

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

**LCB File No. R036-07**

Effective January 30, 2008

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

AUTHORITY: §§1-5, NRS 639.070 and 639.1371.

A REGULATION relating to pharmacy; revising the educational and training requirements for pharmaceutical technicians; revising the criteria for obtaining the approval of the State Board of Pharmacy for a program of training for pharmaceutical technicians; revising the requirements for supervision of a pharmaceutical technician in training under certain circumstances; 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 ~~(4)~~ (3) 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 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 ~~[for 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)] pursuant to NAC 639.256.~~

(2) 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]~~ **must** 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 of training for pharmaceutical technicians conducted by a branch of the Armed Forces of the United States.*

*(6) Certification by the Pharmacy Technician Certification Board as a pharmacy technician if:*

*(I) The applicant successfully completes a program of training for pharmaceutical technicians conducted by a postsecondary school in another state; and*

*(II) The program is accredited or otherwise approved by the appropriate regulatory authority in that state.*

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 a program of training for pharmaceutical technicians that is accredited 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.

**Sec. 3.** NAC 639.256 is hereby amended to read as follows:

639.256 1. A program of training for pharmaceutical technicians must be ~~[a nationally accredited program approved by the Board or another program of training that is]~~ approved by the Board before it is provided in this State. A request for approval must be filed with the Board.

*The Board will approve a program only if the program:*

- (a) Is accredited by the American Society of Health-System Pharmacists; and*
- (b) Administers at least one random test for the presence of alcohol or a controlled substance or other drug to each pharmaceutical technician in training before the pharmaceutical technician in training is allowed to participate in any part of the program that involves employment or training in a pharmacy. If the pharmaceutical technician in training tests positive for the presence of alcohol or a controlled substance or other drug for which the pharmaceutical technician in training does not have a lawfully issued prescription or the pharmaceutical technician in training refuses to submit to such a test, the administrator of the program must:*

*(1) Suspend the pharmaceutical technician in training from participating in any part of the program that involves employment or training in a pharmacy;*

*(2) Notify the Board that the pharmaceutical technician in training has tested positive for the presence of alcohol or a controlled substance or other drug for which the pharmaceutical technician in training does not have a lawfully issued prescription or has refused to submit to such a test; and*

*(3) Prevent the pharmaceutical technician in training from resuming participation in any part of the program that involves employment or training in a pharmacy without the approval of the Board.*

2. The Board may *refuse to* approve ~~[such]~~ a program ~~[if it determines that:~~

~~—(a) The person requesting the approval is competent to provide the program; and~~

~~—(b) The program includes an orientation to the practice of pharmacy and instruction in the following topics, as appropriate for the practice:~~

~~——(1) Terminology used in the practice of pharmacy and basic pharmaceutics;~~

~~——(2) State and federal laws relating to the practice of pharmacy;~~

~~——(3) Pharmaceutical calculations;~~

~~——(4) Processing prescription or chart orders;~~

~~——(5) Procedures for communicating on the telephone;~~

~~——(6) Pharmaceutical compounding;~~

~~——(7) Intravenous admixture; and~~

~~——(8) The use of computer systems for pharmacies.~~

~~3. The Board may deny a request for approval to provide a program~~ of training for pharmaceutical technicians or may withdraw its approval of a program at any time for good cause shown.

*3. A program of training for pharmaceutical technicians that is provided outside this State shall be deemed to be approved by the Board if the program is accredited by the American Society of Health-System Pharmacists.*

*4. For the purposes of this section, “program of training for pharmaceutical technicians” does not include on-the-job training that is provided to a pharmaceutical technician in training by his employer.*

**Sec. 4.** NAC 639.258 is hereby amended to read as follows:

639.258 1. A pharmaceutical technician in training who is registered with the Board may perform the duties of a pharmaceutical technician while he is participating in a program of training for pharmaceutical technicians that is approved by the Board ~~and~~ *pursuant to NAC 639.256*. The registration of such a pharmaceutical technician in training:

- (a) Will specify the program of training in which he is participating; and
- (b) Expires when the enrollment of the pharmaceutical technician in the program terminates.

2. A person who is participating in a program of training for pharmaceutical technicians *that is approved by the Board pursuant to NAC 639.256* may be trained in more than one pharmacy as a part of the program.

3. A pharmacist who is acting as an instructor for a program of training for pharmaceutical technicians that is approved by the Board *pursuant to NAC 639.256* may, while acting as an instructor, supervise one pharmaceutical technician in training, in addition to the persons that he may supervise pursuant to NAC 639.250, if the additional pharmaceutical technician in training:

(a) Has completed at least 9 months of ~~[academic training that includes instruction in the topics set forth in paragraph (b) of subsection 2 of NAC 639.256;]~~ *a program of training for pharmaceutical technicians that is approved by the Board pursuant to NAC 639.256;* and

(b) Has not yet successfully completed 240 hours of practical training.

4. A pharmacist shall not supervise an additional pharmaceutical technician in training pursuant to subsection 3 after that pharmaceutical technician in training has successfully completed 240 hours of practical training.

**Sec. 5.** Notwithstanding the provisions of NAC 639.256, if a program of training for pharmaceutical technicians has been approved by the State Board of Pharmacy before January 30, 2008:

1. The program is not required to be accredited by the American Society of Health-System Pharmacists until January 30, 2010; and

2. An applicant for registration as a pharmaceutical technician may satisfy the requirement set forth in subparagraph (1) of paragraph (e) of subsection 2 of NAC 639.240 if he successfully completes the program not later than January 30, 2010.

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R036-07**

The State Board of Pharmacy adopted regulations assigned LCB File No. R036-07 which pertain to chapter 639 of the Nevada Administrative Code.

**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.

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.

Response from affected businesses relative to this proposed regulation expressed concern regarding employer PT education programs having to be ASHP approved.

All interested parties may obtain a summary of public response by written or verbal request to: Nevada State Board of Pharmacy, 431 West Plumb Lane, Reno, Nevada, 89509.

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 should have no economic impact on affected businesses or on the public.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

This regulation should have only 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.