

NAC Chapter 639

LCB File No. T011-06

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

Filed with the Secretary of State January 12, 2007

Section 1. NAC 639.240 shall be amended as follows:

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 a program of training for pharmaceutical technicians that is approved by the ~~[Board]~~ *the American Society of Health-System Pharmacists*, including, but not limited to, a program of training offered by a postsecondary school that is located *inside or* 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].~~

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

~~(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.

~~[4] 3~~ 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]~~ *shall* register as a pharmaceutical technician in training before he completes the requirements of sub-subparagraph (II).

~~[5] 4~~ 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.

(5) The successful completion of a program for the training of pharmaceutical technicians by any of the branches of the armed forces of the United States.

(6) The attainment and proof of valid current certification by the Pharmaceutical Technician Certification Board if the applicant graduated from a post-secondary school for the training of pharmaceutical technicians in another state and that state did not require that its approved schools be certified by the American Society of Health-System Pharmacists.

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 *or program approved by the American Society of Health-System Pharmacists* in the United States. The applicant must ensure that a copy of the organization's evaluation of the transcript is submitted to the Board.

4. 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.

5. Any program for the education and training of a pharmaceutical technician under paragraphs 2(e)(1) or 2(e)(5) shall administer at least one random drug and alcohol screening test to each student or pharmaceutical technician in training before the program can allow that student or pharmaceutical technician in training to commence employment or training in a pharmacy. The program may administer other drug and alcohol screening tests to students or pharmaceutical technicians in training throughout the program on a random basis or for cause. If a student or pharmaceutical technician in training tests positive for alcohol or any drug for which the student or pharmaceutical technician in training does not have a valid prescription or if the student or pharmaceutical technician in training refuses to provide a sample for such testing, then:

(a) The program must immediately prohibit the student or pharmaceutical technician in training from any further employment or training within a pharmacy;

(b) Notify and provide to the board the positive test for the student or pharmaceutical technician in training or notify the board of the student's or pharmaceutical technician in training's refusal to provide a sample for testing; and

(c) The program must not allow the student or pharmaceutical technician in training to be employed or trained in any capacity in a pharmacy until that student or pharmaceutical technician in training is allowed to resume employment or training in the pharmacy by the board.

Section 2. NAC chapter 639 shall be amended to add the following new language:

Any program approved by the board pursuant to NAC 639.240(2)(e)(1) prior to the effective date of this regulation shall attain accreditation by the American Society of Health-System Pharmacists within 24 months of the effective date of this regulation. A program that fails to attain accreditation within 24 months of the effective date of this regulation shall no longer be approved by the board and may not accept any new students.

NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T011-06

The State Board of Pharmacy adopted regulations assigned LCB File No. T011-06 which pertain to chapter 639 of the Nevada Administrative Code on December 13, 2006.

INFORMATIONAL STATEMENT

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

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.

All interested parties may obtain a summary of public response by written or verbal request to: Nevada State Board of Pharmacy, 555 Double Eagle Court, Suite 1100, Reno, Nevada, 89521.

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

The number of persons who attended the hearing was 3.
The number of persons who testified at the hearing was 3.
The number of agency submitted statements was 1.

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.

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 should have only a minor economic impact on affected businesses since schools that offer pharmaceutical technician training programs will have to have their programs ASHP certified and should have no economic impact on 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.