

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

LCB FILE NO. R058-23I

**The following document is the initial draft regulation proposed
by the agency submitted on 09/12/2023**

PROPOSED REGULATION OF THE
STATE BOARD OF PHARMACY
LCB File No. _____

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

AUTHORITY: NRS 639.070. A REGULATION relating to pharmacy; amending NAC 639.694 to allow a medical products provider to hold an inventory of ambulatory aids at a hospital for delivery to patients upon their discharge, subject to specified terms and conditions; and providing other matters properly relating thereto.

Section 1. NAC 639.694 is hereby amended to read as follows:

NAC 639.694 Administrator required. (NRS 639.070)

1. Except as otherwise provided in ~~this section subsection-4~~, each medical products provider or medical products wholesaler shall employ an administrator at all times. The administrator must:

- (a) Be a natural person;
- (b) Have a high school diploma or its equivalent;
- (c) Have:

(1) At least 1,500 hours of verifiable work experience relating to the products provided by the medical products provider or medical products wholesaler; or

(2) An associate's degree or higher degree from an accredited college or university in a field of study that is directly related to patient health care;

(d) Be employed by the medical products provider or medical products wholesaler at the place of business or facility of the employer at least 40 hours per week or during all regular business hours if the business or facility is regularly open less than 40 hours per week; and

(e) Be approved by the Board.

2. The administrator shall ensure that the operation of the business or facility complies with all applicable federal, state and local laws, regulations and rules.

3. A medical products provider or medical products wholesaler shall notify the staff of the Board of the cessation of employment of an administrator within 3 business days after the cessation of the employment. A medical products provider or medical products wholesaler shall notify the staff of the Board of the employment of a new administrator within 3 business days after the beginning of the employment.

4. A medical products provider or medical products wholesaler may not operate for more than 10 business days without an administrator. The Board may summarily suspend the operation of a business or facility that operates without an administrator.

5. A medical products provider may hold an inventory of ambulatory aids at a hospital for sale to patients of the hospital upon their discharge if the medical products provider employs an administrator who:

(a) Is designated as the administrator for the hospital and serves in that capacity for no more than five hospitals located within a radius of fifty miles of each other;

(b) Is on call and reasonably available at all times to assist patients with the use or operation of ambulatory aids delivered to patients at the site of the hospital upon their discharge; and,

[insert flush line] The medical products provider sells ambulatory aids pursuant to a contract with a hospital that has agreed to furnish licensed health care practitioners who will be available at all times to assist patients with the use or operation of ambulatory aids delivered to them at the site of the hospital upon their discharge.

6. A medical products provider who sells ambulatory aids in the manner authorized by subsection 5 shall secure and maintain a license pursuant to NAC 639.6942 for each hospital at which the medical products provider maintains an inventory of ambulatory aids.

7. As used in this section, “ambulatory aids” means mobility enhancing equipment, prosthetic devices, orthotic appliances, ambulatory casts, and other braces, supports and casts for human use.