

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

LCB File No. R120-21

February 9, 2022

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

AUTHORITY: §§ 1-9, NRS 639.070 and 639.2176.

A REGULATION relating to pharmacy; revising certain continuing education requirements for pharmacists registered by the State Board of Pharmacy; revising provisions relating to accredited material relating to such continuing education; eliminating the Advisory Committee on Continuing Education of the Board; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Board of Pharmacy to adopt regulations relating to the practice of pharmacy in this State. (NRS 639.070) Existing law also requires the Board to adopt regulations which set forth continuing education requirements for pharmacists registered by the Board. (NRS 639.2176)

Existing regulations prohibit the Board from issuing a certificate as a registered pharmacist, or renewing the certificate of any registered pharmacist, until the applicant submits proof to the Board of receipt of 30 continuing education units within the biennium immediately preceding the current renewal period, which must include at least 15 continuing education units in accredited programs. (NAC 639.330) Existing regulations: (1) define “accredited material” as material for continuing education which has been endorsed by the Board after review by the Board, by its Advisory Committee on Continuing Education, by the Accreditation Council for Pharmacy Education or by a board of pharmacy of another state; and (2) set forth requirements for a provider to seek accreditation for any material, course or program. (NAC 639.310, 639.360)

Section 2 of this regulation replaces the term “accredited material” with the term “accredited program approved by the Board” and defines “accredited program approved by the Board” as a course or program for continuing education related to the practice of pharmacy: (1) provided by the University of Nevada, Reno, School of Medicine, the University of Nevada, Las Vegas, School of Medicine, Touro University Nevada, Roseman University of Health Sciences, the Department of Health and Human Services or the Board; or (2) endorsed by the Accreditation Council for Pharmacy Education. **Sections 3, 4 and 8** of this regulation make conforming changes to reflect the change in terminology.

Section 5 of this regulation eliminates the requirement that not less than 15 of the 30 continuing education units required per biennium be units in accredited programs, and **section 6** of this regulation makes a conforming change to reflect the elimination of that requirement.

Section 6 also exempts from requirements to complete continuing education an applicant who is a student of a health profession and who has attended at least 30 hours of instruction relating to health care during a biennial renewal period. **Section 9** of this regulation eliminates the process for accreditation of materials by the Board, and **section 1** of this regulation makes a conforming change to reflect the elimination of that process.

Existing regulations require any person seeking recognition from the Board as a provider of continuing education to apply to the Board for recognition. (NAC 639.340) Existing regulations also require such a provider to: (1) keep certain records and transmit to the Board certain information relating to continuing education courses or programs provided; and (2) furnish to each participant who completes a course or program a certificate of completion which contains certain information. (NAC 639.345, 639.350) **Section 7** of this regulation revises the information that a provider is required to include on such a certificate of completion. **Section 9** eliminates: (1) the process for a person to seek recognition from the Board as a provider of continuing education; and (2) requirements that providers keep certain records and transmit to the Board certain information relating to continuing education courses or programs provided. **Section 4** makes a conforming change to reflect the elimination of the process for a person to seek recognition from the Board as a provider of continuing education.

Existing regulations set forth certain requirements relating to the format, presentation and content of material for continuing education. (NAC 639.370) **Section 9** eliminates those requirements.

Existing regulations create the Advisory Committee on Continuing Education and set forth the composition and duties of the Advisory Committee. (NAC 639.380, 639.385) **Section 9** eliminates the Advisory Committee.

Section 1. NAC 639.305 is hereby amended to read as follows:

639.305 “Acceptable materials” means material for continuing education which:

1. Complies with the statutory limits regarding the scope of continuing education; and
2. Is offered by a provider although the material is not endorsed by the Board . ~~or has been submitted to and endorsed by the Board.~~

Sec. 2. NAC 639.310 is hereby amended to read as follows:

639.310 “Accredited ~~material~~ *program approved by the Board*” means ~~material~~ *a program or course* for continuing education ~~which has been endorsed by the Board after review by the Board, by its advisory committee on continuing education,~~ *related to the practice of pharmacy that is:*

1. *Provided by the University of Nevada, Reno, School of Medicine, the University of Nevada, Las Vegas, School of Medicine, Touro University Nevada, Roseman University of Health Sciences, the Department of Health and Human Services or the Board; or*

2. *Endorsed* by the Accreditation Council for Pharmacy Education . ~~for by a board of pharmacy of another state.~~

Sec. 3. NAC 639.315 is hereby amended to read as follows:

639.315 “Continuing education unit” means 1 full hour devoted to approved continuing education, consisting of *an* accredited *program approved by the Board* or acceptable material.

Sec. 4. NAC 639.320 is hereby amended to read as follows:

639.320 “Provider” means any person ~~recognized by the Board as~~ responsible and competent to provide *an accredited program approved by the Board or acceptable* material for continuing education . ~~which is accredited or acceptable.~~

Sec. 5. NAC 639.330 is hereby amended to read as follows:

639.330 1. Except as otherwise provided in NAC 639.335, the Board will not issue a certificate as a registered pharmacist to any person pursuant to NRS ~~639.133,~~ *639.127*, or renew the certificate of any registered pharmacist, until the applicant submits proof to the Board of receipt of 30 continuing education units within the biennium immediately preceding the current renewal period. The continuing education units must include not less than ~~15~~:

~~—(a) Fifteen continuing education units in accredited programs; and~~

~~—(b) One~~ *one* continuing education unit earned:

~~(1)~~ *(a)* In a jurisprudence program approved or presented by the Board relating to the practice of pharmacy or the law relating to pharmacy in this State; or

~~(2)~~ *(b)* By attending an entire day of any meeting of the Board if:

~~(1)~~ (1) The Board meets for not less than 4 hours on that day; and

~~(2)~~ (2) The registered pharmacist attends the entire day of the meeting regardless of the length of time that the Board meets on that day.

2. A registered pharmacist who attends a meeting of the Board as set forth in subsection 1 is entitled to receive credit for four continuing education units.

3. No applicant may carry over any excess continuing education units earned in a previous biennium for purposes of compliance with the requirements of this section.

4. Work-related experience acquired in fields other than the practice of pharmacy is not acceptable as credit toward the requirements of continuing education established by NRS 639.2171 to 639.2176, inclusive, and NAC 639.300 to 639.390, inclusive.

Sec. 6. NAC 639.335 is hereby amended to read as follows:

639.335 ~~(1)~~ Applicants within the following categories are excused from full compliance with NAC 639.330:

~~(a)~~ 1. An applicant for certification or renewal is exempt for 2 years after receipt of a degree in pharmacy conferred by an accredited school or college of pharmacy.

~~(b)~~ 2. An applicant who is registered pursuant to NRS 639.134 need complete only a number of continuing education units proportional to the number of months remaining until the next date for biennial renewal following his or her registration. Proration will be made at the rate of 1 1/4 units per month.

~~(c)~~ 3. An applicant who is residing and practicing outside of this State , *including, without limitation, an applicant who is on active duty in the Armed Forces of the United States and stationed outside of this State*, is exempt from the requirement of one continuing education unit in a jurisprudence program.

~~{2.— An applicant may earn all his or her required continuing education units in acceptable programs which are not accredited if the}~~

4. An applicant *who* is ~~f~~:

~~—(a) A~~ a student of a health profession and has attended at least ~~{15}~~ 30 hours of ~~{classroom}~~ instruction *relating to health care* during a ~~{calendar year}~~;

~~—(b) On active duty in the Armed Forces and stationed outside of this State; or~~

~~—(c) Residing and practicing outside of this State.} biennial renewal period is exempt.~~

Sec. 7. NAC 639.345 is hereby amended to read as follows:

639.345 Each provider shall:

1. Keep records sufficient to document:

(a) The participation of each pharmacist;

(b) The course or program in which the pharmacist participated;

(c) Whether the pharmacist completed the program or course; and

(d) The number of continuing education units awarded to the pharmacist.

↪ Such records must be maintained for a period of 4 years after completion of the course or program.

2. Furnish to each participant who completes a course or program a certificate of completion which contains the following information:

(a) The name of the participant.

(b) The name of the provider of the course or program.

(c) A description of the course or program.

(d) The number of continuing education units completed.

(e) The date of completion.

~~{(f) The course designation, either accredited or acceptable.}~~

Sec. 8. NAC 639.365 is hereby amended to read as follows:

639.365 1. A provider may hold himself or herself out as a provider of the material, course or program for continuing education under NRS 639.2171 to 639.2176, inclusive.

2. A provider of any accredited ~~{material, course or}~~ program *approved by the Board* may state in advertising, announcements or other promotional materials:

This course (or program) has been designated ACCREDITED by the State Board of Pharmacy for continuing education units. This designation expires on (date)

3. A provider of any acceptable material, course or program may state in announcements, advertising or other promotional materials:

This course (or program) has been designated as ACCEPTABLE under the guidelines for continuing education of the State Board of Pharmacy and has been assigned units of credit toward continuing education.

Sec. 9. NAC 639.340, 639.350, 639.360, 639.370, 639.380 and 639.385 are hereby repealed.

TEXT OF REPEALED SECTIONS

639.340 Providers of continuing education: Request for recognition; grant, denial or withdrawal of recognition.

Any person seeking recognition as a provider must notify the Board of his or her intent to provide material or programs for continuing education and request recognition by the Board. The request will be granted if the Board finds that the person applying for recognition is competent to provide material or programs for continuing education, and the Board will communicate its recognition by mail. Recognition may be denied or withdrawn if the Board finds that the person has:

1. Failed to furnish material as advertised;
2. Engaged in any misleading or deceptive practice;
3. Failed to furnish material as required by law or NAC 639.300 to 639.390, inclusive;
4. Failed to comply with the laws or regulations governing continuing professional education in this State; or
5. If the material or programs are not accredited by the Accreditation Council for Pharmacy Education, failed to submit the material or programs to the Board at least 60 days before providing the material or programs.

639.350 Providers of continuing education: List of participants; reference to accreditation; information to be transmitted to Board.

1. Each provider of material:
 - (a) Shall maintain a list of all participants in the program for 4 years; and
 - (b) May use only the wording authorized in NAC 639.365 with reference to the provider's accreditation in this State.

2. In the case of any material, course or program intended to be presented at a specific time and place, the provider shall, within 60 days after completion of the course or program, transmit to the Board the following information:
 - (a) The names and the number of participants in the program or course.
 - (b) Any material changes in the program or course made since notice of accreditation was issued by the Board.
 - (c) The date, time and location of the presentation.
 - (d) The number of hours awarded for continuing education units.
 - (e) A brief description of the program, including the principal objective of the presentation.

639.360 Accreditation of material, course or program.

1. A provider who seeks accreditation for any material, course or program must submit it to the Board or its designee for review. The Board will notify the provider of the accreditation or denial thereof within 60 days after the submission of a completed application. In a notice of accreditation, the Board will designate the number of units of continuing education for which the course or program is accredited. Accreditation expires 2 years after issuance, unless sooner renewed.

2. In determining whether or not any submitted material, course or program should be accredited, the Board must be satisfied that:
 - (a) The material, course or program is presented by a provider;

(b) A certificate of completion will be issued to each participant who completes the course or program;

(c) The program includes some mechanism whereby each participant is allowed to evaluate the course with respect to the comprehensibility of the material;

(d) A complete syllabus is included;

(e) The material, course or program is accurate, applicable to pharmacy and of adequate technical quality; and

(f) If the material, course or program is not accredited by the Accreditation Council for Pharmacy Education, the material, course or program is submitted to the Board at least 60 days before the material, course or program is provided.

639.370 Materials for continuing education: Formats of programs; subject matter.

1. Approved programs for continuing education may consist of lectures, seminars, classes or correspondence courses. Presentations may be live or be given by audiotape or videotape. Material may be studied privately or in groups.

2. A provider of material for continuing education has primary responsibility for the format and presentation of the material and may designate or restrict the manner in which the material is presented.

3. Material for continuing education may cover any subject pertinent to the socioeconomic and legal aspects of health care, the properties and actions of drugs and dosage forms, and the etiology, characteristics and therapeutics of the disease state and may include:

(a) Pharmacology.

(b) Biochemistry.

(c) Physiology.

- (d) Pharmaceutical chemistry.
- (e) Pharmacy administration.
- (f) Pharmacy jurisprudence.
- (g) Public health and communicable diseases.
- (h) Management of a professional practice.
- (i) Anatomy.
- (j) Histology.
- (k) Other subject matter in the curricula of the accredited colleges and schools of pharmacy.

↳ Matter outside of these areas is subject to acceptance or rejection by the Board.

639.380 Advisory Committee on Continuing Education: Creation; number of members.

The Advisory Committee on Continuing Education is hereby created. The Committee consists of five members.

639.385 Advisory Committee on Continuing Education: Composition; powers and duties; quorum; review of materials for continuing education.

1. The composition of the Committee is as follows:
 - (a) A member of the Board, who is Chair of the Committee.
 - (b) The Executive Secretary, who is Vice Chair of the Committee.
 - (c) Three members appointed by the Chair of the Committee and approved by the Board.
2. The Committee:
 - (a) May adopt internal administrative policies and procedures.

(b) With the approval of the Board, shall establish criteria for accrediting and evaluating any material, course or program for continuing education which is not already accredited by the Accreditation Council for Pharmacy Education.

(c) May select a panel of reviewers to assist in the evaluation of various categories of materials, courses and programs for continuing education.

(d) Shall evaluate the material, course or program based on the Committee's own criteria, together with any reports from reviewers, and recommend to the Board for its final decision the accreditation of programs and the number of units of continuing education to be awarded to the programs.

(e) May adopt such rules as are necessary for its operation.

(f) Shall advise the Board on all matters relating to continuing education.

(g) May collect from each provider of continuing education a fee sufficient to allow this function of the Board to be self-supporting.

3. A quorum of the Committee is three members, at least one of whom must be the Chair or Vice Chair.

4. A provider wishing to have any material, course or program accredited must submit to the Committee:

(a) All the printed or recorded material intended to be distributed to participants;

(b) Biographical information on the persons who are responsible for the content of the course;

(c) Outlines of specifications for and the overall objectives of the presentations, if a major portion of the course or program consists of oral presentations;

(d) A copy of the provider's statement of evaluation; and

(e) An estimate of the appropriate number of units of continuing education to be awarded for completing the course or program.

5. The material so submitted may be evaluated by the Committee or, where appropriate, may be transmitted to members of a panel for its evaluation.