ADOPTED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R019-03

Effective October 21, 2003

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

AUTHORITY: §§1-4, NRS 639.070 and 639.137; §5, NRS 639.070.

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. As required by NRS 639.137, an application for registration as an intern pharmacist must be made on a form furnished by the Board. If the applicant is enrolled in a college of pharmacy or a department of pharmacy of a university approved by the Board, the application must include the name, telephone number and mailing address of the person at the college of pharmacy or the department of pharmacy of the university who will be making and maintaining the records relating to the internship of the applicant.***

2. Upon approval of the application, the Executive Secretary shall issue a certificate of registration as required by NRS 639.137.

3. Except as otherwise provided in subsection 4, if an applicant is enrolled in a college of pharmacy or a department of pharmacy of a university approved by the Board, the college of pharmacy or the department of pharmacy of the university at which the applicant is enrolled shall prepare and maintain records relating to the participation of the applicant in his internship as an intern pharmacist. The records must include, without limitation, a copy of the

documentation provided to the college of pharmacy or the department of pharmacy of the university pursuant to subsection 5 of section 4 of this regulation, if any.

4. If an applicant participates in an internship after he has graduated from a college of pharmacy, a department of pharmacy of a university or a foreign school, the applicant shall prepare and maintain records relating to his participation in the internship. The records must include, without limitation, a copy of the documentation provided to the applicant pursuant to subsection 5 of section 4 of this regulation, if any.

Sec. 3. *A pharmacy for which an intern pharmacist works as part of an internship to fulfill the requirements of paragraph (d) of subsection 1 of NRS 639.120 may:*

1. Allow the intern pharmacist to work at the pharmacy without pay if the intern pharmacist is receiving credit for the internship from the college of pharmacy or the department of pharmacy of the university approved by the Board at which the intern pharmacist is enrolled; or

2. Employ the intern pharmacist with pay if the intern pharmacist:

(a) Has graduated from a college of pharmacy, a department of pharmacy of a university or a foreign school; or

(b) Is enrolled in a college of pharmacy or a department of pharmacy of a university approved by the Board and is working for the pharmacy during a break from his attendance at the college of pharmacy or the department of pharmacy of the university, including, without limitation, the summer vacation months or a holiday break.

Sec. 4. *1. Except as otherwise prohibited by law or by an order of the Board, any registered pharmacist may serve as preceptor to an intern pharmacist.*

2. If an intern pharmacist is enrolled in a college of pharmacy or a department of pharmacy of a university approved by the Board, the college of pharmacy or the department of pharmacy of the university at which the intern pharmacist is enrolled shall establish a scope of duties that may be engaged in by the intern pharmacist during his internship and shall provide the scope of duties to the intern pharmacist before his internship begins. The scope of duties must be based upon the courses that the intern pharmacist has completed. The intern pharmacist shall, before his internship begins, provide the scope of duties established for him by the college of pharmacy or the department of pharmacy of the university to any preceptor responsible for his supervision and training.

3. Except as otherwise provided in subsection 4, a preceptor shall allow an intern pharmacist under his supervision to perform duties to the fullest extent practicable that are primarily related to:

(a) The selling of controlled substances, poisons, dangerous drugs and devices;

(b) The compounding of prescription drugs;

(c) The filling of prescriptions and the dispensing of prescription drugs;

(d) Preparing and maintaining such records and reports as are required by state and federal law;

(e) Counseling patients as required by NAC 639.707 concerning prescription drugs dispensed to the patients; and

(f) The practice of pharmacy as that term is defined in NRS 639.0124.

4. A preceptor shall not allow an intern pharmacist under his supervision to perform any duties that:

(a) Are outside of the scope of duties established for the intern pharmacist pursuant to subsection 2; or

(b) In the professional judgment of the preceptor, the intern pharmacist is not able to perform safely and professionally.

5. A preceptor shall:

(a) Document the number of hours worked by each intern pharmacist under his supervision;

(b) Maintain that documentation; and

(c) Provide a copy of that documentation to:

(1) The college of pharmacy or the department of pharmacy of the university at which the intern pharmacist is enrolled if the intern pharmacist is enrolled in a college of pharmacy or a department of pharmacy of a university approved by the Board; or

(2) The intern pharmacist if the intern pharmacist has graduated from a college of pharmacy, a department of pharmacy of a university or a foreign school.

6. If the intern pharmacist is enrolled in a college of pharmacy or a department of pharmacy of a university approved by the Board, the preceptor supervising the intern pharmacist shall provide written notice to the college of pharmacy or the department of pharmacy of the university at which the intern pharmacist is enrolled if the preceptor or the pharmacy for which the preceptor works terminates the internship of the intern pharmacist. The notice must state with specificity the reasons for the termination of the internship.

7. In addition to the notice provided pursuant to subsection 6, a preceptor supervising an intern pharmacist who is enrolled in a college of pharmacy or a department of pharmacy of a

university approved by the Board shall provide written notice to the Board if the internship of the intern pharmacist is terminated because the intern pharmacist:

(a) Was arrested for, charged with or convicted of a crime that was alleged to have been committed by the intern pharmacist while participating in his internship at the pharmacy;

(b) Committed an act that, in the judgment of the preceptor, was a violation of one or more provisions of Nevada or federal law relating to the practice of pharmacy; or

(c) Committed an act that, in the judgment of the preceptor, was a violation of one or more of the policies or procedures of the pharmacy at which the intern pharmacist was participating in his internship.

➥The notice must state with specificity the reasons for the termination of the internship.

8. Except as otherwise provided in subsection 9, the college of pharmacy or the department of pharmacy of the university at which any intern pharmacist is enrolled shall provide the intern pharmacist with a form to evaluate the quality of his internship at a pharmacy upon completion of the internship at the pharmacy. If a representative of the college of pharmacy or the department of pharmacy of the university discusses any of the comments made on the evaluation form with a preceptor who supervised the intern pharmacist or with any representative of the pharmacy at which the intern pharmacist was participating in his internship, the representative of the college of pharmacy or the department of pharmacy of the university shall not attribute any of the comments made on the evaluation to the intern pharmacist.

9. A college of pharmacy or a department of pharmacy of a university is not required to provide an intern pharmacist who participates in an internship after he has graduated from

the college of pharmacy or the department of pharmacy of the university with a form to evaluate the quality of his internship at a pharmacy.

10. As used in this section, "preceptor" means a registered pharmacist who:

(a) Has accepted responsibility for the supervision and training of an intern pharmacist; and

(b) Provides direct and immediate supervision to the intern pharmacist.

Sec. 5. 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 at all times when the persons he is supervising are working at the pharmacy; and

(b) Aware of the activities of those persons related to the preparation of medications, including the maintenance of appropriate records.

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

6. "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.

~~[6.]~~ ***7.*** "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 (5) of paragraph (e) 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.

~~[7.]~~ ***8.*** "Practitioner" has the meaning ascribed to it in NRS 639.0125.

~~[8.]~~ ***9.*** "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.

~~[9.]~~ ***10.*** "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.

~~[10.]~~ ***11.*** "Surgical center for ambulatory patients" has the meaning ascribed to it in NRS 449.019.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R019-03

The State Board of Pharmacy adopted regulations assigned LCB File No. R019-03 which pertain to chapter 639 of the Nevada Administrative Code on September 11, 2003.

Notice date: 8/11/2003 **Date of adoption by agency:** 9/11/2003
Hearing date: 9/11/2003 **Filing date:** 10/21/2003

INFORMATIONAL STATEMENT

The informational statement required by NRS 233B.066 numerically conforms to the subsections of the statute as follows:

1. A DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED, A SUMMARY OF PUBLIC RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

Public comment was solicited through public notices posted in county courthouses and through mailings to interested parties.

There was no public response expressed relative to this proposed regulation.

2. THE NUMBER OF PERSONS WHO: (A) ATTENDED EACH HEARING; (B) TESTIFIED AT EACH HEARING; AND (C) SUBMITTED TO THE AGENCY WRITTEN STATEMENTS.

There was no public response expressed relative to this proposed regulation.

3. A DESCRIPTION OF HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESSES, A SUMMARY OF THEIR RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

Comments were solicited from affected businesses through posting of public notices in the county courthouses, by direct mailings to all interested persons who have requested notices of board of pharmacy meeting agendas and by direct mailings to professional and trade associations.

There was no response from affected businesses relative to this proposed regulation.

4. IF THE REGULATION WAS ADOPTED WITHOUT CHANGING ANY PART OF THE PROPOSED REGULATION, A SUMMARY OF THE REASONS FOR ADOPTING THE REGULATION WITHOUT CHANGE.

The proposed regulation was adopted with minor changes.

5. THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS WHICH IT IS TO REGULATE AND ON THE PUBLIC. THESE MUST BE STATED SEPARATELY, AND IN EACH CASE MUST INCLUDE:

A) BOTH ADVERSE AND BENEFICIAL EFFECTS.

This regulation should have no economic impact on affected businesses or on the public.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

This regulation will have no immediate or long-term economic effects on business or the public.

6. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION.

There will be no cost incurred by the board for enforcement of this regulation.

7. A DESCRIPTION OF ANY REGULATIONS OF OTHER STATE OR GOVERNMENT AGENCIES WHICH THE PROPOSED REGULATION OVERLAPS OR DUPLICATES AND A STATEMENT EXPLAINING WHY THE DUPLICATION OR OVERLAPPING IS NECESSARY. IF THE REGULATION OVERLAPS OR DUPLICATES A FEDERAL REGULATION, THE NAME OF THE REGULATING FEDERAL AGENCY.

The Board of Pharmacy is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

8. IF THE REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.

The Board of Pharmacy is not aware of any similar regulations of the same activity in which the federal regulation is more stringent.

9. IF THE REGULATION PROVIDES A NEW FEE OR INCREASES AN EXISTING FEE, THE TOTAL ANNUAL AMOUNT THE AGENCY EXPECTS TO COLLECT AND THE MANNER IN WHICH THE MONEY WILL BE USED.

This regulation does not provide a new or increase of fees.