

Chapter 639 of NAC

LCB File No. T012-06

ADOPTED TEMPORARY REGULATION OF THE
STATE BOARD OF PHARMACY

Filed with the Secretary of State on November 21, 2006

PHARMACEUTICAL TECHNICIAN CHANGES

Section 1. NAC 639.245 shall be amended as follows:

1. A written record must be kept available for inspection showing the pharmacists, pharmaceutical technicians and pharmaceutical technicians in training on duty during the hours of business. This record must be:

(a) Readily retrievable ~~[within 48 hours after a request therefor].~~

(b) Retained for 2 years.

2. A pharmaceutical technician under the direct supervision of a pharmacist may:

(a) Prepackage and label unit dose and unit of use, and repackage drugs if a pharmacist:

(1) Inspects the final products; and

(2) Affixes his initials to the appropriate records for controlling quality.

(b) Prepare, package, compound and label prescription drugs pursuant to prescriptions or orders for medication, if a pharmacist inspects the preparations.

(c) ~~[Mix drugs with parenteral fluids]~~ *Compound drugs*, if a pharmacist:

(1) Inspects the final product; and

(2) Affixes his initials to the appropriate records for controlling quality.

(d) Prepare bulk compounds if a pharmacist:

(1) Inspects the final product; and

(2) Affixes his initials to the appropriate records for controlling quality.

(e) Distribute routine orders and stock medications and supplies in the pharmacy or areas where care is provided to patients.

(f) Maintain inventories of supplies of drugs.

(g) Maintain pharmaceutical records.

(h) Request authorization to refill a prescription from the prescribing practitioner.

(i) Transfer a prescription through a computer network if the:

(1) Pharmaceutical technician is employed by a pharmacy that:

(I) Has more than one location; and

(II) Maintains a computer network which provides information between its

pharmacies; and

(2) Prescription is transferred to one of the pharmacies within its computer network.

(j) Enter into the pharmacy's computer system information from a new prescription related to the drug and directions for use contained in the prescription.

3. A pharmaceutical technician may not:

- (a) Perform any action requiring a judgmental decision regarding a drug, the interpretation of a prescription or the instructions for the preparation of a prescription.
 - (b) Take new prescription or chart orders by telephone.
 - (c) Distribute medications pursuant to a chart order or dispense a prescription unless the order or prescription has been verified by a pharmacist.
4. A pharmaceutical technician shall prepare and distribute drugs only pursuant to written procedures and guidelines established by the pharmacy in which he performs his duties.

Section 2. NAC 639.250 shall be amended as follows:

Except as otherwise provided in NAC 639.258:

1. In a hospital, a pharmacist who is dispensing prescriptions may not supervise more than ~~two~~ **three** pharmaceutical technicians at one time. A pharmacist who is supervising distributive functions may not supervise more than one pharmaceutical technician in training and ~~one~~ **two** pharmaceutical technicians while the trainee is performing technician functions in on-the-job training.
2. In any pharmacy, other than a hospital pharmacy, a pharmacist may not supervise more than ~~two~~ **three** pharmaceutical technicians or ***any combination of pharmaceutical technicians and pharmaceutical technicians in training as long as the pharmacist is not supervising more than two pharmaceutical technicians in training at one time.***
3. ***If a pharmacy has, for any period of time, more than three registered technicians per pharmacist working in the pharmacy, it must designate on the written record of employees made pursuant to NAC 639.245(1) only three technicians per pharmacist who will be performing tasks for which registration is required, and all other technicians may not perform tasks for which registration is required during that period.***

Section 3. NAC 639.701 shall be amended as follows:

The following acts are not required to be performed by a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training:

1. Entering information into the pharmacy's computer ~~regarding drugs and medications, including~~ ***except any*** information relating to prescriptions ***that is required to be entered by a pharmaceutical technicians pursuant to NAC 639.245(2)(j).***
2. Processing sales, including the operation of a cash register.
3. Stocking shelves.
4. Delivering medication to a patient or to areas of a hospital where patients are cared for.

Section 4. ***This regulation shall not be effective until January 1, 2007.***

NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T012-06

The State Board of Pharmacy adopted temporary regulations assigned LCB File No. T012-06 which pertain to chapter 391 of the Nevada Administrative Code.

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.

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.

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 0 .

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 amended slightly as a result of testimony offered at the hearing.

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 may have an economic impact on affected businesses since they will have to use licensed personnel in the pharmacy rather than clerks, but there will be no economic impact on the public.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

This regulation should have only a minor economic impact on affected businesses and should have no economic impact on the public.

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

Enforcement of the regulation will be performed during annual inspections of all pharmacies. There will be no additional cost incurred by the board.

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.