

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

**LCB File No. R094-19**

November 20, 2019

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

AUTHORITY: §1, NRS 639.070 and 639.180.

A REGULATION relating to pharmacists; requiring the holder of any certificate, license or permit issued by the State Board of Pharmacy to report certain convictions and administrative actions to the Board; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law authorizes the State Board of Pharmacy to adopt regulations: (1) as are necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties; and (2) authorizing the Executive Secretary of the Board to issue certificates, licenses and permits required by law. (NRS 639.070) Existing law also authorizes the Board to refuse to renew a certificate, license or permit if the applicant has committed certain acts. (NRS 639.180, 639.210)

This regulation requires the holder of any certificate, license or permit issued by the Board to: (1) report the holder’s conviction of any crime, other than a misdemeanor traffic violation not involving the use of alcohol or a controlled substance, or any administrative action against the holder by any professional licensing board or agency of this or any other state or any federal agency to the Executive Secretary within 30 days after the conviction or the final disposition of the administrative action; and (2) provide any documentation of the conviction or administrative action requested by the Executive Secretary. This regulation also authorizes the Executive Secretary to require any such person who reports a conviction or an administrative action to appear personally before the Board before the renewal of his or her certificate, license or permit.

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

***1. The holder of any certificate, license or permit issued by the Board shall:***

*(a) Upon being convicted of any crime by any court of competent jurisdiction, other than a misdemeanor traffic violation not involving the use of alcohol or a controlled substance, report the conviction to the Executive Secretary within 30 days after the conviction and provide any documentation of the conviction requested by the Executive Secretary.*

*(b) Report any administrative action against the holder by any professional licensing board or agency of this or any other state or any federal agency to the Executive Secretary within 30 days after the final disposition of the administrative action and provide any documentation of the administrative action requested by the Executive Secretary.*

*2. The Executive Secretary, on behalf of the Board, may require the holder of any certificate, license or permit issued by the Board who reports a conviction or an administrative action pursuant to subsection 1 to appear personally before the Board before the renewal of the certificate, license or permit.*

*3. For the purposes of this section, the term “conviction” includes, without limitation:*

*(a) A final judgment of conviction;*

*(b) A plea of guilty or nolo contendere;*

*(c) A plea pursuant to North Carolina v. Alford, 400 U.S. 25 (1970); and*

*(d) A guilty verdict following a bench or jury trial, regardless of whether a sentence is suspended or deferred, a final judgment of conviction has been entered or there are any pending appeals.*