

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

LCB FILE NO. R196-22I

**The following document is the initial draft regulation proposed
by the agency submitted on 10/19/2022**

Proposed Regulation of the Nevada State Board of Pharmacy

Workshop - October 13, 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.

AUTHORITY: NRS 453.221; NRS 639.070; NRS 639.2177

A REGULATION relating to the licensing requirements for facilities for treatment with narcotics; and providing other matters properly relating thereto.

Section 1. Chapter 639 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *Each facility for treatment with narcotics shall apply to the Board for a license to administer opioid agonist treatment medication by submitting an application on a form prescribed by the Board. The Board will issue a license to administer opioid agonist treatment medication if the application for a license is approved and the requisite fee is paid.*

2. An applicant for registration pursuant to subsection 1 must:

(a) Hold a certification from the Substance Abuse and Mental Health Services Administration of the U.S. Department of Health and Human Services to qualify under 21 U.S.C. 823(g)(1) to dispense opioid agonist treatment medication pursuant to 42 C.F.R. Part 8;

(b) Hold a license from the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NAC 449.154-.15485, inclusive;

(c) Hold a certification from the Division as a Substance Abuse Prevention and Treatment Agency pursuant to NRS 458.025 and NAC 458.103-.138, inclusive; and

(d) Ensure that each practitioner who dispenses opioid agonist treatment medication is registered with the Board and the Drug Enforcement Administration of the U.S. Department of Justice to dispense controlled substances; and

3. A license granted pursuant to this section is a revocable privilege, and no holder of such a license acquires any vested right therein or thereunder.

Sec. 3. *Each dispensing practitioner practicing at a facility for treatment with narcotics licensed pursuant to Section 2 shall, to the extent required by 42 CFR § 2.36, obtain informed consent to the reporting of information to the database of the computerized program established pursuant to NRS 453.162 from:*

(1) The patient, if the patient is 18 years of age or older or legally emancipated and has the capacity to give such consent;

(2) The parent or guardian of a patient who is less than 18 years of age and not legally emancipated; or

(3) The legal guardian of a patient of any age who has been adjudicated mentally incapacitated.

Sec. 4. 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 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. “Executive Secretary” means the Executive Secretary employed by the Board pursuant to NRS 639.040.

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

8. “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.

9. “Licensed veterinarian” has the meaning ascribed to it in NRS 638.007.

10. *“Oncology group practice” means two or more dispensing practitioners who practice oncology in a group practice.*

11. “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.

[11.] 12. “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 (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.

[12.] 13. “Practitioner” has the meaning ascribed to it in NRS 639.0125.

[13.] 14. “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.

[14.] 15. “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.

16. “Reproductive healthcare center” means a health facility owned and operated by a non-profit corporation, or a public health center as defined in NRS 449.260(8), principally engaged in providing family planning services and reproductive healthcare, including the testing, diagnosis, treatment of, or medication to prevent a sexually transmitted infection or other infection of the urogenital system.

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

18. *“Facility for treatment with narcotics” has the meaning ascribed to it in NAC 449.1542.*

19. *“Opioid agonist treatment medication” has the meaning ascribed to it in 42 CFR § 8.2.*