

R002-19
NAC Chapter 639.250
Restrictions on Supervision

October 17, 2019

INFORMATIONAL STATEMENT

The informational statement required by NRS 233B.066 numerically conforms to the subsections of the statute as follows:

1. EXPLANATION OF THE NEED FOR THE ADOPTED REGULATION

The proposed amendment will authorize a pharmacist to supervise not more than a total of eight pharmaceutical technicians or six pharmaceutical technicians and two pharmaceutical technicians in training at one time in any non-dispensing pharmacy. Pharmacists are responsible for the work of technicians and technicians-in-training who are under their supervision. This regulation is necessary to place a reasonable limit on the number of technicians, and thus the amount of work, a pharmacist must oversee. That limit will help the pharmacy operate in a safe manner for the protection, health and safety of the public.

2. 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.

The Board solicited comment on the proposed amendment by (1) posting notice, with links to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

The Board also solicited comment from Nevada dispensing practitioners, and from representatives of relevant industry associations that Board Staff deemed likely to have an interest in the proposed amendment. The Board further provided time for public comment at the workshop(s) concerning the proposed amendment.

Elizabeth MacMenamin, VP, Government Affairs
Retail Association of Nevada
410 S. Mountain Street
Carson City, NV 89703 – (775-882-1700)
LizM@rannv.org
Ms. MacMenamin spoke in support of R002-19.

Mary Staples, Director, Government Affairs
National Association of Chain Drug Stores
1776 Wilson Blvd., Suite 200
Arlington, VA 22209 – (703-549-3001)
mstaples@nacds.org

Ms. Staples spoke in support of R002-19. She encouraged the Board to use R002-19 as a model to eliminate or increase the technician ratio in all pharmacy practices.

CVS Health
200 Highland Corporate Drive
Woonsocket, RI 02895 – (540-604-3661)
Lauren.Paul@CVSHealth.com

Lauren Paul, Senior Director, CVS Pharmacy Regulatory Affairs, provided written public comment on behalf of CVS Health. CVS Health supports R002-19 allowing the technician ratio increase in non-dispensing pharmacies.

Parties interested in obtaining a copy of the summary of the proposed amendment, or that wish to view the text of the proposed amendment, may access that information on the Board's website at bop.nv.gov, or by contacting the Board's office at (775) 850-1440.

3. THE NUMBER OF PERSONS WHO: (A) ATTENDED EACH HEARING; (B) TESTIFIED AT EACH HEARING; AND (C) SUBMITTED TO THE AGENCY WRITTEN STATEMENTS.

The number of persons who attended the hearing was: 25

The number of persons who testified at the hearing was: 2

The number of agency submitted statements was: 1

The name of persons who testified at the hearing:

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The name of agency who submitted written statement(s):

CVS Health
200 Highland Corporate Drive
Woonsocket, RI 02895 – (540-604-3661)
Lauren.Paul@CVSHealth.com

Lauren Paul, Senior Director, CVS Pharmacy Regulatory Affairs, provided written public comment on behalf of CVS Health. CVS Health supports R002-19 allowing the technician ratio increase in non-dispensing pharmacies.

4. 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.

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The Board also solicited comment from Nevada dispensing practitioners, and from representatives of relevant industry associations that Board Staff deemed likely to have an interest in the proposed amendment. Further, the Board provided time for public comment at the workshop(s) concerning the proposed amendment.

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5. 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 Board received no comments from industry or the public requesting any changes.

6. 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.

There should be no adverse economic impact from this regulation amendment on the regulated business. On the other hand, those businesses will benefit from this relaxation of the current 3 to 1 technician ratio, which applies to other pharmacies, where the pharmacy is engaged exclusively in non-dispensing pharmacy activities. The regulation will also protect the health and safety of the public by limiting the number of technicians and technicians-in-training a pharmacist may supervise and the work the pharmacist is responsible to oversee. There will be no adverse effect on the public.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

The Board anticipates that there will be no immediate or long-term economic effect on the public, or that any such effects will be negligible. The Board also anticipates no immediate or long-term negative economic effect on the regulated businesses (non-dispensing pharmacies) that fall within the scope of this regulation. On the other hand, those businesses will benefit from this relaxation of the current 3 to 1 technician ratio, which applies to other pharmacies, where the pharmacy is engaged exclusively in non-dispensing pharmacy activities.

7. 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.

8. 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.

9. 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.

10. 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 amendment does not provide a new or increase of fees.