

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 regulations define “oncology group practice” and authorize an oncology group practice to apply for a certificate of registration from the State Board of Pharmacy to maintain a single inventory of dangerous drugs, not included compounded drug products, received at a site of practice in lieu of maintaining separate inventories for each dispensing practitioner.

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.

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, 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: 51
The number of persons who testified at the hearing was: -4-
The number of agency/public submitted statements was: -2-
The name of persons who testified at the hearing:

Anthony Nguyen, Medical Oncologist
Comprehensive Cancer Centers
1505 Wigwam Parkway, Suite 130
Henderson, NV 89074
702-856-1400

<https://cccnevada.com/doctor/anthony-v-nguyen-md/>

Dr. Nguyen spoke in support of the proposed amendments. He commented that allowing a shared inventory at one location will improve patient access to medications, provide for more timely care to the patient, improve patient adherence to therapy resulting in positive outcomes.

Jon Bilstein, Executive Director
Comprehensive Cancer Centers
1505 Wigwam Parkway, Suite 130
Henderson, NV 89074
702-856-1400

<https://cccnevada.com/about-cccn/meet-the-team/>

Mr. Bilstein read public testimony provided to him by cancer patient Guadalupe Martinez and her caregiver Yvette Franco. Ms. Martinez and Ms. Franco wrote in support of the proposed amendments. The proposed rule will prevent interruption and delay of care for many cancer patients. Patients can safely receive oral chemotherapy treatment by their doctor.

Wes Falconer, Chief Operating Officer
Cancer Care Specialists
5423 Reno Corporate Drive
Reno, NV 89511
775-329-0222

<https://www.ccsreno.com/leadership-team-1>

Mr. Falconer spoke in support of the proposed amendments. Separate inventories are costly. The amendments will increase patient access to medications in a more efficient and cost effective manner.

Kelly Knight
Daughter of Cancer Patient

Ms. Knight spoke in support of the proposed amendments. She commented that improved access to medications will improve the quality of life for everyone involved.

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

Ms. MacMenamin opposed the proposed amendments. She commented that allowing for a single inventory will allow practitioners to become a pharmacy which is prohibited by law. Ms. MacMenamin expressed concern that by removing the pharmacist from the patient's care will effect patient safety.

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.

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. Further, the Board provided time for public comment at the workshop(s) concerning the proposed amendment.

Anthony Nguyen, Medical Oncologist
Comprehensive Cancer Centers
1505 Wigwam Parkway, Suite 130
Henderson, NV 89074
702-856-1400

<https://cccnevada.com/doctor/anthony-v-nguyen-md/>

Dr. Nguyen spoke in support of the proposed amendments. He commented that allowing a shared inventory at one location will improve patient access to medications, provide for more timely care to the patient, improved patient adherence to therapy resulting in positive outcomes.

Jon Bilstein, Executive Director
Comprehensive Cancer Centers
1505 Wigwam Parkway, Suite 130
Henderson, NV 89074
702-856-1400

<https://cccnevada.com/about-cccn/meet-the-team/>

Mr. Bilstein read public testimony provided to him by cancer patient Guadalupe Martinez and her caregiver Yvette Franco. Ms. Martinez and Ms. Franco wrote in support of the proposed amendments. The proposed rule will prevent interruption and delay of care for many cancer patients. Patients can safely receive oral chemotherapy treatment by their doctor.

Wes Falconer, Chief Operating Officer
Cancer Care Specialists
5423 Reno Corporate Drive
Reno, NV 89511

775-329-0222

<https://www.ccsreno.com/leadership-team-1>

Mr. Falconer spoke in support of the proposed amendments. Separate inventories are costly. The amendments will increase patient access to medications in a more efficient and cost effective manner.

Kelly Knight

Daughter of Cancer Patient

Ms. Knight spoke in support of the proposed amendments. She commented that improved access to medications will improve the quality of life for everyone involved.

Elizabeth MacMenamin, Government Affairs Retail Association of Nevada

410 S Minnesota St.

Carson City, NV 89703

Phone: 775-882-1700

LizM@rannv.org

Ms. MacMenamin opposed the proposed amendments. She commented that allowing for a single inventory will allow practitioners to become a pharmacy which is prohibited by law. Ms. MacMenamin expressed concern that by removing the pharmacist from the patient's care will effect patient safety.

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, or by contacting the Board's office at (775) 850-1440.

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 R007-21 with amendments to page 2, Section 3. The amendments of the LCB draft of proposed regulation R007-21 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 this regulation amendment on the regulated entities or on the public. The regulation amendment will have a beneficial effect on the regulated entities by providing cost effective inventory management for dispensing practitioners within an oncology group practice to more efficiently deliver pharmaceutical care to Nevada patients.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

Both the immediate and long-term economic effects on regulated entities and on the public will be the improved delivery of oncological care to Nevada patients.

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

The cost of enforcement cannot be determined at this time since it will be dependent upon the number of applicants for registration.

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 any other state or local governmental agency that the proposed regulation amendment 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; rather oncology group practice will be assessed the fee currently prescribed in NAC 639.220 for authorization of a practitioner, other than a licensed veterinarian, to dispense dangerous drugs.