

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

LCB File No. R178-22

September 29, 2022

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

AUTHORITY: §§ 1-4 and 6-10, NRS 639.070 and 639.0727; § 5, NRS 639.070.

A REGULATION relating to pharmacy; establishing the qualifications and procedure for a person to obtain a certificate of registration as a dispensing technician in training; prescribing certain duties of a dispensing technician in training and a dispensing practitioner; prescribing fees for the initial and biennial renewal of registration of a dispensing technician and dispensing technician in training; providing for the transferability of a certificate of registration as a dispensing technician or dispensing technician in training; eliminating certain fees; 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, including regulations to provide for the registration of dispensing technicians and dispensing practitioners. (NRS 639.070, 639.0727) Existing regulations prohibit a person from acting as a dispensing technician unless the person is: (1) a registered pharmaceutical technician; or (2) employed at a facility that is registered to dispense controlled substances or dangerous drugs and the dispensing practitioner at the facility has registered the person as a dispensing technician. Existing regulations provide that the Board will issue a provisional registration as a dispensing technician to a person 18 years of age or older who has received a high school diploma or its equivalent and has no history of certain crimes or drug abuse. Existing regulations require a provisional dispensing technician to complete at least 500 hours of training and experience provided by a dispensing practitioner in order to obtain a certificate of registration as a dispensing technician. (NAC 639.7425) **Sections 1 and 6** of this regulation revise the process and qualifications to obtain a certificate of registration as a dispensing technician. Specifically, **section 6** abolishes the provisional registration of dispensing technicians and instead requires an applicant for registration as a dispensing technician to: (1) have successfully completed at least 1,500 hours of training and experience as a dispensing technician in training under the direct supervision of at least one dispensing practitioner; or (2) hold an active registration and be in good standing as a pharmaceutical technician in this State. **Section 1:** (1) requires an applicant for registration as a dispensing technician in training to be at least 18 years of age and a high school graduate or its equivalent; and (2) authorizes the Board to deny such registration to a person who has been convicted of certain crimes or has a history of

substance use disorder. **Sections 1 and 6** require the biennial renewal of registration as a dispensing technician or a dispensing technician in training. **Section 2** of this regulation defines the terms “dispensing technician” and “dispensing technician in training.” **Sections 4 and 5** of this regulation clarify that a dispensing technician may, as part of his or her training, perform certain tasks relating to the filling and dispensing of a prescription at a facility. **Sections 7 and 8** of this regulation make conforming changes to remove or revise, as appropriate, references to the requirements governing the registration of dispensing technicians that have been revised by this regulation. **Section 10** of this regulation provides that a dispensing practitioner is subject to discipline for violating requirements concerning dispensing technicians in training.

Existing regulations provide that the registration of a dispensing technician is nontransferable. (NAC 639.7435) **Section 8** instead makes the registration of a dispensing technician or a dispensing technician in training transferable. **Section 8** requires a dispensing technician or dispensing technician in training to notify the Board after changing or adding his or her place of practice or dispensing practitioner.

Existing regulations require each dispensing practitioner to pay a fee for each dispensing technician under the supervision of the dispensing practitioner. (NAC 639.744) **Section 9** of this regulation eliminates that fee, and **section 3** of this regulation instead prescribes fees for the initial and biennial renewal of registration of a dispensing technician or dispensing technician in training.

Section 1. Chapter 639 of NAC is hereby amended by adding thereto a new section to read as follows:

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

(a) Be 18 years of age or older; and

(b) Be a high school graduate or the equivalent.

2. An applicant for registration as a dispensing technician in training must submit to the

Board:

(a) A completed application on a form prescribed by the Board; and

(b) The fees prescribed by the Board in NAC 639.220.

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 misdemeanor involving moral turpitude, dishonesty or the unlawful possession, sale or use of drugs; or

(b) A history of substance use disorder.

4. After confirming the applicant meets the requirements of this chapter and chapter 639 of NRS for registration, the Board will, unless the Board denies the registration pursuant to subsection 3, issue to the applicant a certificate of registration as a dispensing technician in training.

5. A registration issued by the Board pursuant to this section expires on October 31 of each even-numbered year unless renewed before that date.

6. A dispensing technician in training may participate in training provided by a dispensing practitioner while on the job and acquire experience that is commensurate with the duties of his or her employment.

Sec. 2. NAC 639.010 is hereby amended to read as follows:

639.010 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 *or dispensing practitioner* 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. “Dispensing practitioner” means:

(a) A practitioner to whom the Board has issued a certificate of registration pursuant to NAC 639.742 to dispense controlled substances or dangerous drugs, or both, for human consumption;

or

(b) A licensed veterinarian to whom the Board has issued a certificate of registration pursuant to NAC 639.7423 to dispense controlled substances or dangerous drugs, or both, not for human consumption.

6. *“Dispensing technician” means a person who performs technical services in a pharmacy under the direct supervision of a dispensing practitioner and is registered with the Board pursuant to NAC 639.7425.*

7. *“Dispensing technician in training” means a person who is registered with the Board pursuant to section 1 of this regulation in order to obtain the training and experience required to be a dispensing technician pursuant to subparagraph (1) of paragraph (c) of subsection 2 of NAC 639.7425.*

8. “Executive Secretary” means the Executive Secretary employed by the Board pursuant to NRS 639.040.

~~7.7~~ 9. “Federally-qualified health center” has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

~~7.8~~ 10. “Federally-qualified health center vehicle” means a vehicle that meets the requirements of paragraph (c) of subsection 1 of section 3 of LCB File No. R004-19.

~~7.9~~ 11. “Licensed veterinarian” has the meaning ascribed to it in NRS 638.007.

~~7.10~~ 12. “Oncology group practice” means two or more dispensing practitioners who practice oncology in a group practice.

~~H1.1~~ **13.** “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.

~~H2.1~~ **14.** “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 (d) 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.

~~H3.1~~ **15.** “Practitioner” has the meaning ascribed to it in NRS 639.0125.

~~H4.1~~ **16.** “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.

~~H5.1~~ **17.** “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.

~~H6.1~~ **18.** “Surgical center for ambulatory patients” has the meaning ascribed to it in NRS 449.019.

Sec. 3. NAC 639.220 is hereby amended to read as follows:

639.220 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 , pharmaceutical technician pharmaceutical technician in training , <i>dispensing technician or dispensing technician in training</i> | 50 |
| For the biennial renewal of registration of a pharmaceutical technician , pharmaceutical technician 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 |

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| For authorization of a physician, advanced practice registered nurse, physician assistant, euthanasia technician, facility for treatment with narcotics, researcher, instructional user or any other authorized person, except a practitioner who is a medical intern or resident physician, to prescribe or possess controlled substances | 200 |
| For the biennial renewal of authorization of a physician, advanced practice registered nurse, physician assistant, euthanasia technician, facility for treatment with narcotics, researcher, instructional user or any other authorized person, except a practitioner who is a medical intern or resident physician, to prescribe or possess controlled substances | 200 |
| For authorization of a practitioner who is a medical intern or resident physician to prescribe or possess controlled substances | 80 |
| For the biennial renewal of authorization of a practitioner who is a medical intern or resident physician to prescribe or possess controlled substances | 80 |
| 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 human consumption for each location where the practitioner will dispense controlled substances or dangerous drugs, or both, for human consumption..... | 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 human consumption for each location where the practitioner will dispense controlled substances or dangerous drugs, or both, for human consumption..... | 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 system..... | 500 |

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 to furnish drugs and medications for administration to patients at a medical facility250

For the biennial renewal of a license to a pharmacy authorizing the use of a mechanical device to furnish drugs and medications for administration to patients at a medical facility250

2. The penalty for failure to pay the renewal fee for any license, permit or certificate within the statutory period, as provided in subsection 6 of NRS 639.170, is 50 percent of the renewal fee for each period of delinquency in addition to the renewal fee for each period of delinquency.

3. Any person who has been registered as a pharmacist in this State for at least 50 years is not required to pay the fee for the biennial renewal of a certificate of registration as a registered pharmacist.

4. The provisions of this section concerning the fee for the biennial renewal of the authorization to dispense controlled substances or dangerous drugs do not apply to an advanced practice registered nurse who is required to pay a fee pursuant to NAC 639.870.

5. A practitioner employed by or serving as an independent contractor of a health center:

(a) Which is a federally-qualified health center that provides health care primarily to medically underserved persons in a community; and

(b) Which is not a medical facility as defined in NRS 449.0151,

↪ is not required to pay a fee to the Board for a change of address or for an additional address at which the practitioner dispenses drugs.

6. A practitioner who is exempt from the payment of a fee pursuant to subsection 5 shall notify the Board in writing of each change of address or additional address, or both.

7. In addition to any other fees paid by an applicant for a certificate, license or permit issued pursuant to chapter 639 of NRS, the Board may require that the applicant pay actual costs of inspection incurred by the Board.

Sec. 4. NAC 639.742 is hereby amended to read as follows:

639.742 1. Except as otherwise provided in NAC 639.7423, a practitioner who wishes to dispense controlled substances or dangerous drugs, or both, for human consumption must apply to the Board on an application provided by the Board for a certificate of registration to dispense controlled substances or dangerous drugs. A practitioner must submit a separate application for each site of practice, including, without limitation, a telepharmacy, remote site or satellite consultation site, from which the practitioner wishes to dispense controlled substances or dangerous drugs, or both, for human consumption. A certificate of registration to dispense controlled substances or dangerous drugs, or both, for human consumption is a revocable privilege, and no holder of such a certificate of registration acquires any vested right therein or thereunder.

2. Except as otherwise provided in NAC 639.7423, and section 3 of LCB File No. R004-19, if a facility from which the practitioner intends to dispense dangerous drugs or controlled substances, or both, for human consumption is not wholly owned and operated by the practitioner, the owner or owners of the facility must also submit an application to the Board on a form provided by the Board.

3. Except as otherwise provided in this section and NRS 639.23277 and NAC 639.395, 639.648 and 639.7423, the dispensing practitioner and, if applicable, the owner or owners of the facility and any federally-qualified health center vehicle, shall ensure that:

- (a) All drugs are ordered by the dispensing practitioner;
- (b) All drugs are received and accounted for by the dispensing practitioner;
- (c) All drugs are stored in a secure, locked room or cabinet to which the dispensing practitioner has the only key or lock combination;
- (d) All drugs are dispensed in accordance with NAC 639.745;
- (e) No prescription is dispensed to a patient unless the dispensing practitioner is on-site at the facility or federally-qualified health center vehicle, as applicable;
- (f) All drugs are dispensed only to the patient personally at the facility or federally-qualified health center vehicle, as applicable;
- (g) The price of each drug dispensed to a patient is separately itemized on any bill or statement provided to the patient;
- (h) All drugs are dispensed only for medically necessary purposes and according to prevailing standards of care for practitioners practicing in the specialty claimed or practiced by the dispensing practitioner; and
- (i) The certificate for each dispensing technician employed at the facility is displayed in the room or cabinet in which drugs are stored.

4. Except as otherwise provided in NAC 639.648 and 639.7423, *and section 1 of this regulation*, with regard to the filling and dispensing of a prescription at a facility, only the dispensing practitioner or a dispensing technician may:

- (a) Enter the room or cabinet in which drugs are stored;

- (b) Remove drugs from stock;
- (c) Count, pour or reconstitute drugs;
- (d) Place drugs into containers;
- (e) Produce and affix appropriate labels to containers that contain or will contain drugs;
- (f) Fill containers for later use in dispensing drugs; or
- (g) Package or repackage drugs.

5. Except as otherwise provided in NAC 639.7423, a dispensing practitioner may compound drug products if he or she complies with the provisions of NAC 639.661 to 639.690, inclusive, as if:

- (a) He or she were a pharmacist;
- (b) His or her practice site was a pharmacy; and
- (c) Any dispensing technician involved in the compounding was a pharmaceutical technician.

6. Except as otherwise provided in subsection 6 of section 1 of LCB File No. R007-21, the dispensing practitioners of an oncology group practice registered pursuant to section 1 of LCB File No. R007-21 are jointly responsible for ensuring that the requirements prescribed by subsection 3 are met.

Sec. 5. NAC 639.7423 is hereby amended to read as follows:

639.7423 1. A licensed veterinarian who wishes to dispense controlled substances or dangerous drugs, or both, not for human consumption must apply to the Board on an application provided by the Board for a certificate of registration to dispense controlled substances or dangerous drugs, or both, not for human consumption. A certificate of registration issued pursuant to this section:

(a) Entitles the licensed veterinarian to dispense controlled substances or dangerous drugs, or both, not for human consumption from any veterinary facility at which he or she engages in the practice of veterinary medicine.

(b) Must be renewed at the same time and in the same manner as certificates of registration by other practitioners.

(c) Is a revocable privilege, and no holder of such a certificate of registration acquires any vested right therein or thereunder.

2. A veterinary facility at which controlled substances or dangerous drugs are possessed, administered, prescribed or dispensed:

(a) Shall ensure that at least one veterinarian who practices at that veterinary facility registers and maintains a registration with the Drug Enforcement Administration of the United States Department of Justice and the Board.

(b) Except as otherwise provided in paragraph (c), may allow only veterinarians, veterinary technicians or veterinary technicians in training at that veterinary facility to prepare a prescription drug for dispensing.

(c) May allow veterinary assistants at that facility to prepare a prescription drug, other than a controlled substance or dangerous drug, for dispensing.

(d) Shall ensure that a prescription drug which is new for an animal is not dispensed unless a veterinarian or veterinary technician is at the veterinary facility or is otherwise available at the time the prescription drug is dispensed.

(e) Shall ensure that a notation is made in the medical record of the animal that contains:

(1) The name, strength and quantity of the prescription drug.

(2) The date the prescription drug was prescribed and dispensed.

- (3) The directions for use.
 - (4) The name, signature or initials of the veterinarian who prescribed the prescription drug.
 - (5) The name, signature or initials of the veterinarian, veterinary technician or veterinary technician in training who prepared the prescription drug for dispensing.
 - (6) The name, signature or initials of the veterinarian or veterinary technician who verified the prescription drug before the prescription drug was dispensed.
- (f) Shall ensure that each vial or container which contains a prescription drug has affixed to the vial or container a label that contains:
- (1) Except as otherwise provided in subsection 3, the name or unique identifier of the animal and the name of the owner of the animal for which the prescription drug is prescribed.
 - (2) The name, strength and quantity of the prescription drug.
 - (3) The date the prescription drug was dispensed.
 - (4) The name of the veterinarian who prescribed the prescription drug.
 - (5) The expiration date of the prescription drug.
 - (6) A unique number identifying the prescription.
 - (7) The directions for use.
- (g) Shall maintain a stock of prescription drugs necessary to serve the foreseeable needs of the veterinary practice.
- (h) Shall ensure that drugs which are inappropriate or unlawful to the practice of veterinary medicine are not ordered or maintained in the stock of prescription drugs of the veterinary facility.

3. A label affixed to a vial or container that contains a prescription drug may contain a generic identifier for a group of animals of the same species in place of the name or unique identifier of one animal if:

- (a) The group of animals identified on the label is owned by the same person;
- (b) The prescription drug is dispensed for more than one of the animals in the group; and
- (c) The directions for use of the prescription drug are the same for each animal in the group for which the prescription drug is dispensed.

4. The authorization to possess a prescription drug is not transferrable upon the sale or other transfer of the animal or animals for which the prescription drug was dispensed.

5. A veterinary facility which maintains a stock of controlled substances or dangerous drugs for administration or dispensing shall:

- (a) Secure the stock of controlled substances or dangerous drugs in a locked container that is:
 - (1) Affixed to the structure and located within a locked room; or
 - (2) Located within a second locked container which is affixed to the structure.
- (b) Ensure that only a veterinarian or a veterinary technician designated by the veterinarian has the keys or combination to unlock the two separate locks at the start of a business day or beginning of a shift, if the veterinary facility has veterinarians on successive shifts.
- (c) Restrict access to the controlled substances or dangerous drugs to veterinarians or veterinary technicians only.
- (d) Ensure that each veterinarian or veterinary technician who accesses the secure container which stores the controlled substances or dangerous drugs records in a log:
 - (1) The name of the veterinarian or veterinary technician who accessed the secure container and the date that he or she accessed the secure container.

(2) The name, strength and quantity of the controlled substance or dangerous drug removed from or placed into the secure container and the total amount of all quantities of that particular controlled substance or dangerous drug remaining inside the secure container.

(e) Ensure that a veterinarian who intends to destroy an unused portion of a controlled substance or dangerous drug records in a log the name and quantity of the controlled substance or dangerous drug that will be destroyed and the date and time that the controlled substance or dangerous drug will be destroyed. An entry made pursuant to this paragraph must be verified by an employee of the veterinary facility.

(f) Ensure that the purchasing, storage and recordkeeping of controlled substances or dangerous drugs comply with all applicable state and federal laws.

(g) Ensure that any controlled substance or dangerous drug is purchased by a veterinarian or with the knowledge of a veterinarian and that all controlled substances and dangerous drugs received by the veterinary facility are verified by a veterinarian or with the knowledge of the veterinarian.

(h) Maintain separate files for the records of the purchase of each controlled substance listed in schedule II of controlled substances in NAC 453.520 and records of the dispensing of each controlled substance listed in schedule II of controlled substances in NAC 453.520.

6. Any record made pursuant to subsections 2 to 5, inclusive, must be maintained for at least 4 years and must be available for inspection by the Board or its representative or any authorized federal, state or local regulatory agency or law enforcement agency.

7. A licensed veterinarian with a certificate of registration issued by the Board pursuant to subsection 1 and a veterinary facility at which controlled substances or dangerous drugs may be

dispensed pursuant to this section are exempt from the provisions of NAC 639.7425 to 639.745, inclusive ~~†~~, *and section 1 of this regulation.*

8. As used in this section:

(a) “Prescription drug” has the meaning ascribed to it in NAC 638.0135.

(b) “Veterinary facility” has the meaning ascribed to it in NAC 638.018.

Sec. 6. NAC 639.7425 is hereby amended to read as follows:

1. Except as otherwise provided in NAC 639.7423 ~~†~~ *and section 1 of this regulation*, no person may ~~act as~~ *perform the duties of* 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.~~ *has been issued a certificate of registration as a dispensing technician by the Board.*

2. ~~†A dispensing practitioner may apply to the Board to register a person~~ *An applicant for registration* 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:~~ *must:*

(a) ~~†~~ *Be* 18 years of age or older; ~~and~~

(b) ~~†Has received~~ *Be* a high school ~~†diploma~~ *graduate* 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 under the direct supervision of at least one dispensing practitioner providing the services set forth in subsection 4 of NAC 639.742; or

(2) Active registration and good standing as a pharmaceutical technician in this State.

3. *An applicant for registration as a dispensing technician must submit to the Board:*

(a) A completed application on a form prescribed by the Board;

(b) The fees prescribed by the Board in NAC 639.220; and

(c) Proof that the applicant has met the requirements of paragraph (c) of subsection 2.

4. The Board may deny an application to register a person as a dispensing technician if the person 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. 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.~~

~~5. 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.~~

~~6. 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 signed affidavit]~~
substance use disorder.

5. Proof provided pursuant to subsection 3 that an applicant has satisfied the requirements of subparagraph (1) of paragraph (c) of subsection 2 must consist of a form prescribed by the Board and completed by a dispensing practitioner, under whose supervision the applicant received the training and experience required by that subparagraph, certifying:

~~{(1)}~~ *(a) The number of hours of training and experience successfully completed by the*
~~{person.}~~ *applicant.*

~~{(2)}~~ *(b) The specific training and experience received by the* ~~{person.}~~ *applicant.*

~~{(3)}~~ *(c) That the* ~~{person}~~ *applicant* is, in the opinion of the dispensing practitioner, competent to perform the duties of a dispensing technician.

~~{7. The Board, upon receiving the affidavit of the dispensing practitioner pursuant to subsection 6, will issue to the person a certificate of registration as a dispensing technician for that practitioner.~~

~~8.1~~ 6. *After confirming that an applicant meets the requirements of this chapter and chapter 639 of NRS for registration, the Board will, unless the Board denies the registration pursuant to subsection 4, issue the applicant a certificate of registration as a dispensing technician.*

7. *A registration issued pursuant to this section expires on October 31 of each even-numbered year unless renewed before that date.*

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.

~~8.1~~ 9. As used in this section, “dispensing practitioner” does not include a licensed veterinarian to whom the Board has issued a certificate of registration pursuant to NAC 639.7423 to dispense controlled substances or dangerous drugs, or both, not for human consumption.

Sec. 7. 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 subsection ~~1.5~~ 2 of NAC 639.7425 *and section 1 of this regulation* 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 ~~received an affidavit from the dispensing practitioner pursuant to subsection 6 of NAC 639.7425;~~ *issued a certificate of registration as a dispensing technician to the person:*

(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.

3. As used in this section, “dispensing practitioner” does not include a licensed veterinarian to whom the Board has issued a certificate of registration pursuant to NAC 639.7423 to dispense controlled substances or dangerous drugs, or both, not for human consumption.

Sec. 8. NAC 639.7435 is hereby amended to read as follows:

639.7435 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.~~ *transferable.*

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 5 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.~~

~~—3.— As used in this section, “dispensing practitioner” does not include a licensed veterinarian to whom the Board has issued a certificate of registration pursuant to NAC 639.7423 to dispense controlled substances or dangerous drugs, or both, not for human consumption.]~~

A dispensing technician or a dispensing technician in training shall notify the Board on a form prescribed by the Board within 10 days after changing or adding:

(a) A location of practice; or

(b) A dispensing practitioner by whom the dispensing technician or dispensing technician in training is being supervised.

Sec. 9. NAC 639.744 is hereby amended to read as follows:

639.744 ~~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 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. 10. NAC 639.7445 is hereby amended to read as follows:

639.7445 If a dispensing practitioner allows any person to perform any act in violation of NAC 639.742 to 639.7445, inclusive, and section 3 of LCB File No. R004-19 ~~H~~ *and section 1 of this regulation*, the dispensing practitioner is subject to discipline relating to his or her registration as a dispensing practitioner, including, without limitation, the temporary and immediate suspension of his or her registration as a dispensing practitioner until:

1. The violation is remedied; or
2. If an accusation has been made pursuant to NRS 639.241, the Board holds a hearing.