

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 regulations implement NRS 639.2177 and provide for the regarding the licensing and regulation of pharmacies in recovery centers and ambulatory surgical centers licensed by the State Board of Health pursuant to NRS 449.0303. This will permit these facilities to dispense controlled substances and dangerous drugs for the care of patients.

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. The Board received no public response.

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: -62

The number of persons who testified at the hearing was: -1-

The number of agency submitted statements was: -0-

The name of persons who testified at the hearing:

Scott Weiss, President,
The Healthcare Consulting Group LLC
702-497-3885
weissconsulting2004@gmail.com

Mr. Weiss spoke in support of the proposed regulations with amendments to the fee schedule on page 4 to strike duplicate references to recovery centers and ambulatory surgical centers as proposed by Board Staff and accepted by the Board.

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.

The Board solicited comment on the proposed regulations 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 regulations. Further, the Board provided time for public comment at the workshop(s) concerning the proposed regulations.

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The Healthcare Consulting Group LLC
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Mr. Weiss spoke in support of the proposed regulations with amendments to the fee schedule on page 4 to strike duplicate references to recovery centers and ambulatory surgical centers as proposed by Board Staff and accepted by the Board.

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

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.

The Board adopted LCB File R085-20 with amendments to the fee schedule on page 4 to strike duplicate references to recovery centers and ambulatory surgical centers.

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 on the public. The proposed amendment provides for licensing and regulation of pharmacies in recovery centers and ambulatory surgical centers to dispense controlled substances or dangerous drugs to patients, resulting in more cost-effective healthcare for the public.

The regulation will have an economic impact on any recovery center and ambulatory surgical center that obtain a pharmacy license from payment of the \$500 fee for initial licensure and biennial renewal.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

The immediate and long-term economic effects on regulated entities will be the \$500 fee for initial licensure and biennial renewal. The immediate and long-term economic effects for the public will be more cost-effective health care.

7. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION.

The revenue generated from fees will partially offset the costs of enforcement of this new regulation incurred by the Board of Pharmacy.

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 establishes a \$500 fee for the investigation or issuance of an original license and for biennial renewal of a license to conduct a pharmacy in a recovery center or an ambulatory surgical center licensed by the State Board of Health. The new fee for ambulatory surgical center comes with a corresponding elimination of an existing \$500 fee for an original license and for biennial renewal of a license currently assessed on these facilities as retail pharmacy, so the cumulative fiscal impact is zero. There are only three recovery centers operating in Nevada, so the initial cumulative fiscal impact from licensing these facilities will be \$1500 annually, which will be used to inspect and regulate these facilities.