

LCB File No. R012-02

PROPOSED REGULATION OF THE
STATE BOARD OF PHARMACY

FEE RESTRUCTURING REGULATION

(Version 12/28/01)

Section 1. NAC 639.220 shall be amended as follows:

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	of the
examination	examination
For the investigation or registration of an applicant as a registered pharmacist.....	\$100
For the investigation or examination of an applicant as a registered pharmacist by reciprocity	150
For the investigation or issuance of a license to conduct a retail pharmacy	350
For the biennial renewal of a license to conduct a retail pharmacy	350
For the investigation or issuance of a license to conduct an institutional pharmacy	350
For the biennial renewal of a license to conduct an institutional pharmacy	350
For the investigation or issuance of a license to conduct a pharmacy in a correctional institution.....	350
For the biennial renewal of a license to conduct a pharmacy in a correctional institution.....	350
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.....	100
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
For investigation or issuance of a license to a manufacturer or wholesaler.....	350
For the biennial renewal of a license for a manufacturer or wholesaler.....	350
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
For authorization of a practitioner to 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..... 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]~~

(a) The fee shall be \$425 for the following:

(1) The investigation or issuance of a license to conduct a retail, institutional, or correctional institution pharmacy; and

(2) The biennial renewal of a license to conduct a retail, institutional, or correctional institution pharmacy.

(b) The fee shall be \$400 for the following:

(1) The investigation or issuance of a license to a manufacturer or wholesaler; and

(2) The biennial renewal of a license for a manufacturer or wholesaler.

(c) The fee shall be \$300 for the following:

(1) The authorization of a practitioner to dispense controlled substances or dangerous drugs, or both, for each site at which a practitioner will dispense controlled substances or dangerous drugs, or both;

(2) The biennial registration of authorization of a practitioner to dispense controlled substances or dangerous drugs, or both, for each site at which a practitioner will dispense controlled substances or dangerous drugs, or both.

(d) The fee shall be \$200 for the following:

(1) The investigation or issuance of a license to conduct an MDEG provider, MDEG wholesaler, or warehouse; and

(2) The biennial renewal of a license to conduct an MDEG provider, MDEG wholesaler, or warehouse.

(e) The fee shall be \$150 for the following:

(1) The investigation or registration of an applicant as a registered pharmacist;

(2) The investigation, examination, or registration of an applicant as a registered pharmacy by reciprocity; and

(3) The biennial renewal of a registration as a registered pharmacist.

(f) The fee shall be \$100 for the following:

(1) The investigation or registration of an applicant as an advanced practitioner of nursing or physician assistant to prescribe drugs that are not controlled substances; and

(2) The renewal of a registration of an advanced practitioner of nursing or physician assistant to prescribe drugs that are not controlled substances.

(g) The fee shall be \$70 for the following:

(1) The authorization of a physician, advanced practitioner of nursing, physician assistant, euthanasia technician, ambulatory surgical center, and narcotic treatment center, researcher, or instructional user, or any other person authorized by statute or regulation to prescribe or possess controlled substances;

(2) The biennial registration of authorization of a physician, advanced practitioner of nursing, physician assistant, euthanasia technician, ambulatory surgical center, and narcotic treatment center, researcher, or instructional user, or any

other person authorized by statute or regulation to prescribe or possess controlled substances; and

(3) The biennial renewal of registration issued to a registered pharmacist placed on inactive status.

(h) The fee shall be \$50 for the following:

(1) The reinstatement of a lapsed registration of a pharmacist (in addition to the fees for renewal for the period of lapse.

(i) The fee shall be \$40 for the following:

(1) The investigation or registration of a pharmaceutical technician or pharmaceutical technician in training; and

(2) The biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training.

(j) The fee shall be \$25 for the following:

(1) The issuance of an original or duplicate certificate of registration as a registered pharmacist; and

(2) The issuance 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.

(k) The fee shall be \$15 for the following:

(1) The investigation or registration of an intern pharmacist; and

(2) The biennial renewal of registration as an intern pharmacist.

(l) The fee for the examination of an applicant for registration as a pharmacist shall be the actual cost of the examination.

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 or a physician's 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(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 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.

Section 2. NAC 453.180 is repealed. (Following is the text of the repealed section.)

NAC 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.]~~

Section 3. NAC 639.275 is repealed. (Following is the text of the repealed section.)

NAC 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.~~

~~The fees are not refundable.~~

~~—2.— A physician's 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.]~~

Section 4. 639.632 shall be repealed. (Following is the text of the repealed section.)

~~[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]

Section 5. NAC 639.850 is amended as follows:

1. The application of an advanced practitioner of nursing for a certificate of registration to prescribe 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 poisons, dangerous drugs and devices;
- (c) A copy of the list of the poisons, dangerous drugs and devices which the applicant is authorized to prescribe under his protocol and by the state board of nursing;
- (d) The name, address and telephone number of the applicant's supervising physician;
- (e) A copy of the applicant's proposed form for prescriptions; and
- (f) Any other information requested by the board.

~~2. [Except as otherwise provided in subsection 4, each 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. If an advanced practitioner of nursing works for more than one supervising physician, he must submit an application for a certificate of registration for each supervising physician. No fee is required for each additional certificate.

~~[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.]~~

Section 6. Section 13 of the as yet uncodified regulation (LCB File No. R008-01) shall be amended as follows:

~~[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 licensee fee, or any part thereof, of 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.