**ADOPTED REGULATION OF THE**

**STATE BOARD OF PHARMACY**

**LCB File No. R077-08**

Effective August 26, 2008

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

AUTHORITY: §1, NRS 639.070, 639.071 and 639.072.

A REGULATION relating to pharmacies; revising provisions governing verifications by pharmacists of certain withdrawals of drugs from pharmacies in certain medical facilities and correctional institutions; and providing other matters properly relating thereto.

**Section 1.** NAC 639.480 is hereby amended to read as follows:

639.480 If a medical facility or correctional institution has a pharmacy with a part-time or consultant pharmacist, and a practitioner orders a drug for administration to a patient of the facility or institution while the pharmacist is not on duty or the pharmacy is closed:

1. Controlled substances, dangerous drugs and devices may be removed from the pharmacy only in sufficient quantities for therapeutic needs.

2. Only a designated licensed nurse or practitioner may remove those drugs and devices.

3. The person authorized to remove the drugs and devices shall make a record at the time of the withdrawal containing:

(a) The name of the patient;

(b) The name of the device or drug withdrawn;

(c) If a drug is withdrawn, its strength and the dosage form;

(d) The dose prescribed;

(e) The quantity taken;

(f) The time and date of the withdrawal; and

(g) The signature of the person making the withdrawal.

4. The original or a direct copy of the order for the medication must be forwarded to the pharmacy.

5. The pharmacist shall verify the withdrawal ~~[after a reasonable interval, but not later than 30 days after the withdrawal.]~~ ***:***

***(a) Personally at least every 90 days; and***

***(b) By reviewing the records made pursuant to subsection 3 at least every 30 days during the intervals between his personal verifications.***

**NOTICE OF ADOPTION OF PROPOSED REGULATION**
**LCB File No. R077-08**

The State Board of Pharmacy adopted regulations assigned LCB File No. R077-08 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.

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.