

## 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 will authorize a pharmacist to dispense self-administered hormonal contraceptives to a patient without a prescription under a protocol. Implementing these regulations will expand access to hormonal contraceptives particularly for women in rural areas.

### 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.

Ken Kunke, Nevada Pharmacy Alliance

Phone: 702-714-1931

Email: [info@nevadapharmacyalliance.com](mailto:info@nevadapharmacyalliance.com)

Address: 11 Sunset Way, Henderson, NV 89014

Mr. Kunke spoke in support of the amendments. He requested the Board consider the subset of pharmacists who work in a non-pharmacy setting be permitted to dispense self-administered hormonal contraceptives.

Lauren Paul, CVSHealth

Phone: 540-604-3661

Email: [Lauren.Paul@CVSHealth.com](mailto:Lauren.Paul@CVSHealth.com)

Address: 1CVS Drive, Mail Code 2325, Woonsocket, RI 02895

Ms. Paul spoke in support of the amendments. She requested amendments 1) to require the pharmacy versus the pharmacist to report to the Board that they are participating in this program; 2) an ACPE-accredited course or one hour of training be

acceptable; 3) allow the blood pressure reading be obtained from the patient's medical record or delegate the technician to obtain the blood pressure.

Adam Porath, Nevada Society of Health System Pharmacists

email: nvshp@nvshp.org

Mailing Address: PO Box 27371 Las Vegas, NV 89126

Adam Porath spoke in support of the amendments. He stated that he supported Mr. Kunke's request that the Board consider the subset of pharmacists who work in a non-pharmacy setting be permitted to dispense self-administered hormonal contraceptives.

Adam Chesler, VillageMD

Phone: 312.465.7900

Address: 125 S. Clark Street, Suite 900 Chicago, IL 60603 (Headquarters)

Mr. Chesler spoke in support of the amendments. He requested the patient be provided with a list of providers that dispense self-administered hormonal contraceptives. Mr. Chesler suggested that a process be in place to provide the records to the patient's primary care provider.

Elizabeth MacMenamin, Government Affairs Retail Association of Nevada

Phone: 775-882-1700

Email: LizM@rannv.org

Address: 410 S Minnesota St, Carson City, NV 89703

Ms. MacMenamin spoke in support of the amendments.

Krystal Riccio, Roseman University of Health Sciences

Phone: 702-796-0669

Email: kriccio@roseman.edu

Address: 11 Sunset Way, Henderson 89014

Ms. Riccio submitted written comment asking the Board to consider allowing qualified pharmacists practicing outside of a licensed pharmacy to dispense or prescribe hormonal contraceptives.

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: -69-

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

The number of agency submitted statements was: -1-

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 R036-21 with two non-substantive amendments:

Page 2, Section 2 subsection 1(a)(1) amended to read "Consists of at least 1 hour of instruction;"

Page 4, Section 4 subsection 2(b)(8) amended to read "Evaluating the blood pressure of the patient;"

The amendments to Sections 2 and 4 of the LCB draft of proposed regulation R036-21 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 these regulations on the regulated entities or on the public. The beneficial effects will be expanded access to hormonal contraceptives, particularly for women in rural areas.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

Both the immediate and long-term economic effects on regulated entities and on the public will be expanded access to hormonal contraceptives particularly for women in rural areas.

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.

This regulation is not required by federal law.

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 amendment does not provide a new or increase of fees.