

INFORMATIONAL STATEMENT

The informational statement required by NRS 233B.066 numerically conforms to the subsections of the statute as follows:

1. EXPLANATION OF THE NEED FOR THE ADOPTED REGULATION

This regulation is necessary to properly reference and incorporate existing restrictions on any homeopathic physician who is not licensed as an allopathic or osteopathic physician or otherwise authorized by the Board to possess, administer, prescribe and dispense a controlled substance or dangerous drug, to better ensure public safety, regulatory consistency and compliance.

2. 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.

The Board solicited comment on the proposed amendment by (1) posting notice, with links to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

The Board also solicited comment from Nevada dispensing practitioners, and from representatives of relevant industry associations that Board Staff deemed likely to have an interest in the proposed amendment. The Board further provided time for public comment at the workshop(s) concerning the proposed amendment.

- Dr. Michael Gerber, Homeopathic Medical Doctor, urges the Nevada Pharmacy Board to delay its vote on proposed regulations that would remove prescribing authority from singly licensed homeopathic physicians. He argues the change is unnecessary, lacks safety justification, would disrupt long-standing patient care, and could impose over \$1.5 million in costs on roughly 3,000 patients.
- Mary Linde, a patient of Dr. Gerber, opposes the proposed regulation. She argues it would create economic harm, exceed the Board's jurisdiction by affecting open-market competition, and eliminate access to the only two homeopathic physicians authorized under existing NAC provisions. She notes the regulation vaguely refers to "dangerous drugs" without specifying which ones, despite no history of adverse outcomes under current licensure. She believes the proposal would unnecessarily disrupt care for tens of thousands of patients and goes beyond the Board's proper scope.

- Renee Burch appreciates the Board's oversight but asks that consumers be allowed to choose their preferred medical care. She explains that she could not get a hormonal-care appointment with a conventional doctor for eighteen months, but her homeopathic physicians were able to see her promptly and provide the care she needed.

Parties interested in obtaining a copy of the summary of the comments solicited should contact Board Coordination at teamBC@pharmacy.nv.gov or call Darlene Nases at (775) 850-1440 ext. 120.

3. THE NUMBER OF PERSONS WHO: (A) ATTENDED EACH HEARING; (B) TESTIFIED AT EACH HEARING; AND (C) SUBMITTED TO THE AGENCY WRITTEN STATEMENTS.

The number of persons who attended the hearing was: 181

The number of persons who testified at the hearing was: 3

The number of agency submitted statements was: 57

The name of persons who testified at the hearing:

- Dr. Michael Gerber
- Mary Linde
- Renee Burch

4. 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.

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5. IF THE REGULATION WAS ADOPTED WITHOUT CHANGING ANY PART OF THE PROPOSED REGULATION, A SUMMARY OF THE REASONS FOR ADOPTING THE REGULATION WITHOUT CHANGE.

This regulation meets the requirements and was adopted with no changes.

6. 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.

There should be no adverse economic impact from this regulation amendment on the regulated entities or on the public since the regulation amendment references and incorporates existing restrictions on any homeopathic physician who is not licensed as an allopathic or osteopathic physician or otherwise authorized by the Board to possess, administer, prescribe and dispense a controlled substance or dangerous drug. The regulation amendment will have a beneficial effect by enhancing public safety by ensuring that any homeopathic physician who is not licensed as an allopathic or osteopathic physician or otherwise authorized by the Board to possess, administer, prescribe and dispense a controlled substance or dangerous drug only does so in conformance with the practice of homeopathic medicine and in the dosages authorized by the Homeopathic Pharmacopoeia of the United States.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

Both the immediate and long-term economic effects on regulated entities and on the public will be better compliance with existing restrictions on any homeopathic physician who is not licensed as an allopathic or osteopathic physician or otherwise authorized by the Board to possess, administer, prescribe and dispense a controlled substance or dangerous drug.

7. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION.

There will be no additional or special costs incurred by the Board of Pharmacy for enforcement of this regulation amendment.

8. 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.

9. IF THE REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.

The regulation does not contain provisions which are more stringent than a federal regulation which regulates the same activity.

10. 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.