

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

LCB File No. R037-07

Effective January 30, 2008

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

AUTHORITY: §§1 and 2, NRS 639.070 and 639.1371; §3, NRS 639.070.

A REGULATION relating to pharmacy; revising provisions concerning the duties of a pharmaceutical technician; revising provisions concerning the supervision by a registered pharmacist of pharmaceutical technicians and pharmaceutical technicians in training; and providing other matters properly relating thereto.

Section 1. NAC 639.245 is hereby amended to read as follows:

639.245 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.]~~ ; *and*
- (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, if a pharmacist:]~~

- (1) Inspects the final product; and
- (2) Affixes his initials to the appropriate records for controlling quality.

~~(c)~~ (c) Prepare bulk compounds if a pharmacist:

- (1) Inspects the final product; and
- (2) Affixes his initials to the appropriate records for controlling quality.

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

~~(e)~~ (e) Maintain inventories of supplies of drugs.

~~(f)~~ (f) Maintain pharmaceutical records.

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

~~(h)~~ (h) 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.

(i) Enter information into the pharmacy's computer system, including, without limitation, information contained in a new prescription concerning the prescription drug and the directions for its use.

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.

Sec. 2. NAC 639.250 is hereby amended to read as follows:

639.250 Except as otherwise provided in NAC 639.258:

1. ~~HN~~ *Except as otherwise provided in this section, 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 *two pharmaceutical technicians and* one pharmaceutical technician in training ~~and one pharmaceutical technician~~ while the trainee is performing technician functions in on-the-job training.

2. ~~HN~~ *Except as otherwise provided in this section, in* any pharmacy, other than a hospital pharmacy, a pharmacist may not supervise more than ~~two~~ *three* pharmaceutical technicians or *one pharmaceutical technician and* two pharmaceutical technicians in training at one time.

3. *A pharmacist may supervise more pharmaceutical technicians and pharmaceutical technicians in training at one time than are otherwise allowed pursuant to subsections 1 and 2 if:*

(a) Not more than three of the pharmaceutical technicians or pharmaceutical technicians in training are performing the duties of a pharmaceutical technician as set forth in NAC 639.245; and

(b) The record kept by the pharmacy pursuant to NAC 639.245 identifies the pharmaceutical technicians and pharmaceutical technicians in training who are performing the duties of a pharmaceutical technician as set forth in NAC 639.245.

Sec. 3. NAC 639.701 is hereby amended to read as follows:

639.701 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 information relating to prescriptions.]~~ *other than information contained in a new prescription concerning the prescription drug and the directions for its use.*
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.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R037-07

The State Board of Pharmacy adopted regulations assigned LCB File No. R037-07 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.

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.

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.