (NRS 639.241-639.255) This regulation authorizes the Executive Secretary of the Board, in lieu of imposing disciplinary action through that procedure, to impose an administrative fine of not more than $1,000 against the holder of a certificate, certification, license or permit who: (1) engages in activity for which the certificate, certification, license or permit is required after the certificate, certification, license or permit has expired because the holder failed to submit the fee for renewal; or (2) violates any regulation adopted by the Board while the certificate, certification, license or permit is effective. This regulation also authorizes the holder of a certificate, certification, license or permit to appeal the imposition of such an administrative fine by submitting to the Board, within 30 days of the imposition of the administrative fine, a written request for a hearing.

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

1. In lieu of initiating disciplinary action pursuant to NRS 639.241 to 639.255, inclusive, against a person who holds a certificate, certification, license or permit issued by the Board, the Executive Secretary of the Board may impose an administrative fine of not more than $1,000 if the holder:

(a) Engages in activity for which the certificate, certification, license or permit is required after the certificate, certification, license or permit has expired because the holder failed to submit the fee for renewal required by NAC 639.220; or

(b) Violates any regulation adopted by the Board at any time during which the certificate, certification, license or permit is effective.

2. A person upon whom the Executive Secretary imposes an administrative fine pursuant to this section may appeal that action by submitting to the Board, within 30 days of the imposition of the administrative fine, a written request for a hearing.

3. For the purposes of paragraph (a) of subsection 1, a person shall be deemed to be the holder of a certificate, certification, license or permit issued by the Board for a period of 1 year following the expiration date of the certificate, certification, license or permit.

PROPOSED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R058-23

October 9, 2023

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

AUTHORITY: § 1, NRS 639.070.

A REGULATION relating to pharmacy; authorizing a medical products provider to hold at a hospital an inventory of ambulatory aids for sale to patients upon discharge 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 governing the storage and handling of medical devices. (NRS 639.070) Existing regulations provide for the issuance by the Board of licenses to engage in business as a medical products provider. (NAC 639.6942) Existing regulations require a medical products provider to, among other things: (1) provide services, including set up, repair and maintenance, for all medical products sold, leased or otherwise provided by the medical products provider; (2) instruct consumers concerning the use, set up and maintenance of those products; and (3) maintain an adequate inventory of medical products at a suitable physical location. (NAC 639.6946)

This regulation authorizes a medical products provider to hold at a hospital an inventory of ambulatory aids for sale to patients upon discharge under certain conditions. First, this regulation requires the medical products provider to sell those ambulatory aids pursuant to a contract with the hospital under which the hospital agrees to furnish appropriate providers of health care who will be available at all times to assist patients with the use and operation of those aids. Second, this regulation requires the medical products provider to employ an administrator who: (1) is designated as the medical products provider's administrator for the hospital; (2) does not serve in that capacity for more than five hospitals, none of which may be located more than 50 miles from each of the others; (3) meets the requirements for administrators prescribed by existing regulations; and (4) is on call and reasonably available at all times to assist patients with the use and operation of those aids. Third, this regulation requires the delivery of ambulatory aids to occur at the site of the hospital. Finally, this regulation requires the medical products provider to obtain and maintain a license to engage in business as a medical products provider for each hospital at which the medical products provider intends to hold and sell an inventory of ambulatory aids.

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

1. A medical products provider may hold at a hospital an inventory of ambulatory aids for sale to patients of the hospital upon discharge if the medical products provider:

(a) Sells those ambulatory aids pursuant to a contract with the hospital under which the hospital agrees to furnish the appropriate providers of health care who will be available at all times to assist patients with the use and operation of ambulatory aids.

(b) Employs an administrator who:

(1) Is designated as the medical products provider's administrator for the hospital;

(2) Serves in that capacity for not more than five hospitals, each of which is located not more than 50 miles from each of the others;

(3) Meets the requirements of NAC 639.694; and

(4) Is on call and reasonably available at all times to assist patients with the use and operation of ambulatory aids delivered to those patients at the site of the hospital upon their discharge.

(c) Delivers ambulatory aids to patients of the hospital only at the site of the hospital.

(d) Is in compliance with the requirements of subsection 2.

2. A medical products provider must obtain and maintain a license to engage in business as a medical products provider pursuant to NAC 639.6942 for each hospital at which the medical products provider intends to hold an inventory of ambulatory aids and sell those aids pursuant to subsection 1.

3. As used in this section:

(a) "Ambulatory aids" means mobility enhancing equipment, prosthetic devices, orthotic devices, ambulatory casts and other braces, supports and casts for human use.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

PROPOSED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R059-23

October 19, 2023

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

AUTHORITY: §§ 1-6, NRS 453.221, 639.070 and section 12.3 of Assembly Bill No. 156, chapter 398, Statutes of Nevada 2023, at page 2367.

A REGULATION relating to pharmacy; requiring a pharmacist to register with the State Board of Pharmacy and perform certain assessments before prescribing and dispensing drugs for medication-assisted treatment of opioid use disorder; requiring a pharmacist to prescribe and dispense drugs for medication-assisted treatment of opioid use disorder as part of a documented treatment plan; requiring the documentation and periodic reviews of such treatment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Assembly Bill No. 156 of the 2023 Legislative Session requires the State Board of Pharmacy to adopt regulations establishing requirements for a pharmacist to: (1) assess a patient to determine whether the patient has an opioid use disorder and if medication-assisted treatment would be appropriate for the patient; and (2) prescribe and dispense a drug for medication-assisted treatment. (Section 12.3 of Assembly Bill No. 156, chapter 398, Statutes of Nevada 2023, at page 2367)

Section 2 of this regulation requires a pharmacist who wishes to engage in such activity to: (1) register with the Board to dispense certain controlled substances; (2) register with the Board to engage in such activity; and (3) comply with applicable laws and regulations governing the prescribing or dispensing of controlled substances and dangerous drugs.

Section 3 of this regulation requires a pharmacist to: (1) assess a patient to determine whether the patient has an opioid use disorder and if medication-assisted treatment would be appropriate before counseling the patient on treatment for opioid use disorders and prescribing and dispensing a drug for medication-assisted treatment; and (2) document such an assessment. **Section 4** of this regulation requires a pharmacist who offers medication-assisted treatment for opioid use disorder to establish a documented treatment plan tailored to the needs of the patient and sets forth certain minimum requirements for such a plan. **Section 4** requires a pharmacist to provide any such treatment in accordance with the documented treatment plan.

Section 5 of this regulation requires a pharmacist who is providing treatment to a person with an opioid use disorder to conduct periodic reviews of such treatment and sets forth certain minimum requirements for such reviews.

Section 6 of this regulation requires a pharmacist who is providing treatment to a person with an opioid use disorder to maintain records of the treatment and make such records available for review by the Board.

Section 1. Chapter 639 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. *1. A pharmacist who wishes to engage in the activity authorized by section 12.3 of Assembly Bill No. 156, chapter 398, Statutes of Nevada 2023, at page 2367, must:*

(a) Register with the Board to dispense controlled substances in the manner prescribed by NAC 453.100 to 453.300, inclusive; and

(b) Register with the Board to engage in the activity authorized by section 12.3 of Assembly Bill No. 156, chapter 398, Statutes of Nevada 2023, at page 2367.

2. A pharmacist registered with the Board pursuant to this section shall comply with the requirements of chapters 453, 454 and 639 of NRS, and any regulations adopted pursuant thereto, that apply when a practitioner is prescribing or dispensing controlled substances or dangerous drugs within the scope of practice of the practitioner.

Sec. 3. *Before offering treatment to a patient pursuant to paragraphs (b) and (c) of subsection 1 of section 12.3 of Assembly Bill No. 156, chapter 398, Statutes of Nevada 2023, at page 2367, a pharmacist must:*

1. Assess the patient pursuant to paragraph (a) of subsection 1 of section 12.3 of Assembly Bill No. 156, chapter 398, Statutes of Nevada 2023, at page 2367; and

2. Document the assessment in the record of the patient.

Sec. 4. *1. A pharmacist who offers treatment to a patient pursuant to section 12.3 of Assembly Bill No. 156, chapter 398, Statutes of Nevada 2023, at page 2367, shall establish a*

documented treatment plan tailored to the needs of the patient. The documented treatment plan must include, without limitation:

(a) A procedure for evaluating the progress or success of the treatment with stated objectives, including, without limitation, improved physical or psychosocial function; and

(b) Consideration of pertinent medical history, previous medical records and physical examinations and the need for further testing, consultations, referrals or the use of other treatment modalities.

2. A pharmacist may only provide treatment pursuant to section 12.3 of Assembly Bill No. 156, chapter 398, Statutes of Nevada 2023, at page 2367, in accordance with a documented treatment plan established pursuant to subsection 1.

Sec. 5. *A pharmacist providing treatment to a patient pursuant to section 12.3 of Assembly Bill No. 156, chapter 398, Statutes of Nevada 2023, at page 2367, shall document and conduct periodic reviews of the care of the patient. The periodic reviews must be conducted at reasonable intervals in consideration of the individual circumstances of the patient and include, without limitation:*

1. Consideration of the individual circumstances of the patient;

2. Any progress in reaching the objectives of the treatment; and

3. Consideration of the treatment prescribed, ordered or administered, as well as any new information about the etiology of the opioid use disorder of the patient.

Sec. 6. *A pharmacist shall:*

1. Maintain complete and accurate records of the treatment provided to a patient pursuant to section 12.3 of Assembly Bill No. 156, chapter 398, Statutes of Nevada 2023, at

page 2367, including, without limitation, any records required pursuant to chapter 639 of NRS and the regulations adopted pursuant thereto.

2. Make all records maintained pursuant to subsection 1 available for review upon request of the Board. The Board will conduct any review of such records in accordance with the laws relating to the confidentiality of medical records.