**ADOPTED REGULATION OF THE**

**STATE BOARD OF PHARMACY**

**LCB File No. R142-03**

Effective April 8, 2004

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

AUTHORITY: §1, NRS 454.213 and 639.070.

A REGULATION relating to pharmacists; authorizing a pharmacist to administer immunizations by intranasal injection under certain circumstances; and providing other matters properly relating thereto.

**Section 1.** NAC 639.2971 is hereby amended to read as follows:

639.2971 1. A pharmacist may administer immunizations by an ***intranasal,*** intramuscular or subcutaneous injection in compliance with a written protocol from a physician that authorizes a pharmacist to administer such an immunization. Such a protocol must contain:

(a) The name of the physician who is authorizing the administration of immunizations by a pharmacist;

(b) The name of the pharmacist authorized to administer immunizations;

(c) The location or locations at which the pharmacist may administer immunizations;

(d) The immunizations that may be administered by the pharmacist;

(e) Detailed policies and procedures that the pharmacist must follow while administering immunizations, including, without limitation, procedures to follow in the case of adverse reactions or emergencies following administration;

(f) A procedure requiring the pharmacist to report the administration of immunizations to the physician issuing the written protocol, including, without limitation:

(1) A specification of the time within which such reporting must occur; and

(2) A requirement that the pharmacist submit a periodic status report concerning any problems, complications or emergencies encountered while administering immunizations;

(g) A procedure for the review of the protocol and its operation by the pharmacist and the physician at least once annually, and the making and keeping of a record of the review;

(h) A restriction that the pharmacist may not administer any immunization to a patient who is less than 14 years of age;

(i) A restriction that the pharmacist may not delegate his authority to administer an immunization;

(j) A restriction that the pharmacist may not administer an immunization except at the authorized location, which location may not be the home of the patient, unless the patient resides in a licensed facility for long-term care or in a hospital;

(k) A requirement that the immunizations will be administered according to all applicable federal, state and local laws;

(l) A restriction that the pharmacist, the pharmacy or the business at which the immunizations will be administered is prohibited from paying, offering or otherwise giving any remuneration to the physician for providing a written protocol or authorizing the administration of an immunization to any patient; and

(m) The signature of the physician authorizing the administration of the immunizations and the effective dates of the written protocol.

2. If a physician orders a deviation from the written protocol with a pharmacist for the benefit of a specific patient, the physician shall note the deviations from the written protocol in the record of the patient.

**NOTICE OF ADOPTION OF PROPOSED REGULATION**
**LCB File No. R142-03**

The State Board of Pharmacy adopted regulations assigned LCB File No. R142-03 which pertain to chapter 639 of the Nevada Administrative Code onFebruary 26, 2004.

**Notice date:** 1/8/2004 **Date of adoption by agency:** 2/26/2004
**Hearing date:** 2/26/2004 **Filing date:** 4/8/2004

**INFORMATIONAL STATEMENT**

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 without change as no testimony was offered.

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 additional or special costs 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.