

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 amendments establish requirements governing the practice of pharmacy outside the site of a licensed pharmacy; authorizing a registered pharmacist who is employed by or under contract with a licensed pharmacy to engage in the practice of pharmacy outside the site of a licensed pharmacy without additional approval by the State Board of Pharmacy; requiring certain registered pharmacists to obtain the approval of the Board in order to engage in the practice of pharmacy outside the site of a licensed pharmacy; and revising provisions relating to the provision of remote chart order processing services to a hospital or correctional institution. With the expanding role of pharmacists, the amendments will allow pharmacists to focus on providing direct patient care. The remote chart order process will improve pharmacist performance as distractions are reduced and operational efficiency is realized because pharmacists have more time to stay focused on the task at hand. The regulation amendment will benefit public health, safety and welfare.

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.

Lauren Paul, Executive Director
Pharmacy Regulatory Affairs – CVS Health
200 Highland Drive, Woonsocket, RI 02895
540-604-3661
Lauren.Paul@CVSHealth.com

Lauren Paul appeared and also submitted written public comment.

Ms. Paul commented that CVS supports the allowance for pharmacists to engage in the practice of pharmacy at a site other than a licensed pharmacy. She requested the Board consider removing the restriction on a pharmacist who serves as a managing pharmacist or who provides pharmaceutical services at the listed facilities from engaging in the practice of pharmacy at a site other than a licensed pharmacy; and removing the specific data elements listed in (a-g) from the requirement of the computerized system and access to data that a pharmacist practicing at a location other than a licensed pharmacy. The data elements listed are not encompassing to all practice settings and would prohibit pharmacists from practicing remotely.

Ken Kunke, Nevada Pharmacy Alliance
11 Sunset Way, Henderson, NV 89014
702-714-1931
info@nevadapharmacyalliance.com

Ken Kunke appeared and also submitted written public comment.

Mr. Kunke requested the Board consider allowing the regulation to go through today and consider a future amendment to remove the requirement that pharmacists who work in a clinical setting requires an appearance before the Board for approval to work outside of a pharmacy.

Maribeth Moran, Pharm.D., Ambulatory Care Clinical Pharmacy
Roseman University
11 Sunset Way, Henderson, NV 89014
702-990-4433
mmoran@roseman.edu

Ms. Moran stated that she agrees with Mr. Kunke's comments regarding removing the appearance requirement for pharmacists working in a clinical setting. Requiring an appearance delays services and therapy.

Elizabeth MacMenamin, Government Affairs
Retail Association of Nevada
410 S Minnesota St, Carson City, NV 89703
775-882-1700
LizM@rannv.org

Ms. MacMenamin spoke in support of allowing pharmacists to work outside of a pharmacy. She stated that she agrees with the comments provided by Ms. Lauren Paul.

Michelle Hon, BA, MA, Pharm.D.
Director of Experimental Education (APPE) Assistant Professor
Roseman University
11 Sunset Way, Henderson, NV 89014
702-968-2055

mhon1@roseman.edu

Ms. Hon supported removing the requirement to appear multiple times for Board approval for each practice setting.

Kaylynn Bowman, Pharm.D., MS, Med.

Ms. Bowman submitted written public comment.

Ms. Bowman commented that the current process limits her ability to provide timely care and services to the community. She supported removing the requirement to appear for Board approval for each office location.

Lorri Walmsley, R.Ph., Director, Pharmacy Affairs

Walgreen Co.

5330 E. Washington D-105, Phoenix, AZ 85034

602-214-6618

Lorri.Walmsley@walgreens.com

Ms. Walmsley submitted written public comment.

Ms. Walmsley's commented that there is no reason that pharmacists should be limited to practicing only in one site and that the Board should not create arbitrary limitations that may restrict patient access. She stated that several required elements in Section 3(2) are not commonly available in community pharmacy records and suggested modifications in her written statement.

Scott Young, Vice President, Legislative and Regulatory Affairs

Animal Policy Group

13802 N Scottsdale Rd, Scottsdale, AZ 85254

202-744-5190

scott@animalpolicygroup.com

Mr. Young submitted written public comment.

Mr. Young commented that providing height or allergies on prescriptions is not common in veterinary medicine. The language should be able to clarify that these are only for human patients. Sec.3.2(e) be rewritten to include veterinarians a praticitoners.

Parties interested in obtaining a copy of the summary of the public response, 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: 27

The number of persons who testified at the hearing was: -6-

The number of agency submitted statements was: -5-

The name of persons who testified at the hearing:

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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.

The Board adopted LCB File R164-20 with conforming amendments to pages 2, 4 and 5.

The amendments to pages 2, 4, and 5 of the LCB draft of proposed regulation R164-20 are attached.

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 these regulation amendments on the regulated entities or on the public. The beneficial effects will be improved delivery of pharmaceutical care through better medication drug therapy management, patient adherence and utilization of medication and drug therapy outcomes as well as pharmacy operational efficiency.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

Both the immediate and long-term economic effect on regulated entities and the public will be the improved delivery of safe and reliable pharmaceutical care.

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.

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 regulation does not contain provisions which are more stringent than a federal regulation which regulates the same activity.

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.