

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

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**The following document is the initial draft regulation proposed
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PROPOSED REGULATION OF THE STATE BOARD OF PHARMACY

Workshop – January 18, 2024

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted. and language in *green text* indicates prior Board-approved amendments that are in the process of being codified.

AUTHORITY: § 1, NRS 639.070

A REGULATION relating to pharmacy; ensuring that proper and adequate safeguards exist to allow registered nurses to dispense dangerous drugs.

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

NAC 639.XXX A registered nurse when the nurse is engaged in the performance of any public health program approved by the Board must comply with all requirements for a dispensing practitioner including registration, labeling, records, and counseling. The registered nurse may only dispense a dangerous drug under a protocol approved by the Board.

1. The registered nurse may only dispense dangerous drug under a protocol created to serve the health needs of an entire political subdivision by reducing the incidence and prevalence of a disease, subset of disease or a medical event approved by the Board or the Department of Behavioral and Public Health (DBPH). Protocols approved by DBPH are considered approved by the Board.
2. The registered nurse may not;
 - a. Prescribe a dangerous drug.
 - b. Utilize dispensing technician.
 - c. Operate a remote site.
 - d. Dispense a controlled substance.
 - e. Prescribe a dangerous drug.
 - f. Compound a prescription product.
3. All drugs are dispensed only to the patient personally at the facility or health clinic vehicle.

NAC 639.010 Definitions. (NRS 639.070, 639.0727) As used in this chapter, unless the context otherwise requires:

1. “Automated drug dispensing system” means a system that performs operations, other than compounding or administration, related to the storage and dispensing of drugs.
2. “Board” means the State Board of Pharmacy.
3. “Controlled substance” has the meaning ascribed to it in NRS 0.031.
4. “Dangerous drug” has the meaning ascribed to it in NRS 454.201.
5. “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.
6. “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.
 - (c) A registered nurse when the nurse is engaged in the performance of any public health program approved by the Board;

NAC 639.220 Schedule of fees; penalty for late renewal; exemptions from certain fees. ([NRS 453.221](#), [639.070](#), [639.0727](#), [639.170](#))

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 pursuant to chapter 449 of NRS.....	500
For the biennial renewal of a license to conduct a pharmacy in a recovery center or ambulatory surgical center licensed pursuant to chapter 449 of NRS.....	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 in training, dispensing technician or dispensing technician in training.	50
For the biennial renewal of registration of a pharmaceutical technician, pharmaceutical technician in training, dispensing technician or dispensing technician in training.....	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, 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 or medical products provider.	500

For the biennial renewal of a license to engage in business as an authorized warehouse or medical provider.....	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, or a registered nurse when the nurse is engaged in the performance of any public health program approved by the Board	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, or a registered nurse when the nurse is engaged in the performance of any public health program approved by the Board.....	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 system.	500
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 facility.....	250
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 facility.	250

Supporting Statutes and Regulations.

NRS 639.0065 “Dispense” defined.

1. “Dispense” means to deliver a controlled substance or dangerous drug to an ultimate user, patient or subject of research by or pursuant to the lawful order of a practitioner, including the prescribing by a practitioner, administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.

2. The term does not include the furnishing of a controlled substance by a hospital pharmacy for inpatients.

(Added to NRS by [1995, 287](#))

NRS 639.074 Regulations: Registered nurses who participate in certain public health programs or provide certain mental health services. The Board may adopt such regulations as may be necessary to ensure that proper and adequate safeguards, including dispensing procedures, are followed to protect a registered nurse who:

1. Participates in a public health program approved by the Board; or
2. Provides mental health services to a patient at a rural clinic that is designated as such pursuant to [NRS 433.233](#) and that is operated by the Division of Public and Behavioral Health of the Department of Health and Human Services. (Added to NRS by [1977, 939](#); A [2003, 1018](#))

NRS 454.00973 “Public health program” defined. “Public health program” means a program of the government which is:

1. Administered by the officers and agents of:
 - (a) The Division of Public and Behavioral Health of the Department of Health and Human Services; or
 - (b) The local boards of health; and
2. Created to serve the health needs of an entire political subdivision by reducing the incidence and prevalence of a disease, subset of disease or a medical event.

(Added to NRS by [1991, 1955](#); A [1995, 556](#))

NRS 454.215 Authority to dispense dangerous drug. A dangerous drug may be dispensed by:

1. A registered pharmacist upon the legal prescription from a practitioner or to a pharmacy in a correctional institution upon the written order of the prescribing practitioner in charge;

2. A pharmacy in a correctional institution, in case of emergency, upon a written order signed by the chief medical officer;
3. A practitioner, or a physician assistant licensed pursuant to chapter 630 or 633 of NRS if authorized by the Board;
4. A registered nurse, when the nurse is engaged in the performance of any public health program approved by the Board;
5. A medical intern in the course of his or her internship;
6. An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her to dispense dangerous drugs;
7. A registered nurse employed at an institution of the Department of Corrections to an offender in that institution;
8. A registered pharmacist from an institutional pharmacy pursuant to regulations adopted by the Board; or
9. A registered nurse to a patient at a rural clinic that is designated as such pursuant to NRS 433.233 and that is operated by the Division of Public and Behavioral Health of the Department of Health and Human Services if the nurse is providing mental health services at the rural clinic, except that no person may dispense a dangerous drug in violation of a regulation adopted by the Board.

(Added to NRS by 1979, 1682; A 1981, 747; 1983, 1516; 1987, 807, 1583, 1658; 1989, 915; 1991, 794; 2001, 790; 2001 Special Session, 242; 2003, 1017; 2007, 1867; 2013, 2090)