

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

LCB File No. R086-22

June 28, 2022

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

AUTHORITY: § 1, NRS 639.070 and 639.231; § 2, NRS 639.070 and 639.1373; § 3, NRS 639.070 and 639.1375.

A REGULATION relating to pharmacy; revising requirements for applicants for certain licenses and registrations to appear before the State Board of Pharmacy; removing certain requirements relating to advanced practice registered nurses that duplicate existing law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires: (1) a physician assistant or advanced practice registered nurse who dispenses controlled substances, poisons, dangerous drugs and devices only to obtain a certificate of registration from the State Board of Pharmacy; and (2) the operator of a pharmacy to obtain a license from the Board. (NRS 639.1373, 639.1375, 639.230) Existing regulations require an applicant for such a certificate or license to appear before the Board under certain conditions, including when such an appearance is requested by the Board. (NAC 639.215, 639.272, 639.870) **Sections 1-3** of this regulation: (1) remove the requirements that an applicant for such a license or certificate must appear before the Board under certain conditions; and (2) instead provide that the Board may require such an applicant to appear before the Board for any reason.

Existing law authorizes an advanced practice registered nurse to prescribe controlled substances, poisons, dangerous drugs and devices only if he or she: (1) possesses certain experience; or (2) prescribes pursuant to a protocol approved by a collaborating physician. (NRS 632.237) **Section 3** of this regulation removes a duplicative requirement from existing regulations.

Section 1. NAC 639.215 is hereby amended to read as follows:

639.215 1. ~~{An}~~ *The Board may require an* applicant for a license to operate a pharmacy in the State of Nevada ~~{must}~~ *to* appear before the Board in support of the application ~~{and must~~

~~receive instructions relative to the pharmacy laws if~~ *for any reason, including, without limitation, because* the applicant:

- (a) Is applying for a license to operate a pharmacy in this State for the first time;
- (b) Responded affirmatively to any of the questions on the application regarding his or her character or competency; *or*
- (c) Is applying for the licensure of a pharmacy located outside the State that will be shipping compounded parenteral products into this State. ~~} or~~
- ~~—(d) Is requested to do so by the Board. }~~

2. If an applicant who is required to appear before the Board is:

- (a) A partnership, all partners must appear.
- (b) A corporation, a designated representative of the corporation must appear. If the designated representative is not an officer of the corporation, a letter authorizing him or her to appear on behalf of the corporation that is signed by an officer of the corporation must be submitted with the application. Documentation of the status of the person signing the letter of authorization must be submitted with the application.

3. If the applicant is a partnership or corporation, the application must be signed by a partner or by an officer of the corporation. Documentation of the status of the person signing the application must be submitted with the application.

4. A special meeting of the Board will not be called for the purpose of considering an application for a license to operate a pharmacy until the applicant has paid the Executive Secretary sufficient money to defray all expenses of the meeting.

Sec. 2. NAC 639.272 is hereby amended to read as follows:

639.272 1. The application of a physician assistant for:

(a) A registration certificate to prescribe controlled substances, poisons, dangerous drugs and devices or to prescribe poisons, dangerous drugs and devices; or

(b) A registration certificate to prescribe and dispense controlled substances, poisons, dangerous drugs and devices or to prescribe and dispense poisons, dangerous drugs and devices, ↪ must be in writing and filed with the Executive Secretary.

2. Each application for a registration certificate to prescribe controlled substances, poisons, dangerous drugs and devices or to prescribe poisons, dangerous drugs and devices must include:

(a) The name, address, social security number and telephone number of the applicant;

(b) A copy of the license issued by the Board of Medical Examiners or certificate issued by the State Board of Osteopathic Medicine that authorizes the applicant to prescribe controlled substances, poisons, dangerous drugs and devices or to prescribe poisons, dangerous drugs and devices;

(c) The name, address and telephone number of the applicant's supervising physician; and

(d) Any other information requested by the Board.

3. Each application for a registration certificate to prescribe and dispense controlled substances, poisons, dangerous drugs and devices or to prescribe and dispense poisons, dangerous drugs and devices must include:

(a) The name, address, social security number and telephone number of the applicant;

(b) A copy of the license issued by the Board of Medical Examiners or certificate issued by the State Board of Osteopathic Medicine that authorizes the applicant to prescribe and dispense controlled substances, poisons, dangerous drugs and devices or to prescribe and dispense poisons, dangerous drugs and devices;

(c) The name, address and telephone number of the applicant's supervising physician; and

(d) Any other information requested by the Board.

4. ~~Each~~ *The Board may require a* physician assistant who applies for a registration certificate pursuant to subsection 3 ~~must:~~

~~(a) Personally~~ *to personally* appear before the Board for determination and assignment of the specific authority to be granted to the physician assistant ~~if~~ *for any reason, including, without limitation, because* the physician assistant ~~is~~

~~(1) Responded~~ *responded* affirmatively to any of the questions on the application regarding his or her character or competency. ~~is or~~

~~(2) Is requested to do so by the Board; and~~

~~(b) Pass~~

5. *Each physician assistant who applies for a registration certificate pursuant to subsection 3 must pass* an examination administered by the Board on the law relating to pharmacy.

~~is~~ 6. Each physician assistant to whom a registration certificate is issued must be registered to a supervising physician.

Sec. 3. NAC 639.870 is hereby amended to read as follows:

639.870 1. The application of an advanced practice registered nurse for a certificate of registration to dispense controlled substances, poisons, dangerous drugs and devices must include:

- (a) The name, address, social security number and telephone number of the applicant;
- (b) A copy of the certificate issued by the State Board of Nursing which authorizes the applicant to dispense controlled substances, poisons, dangerous drugs and devices;

(c) The name, address and telephone number of the applicant's collaborating physician, if any;

(d) Written verification from the State Board of Nursing that the applicant has passed an examination on Nevada law relating to pharmacy; and

(e) Any other information requested by the Board.

2. Each application for the issuance or the biennial renewal of a certificate of registration must be accompanied by a nonrefundable fee of \$300. The biennial certificate of registration covers the period beginning on November 1 of each even-numbered year.

3. ~~Each~~ *The Board may require an* advanced practice registered nurse who applies for a certificate of registration and his or her collaborating physician, if any, ~~must~~ *to* appear personally before the Board for a determination and an assignment of the specific authority to be granted to the advanced practice registered nurse ~~if~~ *for any reason, including, without limitation, because* the advanced practice registered nurse:

(a) Will be operating in a practice not previously licensed by the Board; *or*

(b) Responded affirmatively to any of the questions on the application regarding his or her character or competency. ~~;~~ *or*

~~—(c) Is requested to do so by the Board.~~

~~—4. Each advanced practice registered nurse to whom a certificate of registration is issued must be registered to a collaborating physician unless:~~

~~—(a) The advanced practice registered nurse is not required to have a collaborating physician pursuant to subsection 3 of NRS 632.237; or~~

~~—(b) The advanced practice registered nurse will not prescribe any controlled substance listed in schedule II.~~

~~5.1~~ 4. An advanced practice registered nurse who fails to renew his or her certificate of registration within the time prescribed by statute or regulation must pay, in addition to the fee for renewal required by subsection 2, a fee equal to 50 percent of the fee for the renewal of the certificate.