

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

LCB File No. R166-20

August 27, 2021

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

AUTHORITY: § 1, NRS 639.070 and 639.255.

A REGULATION relating to pharmacy; authorizing the State Board of Pharmacy to cite or fine the holder of a certificate, license or permit issued by the Board in certain circumstances; requiring the Executive Secretary of the Board to submit a report to the Board concerning any such citation or fine; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Pharmacy to adopt such regulations as are necessary for the protection of the public, as it pertains to the practice of pharmacy. (NRS 639.070) Existing law provides the manner in which the Board may discipline the holder of a certificate, license or permit issued by the Board pursuant to chapter 639 of NRS. (NRS 639.241-639.258) Further, existing law specifically provides the methods by which the Board may discipline the holder of a certificate, license or permit issued by the Board, including through the imposition of a fine. (NRS 639.255) This regulation authorizes the Board to issue a citation to or impose a fine against the holder of a certificate, license or permit issued by the Board for engaging in unprofessional conduct or failing to comply with certain other requirements relating to the practice of pharmacy without a hearing if: (1) the holder waives his or her right to a hearing; and (2) the person served by the holder was not harmed by the actions of the holder. This regulation also requires the Executive Secretary of the Board to submit a report to the Board concerning any such citation or fine before each regularly scheduled meeting of the Board.

Section 1. Chapter 639 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a citation to or impose a fine against the holder of any certificate, license or permit issued by the Board for engaging in conduct declared unprofessional

pursuant to NAC 639.945 or failing to comply with the requirements prescribed by NAC 639.252 or 639.707 without conducting a hearing if:

(a) The holder, in writing, waives his or her right to a hearing; and

(b) The person served by the holder was not harmed by the act or omission.

2. Before each regularly scheduled meeting of the Board, the Executive Secretary shall prepare and submit to the Board a report concerning any citation issued or fine imposed without a hearing pursuant to subsection 1.