

September 15, 2020

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

Pursuant to the Governor's Declaration of Emergency issued March 12, 2020, the State is in an emergency status due to the COVID-19 pandemic. The proposed regulation will authorize pharmaceutical technicians with appropriate training to administer immunizations under the direct supervision of a pharmacist. The amendments will allow pharmacies to meet the increased demand for vaccine services and will be crucial to expanding the State's capacity to expediently treat Nevada's population when a COVID-19 vaccine is developed. The regulations are necessary for the protection, health and safety of the public.

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](http://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: 5

The number of persons who testified at the hearing was: 5

The name of persons who testified at the hearing: 5

The number of person who submitted written comment: 3

Lauren Paul, Senior Director, Pharmacy Regulatory Affairs, CVS Health  
1 CVS Drive, Mail Code 2325  
Woonsocket, RI 02895 (540-604-3661)  
Lauren.Paul@CVSHealth.com

Ms. Paul submitted written public comment and also testified in support of the amendment and applauded the Board allowing the administration of an immunization by a pharmacy technician.

Elizabeth MacMenamin, VP, Government Affairs  
Retail Association of Nevada  
410 S. Mountain Street  
Carson City, NV 89703 – (775-882-1700)  
*LizM@rannv.org*

Ms. MacMenamin spoke in support of R142-20. Ms. MacMenamin thanked the Board for moving forward with this regulation.

Mary Staples, Director, Government Affairs  
National Association of Chain Drug Stores  
1776 Wilson Blvd., Suite 200  
Arlington, VA 22209 – (703-549-3001)  
*mstaples@nacds.org*

Ms. Staples testified in support of R142.20 commenting that she appreciates the Board moving forward with the amendment.

Jessica Langley, Executive Director of Education & Advocacy  
Coalition for the Advancement of Pharmacy Technician Practice  
National Community Pharmacist Association  
2520 St. Rose Parkway, Suite 202-C  
Henderson, NV 89074 – (702) 434-2273  
Jessica.Langley @nhanow.com

Ms. Langley supports the amendment and commented on the public health and safety benefit during the pandemic and flu season.

Ademola Are, Manager, State Government Affairs  
National Community Pharmacists Association  
100 Dangerfield Road - (703) 600-1179  
Alexandria, VA 22314

Ademola.are@ncpanet.ord

Mr. Are submitted written comment and also testified in support of the amendment commenting on the benefit to the community during the pandemic and flu season.

Denise Oltay  
(702) 301-4913  
dco2@cox.net

Denise Oltay submitted written comment opposing the amendment. Ms. Oltay commented that she has a public safety concern for Nevada. The pharmacist is trained and can handle medical questions. Her concern is of unauthorized medical advice being given by a pharmacy technician.

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.

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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.

No change was made because: (1) the comments received by the Board from industry were supportive of the regulation as written; and (2) the Board concluded that no change was necessary in response to the public comment received in opposition because the regulation as written adequately protects public safety.

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 amendment on regulated businesses or the public. The beneficial effects of the amendment will allow pharmacies to meet the increased demand for vaccine services and will be crucial to the State's capacity to expediently treat Nevada's population when a COVID-19 vaccine is developed. The regulation is necessary for the protection, health and safety of the public.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

The Board anticipates that both the immediate or long-term economic effect on regulated businesses or the public will be beneficial since this amendment will increase the State's capacity to timely deploy a COVID-19 vaccine in response to the current pandemic.

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

There will be no additional or special costs incurred by the Board of Pharmacy for enforcement of this regulation amendment.

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.

There are no 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 federal regulation amendments of the same activity in which the state 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 does not provide a new or increase of fees.