

**PROPOSED REGULATION OF THE
STATE BOARD OF PHARMACY**

(This proposed regulation was previously proposed as T047-05)

NAC 639.120 Conduct of disciplinary hearings.

1. The board will convene a disciplinary hearing at the time and place specified in the notice of hearing. The person presiding at the hearing may grant a continuance only upon:

(a) A joint stipulation of the parties;

(b) The existence of an emergency condition; or

(c) A written request by a party filed at least 5 days before the date of the hearing and actually served upon the other parties at least 1 day before the date of the hearing.

A continuance based on a written request pursuant to paragraph (c) may be granted only upon a showing of good cause which term must be narrowly construed. A party requesting a continuance must appear on the date of the hearing and be prepared to proceed unless the request has been made pursuant to a joint stipulation.

2. The hearing must then proceed in the following manner unless the board for good cause or to prevent manifest injustice orders otherwise:

(a) An opening statement may be made on behalf of the board or waived.

(b) An opening statement on behalf of respondent may be made, reserved until the close of the board's case, or waived.

(c) The presentation of the board's case is followed by cross-examination.

(d) The presentation of the respondent's case is followed by cross-examination.

(e) Any rebuttal is limited to issues previously raised. No new matter may be presented upon rebuttal unless the board for good cause so permits.

(f) Argument on behalf of the board is presented unless waived.

(g) Argument on behalf of the respondent is presented unless waived.

(h) The matter is submitted to the board for decision.

3. After the matter is submitted, the board will render a decision and its order.

4. Upon a decision by the board for revocation or suspension of a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training's license or registration, the action by the board is immediate and the recipient of the board's action may not be employed in any capacity in any business or premise licensed or registered by the Board.