

**ADOPTED REGULATION OF THE
STATE BOARD OF PHARMACY**

LCB File No. R012-02

Effective May 31, 2002

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

AUTHORITY: §1, NRS 639.070 and 639.170; §§2-4, NRS 639.070.

Section 1. NAC 639.220 is hereby amended to read as follows:

639.220 1. The board hereby adopts the following schedule of fees:

For the examination of an applicant for registration as a pharmacist Actual cost
of the
examination

For the investigation or registration of an applicant as a registered
pharmacist..... \$150

For the investigation, examination or registration of an applicant as a
registered pharmacist by reciprocity 150

For the investigation or issuance of an original license to conduct a retail
pharmacy 425

For the biennial renewal of a license to conduct a retail pharmacy 425

For the investigation or issuance of an original license to conduct an
institutional pharmacy 425

For the biennial renewal of a license to conduct an institutional pharmacy 425

For the investigation or issuance of an original license to conduct a pharmacy in a correctional institution	425
For the biennial renewal of a license to conduct a pharmacy in a correctional institution.....	425
For the issuance of an original or duplicate certificate of registration as a registered pharmacist.....	25
For the biennial renewal of registration as a registered pharmacist	150
For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse).....	50
For the investigation or 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	15
For the biennial renewal of registration as an intern pharmacist	15
<i>For the investigation or registration of an advanced practitioner of nursing or a physician assistant to prescribe drugs that are not controlled substances.....</i>	<i>70</i>
<i>For the biennial renewal of registration of an advanced practitioner of nursing or a physician assistant to prescribe drugs that are not controlled substances.....</i>	<i>70</i>
<i>For authorization of a physician, advanced practitioner of nursing, physician assistant, euthanasia technician, ambulatory surgical center,</i>	

facility for treatment with narcotics, researcher, instructional user or any other authorized person to prescribe or possess controlled substances 70

For the biennial renewal of authorization of a physician, advanced practitioner of nursing, 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 70

For the investigation or issuance of an original license to engage in business as an authorized warehouse, medical products provider or medical products wholesaler 200

For the biennial renewal of a license to engage in business as an authorized warehouse, medical products provider or medical products wholesaler 200

For *the* investigation or issuance of an original license to a manufacturer or wholesaler..... ~~[425]~~ 400

For the biennial renewal of a license for a manufacturer or wholesaler 400

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..... 25

For the biennial renewal of registration issued to a registered pharmacist placed on inactive status..... ~~[25]~~ 70

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

~~[Except as otherwise provided in subsection 5, for the collective certification of advanced practitioners of nursing in the employ of a public or nonprofit agency to 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 practitioner of nursing who is required to pay a fee pursuant to NAC 639.870. ~~[for a physician assistant who is required to pay a fee pursuant to NAC 639.275.]~~

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 practitioners of nursing in the employ of a public or nonprofit agency as set forth in subsection 1.

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Sec. 2. NAC 639.6945 is hereby amended to read as follows:

639.6945 ~~1. Except as otherwise provided in this section, an applicant for a license to engage in business as a medical products provider or medical products wholesaler must pay the following fees:~~

~~—For the issuance of an original license.....\$300~~
~~—For the biennial renewal of a license.....200~~

~~2.]~~ The board may waive the license fee, or any part thereof, for a medical products provider that:

~~(a)]~~ 1. Is a tax-exempt charitable organization pursuant to 26 U.S.C. § 501(c);

~~(b)]~~ 2. Provides medical products to a majority of the consumers served by the medical products provider at no charge; and

~~(c)]~~ 3. Verifies to the satisfaction of the board that 75 percent of the funds of the medical products provider are used for bona fide charitable purposes.

Sec. 3. NAC 639.850 is hereby amended to read as follows:

639.850 1. The application of an advanced practitioner of nursing for a certificate of registration to prescribe controlled substances, poisons, dangerous drugs and devices must include:

(a) The name, address, social security number and telephone number of the applicant;

(b) A copy of the certificate issued by the state board of nursing which authorizes the applicant to prescribe controlled substances, poisons, dangerous drugs and devices;

(c) The name, address and telephone number of the applicant's supervising physician; and

(d) Any other information requested by the board.

2. ~~[An application for the issuance or biennial renewal of a certificate of registration must be accompanied by a nonrefundable fee of \$100. The biennial certificate of registration covers the period beginning on November 1 of each even-numbered year.~~

~~—3.]~~ Each advanced practitioner of nursing who applies for a certificate of registration and his supervising physician may be required by the board to appear personally before the board for a determination and an assignment of the specific authority to be granted to the advanced practitioner of nursing.

~~[4.]~~ 3. Each advanced practitioner of nursing to whom a certificate of registration is issued must be registered to a supervising physician.

~~[5.—An advanced practitioner of nursing who fails to renew his certificate of registration within the time prescribed by statute or regulation must pay, in addition to the fee for renewal required by subsection 2, an amount equal to 50 percent of that fee.]~~

Sec. 4. NAC 453.180, 639.275 and 639.632 are hereby repealed.

TEXT OF REPEALED SECTIONS

453.180 Fee for registration; penalty for late registration.

1. The board will charge and collect a fee of \$50 for each registration and biennial reregistration to dispense, prescribe or conduct research or instructional activities with controlled substances listed in schedules II to V, inclusive, or perform chemical analysis with any controlled substance.

2. The board will charge and collect a penalty for failure to register or reregister within the time prescribed by statute or regulation, in the amount of 50 percent of the biennial registration fee for each biennium of delinquency or fraction thereof in addition to the biennial registration fee for each biennium of delinquency or fraction thereof.

639.275 Fee for registration certificate; fee for late reregistration. (NRS 639.070, 639.1373)

1. The fee for a biennial registration certificate which covers the period beginning on November 1 of each even-numbered year is:

(a) Three hundred dollars for a registration certificate to prescribe and dispense controlled substances, poisons, dangerous drugs and devices or to prescribe and dispense poisons, dangerous drugs and devices.

(b) One hundred dollars for a registration certificate to prescribe controlled substances, poisons, dangerous drugs and devices or to prescribe poisons, dangerous drugs and devices.

FLUSH The fees are not refundable.

2. A physician assistant who fails to reregister within the time prescribed by statute or regulation must pay, in addition to the fee required by subsection 1, an amount equal to 50 percent of that fee.

639.632 Licensing: Fees. An applicant for a license to engage in business as an authorized warehouse must pay the following fees:

For the issuance of an original license.....	\$300
For the biennial renewal of a license	200

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R012-02

The State Board of Pharmacy adopted regulations assigned LCB File No. R012-02 which pertain to fee restructuring (chapter 639 of the Nevada Administrative Code) on April 25, 2002.

Notice date: 3/21/2002
Hearing date: 4/25/2002

Date of adoption by agency: 4/25/2002
Filing date: 5/31/2002

INFORMATIONAL STATEMENT

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

639.220 Fee Restructuring LCB File Number R012-02

1. 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.

Public comment was solicited through public notices posted in county courthouses and through mailings to interested parties.

There was no public response expressed relative to this proposed regulation.

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

There was no public response expressed relative to this proposed regulation.

3. 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.

Comments were solicited from affected businesses through posting of public notices in the county courthouses, by direct mailings to all interested persons who have requested notices of board of pharmacy meeting agendas and by direct mailings to professional and trade associations.

There was no response from affected businesses relative to this proposed regulation.

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

The proposed regulation was adopted without change as no testimony was offered.

5. 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.

This regulation should have no economic impact on affected businesses or on the public.

- B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

This regulation will have no immediate or long-term economic effects on business or the public.

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

There will be no cost incurred by the board for enforcement of this regulation.

7. 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.

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

The Board of Pharmacy is not aware of any similar regulations of the same activity in which the federal regulation is more stringent.

9. 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.

The regulation will provide an increase of fees across the board for various types of licensure and renewal fees. The money will be used toward the licensing and enforcement of the regulation.