

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

LCB File No. R165-20

July 27, 2021

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

AUTHORITY: §§ 1 and 2, NRS 639.070.

A REGULATION relating to pharmacy; requiring the Executive Secretary of the State Board of Pharmacy to develop and implement a program for the inspection of each licensed pharmacy; removing the requirement that a pharmacy perform a self-assessment relating to the volume of work and other matters at the pharmacy; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Pharmacy to adopt regulations pertaining to the practice of pharmacy and requires a pharmacy to comply with the regulations of the Board. (NRS 639.070, 639.100, 639.215) Existing law requires the Board to employ an Executive Secretary who is not a member of the Board and is required to perform certain duties. (NRS 639.040) Existing law entitles the members of the Board and certain staff to free access to all places where drugs, medicines or poisons are held. (NRS 639.090)

Under existing regulations, a member of the staff of the Board is required to inspect each licensed pharmacy annually and at any other time deemed necessary by the staff of the Board. (NAC 639.501) Before the annual inspection occurs, a pharmacy must perform a self-assessments concerning: (1) statutory and regulatory compliance; and (2) its volume of work, prescriptions, workflow, personnel and technology. (NAC 639.501)

Section 1 of this regulation requires the Executive Secretary of the Board to develop and implement a program for the inspection of each licensed pharmacy annually and at any other time deemed necessary by the staff of the Board. **Section 1** removes the requirement for the pharmacy to perform a self-assessment concerning its volume of work and prescriptions, workflow, personnel and technology before the annual inspection. **Section 2** of this regulation makes a conforming change by removing a section that is no longer necessary because of the removal of the requirement for a self-assessment in **section 1**. (NAC 639.5012)

Section 1. NAC 639.501 is hereby amended to read as follows:

639.501 1. Before the Board will issue a new license to operate a pharmacy to any person, a satisfactory inspection of the premises of the pharmacy must be conducted by a member of the staff of the Board.

2. ~~{A member of the staff of the Board}~~ *The Executive Secretary* shall ~~{inspect}~~ *develop and implement a program for the inspection of* each licensed pharmacy annually and at any other time deemed necessary. ~~{by the staff of the Board.}~~

3. Before an annual inspection of a licensed pharmacy, the Board will provide a self-assessment form to the pharmacy that includes ~~{~~

~~—(a) A~~ *a* questionnaire concerning statutory and regulatory compliance pursuant to which the pharmacy must assess its physical plant and operations to assure that the pharmacy is in compliance with all applicable statutes and regulations. ~~{; and~~

~~—(b) An assessment of the workplace pursuant to which the pharmacy must assess its volume of work and prescriptions, personnel, workflow and technological devices that assist in the work of the pharmacy.}~~

4. The managing pharmacist of a pharmacy or the designee of the owner of the pharmacy may obtain self-assessment forms from the Board in addition to the form provided pursuant to subsection 3 at any time for his or her own use.

Sec. 2. NAC 639.5012 is hereby repealed.

TEXT OF REPEALED SECTION

**639.5012 Confidentiality and use of self-assessment and accompanying documentation.
(NRS 639.070)**

1. An assessment of the workplace completed by a pharmacy as part of the self-assessment, and all documentation accompanying the assessment, that are submitted to a member of the staff of the Board pursuant to NAC 639.5016 are confidential. The Board will destroy such an assessment of the workplace and all accompanying documentation within 6 months after the Board receives the assessment and documentation.

2. The staff of the Board may compile and analyze such data provided in assessments of the workplace as the Board deems appropriate, except that the staff shall not provide to any member of the Board or otherwise publish any compilation or analysis completed by the staff unless the staff has redacted from the compilation or analysis all information by which an individual pharmacy could be identified. The Board will not use data provided in an assessment of the workplace against the pharmacy that completed the assessment for any disciplinary purpose.