

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

LCB FILE NO. R142-20I

**The following document is the initial draft regulation proposed
by the agency submitted on 07/21/2020**

Proposed Regulation of the Nevada State Board of Pharmacy

Workshop - July 16, 2020

Explanation – Language in *blue italics* is new; language in *red text* [~~omitted material~~] is language to be omitted, and language in *green text* indicates prior Board-approved amendments that are in the process of being codified.

AUTHORITY: NRS 639.070; NRS 639.1371.

A REGULATION relating to the delegation by a pharmacist to a pharmaceutical technician the ability to administer immunizations with appropriate training, and under the direct supervision of a pharmacist.

Section. 1. NAC 639.245 is hereby amended to reads as follows:

NAC 639.245 Maintenance and availability of records regarding certain pharmaceutical personnel on duty; activities of pharmaceutical technicians. (NRS 639.070, 639.1371)

1. A written record must be kept available for inspection showing the pharmacists, pharmaceutical technicians and pharmaceutical technicians in training on duty during the hours of business. This record must be:

- (a) Readily retrievable; and
- (b) Retained for 2 years.

2. A pharmaceutical technician under the direct supervision of a pharmacist may:

- (a) Prepackage and label unit dose and unit of use and repackaged drugs if a pharmacist:
 - (1) Inspects the final products; and
 - (2) Affixes his or her initials to the appropriate records for controlling quality.
- (b) Prepare, package, compound and label prescription drugs pursuant to prescriptions or orders for medication if a pharmacist:
 - (1) Inspects the final product; and
 - (2) Affixes his or her initials to the appropriate records for controlling quality.
- (c) Prepare bulk compounds if a pharmacist:
 - (1) Inspects the final product; and
 - (2) Affixes his or her initials to the appropriate records for controlling quality.
- (d) Distribute routine orders and stock medications and supplies in the pharmacy or areas where care is provided to patients.
- (e) Maintain inventories of supplies of drugs.
- (f) Maintain pharmaceutical records.
- (g) Request authorization to refill a prescription from the prescribing practitioner.
- (h) Transfer a prescription through a computer network if the:
 - (1) Pharmaceutical technician is employed by a pharmacy that:
 - (I) Has more than one location; and
 - (II) Maintains a computer network which provides information between its pharmacies;
 - (2) Prescription is transferred to one of the pharmacies within its computer network.

and

(i) Enter information into the pharmacy's computer system, including, without limitation, information contained in a new prescription concerning the prescription drug and the directions for its use.

(j) Administer immunizations under the direct and immediate supervision of a pharmacist pursuant to NAC 639.2971(3). Immunization records must be readily retrievable and retained for 2 years.

3. A pharmaceutical technician may not:

(a) Perform any action requiring a judgmental decision regarding a drug, the interpretation of a prescription or the instructions for the preparation of a prescription.

(b) Take new prescription or chart orders by telephone.

(c) Distribute medications pursuant to a chart order or dispense a prescription unless the order or prescription has been verified by a pharmacist.

4. A pharmaceutical technician shall prepare and distribute drugs only pursuant to written procedures and guidelines established by the pharmacy in which the pharmaceutical technician performs his or her duties.

[Bd. of Pharmacy, § 639.205, eff. 6-26-80] — (NAC A 12-3-84; 6-16-86; 3-27-90; 11-15-93; R214-99, 3-13-2000; R037-07, 1-30-2008)

Section. 2. NAC 639.254 is hereby amended to read as follows:

NAC 639.254 Initial and biennial in-service training of pharmaceutical technicians working in or for pharmacy; substitution of continuing education for in-service training. (NRS 639.070, 639.1371)

1. The owner and managing pharmacist of a pharmacy shall provide training for pharmaceutical technicians working in or for the pharmacy that ensures the continuing competency of those technicians. Except as otherwise provided in this section, the training must consist of initial training upon employment and at least 12 hours of in-service training during the 2-year period immediately preceding the renewal of the registration of the pharmaceutical technician. One of the 12 hours of in-service training must be a jurisprudence program approved or presented by the Board that relates to the practice of pharmacy or the law concerning pharmacy in this State.

2. The managing pharmacist shall maintain a written record of the initial training and the annual training, *including immunization training pursuant to NAC 639.2971(3)*, completed by each pharmaceutical technician working in or for the pharmacy that contains:

(a) The name and signature of the person receiving the training;

(b) The date or dates on which the training was received;

(c) The number of hours of training received;

(d) A general description of the topics covered; and

(e) The name of the person or provider conducting the training.

3. A pharmaceutical technician may substitute the completion of the continuing education necessary for recertification by the Pharmacy Technician Certification Board or the National Healthcareer Association for the biennial in-service training required by subsection 1.

(Added to NAC by Bd. of Pharmacy, eff. 11-15-93; A by R033-02, 5-31-2002; R121-08, 9-18-2008; R016-09, 10-27-2009; R175-12, 12-20-2012)

Section. 3. NAC 639.2971 is hereby amended to reads as follows:

NAC 639.2971 Authorization; contents of and deviation from written protocol. (NRS 454.213, 639.070, 639.137)

1. A physician may establish a written protocol authorizing pharmacists to administer immunizations by an intranasal, intramuscular or subcutaneous injection. Except as otherwise limited by the physician pursuant to subsection 4, any pharmacist who is trained and certified in accordance with NAC 639.2973 may subscribe to the written protocol and administer immunizations in compliance with the protocol. Such a protocol must contain:

(a) The name of the physician who is authorizing the administration of immunizations by a pharmacist;

(b) The immunizations that may be administered by a pharmacist;

(c) Detailed policies and procedures that a pharmacist must follow while administering immunizations, including, without limitation, procedures to follow in the case of adverse reactions or emergencies following administration;

(d) A procedure for the review of the protocol and its operation by the physician at least once annually, and the making and keeping of a record of the review;

(e) When appropriate, specific instructions related to the age of the patient;

~~(f) Except as otherwise provided in subsection 2, a restriction that a pharmacist may not delegate his or her authority to administer an immunization;~~

~~(g)~~ (f) A restriction that a pharmacist may not administer an immunization except at an authorized location, which location may not be the home of the patient, unless the patient resides in a licensed facility for long-term care or in a hospital;

~~(h)~~ (g) A requirement that the immunizations will be administered according to all applicable federal, state and local laws; and

~~(i)~~ (h) The signature of the physician authorizing the administration of the immunizations and the time period for which the written protocol is effective.

2. An intern pharmacist may administer immunizations by an intranasal, intramuscular or subcutaneous injection under the direct and immediate supervision of a pharmacist who has subscribed to a written protocol established by a physician.

3. A pharmaceutical technician may administer immunizations under the direct and immediate supervision of a pharmacist who has subscribed to a written protocol established by a physician. The pharmacist must, in his/her professional judgment, determine whether to vaccinate a particular patient prior to the pharmaceutical technician administering the immunization. Before the pharmaceutical technician may administer immunizations, the pharmaceutical technician must complete a minimum of one (1) hour of training relating to vaccines, immunization and their administration from one of the following:

(a) Immunize Nevada;

(b) ACPE-approved CPE;

(c) In-service training provided by the owner or managing pharmacist to the pharmaceutical technicians working in or for the pharmacy that ensures the competency of the technicians; or

(d) Other Board approved training.

~~3-~~ 4. If a physician orders a deviation from the written protocol for the benefit of a specific patient, the physician shall note the deviations from the written protocol in the record of the patient.

~~4~~ 5. A physician may include restrictions to a written protocol established by the physician pursuant to subsection 1 by limiting the protocol to any of the following:

- (a) A specific pharmacist or pharmacists;
- (b) A specific location or locations;
- (c) The administration of a specific immunization or immunizations; or
- (d) Other limitations as the physician determines necessary.

(Added to NAC by Bd. of Pharmacy by R009-01, eff. 11-1-2001; A by R142-03, 4-8-2004; R180-05, 12-29-2005; R115-08, 9-18-2008)

Section. 4. NAC 639.2974 is hereby amended to read as follows:

NAC 639.2974 Certification in basic cardiac life support; continuing education. (NRS 454.213, 639.070, 639.137)

1. A pharmacist who administers immunizations or an intern pharmacist acting under the direct and immediate supervision of a pharmacist who administers immunizations shall:

~~1.~~(a) Maintain certification in basic cardiac life support from the American Heart Association; and

~~2.~~ (b) On or before October 31 of each year, complete:

~~(a)~~ (i) At least 2 hours of continuing education in a course or courses that address the life cycle of diseases, drugs and administration of immunizations; or

~~(b)~~ (ii) A course provided by the Centers for Disease Control and Prevention regarding epidemiology and prevention of diseases which are preventable through immunization.

2. *A pharmaceutical technician acting under the direct and immediate supervision of a pharmacist who administers immunizations shall, on or before October 31 of each year, complete at least 1 hour of continuing education in a course relating to vaccines, immunization and their administration from one of resources set forth in NAC 639.2971(3)(a)-(d).*

(Added to NAC by Bd. of Pharmacy by R009-01, eff. 11-1-2001; A by R180-05, 12-29-2005)

Section. 5. NAC 639.2975 is hereby amended to read as follows:

NAC 639.2975 Legal possession and control of drugs administered as immunizations; drugs to counteract adverse reactions. (NRS 454.213, 639.070, 639.137)

1. The drugs administered as immunizations by a pharmacist, or an intern pharmacist *or pharmaceutical technician* acting under the direct and immediate supervision of a pharmacist, must be in the legal possession of:

(a) The pharmacy that employs the pharmacist, ~~or~~ intern pharmacist, *or pharmaceutical technician* who will be administering the immunizations, which pharmacy is responsible for the drugs and the maintenance of records of administration of the immunizations; or

(b) The physician who has established a written protocol for the administration of the immunizations, which physician is responsible for the drugs and the maintenance of records of administration of the immunizations.

2. The drugs used for immunizations must be transported and stored at the proper temperatures indicated for the drugs by the manufacturer.

3. While engaged in the administration of immunizations, a pharmacist, ~~or~~ an intern pharmacist *acting under the direct and immediate supervision of a pharmacist, or a pharmaceutical technician* acting under the direct and immediate supervision of a pharmacist, may have in his or her custody and control the drugs for immunization that are identified in the

written protocol and any other dangerous drugs listed in the written protocol to treat an adverse reaction.

4. If a pharmacist, ~~or~~ an intern pharmacist *acting under the direct and immediate supervision of a pharmacist, or a pharmaceutical technician* acting under the direct and immediate supervision of a pharmacist, administers immunizations at a location other than a pharmacy, the pharmacist, ~~or~~ intern pharmacist, *or pharmaceutical technician* must return all unused drugs to the pharmacy or physician responsible for the drugs.

(Added to NAC by Bd. of Pharmacy by R009-01, eff. 11-1-2001; A by R180-05, 12-29-2005; R115-08, 9-18-2008)

Section. 6. NAC 639.2976 is hereby amended to read as follows:

NAC 639.2976 Reporting of certain information concerning immunizations. (NRS 454.213, 639.070, 639.137) A pharmacist *who administers immunizations or directly supervises the administration of immunizations by a pharmaceutical technician*, or an intern pharmacist acting under the direct and immediate supervision of a pharmacist who administers immunizations, shall report the information required for inclusion in the Immunization Information System established by the Department of Health and Human Services pursuant to NRS 439.265 and the regulations adopted pursuant thereto.

(Added to NAC by Bd. of Pharmacy by R009-01, eff. 11-1-2001; A by R180-05, 12-29-2005; R115-08, 9-18-2008)