

LCB File No. R027-98

PROPOSED REGULATION OF THE NEVADA STATE BOARD OF PHARMACY

A workshop to discuss the proposed regulation was conducted on December 4, 1997, and presented to the board at the January 21, 22, 1998, board meeting. This proposed regulation will be presented to the board for final approval at the March 11 and 12, 1998, board meeting.

R027-98 NAC 639.945 - Owner responsible for acts of pharmacist, report terminations/tests

**DISCIPLINARY ACTION
UNPROFESSIONAL CONDUCT**

639.945 Specified acts and practices; owner responsible for acts of pharmacist.

1. The following acts or practices by a registered pharmacist or the owner of a pharmacy are declared to be, specifically but not by way of limitation, unprofessional conduct and conduct contrary to the public interest:

(a) Manufacturing, compounding, selling, dispensing or permitting to be manufactured, compounded, sold or dispensed substandard drugs or preparations.

(b) Except as provided in NRS 639.2583 to 639.2805, inclusive, for substitutions of generic drugs, dispensing or causing to be dispensed a different drug or brand of drug in place of the drug or brand of drug ordered or prescribed, unless the express permission of the orderer or prescriber is obtained and, in the case of a written prescription, unless the following information is recorded on the prescription by the person obtaining permission:

- (1) The date on which the permission was granted;
- (2) The name of the practitioner granting the permission;
- (3) The name of the person obtaining the permission;
- (4) The name of the drug dispensed; and
- (5) The name of the manufacturer or distributor of the drug.

(c) Using secret formulas.

(d) Failing strictly to follow the instructions of the person writing, making or ordering a prescription as to its filling or refilling, the content of the label or giving a copy of the prescription to any person except as permitted by law.

(e) Failing to confer with the person writing, making or ordering a prescription if there is an error or omission in it which should be questioned.

(f) Permitting or allowing a doorway or other opening or passage directly between a pharmacy and a place where alcoholic beverages are consumed on the premises.

(g) Supplying or diverting drugs, biologicals, medicines, substances or devices which are legally sold in pharmacies, so that unqualified persons can circumvent any law pertaining to the legal sale of such articles.

(h) Performing or in any way being a party to any fraudulent or deceitful practice or transaction.

(i) Performing any of his duties as a pharmacist or owner of a pharmacy in an incompetent, unskillful or negligent manner.

(j) Aiding or abetting a person not licensed to practice pharmacy in the State of Nevada.

2. The owner of a pharmacy is responsible for the acts of a registered pharmacist in his employ.

(a) The owner of a pharmacy shall report to the board within 10 business days of termination or discipline the name of a pharmacist, pharmaceutical technician, or pharmaceutical technician in training who is terminated or disciplined for:

(1) Refusing to submit a biological sample for drug testing upon request of the pharmacy owner or the pharmacy owners authorized agent; or

(2) Submission of a biological sample which tested positive for illicit drugs or drugs for which the person does not have a prescription; or

(3) Self administration or removal of drugs from the pharmacy for which the person does not have a prescription.

(b) A pharmacy that provides the information required in this paragraph is immune for civil liability for such disclosure and its consequences unless disclosure violates section 1, paragraph 2 of A.B. 248 (July 8, 1997).