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Governor

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Executive Secretary

STATE OF NEVADA

BOARD OF PHARMACY

985 Damonte Ranch Pkwy, Ste 206
Reno, NV 89521

Posted: October 28, 2025

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 4, 2025.

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:

Amendment to the Nevada Administrative Code ("NAC") 639. The proposed amendments relate to the licensing requirements for facilities for intermediate care or facilities for skilled nursing licensed by the State Board of Health pursuant to NRS 449.0303 and provide other matters properly relating thereto. (LCB File No. R203-24)

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

The regulation sets forth the requirements necessary for intermediate care facilities or skilled nursing facilities to obtain a license from the Board of Pharmacy. The purpose is to protect the public with regard to safe and efficient acquisition, storage, handling, and administration of controlled substances and dangerous drugs, and to set the qualifications, authority, and duties of the owners and contract employees.

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 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 having safeguards for controlled substances and dangerous drugs at intermediate care facilities or skilled nursing facilities.

(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 having safeguards for controlled substances and dangerous drugs at intermediate care facilities or skilled nursing facilities.

4. The estimated cost to the agency for enforcement of the proposed regulation.

The cost to the Board for enforcement of the proposed regulation cannot be determined at this time since it will be dependent upon the number of applicants for registration/licensure.

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.

The regulation amendment increases the fees for the investigation or issuance or renewal of a license for insert license type. The revenue generated from the fee increase will partially offset the costs of regulatory enforcement of this regulation incurred by the Board of Pharmacy.

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 4, 2025. 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:

www.notice.nv.gov
www.bop.nv.gov
www.leg.state.nv.us.

Nevada State Board of Pharmacy
Reno, Nevada

Nevada State Board of Pharmacy
Las Vegas, Nevada

Nevada State Library
100 N. Stewart St.
Carson City, NV 89701

PROPOSED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R203-24

September 19, 2025

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

AUTHORITY: §§ 1, 3, 4 and 8, NRS 639.070 and 639.2327, as amended by section 279 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3745; §§ 2 and 5, NRS 453.221, 639.070 and 639.2327, as amended by section 279 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3745; §§ 6 and 7, NRS 639.070, 639.071 and 639.2327, as amended by section 279 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3745.

A REGULATION relating to pharmacy; adopting requirements governing the registration with the State Board of Pharmacy of facilities for intermediate care and facilities for skilled nursing which do not maintain a pharmacy on their premises and wish to maintain a stock of drugs for emergency treatment of inpatients; requiring facilities for intermediate care and facilities for skilled nursing which do not maintain a pharmacy on their premises to enter into a contract with a licensed pharmacy to perform certain functions relating to the stocking and distributing of certain drugs to be given to patients at the facility; requiring such a facility to employ or enter into a contract with a pharmacist to establish certain policies and procedures relating to the purchase, storage, maintenance of records and administration of certain drugs; establishing the duties of such a pharmacist; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law and regulations require a medical facility, including, without limitation, a facility for intermediate care or facility for skilled nursing, to obtain a license from the State Board of Pharmacy for any pharmacy that is part of or operated in conjunction with the facility for the purpose of supplying medication and pharmaceutical services to patients at the facility. (NRS 449.0151, 639.0085, 639.071, 639.100, 639.231; NAC 639.457, 639.4575, 639.462) Existing law and regulations also authorize a facility for intermediate care or a facility for skilled nursing to maintain a stock of drugs for emergency treatment of inpatients if the facility is registered with the Board and complies with certain requirements for the storage and distribution of the drugs. (NRS 639.2327, as amended by section 279 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3745; NAC 639.515)

Section 2 of this regulation: (1) establishes the requirements for a facility for intermediate care or a facility for skilled nursing which does not have a licensed pharmacy on its premises and wishes to maintain a stock of drugs for emergency treatment of inpatients to

register with the Board; (2) requires such a facility to register with the Drug Enforcement Administration of the United States Department of Justice to dispense controlled substances if the stock of drugs includes a controlled substance listed in schedule II, III, IV or V; and (3) requires the director of nurses at such a facility to ensure that the facility complies with certain requirements relating to the stock of drugs for emergency treatment of inpatients. **Section 5** of this regulation establishes the fee for such a registration. **Section 8** of this regulation makes a conforming change to clarify that facilities for intermediate care and facilities for skilled nursing that are registered with the Board are authorized to maintain a stock of drugs for emergency treatment of inpatients.

Sections 3 and 4 of this regulation establish requirements for the maintenance of a stock of medications for distribution in facilities for intermediate care and facilities for skilled nursing which do not have a licensed pharmacy on their premises and the filling of prescriptions for medications to be given to patients of such facilities. **Section 3** requires a facility for intermediate care or facility for skilled nursing to enter into a contract with a licensed pharmacy to: (1) supply any stock of drugs for emergency treatment of inpatients; (2) stock any supply of prepackaged drugs or furnish a supply of drugs and medicines in certain mechanical devices; and (3) process and fill any prescription for certain drugs which are to be given to a patient in the facility. **Section 3** also requires such a facility to employ or enter into a contract with a pharmacist to establish and monitor compliance with policies and procedures which satisfy certain requirements relating to the purchasing, storage, maintenance of records and administration of drugs at the facility. **Sections 4 and 7** of this regulation set forth the duties of such a pharmacist.

Section 6 of this regulation applies certain definitions in existing regulations relating to facilities for intermediate care and facilities for skilled nursing to the provisions of **sections 2, 3 and 4**.

Section 1. Chapter 639 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. ***1. Each facility which does not have a licensed pharmacy on the premises of the facility and wishes to maintain a stock of drugs for emergency treatment of inpatients pursuant to NRS 639.2327, as amended by section 279 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3745, shall:***

(a) Register with the Board by submitting an application on a form prescribed by the Board and paying the requisite fee prescribed by NAC 639.220; and

(b) If the stock of drugs for emergency treatment of inpatients includes controlled substances listed in schedule II, III, IV or V, register with the Drug Enforcement Administration of the United States Department of Justice to dispense controlled substances.

2. The director at a facility which is registered pursuant to this section shall ensure that the facility complies with the provisions of NRS 639.2327, as amended by section 279 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3745, and NAC 639.515 relating to the stock of drugs for emergency treatment of inpatients maintained at the facility.

3. Any registration issued pursuant to this section is a revocable privilege and no holder of such a registration acquires any vested right therein or thereunder.

Sec. 3. *1. Each facility which does not have a licensed pharmacy on the premises of the facility and wishes to maintain a stock of drugs for emergency treatment of inpatients pursuant to NRS 639.2327, as amended by section 279 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3745, stock a supply of prepackaged drugs pursuant to NAC 639.476, stock a supply of drugs and medicines in a mechanical device other than an automated drug dispensing system pursuant to NAC 639.720 or receive a prescription drug which is to be given to a patient in the facility in accordance with NAC 639.478 shall:*

(a) Enter into a contract with a licensed pharmacy to, as applicable:

(1) Supply any stock of drugs for emergency treatment of inpatients;

(2) Stock any supply of prepackaged drugs pursuant to NAC 639.476;

(3) Furnish any supply of drugs and medicines in a mechanical device other than an automated drug dispensing system pursuant to NAC 639.720; and

(4) Process and fill any prescription for a drug which is to be given to a patient in the facility in accordance with NAC 639.478; and

(b) Employ or enter into a contract with a pharmacist to establish policies and procedures which must:

(1) Be consistent with the policies and procedures developed pursuant to NAC 639.477;

(2) Require the maintenance of records relating to controlled substances in accordance with the requirements of NAC 639.485, 639.486, 639.494 and 639.496;

(3) Address the purchase, storage, maintenance of records and administering of drugs and investigational drugs;

(4) Require the maintenance of a perpetual inventory of all controlled substances;

(5) Require the storage of drugs:

(I) In accordance with the specifications of the manufacturer;

(II) For a stock of drugs for emergency treatment of inpatients maintained pursuant to NRS 639.2327, as amended by section 279 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3745, in accordance with the requirements of NRS 639.2327, as amended by section 279 of Senate Bill No. 494, chapter 514, Statutes of Nevada 2025, at page 3745, and NAC 639.515; and

(III) For a supply of prepackaged drugs pursuant to NAC 639.476 or a prescription drug which is to be given to a patient in the facility in accordance with NAC 639.478, in a locked cabinet or room;

(6) Prescribe procedures for quarantining and destroying any drug or investigational drug which is expired, adulterated, mislabeled or otherwise unsafe for use by humans; and

(7) Ensure that the facility administers drugs and investigational drugs pursuant to chart orders and in accordance with all applicable state and federal laws and regulations.

2. The policies and procedures established pursuant to paragraph (b) of subsection 1 must be maintained, reviewed at least annually, and dated upon adoption and amendment.

3. A pharmacist who is employed or contracted with a facility pursuant to paragraph (b) of subsection 1 may establish the policies and procedures required by that paragraph in consultation with the director or an assistant of the director at the facility.

Sec. 4. *A pharmacist who is employed by or contracted with a facility pursuant to paragraph (b) of subsection 1 of section 3 of this regulation shall:*

1. Visit the facility at least once each month to:

(a) Evaluate the effectiveness of the policies and procedures established pursuant to paragraph (b) of subsection 1 of section 3 of this regulation; and

(b) Confirm that the facility is in compliance with the provisions of this section, section 3 of this regulation and the policies and procedures established pursuant to paragraph (b) of subsection 1 of section 3 of this regulation;

2. Maintain documentation of each visit the pharmacist makes pursuant to subsection 1;

3. Conduct an audit of the facility at least once each month using a randomly selected sample of records of the facility, including, without limitation, records of patients and records relating to the purchasing, storage and administration of drugs and investigational drugs, to determine whether the records indicate that:

(a) Drugs and investigational drugs are being administered in a safe and effective manner in accordance with accepted standards of practice and the specifications of the manufacturer;

(b) A discrepancy exists between the actual quantity of drugs and investigational drugs in the possession of the facility and the quantity of drugs and investigational drugs that should be in the possession of the facility according to the records of the facility;

(c) The employees of the facility:

(1) Maintain accurate records relating to drugs; and

(2) Maintain and properly monitor the perpetual inventory of all controlled substances in accordance with the policies and procedures established pursuant to subparagraph (4) of paragraph (b) of subsection 1 of section 3 of this regulation; and

4. Submit a written report, which must include, without limitation, a written explanation, to the Board not later than 5 business days after the date on which the pharmacist determines that:

(a) The facility is violating a state or federal law or regulation which affects the care and safety of a patient;

(b) There is a discrepancy of 5 percent or more between the actual quantity of a controlled substance in the possession of the facility and the quantity of the controlled substance that should be in the possession of the facility according to the records of the facility, including, without limitation:

(1) Purchase orders and invoices for the controlled substance;

(2) Records which indicate the removal of the controlled substance from the storage area;

(3) Records of patients, including, without limitation, records of dispensing or administering the controlled substance to a patient;

(4) Records which indicate the return of the controlled substance to the manufacture or that the controlled substance was destroyed; and

(5) Any other records relating to the controlled substance;

(c) The facility has intentionally or recklessly failed to create or maintain a record required by the policies and procedures established pursuant to paragraph (b) of subsection 1 of section 3 of this regulation;

(d) The facility is administering a drug in violation of accepted standards of practice or the specifications of the manufacturer; or

(e) The facility is engaged in a practice which endangers the health, safety or welfare of a patient or employee of the facility.

Sec. 5. NAC 639.220 is hereby amended to read as follows:

639.220 1. The Board hereby adopts the following schedule of fees:

For the examination of an applicant for registration as a pharmacist ..... Actual cost of the examination

For the investigation or registration of an applicant as a registered pharmacist.....$200

For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity.....200

For the investigation or issuance of an original license to conduct a retail pharmacy 500

For the biennial renewal of a license to conduct a retail pharmacy 500

For the investigation or issuance of an original license to conduct an institutional pharmacy 500

For the biennial renewal of a license to conduct an institutional pharmacy 500

For the investigation or issuance of an original license to conduct a pharmacy in a correctional institution 500

For the biennial renewal of a license to conduct a pharmacy in a correctional institution 500

For the investigation or issuance of an original license to conduct a pharmacy in a recovery center or ambulatory surgical center licensed pursuant to chapter 449 of NRS 500

For the biennial renewal of a license to conduct a pharmacy in a recovery center or ambulatory surgical center licensed pursuant to chapter 449 of NRS 500

For the issuance of an original or duplicate certificate of registration as a registered pharmacist 50

For the biennial renewal of registration as a registered pharmacist 200

For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse) 100

For the initial registration of a pharmaceutical technician, pharmaceutical technician in training, dispensing technician or dispensing technician in training 50

For the biennial renewal of registration of a pharmaceutical technician, pharmaceutical technician in training, dispensing technician or dispensing technician in training 50

For the investigation or registration of an intern pharmacist 40

For the biennial renewal of registration as an intern pharmacist 40

For authorization of a practitioner who is a medical intern or resident physician to prescribe or possess controlled substances 80

For the biennial renewal of authorization of a practitioner who is a medical intern or resident physician to prescribe or possess controlled substances 80

For the investigation or issuance of an original license to engage in business as an authorized warehouse or medical products provider 500

For the biennial renewal of a license to engage in business as an authorized warehouse or medical products provider.....500

For the investigation or issuance of an original license to a manufacturer or wholesaler.....1,000

For the biennial renewal of a license for a manufacturer or wholesaler 1,000

For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon.....50

For authorization of a practitioner, other than a licensed veterinarian, to dispense controlled substances or dangerous drugs, or both, for human consumption for each location where the practitioner will dispense controlled substances or dangerous drugs, or both, for human consumption.....300

For the biennial renewal of authorization of a practitioner, other than a licensed veterinarian, to dispense controlled substances or dangerous drugs, or both, for human consumption for each location where the practitioner will dispense controlled substances or dangerous drugs, or both, for human consumption.....300

For authorization of a licensed veterinarian to dispense controlled substances or dangerous drugs, or both, not for human consumption.....150

For the biennial renewal of authorization of a licensed veterinarian to dispense controlled substances or dangerous drugs, or both, not for human consumption.....150

For authorization of a registered nurse to dispense dangerous drugs for human consumption while engaged in the performance of a public health program approved by the Board 300

For the biennial renewal of authorization of a registered nurse to dispense dangerous drugs for human consumption while engaged in the performance of a public health program approved by the Board.....300

For the investigation or issuance of an original license for an automated drug dispensing system.....500

For the biennial renewal of a license for an automated drug dispensing system 500

For the investigation or issuance of an original license to a pharmacy authorizing the use of a mechanical device to furnish drugs and medications for administration to patients at a medical facility.....250

For the biennial renewal of a license to a pharmacy authorizing the use of a mechanical device to furnish drugs and medications for administration to patients at a medical facility.....250

For the investigation or issuance of an original license for a facility for treatment with narcotics to administer opioid agonist treatment medication 80

For the biennial renewal of a license for a facility for treatment with narcotics to administer opioid agonist treatment medication 80

For the investigation or issuance of an original registration for a facility for intermediate care or a facility for skilled nursing licensed pursuant to chapter 449 of NRS which does not have a licensed pharmacy on the premises of the facility and wishes to maintain a stock of drugs for emergency treatment of inpatients.....500

For the biennial renewal of a registration for a facility for intermediate care or a facility for skilled nursing licensed pursuant to chapter 449 of NRS which does not have a licensed pharmacy on the premises of the facility and wishes to maintain a stock of drugs for emergency treatment of inpatients.....500

2. The penalty for failure to pay the renewal fee for any license, permit or certificate within the statutory period, as provided in subsection 6 of NRS 639.170, is 50 percent of the renewal fee for each period of delinquency in addition to the renewal fee for each period of delinquency.

3. Any person who has been registered as a pharmacist in this State for at least 50 years is not required to pay the fee for the biennial renewal of a certificate of registration as a registered pharmacist.

4. The provisions of this section concerning the fee for the biennial renewal of the authorization to dispense controlled substances or dangerous drugs do not apply to an advanced practice registered nurse who is required to pay a fee pursuant to NAC 639.870.

5. A practitioner employed by or serving as an independent contractor of a health center:

(a) Which is a federally-qualified health center that provides health care primarily to medically underserved persons in a community; and

(b) Which is not a medical facility as defined in NRS 449.0151,

↪ is not required to pay a fee to the Board for a change of address or for an additional address at which the practitioner dispenses drugs.

6. A practitioner who is exempt from the payment of a fee pursuant to subsection 5 shall notify the Board in writing of each change of address or additional address, or both.

7. In addition to any other fees paid by an applicant for a certificate, license or permit issued pursuant to chapter 639 of NRS, the Board may require that the applicant pay the actual costs of inspection incurred by the Board.

Sec. 6. NAC 639.492 is hereby amended to read as follows:

639.492 As used in NAC 639.492 to 639.498, inclusive, ***and sections 2, 3 and 4 of this regulation,*** unless the context otherwise requires:

1. "Director" means the director of nurses of a facility.

2. "Facility" means a facility for intermediate care as defined in NRS 449.0038 or a facility for skilled nursing as defined in NRS 449.0039.

Sec. 7. NAC 639.498 is hereby amended to read as follows:

639.498 1. Except as otherwise provided in subsection 2:

(a) At least once each month, the director or ~~[a licensed consulting]~~ ***the*** pharmacist ***who is employed by or contracted with the facility*** shall destroy, on the premises of the facility, the controlled substances described in subsection 1 of NAC 639.050.

(b) If the director destroys the controlled substances, the ~~[licensed consulting]~~ pharmacist ***who is employed by or contracted with the facility*** shall witness the destruction of the controlled substances. If the ~~[licensed consulting]~~ pharmacist ***who is employed by or contracted with the facility*** destroys the controlled substances, the director shall witness the destruction of the controlled substances.

2. The director may designate a nurse licensed pursuant to chapter 632 of NRS to carry out his or her duties pursuant to this section. The ~~[licensed consulting]~~ pharmacist ***who is employed by or contracted with the facility*** may designate a pharmacist licensed pursuant to chapter 639 of NRS to carry out his or her duties pursuant to this section.

3. The controlled substances must be destroyed in accordance with 21 C.F.R. Parts 1300, 1301, 1304, 1305, 1307 and 1317 and any other provision of federal law governing the destruction or disposal of controlled substances.

Sec. 8. NAC 639.515 is hereby amended to read as follows:

639.515 1. A facility for skilled nursing or a facility for intermediate care ***which is registered pursuant to section 2 of this regulation*** may maintain a stock of the following drugs for emergency treatment for inpatients:

Analgesic-CII

Analgesic-non CII

Anesthetics, local

Antiarrhythmics

Antibiotics

Oral

Intravenous

Anticholinergic

Antidiarrheal

Antihistamine

Antihypertensive

Antinauseants

Antipsychotic

Bronchodilators

Calcium injectable

Dextrose injection

Diazepam

Digoxin

Diuretic injectable

Epinephrine

Glucagon

Heparin

Insulin

Intravenous solutions

Magnesium sulfate

Muscle relaxant

Naloxone

Nitroglycerin tablets

Normal saline

Phenobarbital

Phenytoin

Potassium chloride

Pressor amine

Protamine

Sodium bicarbonate

Steroids

Vitamin K

Water for injection

2. The quantity of each drug stocked must not exceed 20 units of each drug at each nursing station in the facility.

3. All drugs must be stored and maintained in unit dosages, if manufactured in that form.