**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 the investigation or registration of an advanced practice registered nurse or a physician assistant to prescribe drugs that are not controlled substances ..... 80

For the biennial renewal of registration of an advanced practice registered nurse or a physician assistant to prescribe drugs that are not controlled substances ..... 80

For authorization of a physician, advanced practice registered nurse, physician assistant, euthanasia technician, researcher, instructional user or any other authorized person, except a practitioner who is a medical intern or resident physician, to prescribe or possess controlled substances ..... 200

For the biennial renewal of authorization of a physician, advanced practice registered nurse, physician assistant, euthanasia technician, researcher, instructional user or any other authorized person, except a practitioner who is a medical intern or resident physician, to prescribe or possess controlled substances ..... 200

For authorization of a certified registered nurse anesthetist to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices in accordance with NRS 632.2397 ..... 200

For biennial renewal of authorization of a certified registered nurse anesthetist to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices in accordance with NRS 632.2397 ..... 200

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.