

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

LCB FILE NO. R041-21I

**The following document is the initial draft regulation proposed
by the agency submitted on 09/08/2021**

Proposed Regulation of the Nevada State Board of Pharmacy

Workshop – September 2, 2021

Explanation – Language in *blue italics* is new; language in *red text* [~~omitted material~~] is language to be omitted, and language in *green text* indicates prior Board-approved amendments that are in the process of being codified.

AUTHORITY: NRS 639.070; NRS 639.1371

A REGULATION relating to the practice of pharmacy; revising provisions governing the requirements for, application for and registration as a pharmaceutical technicians, and pharmaceutical technicians in training; and providing other matters properly relating thereto.

Section 1. NAC 639.010 is hereby amended to read as follows:

As used in this chapter, unless the context otherwise requires:

1. “Board” means the State Board of Pharmacy.
2. “Controlled substances” has the meaning ascribed to it in NRS 0.031.
3. “Dangerous drug” has the meaning ascribed to it in NRS 454.201.
4. “Direct supervision” means the direction given by a supervising pharmacist who is:
 - (a) On the premises of the pharmacy or telepharmacy at all times when the person he or she is supervising is working at the pharmacy or telepharmacy or at a remote site or satellite consultation site; and
 - (b) Aware of the activities of that person related to the preparation and dispensing of medications, including the maintenance of appropriate records.
5. “Executive Secretary” means the Executive Secretary employed by the Board pursuant to NRS 639.040.
6. “Pharmaceutical technician” means a person who performs technical services in a

pharmacy under the direct supervision of a pharmacist and is registered with the Board pursuant to NAC 639.240.

7. “Pharmaceutical technician in training” means a person who is registered with the Board pursuant to NAC 639.242 in order to obtain the training and experience required to be a pharmaceutical technician pursuant to subparagraph (3) of paragraph ~~(e)~~(c) of subsection 2 of NAC 639.240, or who is enrolled in a program of training for pharmaceutical technicians that is approved by the Board.

8. “Practitioner” has the meaning ascribed to it in NRS 639.0125.

9. “Prescription drug” means a drug or medicine as defined in NRS 639.007 which:

- (a) May be dispensed only upon a prescription order that is issued by a practitioner; and
- (b) Is labeled with the symbol “Rx only” pursuant to federal law or regulation.

10. “Public or nonprofit agency” means a health center as defined in 42 U.S.C. § 254b(a) which:

- (a) Provides health care primarily to medically underserved persons in a community;
- (b) Is receiving a grant issued pursuant to 42 U.S.C. § 254b or, although qualified to receive such a grant directly from the Federal Government, is receiving money from such a grant under a contract with the recipient of that grant; and
- (c) Is not a medical facility as defined in NRS 449.0151.

11. “Surgical center for ambulatory patients” has the meaning ascribed to it in NRS 449.019.

Sec. 2. NAC 639.240 is hereby amended to read as follows:

1. No person may perform the duties of a pharmaceutical technician until the person has been issued a certificate of registration.

2. An applicant for registration as a pharmaceutical technician must:

(a) Be 18 years of age or older;

(b) Be a high school graduate or the equivalent; *and*

~~(c) [Not have been convicted of any felony or a misdemeanor involving moral turpitude, dishonesty or the unlawful possession, sale or use of drugs;~~

~~—(d) Have no history of drug abuse; and~~

~~—(e)] Have complied with one of the following requirements:~~

(1) The successful completion of a program of training for pharmaceutical technicians, including, but not limited to, a program of training offered by a postsecondary school, that is approved by the Board pursuant to NAC 639.256.

(1) Provide a copy of certification of completion of a program of training for pharmaceutical technician with the application for registration as a pharmaceutical technician.

(2) Registration in another state as a pharmaceutical technician, *which is active and in good standing; and* ~~if the requirements for registration in that state are equivalent to the requirements of this State, and the successful completion of at least 240 hours of employment as a pharmaceutical technician in a pharmacy in that state, which must be verified by the managing pharmacist of the pharmacy.~~

(1) A copy of registration issued in that state is provided with the application for registration as a pharmaceutical technician.

~~(3) If the state in which the applicant has been employed does not offer registration, licensure or certification as a pharmaceutical technician:~~

~~(1) The successful completion of at least 1,500 hours of experience in a pharmacy in~~

~~that state performing the duties set forth in paragraph (c) of subsection 3 of NRS 639.1371 during the 3 years immediately preceding the date on which his or her application was submitted;~~

~~(II) The successful completion of at least 350 hours of employment in a pharmacy in this State; and~~

~~(III) The acquisition of a written statement to the Board from the managing pharmacist of the pharmacy referred to in sub-subparagraph (II) stating that the applicant, during his or her employment, demonstrated competence to perform the tasks assigned to him or her.~~

~~□ Such an applicant must register as a pharmaceutical technician in training before he or she completes the requirements of sub-subparagraph (II).~~

~~(4)~~ (3) The successful completion of at least ~~1,500~~ *1,000* hours of training and experience as a *registered* pharmaceutical technician in training *performing the duties set forth in paragraph (c) of subsection 3 of NRS 639.1371 in a pharmacy in this State, which must be verified by the managing pharmacist of the pharmacy on a form provided by the Board.* A pharmaceutical technician in training may accumulate certified hours of training from each place of employment.

~~(5)~~ (4) The successful completion of a program of training for pharmaceutical technicians conducted by a branch of the Armed Forces of the United States, the Indian Health Service of the United States Department of Health and Human Services or the United States Department of Veterans Affairs; *and*

(I) A copy of certification of completion is provided with the application for registration as a pharmaceutical technician.

~~(6) Certification by the Pharmacy Technician Certification Board or the National Healthcareer Association as a pharmacy technician if:~~

~~(I) The applicant successfully completes a program of training for pharmaceutical technicians conducted by a postsecondary school in another state;~~

~~(II) The program is accredited or otherwise approved by the appropriate regulatory authority in that state; and~~

~~(III) The applicant successfully completes at least 240 hours of employment as a pharmaceutical technician in training in a pharmacy in another state, which must be verified by the managing pharmacist of the pharmacy.~~

~~3.—An applicant who attended a school outside the United States must submit to an organization which evaluates educational credentials a copy of the transcript of his or her academic record from that school for a determination of whether the grades the applicant received are substantially equivalent to the grades required for an applicant who attended a school, or a program of training for pharmaceutical technicians that is accredited by the American Society of Health-System Pharmacists, in the United States. The applicant must ensure that a copy of the organization's evaluation of the transcript is submitted to the Board.~~

4-3. The Board may deny an application for registration as a pharmaceutical technician if the applicant has:

(a) Been convicted of any felony or a misdemeanor involving moral turpitude, dishonesty or the unlawful possession, sale or use of drugs; or

(b) A history of drug abuse.

5- 4. Once the applicant meets the requirements for licensure, the board shall issue a

registration certificate to the applicant as a pharmaceutical technician. Upon receipt of an application and the required fee, the Executive Secretary shall, unless he or she has good cause to deny the registration, issue a certificate of registration to the pharmaceutical technician.

Sec. 3. NAC 639.242 is hereby amended to read as follows:

1. An applicant for registration as a pharmaceutical technician in training must:

(a) Be 18 years of age or older;

(b) Be a high school graduate or the equivalent; and

~~(c) [Not have been convicted of any felony or a misdemeanor involving moral turpitude, dishonesty or the unlawful possession, sale or use of drugs;~~

~~—(d) Have no history of drug abuse; and~~

~~—(e)] Participate in training while on the job and acquire experience that is commensurate with~~

the duties of his or her employment.

2. The Board may deny an application for registration as a pharmaceutical technician in training if the applicant has:

(a) Been convicted of any felony or a misdemeanor involving moral turpitude, dishonesty or the unlawful possession, sale or use of drugs; or

(b) A history of drug abuse.

3. A person may perform the duties of a pharmaceutical technician while the person is receiving the training and experience required by paragraph ~~[(e)](c)~~ of subsection 1 if he or she

is registered with the Board.

~~{3.}~~4. *Once the applicant meets the requirements for licensure, the board shall issue a registration certificate to the applicant as a pharmaceutical technician in training. Upon receipt of an application and the required fee, the Executive Secretary shall, unless he or she has good cause to deny the registration, issue a registration certificate for a pharmaceutical technician in training to the managing pharmacist of the pharmacy where the trainee will be employed.*

~~{4.}~~5. Registration as a pharmaceutical technician in training *expires on October 31 of each even-numbered year unless renewed before that date.* ~~is effective for 24 months after the date of issuance unless an extension is granted by the Board.~~

~~{5.}~~6. ~~The registration certificate of a pharmaceutical technician in training who is receiving the training and experience required by paragraph ~~{(e)}~~(c) of subsection 1 will specify the pharmacy where he or she will be employed. Termination of that employment voids the registration, and the trainee must reapply for registration before his or her services may be used by another pharmacy. This subsection does not prohibit a trainee from accumulating certified hours of training from each place of employment.~~

~~{6.}~~7. The managing pharmacist of the pharmacy where a pharmaceutical technician in training is employed to receive the training and experience required by paragraph ~~{(e)}~~(c) of subsection 1 shall file with the Board ~~a signed affidavit certifying~~ *on a form provided by the board certifying:*

- (a) The number of hours of training and experience the trainee has successfully completed;
- (b) The specific training and experience the trainee has completed; and
- (c) That the trainee is competent to perform the duties of a pharmaceutical technician.

