**ADOPTED REGULATION OF THE**

**STATE BOARD OF PHARMACY**

**LCB File No. R041-04**

Effective May 25, 2004

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

AUTHORITY: §§1 and 2, NRS 639.070.

A REGULATION relating to pharmacy; modifying the requirements for registration as a pharmaceutical technician; and providing other matters properly relating thereto.

**Section 1.** NAC 639.010 is hereby amended to read as follows:

639.010 As used in this chapter, unless the context otherwise requires:

1. "Board" means the State Board of Pharmacy.

2. "Controlled substances" has the meaning ascribed to it in NRS 0.031.

3. "Dangerous drug" has the meaning ascribed to it in NRS 454.201.

4. "Direct supervision" means the direction given by a supervising pharmacist who is:

(a) On the premises of the pharmacy at all times when the persons he is supervising are working at the pharmacy; and

(b) Aware of the activities of those persons related to the preparation of medications, including the maintenance of appropriate records.

5. "Executive Secretary" means the Executive Secretary employed by the Board pursuant to NRS 639.040.

6. “Pharmaceutical technician” means a person who performs technical services in a pharmacy under the direct supervision of a pharmacist and is registered with the Board pursuant to NAC 639.240.

7. “Pharmaceutical technician in training” means a person who is registered with the Board pursuant to NAC 639.242 in order to obtain the training and experience required to be a pharmaceutical technician pursuant to subparagraph ~~[(5)]~~ ***(4)*** of paragraph (e) of subsection 2 of NAC 639.240, or who is enrolled in a program of training for pharmaceutical technicians that is approved by the Board.

8. “Practitioner” has the meaning ascribed to it in NRS 639.0125.

9. “Prescription drug” means a drug or medicine as defined in NRS 639.007 which:

(a) May be dispensed only upon a prescription order that is issued by a practitioner; and

(b) Is labeled with the symbol “Rx only” pursuant to federal law or regulation.

10. “Public or nonprofit agency” means a health center as defined in 42 U.S.C. § 254b(a) which:

(a) Provides health care primarily to medically underserved persons in a community;

(b) Is receiving a grant issued pursuant to 42 U.S.C. § 254b or, although qualified to receive such a grant directly from the Federal Government, is receiving money from such a grant under a contract with the recipient of that grant; and

(c) Is not a medical facility as defined in NRS 449.0151.

11. “Surgical center for ambulatory patients” has the meaning ascribed to it in NRS 449.019.

**Sec. 2.** NAC 639.240 is hereby amended to read as follows:

639.240 1. No person may perform the duties of a pharmaceutical technician until he has been issued a certificate of registration.

2. An applicant for registration as a pharmaceutical technician must:

(a) Be 18 years of age or older;

(b) Be a high school graduate or the equivalent;

(c) Not have been convicted of any felony or a misdemeanor involving moral turpitude, dishonesty or the unlawful possession, sale or use of drugs;

(d) Have no history of drug abuse; and

(e) Have complied with one of the following requirements:

(1) ~~[The successful completion of at least 1 year of education at a postsecondary school in the United States or a substantially equivalent school outside the United States that is approved by the Board. The program of education must include instruction in:~~

~~(I) Algebra; and~~

~~(II) Biology or chemistry.~~

~~(2)]~~ The successful completion of a program of training for pharmaceutical technicians that is approved by the Board, including, but not limited to, a program of training offered by a postsecondary school that is located outside this state, if the program is approved by the Board or agency which governs the practice of pharmacy in the state where the program is offered.

~~[(3)]~~ ***(2)*** The successful completion of at least 1,500 hours of experience as a registered hospital pharmaceutical technician.

~~[(4)]~~ ***(3)*** Registration in another state as a pharmaceutical technician if the requirements for registration in that state are equivalent to the requirements of this state.

~~[(5)]~~ ***(4)*** If the state in which the applicant has been employed does not offer registration, licensure or certification as a pharmaceutical technician:

(I) The successful completion of at least 1,500 hours of experience in a pharmacy in that state performing the duties set forth in paragraph (c) of subsection 3 of NRS 639.1371 during the 3 years immediately preceding the date on which his application was submitted;

(II) The successful completion of at least 350 hours of employment in a pharmacy in this state; and

(III) The acquisition of a written statement to the Board from the managing pharmacist of the pharmacy referred to in sub-subparagraph (II) stating that the applicant, during his employment, demonstrated competence to perform the tasks assigned to him.

➥ Such an applicant may register as a pharmaceutical technician in training before he completes the requirements of sub-subparagraph (II) **.** ~~[of this subparagraph.~~

~~(6)]~~ ***(5)*** The successful completion of at least 1,500 hours of training and experience as a pharmaceutical technician in training. A pharmaceutical technician in training may accumulate certified hours of training from each place of employment.

3. An applicant who attended a school outside the United States must submit to an organization which evaluates educational credentials a copy of the transcript of his academic record from that school for a determination of whether the grades the applicant received are substantially equivalent to the grades required for an applicant who attended a school in the United States. The applicant ~~[shall]~~ ***must*** ensure that a copy of the organization's evaluation of the transcript is submitted to the Board.

4. ~~[To comply with the provisions of subparagraph (1) of paragraph (e) of subsection 2, an applicant must receive in algebra and biology or chemistry:~~

~~(a) If he attended a school in the United States, a grade of C or better; or~~

~~(b) If he attended a school outside the United States, a grade which is equivalent to a grade of C or better from a school in the United States, as determined by the organization described in subsection 3.~~

~~5.]~~ Upon receipt of an application and the required fee, the Executive Secretary shall, unless he has good cause to deny the registration, issue a certificate of registration to the pharmaceutical technician.

**NOTICE OF ADOPTION OF PROPOSED REGULATION**
**LCB File No. R041-04**

The State Board of Pharmacy adopted regulations assigned LCB File No. R041-04 which pertain to chapter 639of the Nevada Administrative Code on April 15, 2004.

**Notice date:** 3/15/2004 **Date of adoption by agency:** 4/15/2004
**Hearing date:** 4/15/2004 **Filing date:** 5/25/2004

**INFORMATIONAL STATEMENT**

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 additional or special costs 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.

This regulation does not provide a new or increase of fees.