

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

LCB FILE NO. R072-25I

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October 16, 2025

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

AUTHORITY: §§ 1 and 2, NRS 639.070; §§ 3-5, NRS 639.070 and 639.1371.

A REGULATION relating to pharmacy; establish standards for licensees relating to staffing, supervision, duties of a pharmacy, duties of a pharmacist and requirements related to the timing of dispensing prescription drugs and devices.

Section 1. Chapter 639 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3, 4, 5, 6, 7 and 8 of this regulation.

Sec. 2.

- 1. A pharmacy may be staffed with one pharmacist. A pharmacy must be staffed 75% of the time of each day the pharmacy is opened to the public between the hours of 9AM to 9PM with:*
 - a. At least two pharmacists fully dedicated to performing dispensing and nondispensing services on days that the pharmacy fills greater than 250 prescriptions, which shall be based off a combination of number of prescriptions filled on the same day in the previous annum, recent historical dispensing data, patient demographics, market trends, seasonal trends and predictive analytics; and*
 - b. At least one additional pharmacist on days the pharmacy fills greater than 500 prescriptions. If the pharmacy provides nondispensing services, this pharmacist shall be fully dedicated to and solely providing or supervising the nondispensing services except during his or her scheduled meal breaks. This pharmacist may*

assist in providing dispensing services, including the dispensing of controlled substances or dangerous drugs, if, in the professional judgement of the pharmacist, patient care and safety are not compromised.

- 2. During all times when only one pharmacist is staffed, the pharmacy must be staffed with at least one pharmaceutical technician or intern pharmacist employed by the pharmacy or at least two pharmaceutical technicians or two intern pharmacists employed by the pharmacy or one pharmaceutical technician and one intern pharmacist employed by the pharmacy if the pharmacy also operates a drive through window.*
- 3. The pharmacy is exempt from complying with subsections 1 and 2 for reasons of an emergency, a natural disaster, a human made disaster, a declaration of a state or federal emergency, or any other reason the Board determines is reasonable for the pharmacy's noncompliance with subsections 1 and 2. In an event, where the pharmacy cannot comply with subsections 1 or 2, the pharmacy must make an effort to provide reasonable accommodations, and the pharmacy manager shall take the number of mandated pharmacists staffing hours in subsection 1 and disperse the hours in the week in which the day pertains which begins on each Sunday and runs through the following Saturday, prioritizing coverage during periods of highest volume of dispensing and nondispensing services.*
- 4. Noncompliance with sections 1 and 2 for any other reason not listed in subsection 3 is deemed unprofessional conduct pursuant to NAC 639.945 and grounds for discipline pursuant to NRS 639.210.*
- 5. The requirements of subsection 1 do not apply to a pharmacy located in a rural area as defined by NRS 484A.225.*

6. *As used in this section:*

- a. *“Dispensing services” means the filling and dispensing of prescriptions.*
- b. *“Nondispensing services” means all activities that a pharmacist performs except for dispensing services.*

Sec. 3.

In addition to the requirements of section 2, a pharmacy that dispenses controlled substances or dangerous drugs, must:

- 1. *Staff in a manner that meets the demands of the pharmacy and prioritizes patient care and safety.*
- 2. *Staff sufficiently at all times in order to minimize fatigue, distraction, or other conditions which interfere with a pharmacist's ability to practice competently and safely.*
- 3. *Provide sufficient time for pharmacists to complete professional duties and responsibilities.*
- 4. *A pharmacy shall develop a process for pharmacy staff to communicate requests for additional staff or reports of staffing concerns. Requests for additional staff or reports of staffing concerns shall be communicated in writing to the managing pharmacist or to the pharmacist who has been designated by the managing pharmacist to assume the managing pharmacist's duties in his or her absence.*
 - a. *The managing pharmacist or his or her designee shall address any request for additional staff or reports of staffing concerns in a timely manner, or within 72 hours, to ensure a safe working environment for pharmacy staff. If the managing pharmacist or his or her designee does not have authority to address the issues listed, they shall report the issue to the person of authority within 24 hours of*

receiving the request for additional staff or reports of staffing concerns who shall address any issues listed in a timely manner, or within 72 hours, to ensure a safe working environment for pharmacy staff. A copy of the written request for additional staff or reports of staffing concerns shall be maintained in the pharmacy for three years for immediate inspection by an agent, inspector, or employee of the Board.

- b. The managing pharmacist or his or her designee, or the person of authority who is responsible for responding to a request for additional staff or reports of staffing concerns shall document their actions and provide a written response to the request or report of concern within 72 hours of submission which must be communicated to the managing pharmacist or his or her designee, and the pharmacy staff who submitted the request or report of concern. A copy of the written response shall be maintained in the pharmacy for three years for immediate inspection by an agent, inspector, or employee of the Board.*
- 5. A pharmacy shall not retaliate or discipline a pharmacist who, in good faith, makes a request for additional staff or reports staffing concerns pursuant to this section. As used in this section, retaliation or discipline includes, but is not limited to, the following:*
 - a. Removing or suspending the employee from employment;*
 - b. Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;*
 - c. Transferring or reassigning the employee;*
 - d. Denying the employee a promotion that otherwise would have been received;*
 - e. Reducing the employee in pay, position, or scheduled work hours.*

Sec. 4.

1. *A pharmacy shall develop and implement a policy, which shall be maintained in the pharmacy for immediate inspection by an agent, inspector, or employee of the Board. that permits a pharmacist to:*
 - a. *Limit the provision of nondispensing services if, in the pharmacist's professional judgment, the provision of such services cannot be safely provided or may negatively impact patient access to medications. The pharmacy's policy shall require pharmacy staff to make an appointment for a patient or refer a patient to another pharmacy offering immunizations and other nondispensing services.*
 - b. *Limit pharmacy access points, if, in the pharmacist's professional judgment, limiting such access points will minimize fatigue, distraction, or other conditions which interfere with a pharmacist's ability to practice competently and safely.*
2. *A pharmacy shall not override the control of the pharmacist on duty as follows:*
 - a. *A pharmacist's decision not to administer or supervise immunizations or provide other nondispensing services if, in the pharmacist's professional judgment, the provision of such services cannot be provided safely or may negatively impact patient access to medications. The pharmacy staff shall offer to make an appointment for the patient or refer the patient to another pharmacy offering immunizations and other nondispensing services.*
 - b. *A pharmacist's decision to limit pharmacy access points if, in the pharmacist's professional judgment, limiting such access points will minimize fatigue, distraction, or other conditions which interfere with a pharmacist's ability to practice competently and safely. Such limitations shall not interfere with a patient's*

ability to drop off or receive dispensed prescriptions during the pharmacy's posted hours of operation.

- 3. Subsection 1 does not apply to pharmacies that are not open to the public.*
- 4. A pharmacy shall not retaliate or discipline a pharmacist who, in good faith, acts in accordance with this section. As used in this section, retaliation or discipline includes, but is not limited to, the following:*
 - a. Removing or suspending the employee from employment;*
 - b. Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;*
 - c. Transferring or reassigning the employee;*
 - d. Denying the employee a promotion that otherwise would have been received;*
 - e. Reducing the employee in pay, position, or scheduled work hours.*

Sec. 5.

- 1. The pharmacy and managing pharmacist of the pharmacy that dispenses controlled substances, or dangerous drugs shall ensure that the pharmacy complies with sections 2 and 3 of this regulation, to the extent applicable.*
- 2. A pharmacist who is on the staff of the pharmacy that dispenses controlled substances or dangerous drugs, including, without limitation, the managing pharmacist of such a pharmacy, shall report to the Board when the pharmacy fails to meet the requirements of section 2 or 3 of this regulation if in their professional judgement such failure may have compromised patient care and safety.*

Sec. 6.

1. *Except as otherwise provided in subsections a through k of this section, a prescription for a dangerous drug or medical device shall be filled within three business days upon the receipt of the prescription by a pharmacy or medical products provider, or if the prescription is a refill, upon the request of the patient, except when:*
 - a. *A prior authorization or contact for clarification with the prescribing practitioner of the prescribed dangerous drug or medical device is required;*
 - b. *The patient's insurance denies coverage of the medication and cash payment for the medication is not an option for the patient;*
 - c. *The prescribing practitioner cancels the prescription;*
 - d. *Upon reviewing the patient's record pursuant to NAC 639.707(4) before dispensing the dangerous drug or medical device prescription it is determined that the prescription is therapeutically inappropriate for the patient or may negatively impact the patient;*
 - e. *The prescription is determined to be unlawful, fraudulent, or not issued for a legitimate medical purpose;*
 - f. *The pharmacy or medical products provider cannot fill the prescription as prescribed as the dangerous drug or medical device prescribed is not available because there is a documented drug shortage, the medication is on back-order, the drug is not available from the pharmacy's drug distributor, or the pharmacy does not stock the dangerous drug and is required to order the dangerous drug to fill the prescription as prescribed;*

- g. The pharmacy or medical products provider cannot process the prescription due to a temporary technologic or electronic failure in the computer system necessary to process the prescription or is experiencing a power outage;*
 - h. The pharmacy or medical products provider cannot process the prescription due to a natural disaster, a human made disaster, an outbreak of a pandemic or the declaration of a state or federal emergency, or an incident that significantly impacts the ability of the pharmacy or medical products provider to timely process the prescription;*
 - i. The prescription is for a compounded product;*
 - j. If applicable, based on when the patient last filled a prescription for the same drug and dosage, the patient is not yet due for a refill; or*
 - k. The Board determines there is a reasonable reason why the pharmacy or medical products provider could not timely process a prescription.*
- 2. The pharmacy or medical products provider shall readily provide the reason why the prescription could not be filled within three business days pursuant to this section on the request of an agent, inspector, or employee of the Board.*

Sec. 7. NAC 639.250 is hereby amended to read as follows:

Except as otherwise provided in NAC 639.258:

1. Except as otherwise provided in subsection 5, in ~~{a hospital,}~~ *an institutional pharmacy or a pharmacy in a correctional institution*, a pharmacist who is dispensing prescriptions may not supervise more than a total of three pharmaceutical technicians at one time. A pharmacist who is supervising distributive functions may not supervise more than a total of two pharmaceutical

technicians and one pharmaceutical technician in training while the trainee is performing technician functions in on-the-job training.

2. ~~{Except as otherwise provided in subsection 5, in}~~ *In* any pharmacy, other than ~~{a hospital}~~ *an institutional* pharmacy, *pharmacy in a correctional institution*, telepharmacy, remote site, satellite consultation site or nondispensing pharmacy, a pharmacist may not supervise more than a total of ~~{three}~~ *four* pharmaceutical technicians or ~~{one}~~ *two* pharmaceutical ~~{technician}~~ *technicians* and two pharmaceutical technicians in training at one time.

3. In any telepharmacy, remote site or satellite consultation site, a pharmacist may not supervise more than a total of three pharmaceutical technicians at one time.

4. In any nondispensing pharmacy, a pharmacist may not supervise more than a total of eight pharmaceutical technicians or six pharmaceutical technicians and two pharmaceutical technicians in training at one time.

5. A pharmacist *in an institutional pharmacy or a pharmacy in a correctional institution* may supervise more pharmaceutical technicians and pharmaceutical technicians in training at one time than are otherwise allowed pursuant to ~~{subsections}~~ *subsection 1* ~~{and 2}~~ if:

(a) Not more than three of the pharmaceutical technicians or pharmaceutical technicians in training are performing the duties of a pharmaceutical technician as set forth in NAC 639.245; and

(b) The record kept by the pharmacy pursuant to NAC 639.245 identifies the pharmaceutical technicians and pharmaceutical technicians in training who are performing the duties of a pharmaceutical technician as set forth in NAC 639.245.

6. A pharmacist who is on the staff of a pharmacy, including, without limitation, the managing pharmacist of such a pharmacy, shall report to the Board when the pharmacy fails to meet the requirements of this section.

~~6.1~~ 7. As used in this section, “nondispensing pharmacy” means a pharmacy that is licensed pursuant to this chapter and chapter 639 of NRS that does not dispense, including, without limitation, drugs, controlled substances, poisons, medicines or chemicals.

Sec. 8.

Sections 1 to 7 become effective 90 days after the Regulation is signed by the Secretary of State.