

Chapter 639 of NAC

LCB File No. T047-05

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

(Filed with the Secretary of State on June 20, 2005)

NAC 639.120 Conduct of disciplinary hearings.

1. The board will convene a disciplinary hearing at the time and place specified in the notice of hearing. The person presiding at the hearing may grant a continuance only upon:

- (a) A joint stipulation of the parties;
- (b) The existence of an emergency condition; or

(c) A written request by a party filed at least 5 days before the date of the hearing and actually served upon the other parties at least 1 day before the date of the hearing.

A continuance based on a written request pursuant to paragraph (c) may be granted only upon a showing of good cause which term must be narrowly construed. A party requesting a continuance must appear on the date of the hearing and be prepared to proceed unless the request has been made pursuant to a joint stipulation.

2. The hearing must then proceed in the following manner unless the board for good cause or to prevent manifest injustice orders otherwise:

- (a) An opening statement may be made on behalf of the board or waived.
- (b) An opening statement on behalf of respondent may be made, reserved until the close of the board's case, or waived.
- (c) The presentation of the board's case is followed by cross-examination.
- (d) The presentation of the respondent's case is followed by cross-examination.
- (e) Any rebuttal is limited to issues previously raised. No new matter may be presented upon rebuttal unless the board for good cause so permits.
- (f) Argument on behalf of the board is presented unless waived.
- (g) Argument on behalf of the respondent is presented unless waived.
- (h) The matter is submitted to the board for decision.

3. After the matter is submitted, the board will render a decision and its order.

4. Upon a decision by the board for revocation or suspension of a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training's license or registration, the action by the board is immediate and the recipient of the board's action may not be employed in any capacity in any business or premise licensed or registered by the Board.

NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T047-05

The State Board of Pharmacy adopted temporary regulations assigned LCB File No. T047-05 which pertain to chapter 639 of the Nevada Administrative Code on June 1, 2005.

Notice date: 5/2/2005
Hearing date: 6/1/2005

Date of adoption by agency: 6/1/2005
Filing date: 6/20/2005

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.