

LCB File No. R180-07

**PROPOSED REGULATION OF THE
STATE BOARD OF PHARMACY**

PHARMACIST PRACTICING OUTSIDE OF A PHARMACY

Section 1. NAC chapter 639 shall be amended to add the following new language:

1. A pharmacist may practice pharmacy in a setting other than in a pharmacy only upon the approval of the board. The board's approval must be received before the pharmacist may commence any practice. A pharmacist may apply to be allowed to practice pharmacy in a setting other than in a pharmacy by submitting the following information to the board:

(a) The name of the pharmacist;

(b) A description of the services the pharmacist intends to provide;

(c) The location at which the pharmacist will provide the services;

(d) A description of how the pharmacist will be paid for the services provided;

(e) An identification of the persons, patients, pharmacy, or others to whom the pharmacist intends to provide services;

(f) A description of all resources, both on paper and on computer, that will be available to the pharmacist as he provides the services;

(g) The expected days and hours during which the pharmacist intends to provide the services; and

(h) An explanation of what will happen with users of the service when the pharmacist is unavailable.

2. Upon submitting the information to the board, the board shall schedule an appearance before the board by the pharmacist at which the board shall consider the information to evaluate whether the practice and service proposed by the pharmacist will be provided in a manner that is safe and in the interests of the public's health, safety, and welfare. The board may consider, but is not limited to, the following factors in determining whether to grant, deny, or seek modification of a particular proposal:

(a) The information submitted pursuant to subsection 1;

(b) The education, experience, and expertise of the pharmacist;

(c) The disciplinary history of the pharmacist; and

(d) Whether the pharmacist has malpractice or other liability insurance.

3. At the hearing of the application, the board may seek modification from the applicant of any provision of the pharmacist's application. If the board grants the application, the board shall provide the applicant a document with the terms and conditions under which the applicant may offer his services. If the board denies an application by a pharmacist or pharmacy, it shall explain its reason or reasons for the denial in writing that shall be provided to the applicant.

4. A pharmacy that intends to use the services of more than one pharmacist who will be offering services in a setting other than in a pharmacy may apply to the board to allow that some of the pharmacy's practice will be satisfied by pharmacists who will be offering their services in a setting other than the applicant pharmacy. The pharmacy shall provide the same information for the pharmacists required of an individual pharmacist pursuant to subsection 1, and the board shall consider the same factors in considering the pharmacy's application as it would for a pharmacist pursuant to subsections 2 and 3. A pharmacy whose application is approved pursuant to this subsection may allow any pharmacist to provide the approved services subject to the terms and conditions approved by the board.

5. For any application to practice pharmacy in a setting other than in a pharmacy that is granted by the board, the board may revoke, suspend, discipline, or otherwise condition the continuation of the services based upon proof that:

(a) The pharmacist has violated the terms and conditions under which he was approved to provide the services; or

(b) That in the course of providing the services, the pharmacist has committed one or more acts that are cause for discipline.