

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

LCB File No. R118-13

December 4, 2013

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

AUTHORITY: §§1 and 2, NRS 639.070 and 639.2351; §§3-5, NRS 639.070 and 639.1375.

A REGULATION relating to pharmacy; amending the requirements for an advanced practice registered nurse who prescribes and dispenses controlled substances, poisons, dangerous drugs and devices; and providing other matters properly relating thereto.

Section 1. NAC 639.850 is hereby amended to read as follows:

639.850 1. The application of an advanced ~~{practitioner of nursing}~~ *practice registered nurse* for a certificate of registration to prescribe controlled substances, poisons, dangerous drugs and devices must include:

- (a) The name, address, social security number and telephone number of the applicant;
- (b) A copy of the certificate issued by the State Board of Nursing which authorizes the applicant to prescribe controlled substances, poisons, dangerous drugs and devices;
- (c) The name, address and telephone number of the applicant's collaborating physician ~~{}~~, *if the applicant is required to have a collaborating physician pursuant to NRS 632.237*; and
- (d) Any other information requested by the Board.

2. Each advanced ~~{practitioner of nursing}~~ *practice registered nurse* who applies for a certificate of registration ~~{and his or her collaborating physician}~~ may be required by the Board to appear personally before the Board for a determination and an assignment of the specific authority to be granted to the advanced ~~{practitioner of nursing.}~~ *practice registered nurse.*

~~{3.— Each advanced practitioner of nursing to whom a certificate of registration is issued must be registered to a collaborating physician.}~~

Sec. 2. NAC 639.854 is hereby amended to read as follows:

639.854 1. Except as otherwise provided in subsection 2, an advanced ~~{practitioner of nursing}~~ *practice registered nurse* who is authorized to prescribe controlled substances, poisons, dangerous drugs and devices or to prescribe poisons, dangerous drugs and devices may prescribe a controlled substance, poison, dangerous drug and device or a poison, dangerous drug and device, as applicable, only:

(a) For a legitimate medical purpose ~~{;}~~ *that is within the scope of practice in which the advanced practice registered nurse is trained, qualified and competent and subject to any limitations prescribed by the State Board of Nursing pursuant to NRS 632.237;* and

(b) In ~~{such}~~ amounts ~~{as are authorized by his or her collaborating physician, except that the amounts must}~~ not *to* exceed a 365-day supply.

2. The limitation set forth in paragraph (b) of subsection 1 does not apply to any method of birth control prescribed by an advanced ~~{practitioner of nursing.}~~ *practice registered nurse.*

3. An advanced practice registered nurse who is authorized to prescribe controlled substances, poisons, dangerous drugs and devices pursuant to NRS 639.2351 may only prescribe a controlled substance listed in schedule II in accordance with the requirements of NRS 632.237.

Sec. 3. NAC 639.870 is hereby amended to read as follows:

639.870 1. The application of an advanced ~~{practitioner of nursing}~~ *practice registered nurse* for a certificate of registration to dispense controlled substances, poisons, dangerous drugs and devices must include:

- (a) The name, address, social security number and telephone number of the applicant;
 - (b) A copy of the certificate issued by the State Board of Nursing which authorizes the applicant to dispense controlled substances, poisons, dangerous drugs and devices;
 - (c) The name, address and telephone number of the applicant's collaborating physician ~~{}~~, *if any*;
 - (d) Written verification from the State Board of Nursing that the applicant has passed an examination on Nevada law relating to pharmacy; and
 - (e) Any other information requested by the Board.
2. Each application for the issuance or the biennial renewal of a certificate of registration must be accompanied by a nonrefundable fee of \$300. The biennial certificate of registration covers the period beginning on November 1 of each even-numbered year.
3. Each advanced ~~{practitioner of nursing}~~ *practice registered nurse* who applies for a certificate of registration and his or her collaborating physician, *if any*, must appear personally before the Board for a determination and an assignment of the specific authority to be granted to the advanced ~~{practitioner of nursing}~~ *practice registered nurse* if the advanced ~~{practitioner of nursing:}~~ *practice registered nurse:*
- (a) Will be operating in a practice not previously licensed by the Board;
 - (b) Responded affirmatively to any of the questions on the application regarding his or her character or competency; or
 - (c) Is requested to do so by the Board.
4. Each advanced ~~{practitioner of nursing}~~ *practice registered nurse* to whom a certificate of registration is issued must be registered to a collaborating physician ~~{}~~ *unless:*

(a) The advanced practice registered nurse is not required to have a collaborating physician pursuant to paragraph (a) of subsection 2 of NRS 632.237; or

(b) The advanced practice registered nurse will not prescribe any controlled substance listed in schedule II.

5. An advanced ~~practitioner of nursing~~ *practice registered nurse* who fails to renew his or her certificate of registration within the time prescribed by statute or regulation must pay, in addition to the fee for renewal required by subsection 2, a fee equal to 50 percent of the fee for the renewal of the certificate.

Sec. 4. NAC 639.879 is hereby amended to read as follows:

639.879 1. An advanced ~~practitioner of nursing~~ *practice registered nurse* who dispenses drugs to a patient shall do so in accordance with:

(a) All applicable statutes and regulations; and

(b) The agreement between the advanced ~~practitioner of nursing~~ *practice registered nurse* and his or her collaborating physician ~~+~~, *if any*.

2. Except as otherwise provided in subsection 3, an advanced ~~practitioner of nursing~~ *practice registered nurse* who is authorized to dispense controlled substances, poisons, dangerous drugs and devices or to dispense poisons, dangerous drugs and devices may dispense a controlled substance, poison, dangerous drug and device or a poison, dangerous drug and device, as applicable, only:

(a) For a legitimate medical purpose ~~+~~ ~~and~~ *that is within the scope of practice in which the advanced practice registered nurse is trained, qualified and competent and subject to any limitations prescribed by the State Board of Nursing pursuant to NRS 632.237;*

(b) In ~~{such}~~ amounts ~~{as are authorized by his or her collaborating physician, except that the amounts of any controlled substance or dangerous drug must}~~ not *to* exceed a 30-day supply ~~{}~~ ;
and

(c) In such amounts as are authorized by his or her collaborating physician, if any.

3. An advanced ~~{practitioner of nursing}~~ *practice registered nurse* who is authorized to dispense dangerous drugs may dispense any method of birth control in any quantity ordered by prescription.

Sec. 5. NAC 639.892 is hereby amended to read as follows:

639.892 A controlled substance, dangerous drug or poison dispensed by an advanced ~~{practitioner of nursing}~~ *practice registered nurse* must be dispensed in a child-proof container unless the advanced ~~{practitioner of nursing}~~ *practice registered nurse determines that a child-proof container is not warranted for a particular patient or* is instructed otherwise by his or her collaborating physician.