

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

**LCB FILE NO. R004-19I**

**The following document is the initial draft regulation proposed  
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**PROPOSED REGULATION OF THE  
STATE BOARD OF PHARMACY  
January 17, 2019 Workshop (Revised)**

LCB File No. R0XX-19

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

AUTHORITY: NRS 639.070 and 639.170.

A REGULATION relating to pharmacy; establishing the requirements for a licensed dispensing practitioner who is employed by a Federally Qualified Health Center (FQHC), as defined by Federal law, to obtain approval from the State Board of Pharmacy to dispense dangerous drugs from a FQHC-owned vehicle to patients who qualify for assistance from the FQHC; and providing other matters properly relating thereto.

**Section 1.** Chapter 639 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. A dispensing practitioner, as that term is defined in NAC 639.010(5), who is employed by a Federally Qualified Health Center may apply to the Board to transport and dispense dangerous drugs to patients of the Federally Qualified Health Center from a Federally Qualified Health Center vehicle if:*

*a. The dispensing practitioner holds a dispensing practitioner registration issued by the Board pursuant to NAC 639.742 that is active and in good standing.*

*b. The dispensing practitioner applies, and the Board Staff approves the application in writing.*

*2. Approval from the Board Staff pursuant to this section:*

*a. Allows the dispensing practitioner to dispense dangerous drugs from a Federally Qualified Health Center vehicle.*

*b. Is a revocable privilege, and no holder of such an approval acquires any vested right therein or thereunder.*

3. *A dispensing practitioner who the Board has approved to dispense dangerous drugs from a Federally Qualified Health Center vehicle may dispense dangerous drugs to patients of the Federally Qualified Health Center only.*

4. *A dispensing practitioner who the Board has approved to dispense dangerous drugs from a Federally Qualified Health Center vehicle pursuant to this section must:*

a. *Comply with all of the requirements of NAC 639.742 through NAC 639.745, unless otherwise specifically excepted herein.*

b. *Not dispense any controlled substance.*

c. *Not charge for any dangerous drug he or she dispenses.*

d. *Not leave any prescription medication in the Federally Qualified Health Center vehicle from which he or she dispenses when the dispensing practitioner is not present.*

**Section. 2.** NAC 639.010 is hereby amended to read as follows:

**NAC 639.010 Definitions.** (NRS 639.070) As used in this chapter, unless the context otherwise requires:

1. “Board” means the State Board of Pharmacy.

2. “Controlled substances” has the meaning ascribed to it in NRS 0.031.

3. “Dangerous drug” has the meaning ascribed to it in NRS 454.201.

4. “Direct supervision” means the direction given by a supervising pharmacist who is:

(a) On the premises of the pharmacy or telepharmacy at all times when the person he or she is supervising is working at the pharmacy or telepharmacy or at a remote site or satellite consultation site; and

(b) Aware of the activities of that person related to the preparation and dispensing of medications, including the maintenance of appropriate records.

5. *“Dispensing Practitioner” means a practitioner, as defined in NRS 639.0125, who is also registered by the Board pursuant to NAC 639.742 to dispense dangerous drugs and/or controlled substances for human consumption.*

6. *“Dispensing Veterinary Practitioner” means a practitioner, as defined in NRS 639.0125, who is also registered by the Board pursuant to NAC 639.7423 to dispense dangerous drugs and/or controlled substances not for human consumption.*

~~7.5~~ “Executive Secretary” means the Executive Secretary employed by the Board pursuant to NRS 639.040.

8. *“Federally Qualified Health Center” means a federally-qualified health center as defined in 42 U.S.C. § 1396d(l)(2)(B), as that section existed on March 1, 2000, that provides health care primarily to medically underserved persons in a community.*

~~9.6.~~ *“Federally Qualified Health Center vehicle” means a vehicle that is owned by a Federally Qualified Health Center that is configured for the purpose of dispensing dangerous drugs to the Federally Qualified Health Center’s patients and which has been inspected and approved by the Board for this purpose.*

10. “Pharmaceutical technician” means a person who performs technical services in a pharmacy under the direct supervision of a pharmacist and is registered with the Board pursuant to NAC 639.240.

~~11.7.~~ “Pharmaceutical technician in training” means a person who is registered with the Board pursuant to NAC 639.242 in order to obtain the training and experience required to be a pharmaceutical technician pursuant to subparagraph (3) of paragraph (e) of subsection 2 of NAC 639.240, or who is enrolled in a program of training for pharmaceutical technicians that is approved by the Board.

~~12.8.~~ “Practitioner” has the meaning ascribed to it in NRS 639.0125.

~~13.9.~~ “Prescription drug” means a drug or medicine as defined in NRS 639.007 which:

(a) May be dispensed only upon a prescription order that is issued by a practitioner;

and

(b) Is labeled with the symbol “Rx only” pursuant to federal law or regulation.

~~14.10.~~ “Public or nonprofit agency” means a health center as defined in 42 U.S.C. § 254b(a) which:

(a) Provides health care primarily to medically underserved persons in a community;

(b) Is receiving a grant issued pursuant to 42 U.S.C. § 254b or, although qualified to receive such a grant directly from the Federal Government, is receiving money from such a grant under a contract with the recipient of that grant; and

(c) Is not a medical facility as defined in NRS 449.0151.

~~15.11.~~ “Surgical center for ambulatory patients” has the meaning ascribed to it in NRS 449.019.

**Section. 3.** NAC 639.220 is hereby amended to read as follows:

639.220 1. The Board hereby adopts the following schedule of fees:

For the examination of an applicant for registration as a pharmacist .....	Actual cost of the examination
For the investigation or registration of an applicant as a registered pharmacist .....	\$180
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity .....	180
For the investigation or issuance of an original license to conduct a retail pharmacy .....	500
For the biennial renewal of a license to conduct a retail pharmacy .....	500
For the investigation or issuance of an original license to conduct an institutional pharmacy .....	500
For the biennial renewal of a license to conduct an institutional pharmacy .....	500
For the investigation or issuance of an original license to conduct a pharmacy in a correctional institution .....	500
For the biennial renewal of a license to conduct a pharmacy in a correctional institution .....	500

For the issuance of an original or duplicate certificate of registration as a registered pharmacist .....	50
For the biennial renewal of registration as a registered pharmacist .....	180
For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse) .....	100
For the initial registration of a pharmaceutical technician or pharmaceutical technician in training .....	40
For the biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training .....	40
For the investigation or registration of an intern pharmacist .....	40
For the biennial renewal of registration as an intern pharmacist .....	40
For the investigation or registration of an advanced practice registered nurse or a physician assistant to prescribe drugs that are not controlled substances .....	80
For the biennial renewal of registration of an advanced practice registered nurse or a physician assistant to prescribe drugs that are not controlled substances .....	80
For authorization of a physician, advanced practice registered nurse, physician assistant, euthanasia technician, ambulatory surgical center, facility for treatment with narcotics, researcher, instructional user or any other authorized person to prescribe or possess controlled substances .....	80
For the biennial renewal of authorization of a physician, advanced practice registered nurse, physician assistant, euthanasia technician, ambulatory surgical center, facility for treatment with narcotics, researcher, instructional user or any other authorized person to prescribe or possess controlled substances .....	80

For the investigation or issuance of an original license to engage in business as an authorized warehouse, medical products provider or medical products wholesaler .....	500
For the biennial renewal of a license to engage in business as an authorized warehouse, medical products provider or medical products wholesaler .....	500
For the investigation or issuance of an original license to a manufacturer or wholesaler .....	500
For the biennial renewal of a license for a manufacturer or wholesaler .....	500
For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon .....	50
For authorization of a <i>dispensing</i> practitioner, other than a licensed veterinarian, to dispense controlled substances or dangerous drugs, or both, for each location where the practitioner will dispense controlled substances or dangerous drugs, or both .....	300
For the biennial renewal of authorization of a <i>dispensing</i> practitioner, other than a licensed veterinarian, to dispense controlled substances or dangerous drugs, or both, for each location where the practitioner will dispense controlled substances or dangerous drugs, or both .....	300
For authorization of a [ <del>licensed veterinarian</del> ] <i>dispensing veterinary practitioner</i> to dispense controlled substances or dangerous drugs, or both .....	150
For the biennial renewal of authorization of a [ <del>licensed veterinarian</del> ] <i>dispensing veterinary practitioner</i> to dispense controlled substances or dangerous drugs, or both .....	150

2. The penalty for failure to pay the renewal fee for any license, permit or certificate within the statutory period, as provided in subsection [4] 6 of NRS 639.170, is 50 percent of the

renewal fee for each period of delinquency in addition to the renewal fee for each period of delinquency.

3. Any person who has been registered as a pharmacist in this State for at least 50 years is not required to pay the fee for the biennial renewal of a certificate of registration as a registered pharmacist.

4. The provisions of this section concerning the fee for the biennial renewal of the authorization to dispense controlled substances or dangerous drugs do not apply to an advanced practice registered nurse who is required to pay a fee pursuant to NAC 639.870.

5. A health center:

(a) Which is a federally qualified health center as defined in 42 U.S.C. § 1396d(l)(2)(B), as that section existed on March 1, 2000, that provides health care primarily to medically underserved persons in a community; and

(b) Which is not a medical facility as defined in NRS 449.0151, is not required to pay the fee for the collective certification of advanced practice registered nurses in the employ of a public or nonprofit agency as set forth in subsection 1.

6. A practitioner employed by or serving as an independent contractor of a health center:

(a) Which is a federally qualified health center as defined in 42 U.S.C. § 1396d(l)(2)(B), as that section existed on March 1, 2000, that provides health care primarily to medically underserved persons in a community; and

(b) Which is not a medical facility as defined in NRS 449.0151, is not required to pay a fee to the Board for a change of address or for an additional address at which the practitioner dispenses drugs.

7. A practitioner who is exempt from the payment of a fee pursuant to subsection 6 shall notify the Board in writing of each change of address or additional address, or both.