

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

LCB FILE NO. R178-22I

**The following document is the initial draft regulation proposed
by the agency submitted on 08/03/2022**

Proposed Regulation of the Nevada State Board of Pharmacy

Workshop – July 14, 2022

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.

AUTNORITY: NRS 639.070, NRS 639.0727

A REGULATION relating to dispensing technicians in training and dispensing technicians; and providing other matters properly relating thereto.

Section 1. Chapter 639 of NAC is hereby amended by adding thereto the provisions set forth in sections 2 of this regulation.

Sec. 2.

1. *An applicant for registration as a dispensing technician in training must:*
 - (a) *Be 18 years of age or older;*
 - (b) *Be a high school graduate or the equivalent; and*
 - (c) *Participate in training provided by a registered dispensing practitioner while on the job and acquire experience that is commensurate with the duties of his or her employment.*
2. *An applicant for registration as a dispensing technician in training must submit to the Board a complete and accurate application on a form provided by the Board, along with the requisite fee.*
3. *The Board may deny an application for registration as a dispensing 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.*
4. *A person may perform the duties of a dispensing technician while the person is receiving the training and experience required by paragraph (c) of section 1 if he or she is registered with the Board.*
5. *If the Board determines that the applicant meets the requirements of this chapter and chapter 639 of NRS for registration as a dispensing technician in training, the Board will issue a certificate or registration as a dispensing technician in training to the applicant.*
6. *Registration as a dispensing technician in training expires on October 31 of each even-numbered year unless renewed before that date.*

Sec. 3. NAC 639.7425 is hereby amended to read as follows:

1. Except as otherwise provided in NAC 639.7423, no person may *perform the duties of* ~~act as~~ a dispensing technician *until the person has been issued a certificate of registration as a dispensing technician* ~~unless the person is:~~
 - ~~(a) A registered pharmaceutical technician; or~~
 - ~~(b) Employed at a facility to which a certificate of registration has been issued pursuant to NAC 639.742, and the dispensing practitioner at that facility has registered the person as a dispensing technician.~~
2. ~~A dispensing practitioner may apply to the Board to register a person as a dispensing technician by submitting to the Board the fee required by NAC 639.744 and proof satisfactory to the Board that the person~~ *An applicant for registration as a dispensing technician must:*
 - (a) *Be* ~~is~~ 18 years of age or older;
 - (b) *Be a high school graduate* ~~Has received a high school diploma~~ or its equivalent; *and*
 - (c) *Have complied with one of the following requirements:*
 - (1) *The successful completion of at least 1,500 hours of training and experience as a registered dispensing technician in training providing the services set forth in section 4 of NAC 639.742. The training must be provided by a dispensing practitioner to which a certificate of registration has been issued pursuant to NAC 639.742. The applicant must provide with the application a form prescribed by the Board and completed by the registered dispensing practitioner from which the applicant received training, verifying the completion of such training and experience. The dispensing practitioner shall supervise the training and experience of the person by observing the work of the person. A dispensing technician in training may accumulate certified hours of training from each registered dispensing practitioner with whom they are employed and receiving training.*
 - (2) *Active registration and in good standing as a registered pharmaceutical technician in this state.*
3. *An applicant for registration as a dispensing technician must submit to the Board a complete and accurate application on a form provided by the Board, along with the requisite fee.*
4. *The Board may deny an application for registration as a dispensing technician if the applicant has:*
 - (a) ~~Has not~~ *Been* convicted of any felony or misdemeanor involving moral turpitude, dishonesty or the unlawful possession, sale or use of drugs; ~~and or~~
 - ~~(d)~~ (b) ~~Does not have~~ *A* history of drug abuse.

5. *If the Board determines that the applicant meets the requirements of this chapter and chapter 639 of NRS for registration as a dispensing technician, the Board will issue a certificate of registration as a dispensing technician to the applicant.*

6. *Registration as a dispensing technician expires October 31 of each even-numbered year unless renewed before that date.*

7. *The registered dispensing practitioner where a dispensing technician in training is employed to receive the training and experience required by paragraph (1) of section (2)(c)*

~~—3.— Upon determining that a person for whom application for registration as a dispensing technician has been made by a dispensing practitioner satisfies the requirements of subsection 2, the Board will issue to the person a provisional registration as a dispensing technician for that practitioner.~~

~~—4.— A person acting as a dispensing technician pursuant to a provisional registration must complete at least 500 hours of training and experience provided by the dispensing practitioner relating to the skills that the person will be performing as a dispensing technician for that dispensing practitioner. Only that training and experience received by the person after the provisional registration is issued may be applied to satisfy the 500-hour requirement. In providing the training and experience, the dispensing practitioner shall supervise the training and experience of the person by observing the work of the person on a random basis at least three times each day during which the person is receiving training and experience.~~

~~—5.— A provisional registration issued to a person acting as a dispensing technician expires 12 months after it is issued or upon the expiration of the certificate of registration of the dispensing practitioner to whom the dispensing technician is registered, whichever is earlier. If a person acting as a dispensing technician pursuant to a provisional registration:~~

~~—(a) Fails to complete the required 500 hours of training and experience before the expiration of the provisional registration, the person shall not act as a dispensing technician unless he or she is issued a new provisional registration pursuant to this section. Any hours of training and experience completed by the person while acting as a dispensing technician pursuant to a provisional registration that has expired may not be used to satisfy the 500-hour requirement for a new provisional registration.~~

~~—(b) Completes the required 500 hours of training and experience before the expiration of the provisional registration, the dispensing practitioner shall file with the Board a **completed form prescribed by the Board signed affidavit** certifying:~~

- (1) The number of hours of training and experience successfully completed by the person.
- (2) The specific training and experience received by the person.
- (3) That the person is, in the opinion of the *registered* dispensing practitioner, competent to perform the duties of a dispensing technician.

~~—6. The Board, upon receiving the affidavit of the dispensing practitioner pursuant to subsection 5, will issue to the person a certificate of registration as a dispensing technician for that practitioner.~~

8. A dispensing technician shall complete at least 1 hour of in-service training during the 2-year period immediately preceding the renewal of the registration of the dispensing technician. The training must be a jurisprudence program approved or presented by the Board that relates to the practice of pharmacy or the law concerning pharmacy in this State. The dispensing technician shall retain a copy of the certificate from the Board or approved program certifying the completion of such in-service training. The copy must be:

(a) Retained for at least 2 years; and

(b) Readily accessible to a member of the Board or a person conducting an inspection or investigation on behalf of the Board.

Sec. 4. NAC 639.743 is hereby amended to read as follows:

1. Except as otherwise provided in NRS 639.23277 and NAC 639.395, a person to whom a dispensing practitioner is providing training and experience pursuant to *paragraph (c)(1) of subsection 4 2* of NAC 639.7425 must not be allowed access to the room or cabinet in which drugs are stored unless accompanied by the dispensing practitioner. After the person has completed his or her training and experience and the Board *has issued a certificate of registration as a dispensing technician to the person* ~~has received an affidavit from the dispensing practitioner pursuant to subsection 5 of NAC 639.7425:~~

(a) The person may access the room or cabinet in which drugs are stored without being accompanied by the dispensing practitioner, so long as the dispensing practitioner is on-site at the facility; and

(b) The dispensing practitioner is not required to observe the work of the person.

2. A dispensing practitioner who allows a dispensing technician to perform any function described in subsection 4 or 5 of NAC 639.742 is responsible for the performance of that function by the dispensing technician. All such functions performed by a dispensing technician must be performed at the express direction and delegation of the dispensing practitioner. Each prescription with respect to which a dispensing technician performed such a function:

(a) Must be checked by the dispensing practitioner, and the dispensing practitioner shall indicate on the label of the prescription and in his or her record regarding the prescription that the dispensing practitioner has checked the work performed by the dispensing technician; and

(b) Must not be dispensed to the patient without the initials of the dispensing practitioner thereon. A prescription which has been so initialed must be handed to the patient only by the dispensing practitioner or an employee authorized by the dispensing practitioner.

Sec. 5. NAC 639.7435 is hereby amended to read as follows:

1. The registration of a dispensing technician *or a dispensing technician in training* is nontransferable. ~~and limited to the dispensing practitioner to whom the dispensing technician is registered. The registration of a dispensing technician expires at the same time that the certificate of registration of the dispensing practitioner expires. If a dispensing practitioner and the dispensing technician registered to that practitioner leave the facility at which they are registered, and the dispensing technician continues his or her employment with that practitioner at a different site, the dispensing practitioner shall, as soon as practicable, notify the Board of the change of address of employment of the dispensing technician.~~

~~—2.— If a dispensing technician no longer works as a dispensing technician for the dispensing practitioner to whom the dispensing technician is registered, the registration of the dispensing technician terminates. Except as otherwise provided in NAC 639.7423, if that person is subsequently employed by another dispensing practitioner to work as a dispensing technician, the employing dispensing practitioner must, before the person may act as a dispensing technician for that practitioner:~~

~~—(a) Register the person with the Board, showing the site of employment and the name of the dispensing practitioner; and~~

~~(b) Ensure that the person receives an additional 200 hours of training and experience provided by the dispensing practitioner. The additional training and experience must be provided in accordance with subsection 4 of NAC 639.7425. Except as otherwise provided in NRS 639.23277 and NAC 639.395, the dispensing practitioner shall not allow the person to be registered as a dispensing technician to enter the room or cabinet in which drugs are stored or perform any function described in subsection 4 or 5 of NAC 639.742 without the dispensing practitioner observing the act by the person to be registered as a dispensing technician until that person has completed the 200 additional hours of training and experience.~~

2. A dispensing technician or a dispensing technician in training shall, within 10 days after changing or adding a new place of practice or changing or adding a registered dispensing practitioner for which they will perform the functions set forth in sections 4 or 5 of NAC 639.742, notify the Board on a form prescribed by the Board of the change.

Sec. 6. NAC 639.744 is hereby amended to read as follows:

1. ~~A dispensing practitioner shall pay to the Board a fee of \$40 for each dispensing technician whom that practitioner registers:~~

~~—(a) At the time of application by the dispensing practitioner for initial registration of the person as a dispensing technician; and~~

~~—(b) With the practitioner's renewal thereafter as a part of and in addition to the practitioner's renewal of his or her registration as a dispensing practitioner.~~

~~2.~~ A dispensing practitioner may ~~register~~ employ more than one *registered* dispensing technician at a time, except that only one of those dispensing technicians, including, without limitation, a dispensing technician staffing a remote site or satellite consultation site, may be designated and allowed to perform the functions described in subsection 4 or 5 of NAC 639.742 at one time. A dispensing practitioner shall make and maintain a document on which must be recorded for each day the name of the dispensing technician so designated and allowed to perform the functions described in subsection 4 or 5 of NAC 639.742, and maintain the record for not less than 2 years.

Sec. 7. NAC 639.220 is hereby amended to read as follows:

1. The Board hereby adopts the following schedule of fees:

For the examination of an applicant for registration as a pharmacist.....	Actual cost of the examination
For the investigation or registration of an applicant as a registered pharmacist.....	\$200
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity.....	200
For the investigation or issuance of an original license to conduct a retail pharmacy.....	500
For the biennial renewal of a license to conduct a retail pharmacy.....	500
For the investigation or issuance of an original license to conduct an institutional pharmacy.....	500
For the biennial renewal of a license to conduct an institutional pharmacy.....	500
For the investigation or issuance of an original license to conduct a pharmacy in a correctional institution.....	500

For the biennial renewal of a license to conduct a pharmacy in a correctional institution.....	500
For the investigation or issuance of an original license to conduct a pharmacy in a recovery center or ambulatory surgical center licensed by the State Board of Health pursuant to NRS 449.0303	500
For the biennial renewal of a license to conduct a pharmacy in a recovery center or ambulatory surgical center licensed by the State Board of Health pursuant to NRS 449.0303	500
For the issuance of an original or duplicate certificate of registration as a registered pharmacist.....	50
For the biennial renewal of registration as a registered pharmacist.....	200
For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse).....	100
For the initial registration of a pharmaceutical technician, or pharmaceutical technician in training, <i>dispensing technician, or dispensing technician in training</i>	50
For the biennial renewal of registration of a pharmaceutical technician, or pharmaceutical technician in training, <i>dispensing technician, or dispensing technician in training</i>	50
For the investigation or registration of an intern pharmacist.....	40
For the biennial renewal of registration as an intern pharmacist.....	40
For the investigation or registration of an advanced practice registered nurse or a physician assistant to prescribe drugs that are not controlled substances.....	80

For the biennial renewal of registration of an advanced practice registered nurse or a physician assistant to prescribe drugs that are not controlled substances.....	80
For authorization of a physician, advanced practice registered nurse, physician assistant, euthanasia technician, ambulatory surgical center, facility for treatment with narcotics, researcher, instructional user or any other authorized person to prescribe or possess controlled substances.....	200
For the biennial renewal of authorization of a physician, advanced practice registered nurse, physician assistant, euthanasia technician, ambulatory surgical center, facility for treatment with narcotics, researcher, instructional user or any other authorized person to prescribe or possess controlled substances.....	200
For the investigation or issuance of an original license to engage in business as an authorized warehouse, medical products provider or medical products wholesaler.....	500
For the biennial renewal of a license to engage in business as an authorized warehouse, medical products provider or medical products wholesaler.....	500
For the investigation or issuance of an original license to a manufacturer or wholesaler.....	1,000
For the biennial renewal of a license for a manufacturer or wholesaler.....	1,000
For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon.....	50
For authorization of a practitioner, other than a licensed veterinarian, to dispense controlled substances or dangerous drugs, or both, for each location where the practitioner will dispense controlled substances or dangerous drugs, or both.....	300

For the biennial renewal of authorization of a practitioner, other than a licensed veterinarian, to dispense controlled substances or dangerous drugs, or both, for each location where the practitioner will dispense controlled substances or dangerous drugs, or both.....300

For authorization of a licensed veterinarian to dispense controlled substances or dangerous drugs, or both, not for human consumption.....150

For the biennial renewal of authorization of a licensed veterinarian to dispense controlled substances or dangerous drugs, or both, not for human consumption.....150

For the investigation or issuance of an original license for an automated drug dispensing system500

For the biennial renewal of a license for an automated drug dispensing system500

For the investigation or issuance of an original license to a pharmacy authorizing the use of a mechanical device at a location off the premises of the pharmacy250

For the biennial renewal of a license to a pharmacy authorizing the use of a mechanical device at a location off the premises of the pharmacy250