

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

**LCB File No. R014-18**

February 27, 2018

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

AUTHORITY: §§1-6, NRS 639.070 and 639.255.

A REGULATION relating to pharmacy; authorizing the State Board of Pharmacy to issue an order for a hearing to show cause under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law authorizes the State Board of Pharmacy to adopt regulations as are necessary for the protection of the public, as it pertains to the practice of pharmacy. (NRS 639.070) Existing law provides the manner in which the Board may discipline the holder of a certificate, certification, license or permit issued by the Board. Existing law also authorizes the Board to issue an order imposing discipline. (NRS 639.241-639.258) Further, existing law specifically provides the methods by which the Board may discipline the holder of any certificate, license or permit issued pursuant to chapter 639 of NRS. (NRS 639.255)

This regulation authorizes the Board to issue an order to appear at a hearing to show cause to a respondent who fails to comply with an order imposing discipline. **Section 2** of this regulation requires the hearing to show cause to be held at the next regularly scheduled meeting of the Board. **Section 3** of this regulation requires the order to show cause to: (1) include the proposed action the Board will take for failing to comply with an order imposing discipline; and (2) direct the respondent to show why the proposed action should not be taken by the Board. **Section 4** of this regulation requires prompt notice to be sent to the respondent and the respondent’s attorney of record. **Section 5** of this regulation authorizes the Board to take the proposed action for failing to comply with an order imposing discipline after certain findings.

**Section 1.** Chapter 639 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

**Sec. 2. 1.** *If the Board enters an order pursuant to NRS 639.251 or 639.253 that imposes discipline pursuant to NRS 639.255 and the respondent fails to comply with the terms*

*of the order, the Executive Secretary of the Board acting in his or her official capacity may issue an order to show cause directing the respondent to appear before the Board for a hearing to show cause.*

*2. The hearing to show cause must be held at the next regularly scheduled meeting of the Board.*

**Sec. 3.** *An order to show cause issued pursuant to section 2 of this regulation must:*

*1. Set forth the proposed action for the failure to comply with the order that imposes discipline; and*

*2. Direct the respondent to show cause why the proposed action should not be taken by the Board.*

**Sec. 4.** *Upon the issuance of an order to show cause pursuant to section 2 of this regulation, a copy of the order shall promptly be served on the respondent and the respondent's attorney of record, either personally or by registered or certified mail.*

**Sec. 5.** *Upon conclusion of a hearing to show cause ordered pursuant to section 2 of this regulation, the Board may take the proposed action if:*

*1. The Board finds that the respondent violated the original order that imposed discipline; or*

*2. The respondent fails to give sufficient reasons why the Board should not take the proposed action.*

**Sec. 6.** *Failure of a respondent to appear at a hearing to show cause ordered pursuant to section 2 of this regulation shall be deemed a waiver of the respondent's objection to the proposed action.*