

# State Board of Pharmacy

## **Nevada Revised Statutes Chapter 639**

**Board members** (NRS 639.020)—The Board consists of seven members, appointed by the Governor, as follows:

- Six members who are registered pharmacists in Nevada, actively engaged in the practice of pharmacy, and have at least five years of experience preceding appointment; and
- One member who represents the general public pursuant to statute.

The Governor shall remove a member for neglect of duty or other cause.

**Powers and duties of the Board**—The Board:

- May adopt regulations relating to issuing certificates, licenses, and permits;
- May charge and collect fees;
- May discipline holders of licenses, certificates, registrations or permits;
- May issue rules of professional conduct;
- May enforce the provisions of Chapter 639 of NRS, pursuant to statute;
- May regulate the operation of pharmacies, including the operations of remote sites, telepharmacies, and internet pharmacies;
- May adopt regulations concerning the exchange of information relating to prescriptions;
- May delegate to a hearing officer or panel its authority to take disciplinary action;
- May issue a certificate by endorsement;
- Shall establish a program of continuing education, which shall be a condition of renewing a certificate; and
- Shall issue certain reports pursuant to statute.

**Operations of the Board**—The Board:

- Shall elect a president and treasurer from its members;
- Shall receive a salary, per diem, and travel expenses;

- Shall employ an executive secretary who must have experience as a licensed pharmacist; and
- May employ an attorney, inspectors, investigators, consultants, and support personnel.

## **Background**

### **Legislation:**

- 1901—Senate Bill 7 (Chapter 111, *Statutes of Nevada*)—Created the State Board of Pharmacy, consisting of five competent pharmacists, appointed by the Governor; provided the Board should issue certificates to all who furnish proof of receiving diplomas or licenses from reputable colleges of pharmacy;
- 1913—Assembly Bill 90 (Chapter 286, *Statutes of Nevada*)—Required the Governor to appoint Board members from different parts of the state; provided for the powers of the Board to regulate the practice of pharmacy, to regulate the sale of poisons, and to examine and register pharmacists and assistant pharmacists; and required the Board to report annually to the Governor on the condition of pharmacy in Nevada;
- 1947—AB 190 (Chapter 198, *Statutes of Nevada*)—Authorized the Board to register pharmacies, stores, and dispensaries;
- 1965—AB 406 (Chapter 164, *Statutes of Nevada*)—Repealed the provision that Board members must reside in different parts of the state and required that no more than two members may be appointed from the same county;
- 1973—SB 248 (Chapter 524, *Statutes of Nevada*)—Revised Board membership to reduce the required years of experience from ten years to five;
- 1977—AB 278 (Chapter 530, *Statutes of Nevada*)—Revised the Board membership by increasing membership from five to six by adding one member of the general public;
- 1989—SB 340 (Chapter 847, *Statutes of Nevada*)—Revised the Board membership by adding a sixth pharmacist; revised Board personnel to require the Board employ a secretary rather than elect one of its members to serve as a secretary.

**Legislative history**—The following legislative history has been compiled and is available on the website of the Research Library:

- AB 278 [Part 1](#), [Part 2](#), and [Part 3](#) (1977)—Sponsored by the Assembly Committee on Government Affairs.

**Reports to the Legislature**—NRS 639.570 requires a wholesaler or manufacturer to report to the Board certain information relating to the marketing and selling of a drug, medicine, chemical, device, or appliance. The Board must report this information annually to the Governor and the Legislature.

In addition, the Board is required to report to the Governor on the condition of pharmacy in Nevada (NRS 639.060). It must also report annually concerning drugs that are returned or transferred to pharmacies pursuant to statute (NRS 639.063) and immunizations administered by pharmacists (NRS 639.065).

NRS 622.100 requires a report to the Director of the Legislative Counsel Bureau (LCB) including information relating to licensing and disciplinary actions. (Senate Bill 69 [Chapter 518, *Statutes of Nevada 2017*] revised the reporting provisions.)

**Records held by the LCB**—The following are recent publications held by the Research Library:

- *NEVADA STATE BOARD OF PHARMACY: Annual Immunization Report* (Series), required by NRS 639.065;
- *NEVADA STATE BOARD OF PHARMACY: Biennial Report of Board Proceedings, Registered Pharmacists, and Fees Received* (Series), required by NRS 639.060;
- *MARKETING CODE OF CONDUCT: Compliance Report* (Series), Source: Nevada State Board of Pharmacy, required pursuant to NRS 639.570; and
- *REPORT TO LEGISLATURE ON THE IMPLEMENTATION OF A.B. 446 (2007) Regarding the Tracking of Prescriptions for Controlled Substances* (Pamphlet).

**Current contact**—Larry L. Pinson, Executive Secretary

**Website**—<http://bop.nv.gov/>

---

## STATE BOARD OF PHARMACY

### ADMINISTRATIVE REGULATIONS.

State Board of Pharmacy, [NAC 639.100-639.170](#)

**NRS 639.020 Creation; number and appointment of members.** The State Board of Pharmacy, consisting of seven members appointed by the Governor, is hereby created.

[Part 5:286:1913; A 1947, 667; 1943 NCL § 5044]—(NRS A [1965, 307](#); [1973, 811](#); [1977, 1256](#); [1989, 2036](#))

**NRS 639.030 Qualification and terms of members; oath; vacancies; grounds for removal from office.**

1. The Governor shall appoint:

(a) Six members who are registered pharmacists in the State of Nevada, are actively engaged in the practice of pharmacy in the State of Nevada and have had at least 5 years' experience as registered pharmacists preceding the appointment.

(b) One member who is a representative of the general public and is not related to a pharmacist registered in the State of Nevada by consanguinity or affinity within the third degree.

2. Appointments of registered pharmacists must be representative of the practice of pharmacy.

3. Within 30 days after appointment, each member of the Board shall take and subscribe an oath to discharge faithfully and impartially the duties prescribed by this chapter.

4. After the initial terms, the members of the Board must be appointed to terms of 3 years. A person may not serve as a member of the Board for more than three consecutive terms. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this chapter to replace that member for the remainder of the unexpired term.

5. The Governor shall remove from the Board any member, after a hearing, for neglect of duty or other just cause.

[Part 5:286:1913; A 1947, 667; 1943 NCL § 5044]—(NRS A [1963, 474](#); [1975, 1307](#); [1977, 1256](#); [1987, 1817](#); [1989, 2036](#); [2007, 1844](#))

### NRS CROSS REFERENCES.

Oath of office, [NRS 282.020](#)

Residency requirements, qualifications of representative of general public, [NRS 232A.020, 622.205](#)

Vacancies in office, [NRS 232A.020](#)

**NRS 639.040 Election of President and Treasurer; qualifications, employment, duties and compensation of Executive Secretary.**

1. The Board shall elect a President and a Treasurer from among its members.

2. The Board shall employ an Executive Secretary, who is not a member of the Board. The Executive Secretary must have experience as a licensed pharmacist in this State or in another state with comparable licensing requirements. The Executive Secretary shall keep a complete record of all proceedings of the Board and of all certificates issued, and shall perform such other duties as the Board may require, for which services the Executive Secretary is entitled to receive a salary to be determined by the Board.

[Part 5:286:1913; A 1947, 667; 1943 NCL § 5044] + [Part 6:286:1913; A 1947, 667; 1943 NCL § 5045]—(NRS A [1987, 1818](#); [1989, 1701, 2036](#); [1999, 239](#); [2003, 2280](#); [2005, 1615](#))

### NRS CROSS REFERENCES.

Executive Secretary, conditions and limitations of employment, [NRS 622.220](#)

---

**NRS 639.050 Meetings; quorum; salary of members; per diem allowance and travel expenses of members and employees.**

1. The Board shall hold a meeting at least once in every 6 months.
2. Four members of the Board constitute a quorum.
3. Meetings of the Board which are held to deliberate on the decision in an administrative action or to prepare, grade or administer examinations are closed to the public.
4. Each member of the Board is entitled to receive:
  - (a) A salary of not more than \$150 per day, as fixed by the Board, while engaged in the business of the Board; and
  - (b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.
5. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

[Part 6:286:1913; A 1947, 667; 1943 NCL § 5045] + [Part 7:286:1913; A 1951, 290; 1953, 588]—(NRS A [1963, 156](#); [1967, 1643](#); [1975, 1307](#); [1979, 1684](#); [1981, 1994](#); [1987, 948](#); [1989, 1702](#), [2037](#); [2007, 2952](#))

**NRS CROSS REFERENCES.**

Meetings of public agencies, [NRS ch. 241](#), 622.320

**ATTORNEY GENERAL'S OPINIONS.**

State board of pharmacy must close meeting to deliberate proposed disciplinary action. The state board of pharmacy must close a meeting held to deliberate toward a decision at the conclusion of a hearing concerning proposed disciplinary action. The procedural requirements of [NRS 639.050](#), relating to the deliberative phase of a disciplinary proceeding, differ from those of [NRS 639.247](#), relating to an evidentiary hearing. [AGO 81-C \(6-25-1981\)](#)

**NRS 639.060 Biennial report to Governor.** Before September 1 of each even-numbered year, for the biennium ending June 30 of that year, the Board shall report to the Governor upon the condition of pharmacy in the State of Nevada. The report must contain:

1. A summary of the proceedings of the Board for the year.
2. The names of all pharmacists registered under this chapter.
3. A complete statement of all fees received.

[Part 7:286:1913; A 1951, 290; 1953, 588]—(NRS A [1965, 62](#); [1967, 1643](#); [1969, 1459](#); [1983, 1505](#))

**NRS 639.063 Annual report concerning drugs returned or transferred to pharmacies from certain facilities and institutions and reissued to fill other prescriptions.**

1. The Board shall prepare an annual report concerning drugs that are returned or transferred to pharmacies pursuant to [NRS 433.801](#), [435.700](#), [449.2485](#), [639.2675](#) and [639.2676](#) and are reissued to fill other prescriptions. The report must include, without limitation:

- (a) The number of drugs that are returned to dispensing pharmacies.
  - (b) The number of drugs that are transferred to nonprofit pharmacies designated by the Board pursuant to [NRS 639.2676](#).
  - (c) The number of drugs that are reissued to fill other prescriptions.
  - (d) An estimate of the amount of money saved by reissuing such drugs to fill other prescriptions.
  - (e) Any other information that the Board deems necessary.
2. The report must be:
- (a) Available for public inspection during regular business hours at the office of the Board; and
  - (b) Posted on a website or other Internet site that is operated or administered by or on behalf of the Board.

---

(Added to NRS by [2003, 1373](#); A [2009, 1089](#); [2013, 3068](#))

**NRS 639.065 Annual report concerning immunizations administered by pharmacists.** The Board shall prepare an annual report concerning immunizations administered by pharmacists that includes, without limitation, the number of immunizations which were administered by pharmacists during the previous year, any problems or complaints reported to the Board concerning immunizations administered by pharmacists and any other information that the Board determines would be useful in determining whether pharmacists should continue to administer immunizations in this State. The report must be available for public inspection during regular business hours at the office of the Board.

(Added to NRS by [1999, 2722](#))

**NRS 639.067 Posting of information relating to pharmaceutical manufacturers on website.** The Board shall post on a website or other Internet site that is operated or administered by or on behalf of the Board:

1. A general description of the basic elements of the *Compliance Program Guidance for Pharmaceutical Manufacturers* that is published by the Office of Inspector General of the United States Department of Health and Human Services, or links to websites or other Internet sites that are operated or administered by or on behalf of the Office of Inspector General where such information may be obtained;

2. A general description of the process for reporting unlawful or unethical conduct by pharmaceutical manufacturers to the Office of Inspector General, or links to websites or other Internet sites that are operated or administered by or on behalf of the Office of Inspector General where such information may be obtained; and

3. A current telephone number for the Office of Inspector General.

(Added to NRS by [2003, 1213](#))

**NRS 639.070 General powers; regulations.**

1. The Board may:

- (a) Adopt such regulations, not inconsistent with the laws of this State, as are necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

- (b) Adopt regulations requiring that prices charged by retail pharmacies for drugs and medicines which are obtained by prescription be posted in the pharmacies and be given on the telephone to persons requesting such information.

- (c) Adopt regulations, not inconsistent with the laws of this State, authorizing the Executive Secretary of the Board to issue certificates, licenses and permits required by this chapter and [chapters 453](#) and [454](#) of NRS.

- (d) Adopt regulations governing the dispensing of poisons, drugs, chemicals and medicines.

- (e) Regulate the practice of pharmacy.

- (f) Regulate the sale and dispensing of poisons, drugs, chemicals and medicines.

- (g) Regulate the means of recordkeeping and storage, handling, sanitation and security of drugs, poisons, medicines, chemicals and devices, including, but not limited to, requirements relating to:

- (1) Pharmacies, institutional pharmacies and pharmacies in correctional institutions;

- (2) Drugs stored in hospitals; and

- (3) Drugs stored for the purpose of wholesale distribution.

- (h) Examine and register, upon application, pharmacists and other persons who dispense or distribute medications whom it deems qualified.

- (i) Charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides, other than those specifically set forth in this chapter.

- (j) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(k) Employ an attorney, inspectors, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(l) Enforce the provisions of [NRS 453.011](#) to [453.552](#), inclusive, and enforce the provisions of this chapter and [chapter 454](#) of NRS.

(m) Adopt regulations concerning the information required to be submitted in connection with an application for any license, certificate or permit required by this chapter or [chapter 453](#) or [454](#) of NRS.

(n) Adopt regulations concerning the education, experience and background of a person who is employed by the holder of a license or permit issued pursuant to this chapter and who has access to drugs and devices.

(o) Adopt regulations concerning the use of computerized mechanical equipment for the filling of prescriptions.

(p) Participate in and expend money for programs that enhance the practice of pharmacy.

2. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

3. This section does not authorize the Board to prohibit open-market competition in the advertising and sale of prescription drugs and pharmaceutical services.

[Part 7:286:1913; A 1951, 290; 1953, 588]—(NRS A [1961, 755](#); [1963, 156, 474](#); [1967, 1643](#); [1971, 2039](#); [1973, 259](#); [1975, 202, 1307, 1315](#); [1979, 1684](#); [1983, 1506](#); [1987, 804, 1650](#); [1991, 1157](#); [1993, 630](#); [1995, 290](#); [2001, 1067](#); [2003, 563, 2280](#); [2007, 2952](#); [2013, 2237](#))

#### NRS CROSS REFERENCES.

Contracts for services to be in writing and approved, [NRS 284.013](#)

Controlled substances, [NRS ch. 453](#)

Dangerous drugs and devices, [NRS ch. 454](#)

Employment of immediate relatives, conditions and limitations, [NRS 622.210-622.230](#)

#### ADMINISTRATIVE REGULATIONS.

Controlled substances, [NAC ch. 453](#)

Poisons, dangerous drugs and devices, [NAC ch. 454](#)

#### NEVADA CASES.

**State board of pharmacy may not adjust qualifications to become registered pharmacist.** The legislature, under NCL § 5042 (cf. [NRS 639.120](#)), prescribed the standards of qualification to become a registered pharmacist and it did not intend to confer power upon the state board of pharmacy to add to or diminish such qualifications under NCL § 5046 (cf. [NRS 639.070](#)), which authorizes the board to make regulations necessary for protection of the public. *Estes v. Nevada State Bd. of Pharmacy*, [60 Nev. 389](#), 111 P.2d 48 (1941)

#### ATTORNEY GENERAL'S OPINIONS.

**Pharmacies may share protected health information with the Board of Pharmacy without violating HIPAA.** The Board of Pharmacy is a health oversight agency for purposes of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191, because of the Board's authority to regulate the practice of pharmacy (see [NRS 639.070](#)). As a result, pharmacies, who may be covered entities under HIPAA, may disclose protected health information to the Board without the pharmacies or the Board violating the provisions of HIPAA. [AGO 2010-08 \(4-6-2010\)](#)

**NRS 639.071 Regulations: Institutional pharmacies.** The Board may adopt such regulations as are necessary for the safe and efficient operation of institutional pharmacies.

(Added to NRS by [1987, 1649](#))

#### ADMINISTRATIVE REGULATIONS.

Annual review of provisions concerning inspections, [NAC 639.5019](#)

Facilities for intermediate care and facilities for skilled nursing, [NAC 639.492-639.498](#)

Medical facilities and correctional institutions, [NAC 639.440-639.4917](#)

Surgical centers for ambulatory patients, [NAC 639.4985-639.4998](#)

---

**NRS 639.072 Regulations: Correctional institutions.** The Board shall adopt regulations concerning the safe and efficient operation of pharmacies in correctional institutions.

(Added to NRS by [1987, 1649](#))

**ADMINISTRATIVE REGULATIONS.**

Medical facilities and correctional institutions, [NAC 639.440-639.4917](#)

**NRS 639.0725 Regulations: Internet pharmacies.**

1. The Board shall adopt such regulations as are necessary for the safe and efficient operation of pharmacies and wholesalers that offer their services to persons in this State via the Internet.

2. For the purposes of this section, “pharmacy” includes any person who sells or offers to sell drugs to persons in this State via the Internet.

(Added to NRS by [2001, 1631](#))

**ADMINISTRATIVE REGULATIONS.**

Internet pharmacies, [NAC 639.420-639.428](#)

**NRS 639.0727 Regulations: Remote sites, satellite consultation sites and telepharmacies; dispensing practitioners and dispensing technicians; practicing electronically, telephonically or by fiber optics.** The Board shall adopt regulations:

1. As are necessary for the safe and efficient operation of remote sites, satellite consultation sites and telepharmacies;

2. To define the terms “dispensing practitioner” and “dispensing technician,” to provide for the registration and discipline of dispensing practitioners and dispensing technicians, and to set forth the qualifications, powers and duties of dispensing practitioners and dispensing technicians;

3. To authorize registered pharmacists to engage in the practice of pharmacy electronically, telephonically or by fiber optics, including, without limitation, through telehealth, from within or outside this State; and

4. To authorize prescriptions to be filled and dispensed to patients as prescribed by practitioners electronically, telephonically or by fiber optics, including, without limitation, through telehealth, from within or outside this State or the United States.

(Added to NRS by [2009, 1319](#); A [2013, 2020](#); [2015, 627](#))

**ADMINISTRATIVE REGULATIONS.**

Remote sites, satellite consultation sites and telepharmacies, [NAC 639.391-639.399](#)

**NRS 639.073 Regulations: Restricting sale of drugs except under supervision of registered pharmacist.**

1. If the public interest would best be served, the Board may adopt regulations restricting the sale of drugs to sale by or under the direct supervision of a registered pharmacist.

2. Any regulation adopted pursuant to the provisions of this section shall also include the conditions under which such drugs shall be stored in a pharmacy and the circumstances under which such drugs may be sold.

(Added to NRS by [1967, 1652](#); A [1973, 774](#); [1979, 1685](#))

**NRS 639.074 Regulations: Registered nurses who participate in certain public health programs or provide certain mental health services.** The Board may adopt such regulations as may be necessary to ensure that proper and adequate safeguards, including dispensing procedures, are followed to protect a registered nurse who:

1. Participates in a public health program approved by the Board; or

2. Provides mental health services to a patient at a rural clinic that is designated as such pursuant to [NRS](#)



[433.233](#) and that is operated by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(Added to NRS by [1977, 939](#); A [2003, 1018](#))

**NRS 639.0745 Regulations: Transfer, security and exchange of information relating to prescriptions.**

1. The Board may adopt regulations concerning the transfer of information between pharmacies relating to prescriptions.

2. The Board shall adopt regulations concerning the electronic transmission and the transmission by a facsimile machine of a prescription from a practitioner to a pharmacist for the dispensing of a drug. The regulations must be consistent with [NRS 439.581](#) to [439.595](#), inclusive, and the regulations adopted pursuant thereto and must establish procedures to:

(a) Ensure the security and confidentiality of the data that is transmitted between:

- (1) The practitioner and the pharmacy;
- (2) The practitioner and an insurer of the person for whom the prescription is issued; and
- (3) The pharmacy and an insurer of the person for whom the prescription is issued.

(b) Protect the identity of the practitioner to prevent misuse of the identity of the practitioner or other fraudulent conduct related to the electronic transmission of a prescription.

(c) Verify the authenticity of a signature that is produced:

- (1) By the computer or other electronic device; or
- (2) Manually by the practitioner.

3. The Board shall adopt regulations governing the exchange of information between pharmacists and practitioners relating to prescriptions filled by the pharmacists for persons who are suspected of:

(a) Misusing prescriptions to obtain excessive amounts of drugs.

(b) Failing to use a drug in conformity with the directions for its use or taking a drug in combination with other drugs in a manner that could result in injury to that person.

↪ The pharmacists and practitioners shall maintain the confidentiality of the information exchanged pursuant to this subsection.

(Added to NRS by [1991, 1948](#); A [1993, 493](#); [1995, 291](#); [1997, 687](#); [2001, 834](#), [1635](#); [2003, 67](#); [2011, 1763](#))

**NRS CROSS REFERENCES.**

Health information exchanges, [NRS 439.581-439.595](#)

**ADMINISTRATIVE REGULATIONS.**

"Facsimile machine" interpreted, [NAC 639.032](#)

Transmission of prescriptions and transfer of related information, [NAC 639.7102-639.7145](#)

**NRS 639.075 Fiscal year.** The Board shall operate on the basis of a fiscal year commencing on July 1 and terminating on June 30.

(Added to NRS by [1963, 156](#))

**NRS 639.081 Deposit and use of money received by Board; delegation of authority to take disciplinary action; deposit of fines; claims for attorney's fees and costs of investigation.**

1. Except as otherwise provided in subsection 3, all money coming into the possession of the Board must be kept or deposited by the Executive Secretary of the Board in banks, credit unions or savings and loan associations in the State of Nevada, or invested in United States treasury bills or notes, to be expended for payment of compensation and expenses of members of the Board and for other necessary or proper purposes in the administration of this chapter.

2. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to

this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State.

3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

(Added to NRS by [1975, 1306](#); A [1983, 1540](#); [1999, 1535](#); [2003, 2281](#))

**NRS 639.090 Enforcement of chapter.** The members of the Board, its inspectors and investigators are designated and constituted agents for the enforcement and carrying out of the provisions of this chapter, and for this purpose they are entitled to have free access at all times during business hours to all places where drugs, medicines or poisons or devices or appliances that are restricted by federal law to sale by or on the order of a physician are held or offered for sale and to all records of sale and disposition of drugs, medicines or poisons or devices or appliances that are restricted by federal law to sale by or on the order of a physician.

[20:286:1913; A 1947, 667; 1943 NCL § 5059]—(NRS A [1967, 1643](#); [1993, 1220](#))

**NRS 639.093 Communication with other public agencies; immunity.** The Board may communicate the results of its deliberations or investigations to other public agencies, and the Board or its members, agents, servants, employees or attorneys shall not incur any liability as a result of such communications.

(Added to NRS by [1967, 1652](#))

**NRS 639.095 Board to furnish free copies of law and regulations to applicants and registrants.** The Board shall furnish each applicant for registration and each resident registered pharmacist with a free copy of [chapters 453, 454, 585](#) and [639](#) of NRS and the regulations of the Board. Free copies must be provided nonresident pharmacists registered in Nevada upon request.

(Added to NRS by [1967, 1652](#); A [1975, 1308](#); [1977, 90](#); [1979, 1685](#))

#### **NRS CROSS REFERENCES.**

Controlled substances, [NRS ch. 453](#)

Dangerous drugs and devices, [NRS ch. 454](#)

Food, drugs and cosmetics, [NRS ch. 585](#)

**NRS 639.097 Injunctive relief.** The Board may bring an action to enjoin any act which would be in violation of the provisions of this chapter. Such action shall be commenced in the district court in and for the county in which the act is to occur and shall be in conformity with [Rule 65](#) of the Nevada Rules of Civil Procedure, except that the Board shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or irreparable damage or loss. The action shall be brought in the name of the State of Nevada.

(Added to NRS by [1967, 1653](#))

#### **NRS 639.241 Accusation: Form, contents and signature.**

1. A hearing to determine whether the rights and privileges granted by any certificate, certification, license or permit issued by the Board should be revoked, suspended, limited or conditioned must be initiated by the filing of an accusation by the Board. The action must be entitled: The Nevada State Board of Pharmacy v. (insert the name of the party whose certificate, license or permit is involved), who must be designated "Respondent."

2. The accusation is a written statement of the charges alleged and must set forth in ordinary and concise language the acts or omissions with which the respondent is charged to the end that the respondent will be able to prepare a defense. The accusation must specify the statutes and regulations which the respondent is alleged to have

violated, but must not consist merely of charges phrased in language of the statute or regulation. The accusation must be signed by the Executive Secretary of the Board acting in his or her official capacity.

(Added to NRS by [1967, 1658](#); A [1979, 1694](#); [2003, 2291](#))

#### **NEVADA CASES.**

**Parties at a disciplinary hearing were not deprived of their due process rights and had no constitutional right to prehearing discovery.** The Nevada Supreme Court rejected the argument of two pharmaceutical wholesalers that the State Board of Pharmacy violated their due process rights at a disciplinary hearing. The procedure for preparing and serving an accusation set forth in [NRS 639.241](#) comports with minimum standards of due process by ensuring that a party to a hearing before the Board is apprised of the charges against it and the factual predicates for those charges. Because the parties received the Board's accusation and it fully stated the factual bases for the charges against them, their due process rights were not violated. The parties argued further that the Board should have permitted prehearing discovery and been required to produce a witness list. Generally, there is no state or federal constitutional right in administrative proceedings to prehearing discovery that would require disclosure of intended witnesses. Furthermore, the Nevada Rules of Civil Procedure do not apply to administrative proceedings, and Nevada's Administrative Procedure Act makes no provision for discovery. Thus, the extent to which a party before the Board is entitled to discovery is determined by the statutes governing the Board and its adopted regulations. (See [NRS 233B.040](#).) The Board has not established any procedures allowing for discovery, and it is within its discretion to decline to do so. Nevertheless, due process guarantees of fundamental fairness still apply. The Court examined the fundamental fairness of the Board's proceeding in light of the procedural protections made available to the parties. Under [NRS 639.246](#), the Executive Secretary of the Board must issue subpoenas on behalf of any party for the production of witnesses, documents, or papers. Thus, the parties had available to them a procedural mechanism for obtaining any evidence necessary to their defense. Furthermore, [NRS 639.2485](#) provides that all documents and information considered by the Board are public records. Therefore, the parties had access to any statements of potential witnesses that the Board had considered. Thus, because the Board's procedures to subpoena witnesses and provide access to their statements comported with due process guarantees of fundamental fairness, the parties failed to establish that the Board improperly denied them access to witnesses. *Dutchess Bus. Servs. v. State, Bd. of Pharm.*, [124 Nev. 701](#), 191 P.3d 1159 (2008), cited, *Garcia v. Scolari's Food & Drug*, [125 Nev. 48](#), at [58](#), 200 P.3d 514 (2009) (dissenting opinion)

#### **NRS 639.242 Service on respondent of copies of accusation, statement and forms for Notice of Defense.**

1. After filing the accusation, the Executive Secretary of the Board shall cause a copy thereof, together with one copy of the Statement to Respondent and three copies of the form of the Notice of Defense, to be served on the respondent.

2. Service may be by personal service or by first-class registered or certified mail addressed to the respondent at his or her last address of record, or by mail to his or her attorney of record. Proof of service must be retained and made a part of the case record.

(Added to NRS by [1967, 1658](#); A [2003, 2291](#))

**NRS 639.243 Statement to Respondent: Contents.** The statement, entitled Statement to the Respondent, shall be worded so as to inform the respondent:

1. That an accusation has been filed.

2. Of the right to a hearing before the Board to answer to the alleged violations and to submit evidence in his or her own behalf if requested by the filing of two copies of the Notice of Defense within 15 days after receipt of the accusation.

(Added to NRS by [1967, 1658](#))

#### **NRS 639.244 Notice of Defense: Form; effect of failure to file.**

1. The form for the Notice of Defense must be prepared and furnished by the Board and permit the respondent, by completing and signing the notice, to:

- (a) Object to the accusation as being incomplete and failing to set forth clearly the charges; and
- (b) Deny or admit, in part or in whole, the violations alleged.

2. The Notice of Defense must be signed by the respondent or his or her attorney under penalty of perjury. Failure to file a Notice of Defense constitutes a waiver of the respondent's right to a hearing, but the Board may grant a hearing.

---

(Added to NRS by [1967, 1658](#); A [2003, 2292](#))

**NRS 639.2445 Physical or mental examination of holder of certificate believed to be incompetent; competency hearing; probation for use of alcohol or drugs.**

1. Whenever the Board believes that a holder of a certificate is or has become incompetent to practice pharmacy by reason of any physical or mental injury, illness or disability or by reason of chronic or excessive use of alcohol or drugs, the Board may order that the holder of the certificate submit to a physical or psychiatric examination, or both, at the expense of the Board.

2. The Board shall designate a physician or a psychiatrist or both, as the case may be, to conduct the examination or examinations of the holder of the certificate and furnish the Board and the holder of the certificate with a report of the findings. If the holder of the certificate is dissatisfied with the findings, the holder of the certificate may obtain an independent examination and report at his or her own expense, not later than 10 days following receipt of the initial report.

3. Upon receipt of the findings the Board shall conduct a hearing to determine whether the holder of the certificate is competent to practice pharmacy. Except as provided in subsection 4, if the Board finds that the holder of the certificate is not competent to practice pharmacy, it shall order an immediate suspension of his or her right to practice pharmacy, and the suspension remains in effect until the Board determines that a certificate may be reinstated.

4. The Board may place on probation a holder of a certificate who is not competent to practice pharmacy by reason of chronic or excessive use of alcohol or drugs if the holder of the certificate voluntarily enters and completes a program of treatment approved by the Board and complies with any other conditions imposed by the Board.

(Added to NRS by [1975, 1306](#); A [1987, 949](#))

**NRS 639.245 Notice of hearing.** Whenever a hearing has been granted by the Board, the Executive Secretary of the Board shall serve notice on the respondent of the time and place set for the hearing on the accusation. If the Board receives a report pursuant to subsection 5 of [NRS 228.420](#), a hearing must be held within 30 days after receiving the report. Service may be effected in the same manner as provided in [NRS 639.242](#).

(Added to NRS by [1967, 1659](#); A [1993, 794](#); [2003, 2292](#))

**NRS CROSS REFERENCES.**

Industrial Insurance Act, reports of violations, [NRS 228.420](#)

**NRS 639.246 Subpoenas.**

1. The Executive Secretary of the Board shall issue subpoenas for the production of witnesses, documents or papers, in accordance with statutory provisions, at the request of any party to a hearing or for purposes of an investigation or other matter under inquiry by the Board.

2. Witnesses appearing pursuant to a subpoena must receive expenses and witness fees in the amounts and under the same circumstances as prescribed by law for witnesses in civil actions. The expenses and fees must be paid in full by the party at whose request the witness is subpoenaed.

3. Subpoenas must be served in the same manner as prescribed by law for the service of subpoenas in civil actions. If any person fails to comply with a subpoena within 10 days after its issuance, the President of the Board, or the Executive Secretary of the Board at the direction of the President, may petition the district court for an order of the court compelling compliance with the subpoena.

4. Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of

the order, and then and there to show cause why the person has not complied with the subpoena. A certified copy of the order must be served upon the person.

5. If it appears to the court that the subpoena was regularly issued by the Board, the court shall enter an order compelling compliance with the subpoena. Failure to obey the order constitutes contempt of court.

(Added to NRS by [1967, 1659](#); A [1993, 634](#); [2003, 2292](#))

#### NEVADA CASES.

**Parties at a disciplinary hearing were not deprived of their due process rights and had no constitutional right to prehearing discovery.** The Nevada Supreme Court rejected the argument of two pharmaceutical wholesalers that the State Board of Pharmacy violated their due process rights at a disciplinary hearing. The procedure for preparing and serving an accusation set forth in [NRS 639.241](#) comports with minimum standards of due process by ensuring that a party to a hearing before the Board is apprised of the charges against it and the factual predicates for those charges. Because the parties received the Board's accusation and it fully stated the factual bases for the charges against them, their due process rights were not violated. The parties argued further that the Board should have permitted prehearing discovery and been required to produce a witness list. Generally, there is no state or federal constitutional right in administrative proceedings to prehearing discovery that would require disclosure of intended witnesses. Furthermore, the Nevada Rules of Civil Procedure do not apply to administrative proceedings, and Nevada's Administrative Procedure Act makes no provision for discovery. Thus, the extent to which a party before the Board is entitled to discovery is determined by the statutes governing the Board and its adopted regulations. (See [NRS 233B.040](#).) The Board has not established any procedures allowing for discovery, and it is within its discretion to decline to do so. Nevertheless, due process guarantees of fundamental fairness still apply. The Court examined the fundamental fairness of the Board's proceeding in light of the procedural protections made available to the parties. Under [NRS 639.246](#), the Executive Secretary of the Board must issue subpoenas on behalf of any party for the production of witnesses, documents, or papers. Thus, the parties had available to them a procedural mechanism for obtaining any evidence necessary to their defense. Furthermore, [NRS 639.2485](#) provides that all documents and information considered by the Board are public records. Therefore, the parties had access to any statements of potential witnesses that the Board had considered. Thus, because the Board's procedures to subpoena witnesses and provide access to their statements comported with due process guarantees of fundamental fairness, the parties failed to establish that the Board improperly denied them access to witnesses. *Dutchess Bus. Servs. v. State, Bd. of Pharm.*, [124 Nev. 701](#), 191 P.3d 1159 (2008), cited, *Garcia v. Scolari's Food & Drug*, [125 Nev. 48](#), at [58](#), 200 P.3d 514 (2009) (dissenting opinion)

#### **NRS 639.247 Hearing: Procedure.**

1. Any hearing held for the purpose of suspending or revoking any certificate, certification, license or permit must be conducted publicly by the Board. The hearing must be presided over by a member of the Board or his or her designee and three members constitute a quorum. Any decision by the Board requires the concurrence of at least three members. The proceedings of the hearing must be reported or recorded by an electronic recording device, an official court reporter or another qualified person.

2. The member of the Board or his or her designee presiding at the hearing or the Executive Secretary of the Board may administer oaths or affirmations. Continuances and adjournments may be ordered, or may be granted, by the member or the designee presiding, for cause shown and by orally notifying those persons present of the time and place at which the hearing will be continued.

(Added to NRS by [1967, 1659](#); A [1973, 782](#); [1977, 1282](#); [1981, 101](#); [1987, 950](#); [2003, 2292](#))

#### ADMINISTRATIVE REGULATIONS.

Hearings, [NAC 639.120, 639.130](#)

#### ATTORNEY GENERAL'S OPINIONS.

**State board of pharmacy must close meeting to deliberate proposed disciplinary action.** The state board of pharmacy must close a meeting held to deliberate toward a decision at the conclusion of a hearing concerning proposed disciplinary action. The procedural requirements of [NRS 639.050](#), relating to the deliberative phase of a disciplinary proceeding, differ from those of [NRS 639.247](#), relating to an evidentiary hearing. [AGO 81-C \(6-25-1981\)](#)

**NRS 639.248 Hearing: Use of hearsay evidence.** Hearsay evidence may be admitted for the purpose of supplementing or explaining any direct evidence but is not sufficient in itself to support a finding.

(Added to NRS by [1967, 1659](#); A [1977, 91](#))

---

**NRS 639.2485** Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records; disclosure of certain information relating to dangerous drugs and controlled substances; duties of Board upon request or subpoena for records or information; retention of complaints.

1. Except as otherwise provided in this section and [NRS 239.0115](#), any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The Board may disclose to a practitioner and a law enforcement agency information concerning a person who procures or attempts to procure any dangerous drug or controlled substance in violation of [NRS 453.391](#) or [454.311](#).

4. If the Board receives a request or subpoena for records or information obtained during an investigation by the Board and the records or information is not made public pursuant to subsection 2, the Board shall notify the person regarding whom the investigation was made of the request or subpoena. If that person does not consent in writing to the release of the records or information, the Board may release the records or information only upon the order of a court of competent jurisdiction.

5. The Board shall retain all complaints or other documents filed by the Board to initiate disciplinary action for at least 10 years, including, without limitation, any complaints not acted upon.

(Added to NRS by [1989, 1568](#); A [1991, 1952](#); [1995, 294](#); [2003, 3454](#); [2007, 2141](#); [2009, 895](#))

#### **NRS CROSS REFERENCES.**

Investigatory proceedings, Open Meeting Law inapplicable, [NRS 622.320](#)

Records open to public inspection, exception, [NRS 239.001-239.030](#), [622.310](#)

#### **NEVADA CASES.**

**Parties at a disciplinary hearing were not deprived of their due process rights and had no constitutional right to prehearing discovery.** The Nevada Supreme Court rejected the argument of two pharmaceutical wholesalers that the State Board of Pharmacy violated their due process rights at a disciplinary hearing. The procedure for preparing and serving an accusation set forth in [NRS 639.241](#) comports with minimum standards of due process by ensuring that a party to a hearing before the Board is apprised of the charges against it and the factual predicates for those charges. Because the parties received the Board's accusation and it fully stated the factual bases for the charges against them, their due process rights were not violated. The parties argued further that the Board should have permitted prehearing discovery and been required to produce a witness list. Generally, there is no state or federal constitutional right in administrative proceedings to prehearing discovery that would require disclosure of intended witnesses. Furthermore, the Nevada Rules of Civil Procedure do not apply to administrative proceedings, and Nevada's Administrative Procedure Act makes no provision for discovery. Thus, the extent to which a party before the Board is entitled to discovery is determined by the statutes governing the Board and its adopted regulations. (See [NRS 233B.040](#).) The Board has not established any procedures allowing for discovery, and it is within its discretion to decline to do so. Nevertheless, due process guarantees of fundamental fairness still apply. The Court examined the fundamental fairness of the Board's proceeding in light of the procedural protections made available to the parties. Under [NRS 639.246](#), the Executive Secretary of the Board must issue subpoenas on behalf of any party for the production of witnesses, documents, or papers. Thus, the parties had available to them a procedural mechanism for obtaining any evidence necessary to their defense. Furthermore, [NRS 639.2485](#) provides that all documents and information considered by the Board are public records. Therefore, the parties had access to any statements of potential witnesses that the Board had considered. Thus, because the Board's procedures to subpoena witnesses and provide access to their statements comported with due process guarantees of fundamental fairness, the parties failed to establish that the Board improperly denied them access to witnesses. *Dutchess Bus. Servs. v. State, Bd. of Pharm.*, [124 Nev. 701](#), 191 P.3d 1159 (2008), cited, *Garcia v. Scolari's Food & Drug*, [125 Nev. 48](#), at [58](#), 200 P.3d 514 (2009) (dissenting opinion)

**NRS 639.249 Contempt.** If any person in proceedings before the Board disobeys or resists any lawful order or refuses to respond to a subpoena, or refuses to take the oath or affirmation as a witness or thereafter refuses to be examined, or is guilty of misconduct during a hearing or so near the place thereof as to obstruct the proceeding, the Board shall certify the facts to the district court of the county where the proceeding is being conducted. The court shall thereupon issue an order directing the person to appear before the court and show cause why he or she should not be punished as for contempt. The order and a copy of the certified statement shall be served on the person.



---

Thereafter the court shall have jurisdiction of the matter. The same proceedings shall be had, the same penalties may be imposed and the person charged may purge himself or herself of the contempt in the same way, as in the case of a person who has committed a contempt in the trial of a civil action.

(Added to NRS by [1967, 1660](#))

**NRS 639.251 Decision; order.** Upon conclusion of the hearing or as soon as practicable thereafter and, in any event, within 30 days, the Board shall make, enter and file its decision and shall make, enter and file its order based thereon. A copy of the order shall promptly be served on the respondent and the respondent's attorney of record, either personally or by registered or certified mail. The order shall not become effective until at least 30 days after receipt by the respondent unless otherwise ordered by the Board.

(Added to NRS by [1967, 1660](#))

**NRS 639.252 Rehearing.**

1. If the respondent wishes to contest or appeal the decision of the Board, the order or any part thereof, the respondent may, not later than 10 days after the time the order becomes effective, apply in writing to the Board for a rehearing. The application must set forth with particularity the part or parts of the decision or order to which the respondent objects and the basis of the objection.

2. The Executive Secretary of the Board shall, within 10 days after receipt of a written application for rehearing, notify the respondent and the respondent's attorney of record in writing, by registered or certified mail, of his or her action, either granting or denying the application. If the application is granted, the notice must contain the date, time and place of the rehearing. The rehearing must be held at the next regularly scheduled meeting of the Board. Granting of the application by the Executive Secretary does not serve as an automatic stay of execution of the order pending conclusion of the rehearing.

(Added to NRS by [1967, 1660](#); A [2003, 2293](#))

**NRS 639.253 Order following rehearing.**

1. On conclusion of the rehearing the Board may reaffirm the order previously adopted, or if new evidence is presented which controverts, in whole or in part, the allegations on which the accusation was based and if the Board considers that such action would be in the public interest, the Board may reset or reduce the penalty ordered at the conclusion of the original hearing.

2. The Board shall make, enter and file its order at the conclusion of the rehearing, or as soon thereafter as practicable, and cause a copy thereof to be served on the respondent and the respondent's attorney of record within 30 days. The order shall not become effective until 30 days after receipt thereof by the respondent unless otherwise ordered by the Board.

(Added to NRS by [1967, 1660](#))

**NRS 639.2535 Judicial review.**

1. Every order of the Board which limits the practice of pharmacy or any privileges extended by any certificate, permit, registration or license is effective until the date the order is modified or reversed by a final judgment of the reviewing court.

2. The district court shall give a petition for judicial review of the Board's order priority over other civil matters which are not expressly given priority by law.

(Added to NRS by [1985, 875](#); A [1989, 1658](#))

**NRS 639.255 Authorized disciplinary action; judicial review of such action; fines; private reprimands prohibited; orders imposing discipline deemed public records.**

1. The holder of any certificate, license or permit issued by the Board, whose default has been entered or who has been heard by the Board and found guilty of the violations alleged in the accusation, may be disciplined by the Board by one or more of the following methods:

- (a) Suspending judgment;
- (b) Placing the certificate, license or permit holder on probation;
- (c) Suspending the right of a certificate holder to practice, or the right to use any license or permit, for a period to be determined by the Board;
- (d) Revoking the certificate, license or permit;
- (e) Public reprimand; or
- (f) Imposition of a fine for each count of the accusation, in accordance with the schedule of fines established pursuant to subsection 3.

2. Such action by the Board is final, except that the propriety of such action is subject to review upon questions of law by a court of competent jurisdiction.

3. The Board shall, by regulation, establish a schedule of fines that may be imposed pursuant to paragraph (f) of subsection 1. Each fine must be commensurate with the severity of the applicable violation, but must not exceed \$10,000 for each violation.

4. The Board shall not issue a private reprimand.

5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

(Added to NRS by [1967, 1661](#); A [1973, 782](#); [1979, 1694](#); [1993, 888](#); [2001, 836](#), [1634](#); [2003, 3455](#))

#### ADMINISTRATIVE REGULATIONS.

Fines, [NAC 639.955](#)

#### NEVADA CASES.

The State Board of Pharmacy's jurisdiction is not limited to acts occurring solely in Nevada. The State Board of Pharmacy has jurisdiction to discipline Nevada pharmaceutical wholesaler license holders under [NRS 639.210](#). The Board is also authorized to impose fines for each count of an accusation under [NRS 639.255](#). Nothing in [NRS 639.210\(4\)](#) limits the Board's review of unprofessional conduct to acts occurring solely in the State of Nevada. Licensees who commit acts of unprofessional conduct, whether in this State or elsewhere, violate the public interest of this State in its licensed pharmaceutical wholesalers. *Dutchess Bus. Servs. v. State, Bd. of Pharm.*, [124 Nev. 701](#), 191 P.3d 1159 (2008)

**NRS 639.2555 Suspension of certificate or license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of certificate or license. [Effective until 2 years after the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]**

1. If the Board receives a copy of a court order issued pursuant to [NRS 425.540](#) that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training or a license issued pursuant to [NRS 639.233](#), the Board shall deem the certificate of registration or license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the certificate of registration or license by the district attorney or other public agency pursuant to [NRS 425.550](#) stating that the holder of the certificate of registration or license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to [NRS 425.560](#).

2. The Board shall reinstate a certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training or a license issued pursuant to [NRS 639.233](#) that has been



---

suspended by a district court pursuant to [NRS 425.540](#) if the Board receives a letter issued by the district attorney or other public agency pursuant to [NRS 425.550](#) to the person whose certificate of registration or license was suspended stating that the person whose certificate of registration or license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to [NRS 425.560](#).

(Added to NRS by [1997, 2148](#); A [2003, 2293](#); [2005, 2807](#))

**NRS 639.256 Automatic restoration of suspended certificate, license or permit.** A certificate, license or permit which has been suspended for a specified period of time must automatically be restored to good standing on the first day following the period of suspension. The Executive Secretary of the Board, when notifying the respondent of the penalty imposed by the Board, shall inform the respondent of the date on which the certificate, license or permit will be so restored.

(Added to NRS by [1967, 1661](#); A [2003, 2293](#))

**NRS 639.2565 Reinstatement of certificate suspended for incompetency.**

1. A person whose certificate has been suspended by the Board may petition the Board for reinstatement of the certificate.

2. After receipt of the petition, the Board shall conduct a hearing to determine whether the certificate should be reinstated.

3. If a hearing is held, the Board may consider the results of its own investigation and any evidence pertaining to the competence of the petitioner. An affirmative vote of a majority of Board members is necessary to reinstate a certificate. The Board may require, prior to reinstatement, that the petitioner pass an examination, either oral or written, to determine the petitioner's present fitness to resume practice.

4. In any hearing conducted under this section, the Board may employ any expert witnesses considered necessary to determine the competency and ability of the petitioner.

5. If the Board orders restoration of such certificate, it may waive the requirements of [NRS 639.180](#), [639.190](#) and [639.2174](#).

(Added to NRS by [1975, 1306](#))

**NRS 639.257 Reinstatement of revoked certificate, license or permit.**

1. A person whose certificate, license or permit has been revoked may petition the Board for reinstatement after a period of not less than 1 year has lapsed since the date of revocation.

2. The petition shall state such facts as may be required by the Board and shall be heard by the Board at its next regular meeting held not earlier than 30 days after the petition is filed. Such petition may be considered by the Board while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on probation or parole, only if the Board members, by a majority vote, find that the public interest would best be served by such reinstatement.

3. In considering reinstatement the Board may investigate and consider all activities of the petitioner since the time the original certificate, license or permit was issued and his or her ability, character and reputation. The affirmative vote of at least three members is necessary for reinstatement of a certificate, license or permit with or without terms, conditions and restrictions.

(Added to NRS by [1967, 1661](#))

**NRS 639.2575 Disciplinary action by hearing officer or panel: Procedural requirements; powers and duties of officer or panel; appeals.**

1. Any disciplinary action taken by a hearing officer or panel pursuant to [NRS 639.081](#) is subject to the same procedural requirements which apply to disciplinary actions taken by the Board, and the officer or panel has those

---

powers and duties given to the Board in relation thereto.

2. A decision of the hearing officer or panel relating to the imposition of a fine is a final decision in a contested case. Any party aggrieved by a decision of the officer or panel to place the holder of a certificate, license or permit on probation, reprimand him or her or revoke or suspend his or her certificate, license or permit may appeal that decision to the Board.

(Added to NRS by [1983, 1540](#))

**NRS 639.2576 Immunity from civil action for assisting administrative proceeding.** The Board or any other person who initiates or assists in any lawful investigation or administrative proceeding concerning the discipline of a pharmacist is immune from any civil action for that initiation or assistance or any consequential damages, if the person acted without malicious intent.

(Added to NRS by [1987, 948](#))

**NRS 639.258 Filing of complaint.** Any person who becomes aware that a person practicing pharmacy in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

(Added to NRS by [2013, 2236](#))

Follow these instructions when filling out the form:

1. Download the form to your personal computer.
2. Complete the downloaded form using AdobeReader.
3. Save the completed form to your personal computer.
4. Then send the saved form and any additional documents in PDF format to [cstonefield@lcb.state.nv.us](mailto:cstonefield@lcb.state.nv.us)

Submit by Email

**Information Concerning Board or Commission  
Subject to Review by the  
Sunset Subcommittee of the Legislative Commission**

as required by *Nevada Revised Statutes* 232B.230



**Board or commission name:**

Nevada State Board of Pharmacy

**Members' names with  
expiration date of term, and  
indicate the number of  
vacancies:**

Leo Basch, President (10-31-18); Kirk Wentworth, Treasurer (10-31-18); Kevin Desmond (10-31-19); Jason Penrod (10-31-20); Melissa Shake (10-31-20); Robert Sullivan, public member (10-31-19); Darla Zarley (10-31-18) - NO CURRENT VACANCIES

**Physical address:**

431 W Plumb Lane, Reno NV 89509

**Mailing address:**

431 W Plumb Lane, Reno NV 89509

**Web site address (if any):**

[bop.nv.gov](http://bop.nv.gov)

**Web site developer** (if not EITS,  
please indicate if EITS approved  
the web site):

EITS

**Executive director's name and  
contact information:**

Larry L. Pinson, Pharm.D., Executive Secretary  
Tel: 775-850-1440  
[lpinson@pharmacy.nv.gov](mailto:lpinson@pharmacy.nv.gov)

**Staff members' names including  
titles and status as full-time or  
part-time** (attach additional pages  
as necessary):

Please see attached EXHIBIT B

**Days and hours of operation:**

Monday-Friday, 7AM-5PM

**Created by what authority:**

NRS 639.020

**Authority to adopt regulations  
(NRS) and citation to  
regulations (NAC), if applicable:**

NRS 453.221; NRS 453.385; NRS 454.110; NRS 454.223; 454.371; NRS 639.070-.0745; NRS 639.23507; and section 58 of Assembly Bill 474, chapter 605, Statutes of Nevada.  
Regulations codified in NAC Chapters 453, 454 and 639.

**Information Concerning Board or Commission  
Subject to Review by the  
Sunset Subcommittee of the Legislative Commission**

List by LCB File No. and date of adoption the five regulations most recently adopted by the board or commission, with any applicable deadline for the adoption of any such regulation:

LCB File No. R132-17 (March 7, 2018)  
LCB File No. R146-17 (March 7, 2018) (adopted with revisions)  
LCB File No. R007-17 (January 11, 2018) (adopted with revisions)  
LCB File No. R045-17 (December 6, 2017) (adopted with revisions)  
LCB File No. R046-17 (December 6, 2017)

List any required regulations that have not been adopted, with any applicable deadline for the adoption of any such regulation. Please identify each such regulation by LCB File No., if available, or by reference to the provision of NRS or Statutes of Nevada requiring adoption of the regulation:

None

Governing structure of the board or commission pursuant to statute:

NRS 639.030(1) specifies a 7 member Board appointed by Governor comprised of 6 registered pharmacists and 1 public member. Board elects a President and Treasurer and employs an Executive Secretary pursuant to NRS 639.040. NRS 639.040(2) requires the Executive Secretary to be a licensed pharmacist.

Duties of the board or commission:

General powers specified in NRS 639.070; additional duties prescribed throughout NRS Chapter 453 (Controlled Substances); NRS Chapter 454 (Poisons, Dangerous Drugs and Hypodermics); NRS 585 (Food, Drugs and Cosmetics; Adulteration; Labels; Brands); and NRS Chapter 639 (Pharmacists and Pharmacy).

Statement of the objectives and programs of the board or commission:

NRS 639.213 states: "The Legislature hereby declares the practice of pharmacy to be a learned profession, affecting public safety and welfare and charged with the public interest, and is therefore subject to protection and regulation by the State." Federal law requires that persons who issue prescriptions for controlled substances and persons who engage in wholesale distribution of prescription drugs be licensed by the appropriate jurisdiction. 21 CFR § 1306.03 (practitioners); 21 CFR § 205.2 (wholesalers). Board Mission Statement: "In regulating the practice of pharmacy, the Nevada State Board of Pharmacy has a duty to carry out and enforce the provisions of Nevada law to protect the health, safety and welfare of the public."

**Information Concerning Board or Commission  
Subject to Review by the  
Sunset Subcommittee of the Legislative Commission**

**Itemized list of services offered  
by the board or commission:**

The Board regulates the practice of pharmacy, including the sale, administration, prescribing, dispensing, handling, storage, security and record-keeping of controlled substances, dangerous drugs, poisons and medical devices.

The Board licenses and regulates pharmacists, pharmaceutical technicians, intern pharmacists, dispensing and prescribing practitioners, physician's assistants, advance practice registered nurses, pharmacies, hospitals, ambulatory surgical centers, wholesalers, providers and wholesalers of medical devices, equipment, or gases, manufacturers, and warehouses that store prescription drugs. Any activity involving

**Dates of the immediately  
preceding six meetings and  
the online location where the  
minutes can be found:**

March 7-8, 2018; January 10-11, 2018; December 6, 2017; October 18-19, 2017; September 6-7, 2017; July 19-20, 2017. Minutes available at <http://bop.nv.gov/Board/BoardMtgs/>

**Statutory tax exemptions,  
abatements, or money set aside  
for the board or commission:**

None

**Description of the manner in  
which the board or commission  
is funded, including all funding  
sources:**

The Nevada State Board of Pharmacy is funded from license fees and does not receive funds from the State General Fund.

**Please identify any forms  
required by the board or  
commission to be used by  
members of the public which  
are not available for  
downloading from the web site  
of the board or commission:**

All forms and reports available at <http://bop.nv.gov/Forms/Forms/>

**Information Concerning Board or Commission  
Subject to Review by the  
Sunset Subcommittee of the Legislative Commission**

Does the board or commission have any recommendations for consolidation with another board or commission? If so, which one(s) could be revised to include the charge to the board or commission that is the subject of this review?

None. Every state has a board of pharmacy. Federal law and enforcement activity is predicated on the licensing and regulation of the practice of pharmacy on the state level. In the practice of pharmacy the potential for public harm is significant.

Does the board or commission believe that its objectives and programs have been effective in accomplishing the purposes for which the board or commission was created? Please explain the response with any information the board or commission believes is relevant:

Yes. The Nevada State Board of Pharmacy has an established record of protecting Nevada's citizens through the administration and enforcement of state laws pertaining to pharmacy. The Board's activities on licensing and discipline are set forth in detail in each Biennial Report submitted to the Governor pursuant to NRS 639.060. A copy of the most recent report is attached as EXHIBIT F; additional reports are available at [http://bop.nv.gov/Forms/Biennial\\_Reports/](http://bop.nv.gov/Forms/Biennial_Reports/)

Any recommendations for statutory changes which are necessary for the board or commission to carry out its objectives and programs:

None

If additional space is necessary, please attach additional pages and refer to the attachments on the form.

Please include with this form:

1. The operating budget of the board or commission.
2. A statement setting forth the income and expenses of the board or commission for at least 3 years immediately preceding the date on which the board or commission submits this form, including the balances of any fund or account maintained by or on behalf of the board or commission.
3. The most recent legislative audit or other audit of the board or commission, and any efficiency studies or constituent or staff surveys conducted in the past 3 years.
4. Any reports required to be filed with the Legislative or Executive Branch over the past 3 years. Please indicate if any reports were filed late or have not been filed.
5. A copy of the organizational chart showing the governing structure of the board or commission and its staff.
6. A copy of the most recent strategic plan of the board or commission.

For occupational and professional licensing boards and commissions, please provide the following additional information:

1. Statement of the fee charged for each license, certificate, registration, permit, or other similar authorization issued by the board or commission.
2. Statement of how frequently each license, certificate, registration, permit, or other similar authorization issued by the board or commission must be renewed and the fee charged for such renewal.
3. For each license, certificate, registration, permit, or other similar authorization issued by the board or commission, list the fee charged for an equivalent license, certificate, registration, permit, or other similar authorization in each of the following states: Arizona, California, Idaho, Oregon, and Utah.
4. For each license, certificate, registration, permit, or other similar authorization issued by the board or commission, provide a statement of how frequently an equivalent license, certificate, registration, permit, or other similar authorization must be renewed and the fee charged for such renewal in the following states: Arizona, California, Idaho, Oregon, and Utah.

## **State Board of Pharmacy (Attachment to the Review Form)**

Page 3—Itemized list of services offered by the board or commission:

The Board regulates the practice of pharmacy, including the sale, administration, prescribing, dispensing, handling, storage, security and record-keeping of controlled substances, dangerous drugs, poisons and medical devices.

The Board licenses and regulates pharmacists, pharmaceutical technicians, intern pharmacists, dispensing and prescribing practitioners, physician's assistants, advance practice registered nurses, pharmacies, hospitals, ambulatory surgical centers, wholesalers, providers and wholesalers of medical devices, equipment, or gases, manufacturers, and warehouses that store prescription drugs. Any activity involving prescription drugs and their use, sale, or handling in Nevada is monitored and regulated by the Board. The Board requires each person licensed, registered and/or permitted by the Board to renew that authorization biennially.

Additionally, the Board protects the public and Nevada's prescription drug supply through rigorous annual inspections of each hospital pharmacy, retail pharmacy, ambulatory surgery center, dispensing practitioner facility, veterinary dispensing practitioner facility, feed store (that sells prescription products), and each medical devices, equipment and gas company (MDEG) in Nevada. The Board diligently investigates complaints alleging violations of Nevada law, and addresses violations and safety issues through the formal administrative adjudication process and by taking any necessary legal action.

The Board administers the Nevada Prescription Drug Monitoring Program (PMP) in conjunction with the Nevada Division of Investigations pursuant to NRS 453.162. The PMP maintains a database of all transactions for schedule II, III, IV and V controlled substances prescribed and dispensed in Nevada. Data in the PMP is confidential and only to be used by authorized practitioners, law enforcement agencies and licensing boards to coordinate patient care and to prevent diversion, abuse and overdoses.

**NAC 639.220 Schedule of fees; penalty for late renewal; exemptions from certain fees. (NRS 639.070, 639.170)**

**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.....	\$180
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity.....	180
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 issuance of an original or duplicate certificate of registration as a registered pharmacist.....	50
For the biennial renewal of registration as a registered pharmacist.....	180
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 or pharmaceutical technician in training.....	40
For the biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training.....	40
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, ambulatory surgical center, facility for treatment with narcotics, researcher, instructional user or any other authorized person to prescribe or possess controlled substances.....	80
For the biennial renewal of authorization of a physician, advanced practice registered nurse, physician assistant, euthanasia technician, ambulatory surgical center, facility for treatment with narcotics, researcher,	80



instructional user or any other authorized person to prescribe or possess controlled substances.....	
For the investigation or issuance of an original license to engage in business as an authorized warehouse, medical products provider or medical products wholesaler.....	500
For the biennial renewal of a license to engage in business as an authorized warehouse, medical products provider or medical products wholesaler.....	500
For the investigation or issuance of an original license to a manufacturer or wholesaler.....	500
For the biennial renewal of a license for a manufacturer or wholesaler.....	500
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 to dispense controlled substances or dangerous drugs, or both, for each location where the practitioner will dispense controlled substances or dangerous drugs, or both.....	300
For the biennial renewal of authorization of a practitioner to dispense controlled substances or dangerous drugs, or both, for each location where the practitioner will dispense controlled substances or dangerous drugs, or both.....	300

2. The penalty for failure to pay the renewal fee for any license, permit or certificate within the statutory period, as provided in subsection 4 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 health center:

(a) Which is a federally qualified health center as defined in 42 U.S.C. § 1396d(l)(2)(B), as that section existed on March 1, 2000, 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 the fee for the collective certification of advanced practice registered nurses in the employ of a public or nonprofit agency as set forth in subsection 1.

6. A practitioner employed by or serving as an independent contractor of a health center:

(a) Which is a federally qualified health center as defined in 42 U.S.C. § 1396d(1)(2)(B), as that section existed on March 1, 2000, 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.

7. A practitioner who is exempt from the payment of a fee pursuant to subsection 6 shall notify the Board in writing of each change of address or additional address, or both.

[Bd. of Pharmacy, § 639.050, eff. 6-26-80] — (NAC A 6-25-82; 6-16-86; 2-18-88; 4-28-88; 8-10-89; 9-11-91; 10-17-91; 11-15-93; 1-10-94; 7-7-94; 11-9-95; 5-22-96; R155-99, 3-1-2000; R011-01, 11-1-2001; R012-02, 5-31-2002; R081-04, 8-25-2004; R217-05, 5-4-2006; R114-08, 9-18-2008; R119-09, 1-28-2010)

License Type	Nevada	Arizona*	California	Idaho	Oregon**	Utah		
							Fingerprint Fee	Controlled Substance Fee
For the <b>initial</b> registration/license/permit as a <b>pharmacy</b>	\$500	\$480	\$520	\$100	\$175	\$200	\$35.00 PIC \$35.00 PIC Supervisor	\$100
For the <b>initial</b> registration/license/permit as a <b>manufacturer</b>	\$500	\$1,000	N/A	\$150	\$400	\$200	\$35.00 Designated Rep. \$35.00 Designated Rep. Supervisor	\$100
For the <b>initial</b> registration/license/permit as a <b>wholesaler</b>	\$500	\$500 - \$1,000	\$780	\$180	\$400	\$200	\$35.00 Designated Rep. \$35.00 Designated Rep. Supervisor	\$100
For the <b>initial</b> registration/license/permit as a <b>registered pharmacist</b>	\$180	\$250	\$260	\$140	\$120	\$200	\$35.00 Designated Rep. \$35.00 Designated Rep. Supervisor	\$100
For the <b>initial</b> registration/license/permit as a <b>pharmacy technician</b>	\$40	\$82	\$140	\$35	\$50	\$95		
For the <b>renewal</b> of registration/license/permit as a <b>pharmacy</b>	\$500	\$480	\$671	\$100	\$175	\$103		\$78
For the <b>renewal</b> of registration/license/permit as a <b>manufacturer</b>	\$500	\$1,000	N/A	\$150	\$400	\$103		\$78
For the <b>renewal</b> of registration/license/permit as a <b>wholesaler</b>	\$500	\$500 - \$1,000	\$786	\$180	\$400	\$103		\$78
For the <b>renewal</b> of registration/license/permit as a <b>registered pharmacist</b>	\$180	\$180	\$372	\$130	\$120	\$245		
For the <b>renewal</b> of registration/license/permit as a <b>pharmacy technician</b>	\$40	\$72	\$140	\$35	\$50	\$47		
<b>Renewal frequency</b> of registration/license/permit as a <b>pharmacy</b>	Biennial	Biennial	Annual	Annual	Annual	Biennial	Renewal not required	Biennial
<b>Renewal frequency</b> of registration/license/permit as a <b>manufacturer</b>	Biennial	Biennial	N/A	Annual	Annual	Biennial	Renewal not required	Biennial
<b>Renewal frequency</b> of registration/license/permit as a <b>wholesaler</b>	Biennial	Biennial	Annual	Annual	Annual	Biennial	Renewal not required	Biennial
<b>Renewal frequency</b> of registration/license/permit as a <b>registered pharmacist</b>	Biennial	Biennial	Biennial	Annual	Biennial	Biennial	Renewal not required	Biennial
<b>Renewal frequency</b> of registration/license/permit as a <b>pharmacy technician</b>	Biennial	Biennial	Biennial	Annual	Biennial	Biennial		
*Non-RX Wholesaler fee is \$500, Full-Service Wholesaler fee is \$1,000 (applies for both initial and renewal of registration/license/permit)								
**An additional \$50 fee is applied annually for pharmacies, manufacturers, and wholesalers who carry controlled substances.								