ADOPTED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R130-05

Effective November 17, 2005

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

AUTHORITY: §§1 and 2, NRS 639.2176.

A REGULATION relating to continuing education for pharmacists; requiring any material, course or program to be submitted to the State Board of Pharmacy for approval at least 60 days before providing the material, course or program under certain circumstances; and providing other matters properly relating thereto.

Section 1. NAC 639.340 is hereby amended to read as follows:

639.340 Any person seeking recognition as a provider must notify the Board of his intent to provide material or programs for continuing education and request recognition by the Board. The request will be granted if the Board finds that the person applying for recognition is competent to provide material or programs for continuing education, and the Board will communicate its recognition by mail. Recognition may be denied or withdrawn if the Board finds that the person has:

1. Failed to furnish material as advertised;

2. Engaged in any misleading or deceptive practice;

3. Failed to furnish material as required by law or NAC 639.300 to 639.390, inclusive; **[**~~or~~**]**

4. Failed to comply with the laws or regulations governing continuing professional education in this State **[**~~.~~**]** ***; or***

5. If the material or programs are not accredited by the American Council on Pharmaceutical Education, failed to submit the material or programs to the Board at least 60 days before providing the material or programs.

Sec. 2. NAC 639.360 is hereby amended to read as follows:

639.360 1. A provider who seeks accreditation for any material, course or program must submit it to the Board or its designee for review. The Board will notify the provider of the accreditation or denial thereof within 60 days after the submission of a completed application. In a notice of accreditation, the Board will designate the number of units of continuing education for which the course or program is accredited. Accreditation expires 2 years after issuance, unless sooner renewed.

2. In determining whether or not any submitted material, course or program should be accredited, the Board must be satisfied that:

(a) The material, course or program is presented by a provider;

(b) A certificate of completion will be issued to each participant who completes the course or program;

(c) The program includes some mechanism whereby each participant is allowed to evaluate the course with respect to the comprehensibility of the material;

(d) A complete syllabus is included; ~~[and]~~

(e) The material, course or program is accurate, applicable to pharmacy and of adequate technical quality ~~[.]~~ ***; and***

(f) If the material, course or program is not accredited by the American Council on Pharmaceutical Education, the material, course or program is submitted to the Board at least 60 days before the material, course or program is provided.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R130-05

The State Board of Pharmacy adopted regulations assigned LCB File No. R130-05 which pertain to chapter 639 of the Nevada Administrative Code on October 27, 2005

Notice date: 9/26/2005 **Date of adoption by agency:** 10/27/2005
Hearing date: 10/27/2005 **Filing date:** 11/17/2005

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.