

**APPROVED REGULATION OF
THE STATE BOARD OF PHARMACY**

LCB File No. R071-19

Filed February 7, 2020

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

AUTHORITY: §1, NRS 453.221, 453.226 and 639.070.

A REGULATION relating to controlled substances; requiring the registration of a practitioner with the State Board of Pharmacy to be placed on inactive status if the Board is notified that the professional license of the registrant has been placed on inactive status; requiring the Board to notify a registrant when his or her registration is placed on inactive status; authorizing a registrant to request a hearing regarding the status of his or her registration; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires every practitioner who dispenses a controlled substance within this State to obtain biennially a registration issued by the State Board of Pharmacy in accordance with the regulations adopted by the Board, unless certain limited exceptions apply. (NRS 453.226) This regulation requires the Executive Secretary of the Board to place the certificate of registration of a practitioner on inactive status if the Board is notified by an occupational licensing board that the license upon which the practitioner’s certificate of registration was issued has been placed on inactive status. This regulation requires the Board to provide a practitioner with certain notice if his or her registration is placed on inactive status and authorizes a practitioner to request a hearing to contest the placement of his or her registration on inactive status. This regulation also authorizes a practitioner whose registration has been placed on inactive status to petition for the reinstatement of his or her registration to active status and to request a hearing to appeal the denial of such a petition.

Section 1. Chapter 453 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Executive Secretary of the Board shall, without a hearing, place the registration of a practitioner on inactive status if:

(a) The Board is notified by an occupational licensing board that a license of the practitioner issued by the occupational licensing board has been placed on inactive status; and

(b) The license that was placed on inactive status is the license in connection with which the practitioner was issued a certificate of registration.

2. A practitioner may not dispense any controlled substance within this State during the period that his or her registration is on inactive status.

3. A registration that is placed on inactive status pursuant to subsection 1 will remain inactive until such time as the registrant presents proof to the Executive Secretary of the Board that the occupational licensing board that licenses the practitioner has reinstated the practitioner's license to active status.

4. If a registration is placed on inactive status pursuant to subsection 1, the Board will provide written notice to the registrant as soon as practicable after the registration is placed on inactive status. The notice shall inform the registrant that:

(a) The registrant may petition the Executive Secretary of the Board at any time for reinstatement of the registration to active status;

(b) The registrant's Internet access to the database of the program established pursuant to NRS 453.162 is suspended while the registration remains on inactive status; and

(c) The registrant may request a hearing before the Board to contest the placement of the registration on inactive status.

5. A registrant whose registration is placed on inactive status pursuant to subsection 1 may petition the Executive Secretary of the Board at any time for reinstatement of the registration to active status.

6. If the Executive Secretary of the Board denies a petition for reinstatement of the registration to active status, the Board will provide written notice to the registrant as soon as practicable after the denial of the petition. The notice shall inform the registrant that he or she may request a hearing before the Board to appeal the denial of the petition.

7. To request a hearing before the Board to contest the placement of a registration on inactive status or appeal the denial of a petition for reinstatement of the registration to active status, the registrant must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the notice pursuant to subsection 4 or 6.

8. If a registrant requests a hearing before the Board pursuant to subsection 7, the Board will conduct a hearing at the next regularly scheduled meeting of the Board, but in any event, the hearing must be instituted and determined within 45 days after the date of the request for a hearing, unless a continuance is requested by the registrant.