

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

**LCB File No. R002-19**

July 12, 2019

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

AUTHORITY: §§1 and 2, NRS 639.070 and 639.1371.

A REGULATION relating to pharmacy; revising provisions concerning the supervision by a pharmacist of pharmaceutical technicians and pharmaceutical technicians in training; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law authorizes the State Board of Pharmacy to adopt regulations relating to the practice of pharmacy in this State. (NRS 639.070)

Existing law provides that a pharmaceutical technician is a person who: (1) performs technical services in a pharmacy under the direct supervision of a pharmacist; and (2) is registered with the Board. (NRS 639.0113) Existing law provides that the ratio of pharmaceutical technicians to pharmacists must not allow more than one pharmaceutical technician to each pharmacist unless the Board expands this ratio by regulation. Existing law requires the Board to adopt regulations concerning pharmaceutical technicians, including requirements for the supervision of pharmaceutical technicians. If such regulations prescribe an expanded ratio of pharmaceutical technicians to pharmacists, existing law requires such regulations to be appropriate and necessary for a particular category of pharmacy at any time. (NRS 639.1371)

Existing regulations authorize a pharmacist to supervise more than one pharmaceutical technician in a hospital, in certain pharmacies and in any telepharmacy, remote site or satellite consultation site. (NAC 639.250) In a pharmacy that does not dispense, **section 1** of this regulation authorizes a pharmacist to supervise not more than: (1) eight pharmaceutical technicians; or (2) six pharmaceutical technicians and two pharmaceutical technicians in training. **Section 2** of this regulation makes a conforming change.

**Section 1.** NAC 639.250 is hereby amended to read as follows:

639.250 Except as otherwise provided in NAC 639.258:

1. Except as otherwise provided in ~~{this section,}~~ *subsection 5*, in a hospital, a pharmacist who is dispensing prescriptions may not supervise more than a total of three pharmaceutical technicians at one time. A pharmacist who is supervising distributive functions may not supervise more than a total of two pharmaceutical technicians and one pharmaceutical technician in training while the trainee is performing technician functions in on-the-job training.

2. Except as otherwise provided in ~~{this section,}~~ *subsection 5*, in any pharmacy, other than a hospital pharmacy ~~{,}~~, *telepharmacy, remote site, satellite consultation site or nondispensing pharmacy*, a pharmacist may not supervise more than a total of three pharmaceutical technicians or one pharmaceutical technician and two pharmaceutical technicians in training at one time.

3. In any telepharmacy, remote site or satellite consultation site, a pharmacist may not supervise more than a total of three pharmaceutical technicians at one time.

4. *In any nondispensing pharmacy, a pharmacist may not supervise more than a total of eight pharmaceutical technicians or six pharmaceutical technicians and two pharmaceutical technicians in training at one time.*

5. A pharmacist may supervise more pharmaceutical technicians and pharmaceutical technicians in training at one time than are otherwise allowed pursuant to subsections 1 and 2 if:

(a) Not more than three of the pharmaceutical technicians or pharmaceutical technicians in training are performing the duties of a pharmaceutical technician as set forth in NAC 639.245; and

(b) The record kept by the pharmacy pursuant to NAC 639.245 identifies the pharmaceutical technicians and pharmaceutical technicians in training who are performing the duties of a pharmaceutical technician as set forth in NAC 639.245.

*6. As used in this section, “nondispensing pharmacy” means a pharmacy that is licensed pursuant to this chapter and chapter 639 of NRS that does not dispense, including, without limitation, drugs, controlled substances, poisons, medicines or chemicals.*

**Sec. 2.** NAC 639.258 is hereby amended to read as follows:

639.258 1. A pharmaceutical technician in training who is registered with the Board may perform the duties of a pharmaceutical technician while he or she is participating in a program of training for pharmaceutical technicians that is approved by the Board pursuant to NAC 639.256.

The registration of such a pharmaceutical technician in training:

- (a) Will specify the program of training in which he or she is participating; and
- (b) Expires when the enrollment of the pharmaceutical technician in the program terminates.

2. A person who is participating in a program of training for pharmaceutical technicians that is approved by the Board pursuant to NAC 639.256 may be trained in more than one pharmacy as a part of the program.

3. A pharmacist who is acting as an instructor for a program of training for pharmaceutical technicians that is approved by the Board pursuant to NAC 639.256 may, while acting as an instructor, supervise one pharmaceutical technician in training, in addition to the persons that he or she may supervise pursuant to *subsection 1, 2, 3 or 5 of* NAC 639.250, if the additional pharmaceutical technician in training:

(a) Has completed at least 9 months of a program of training for pharmaceutical technicians that is approved by the Board pursuant to NAC 639.256; and

- (b) Has not yet successfully completed 240 hours of practical training.

4. A pharmacist shall not supervise an additional pharmaceutical technician in training pursuant to subsection 3 after that pharmaceutical technician in training has successfully completed 240 hours of practical training.