

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

LCB FILE NO. R051-24I

**The following document is the initial draft regulation proposed
by the agency submitted on 03/12/2024**

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BOARD OF PHARMACY**

Workshop – March 7, 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, Senate Bill 336

A REGULATION relating to pharmacy; establishing the registration requirements for certified registered nurse anesthetist, under the supervision of a physician licensed pursuant to chapter 630 or 633 of NRS, to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices to treat a patient under the care of a licensed physician in a critical access hospital in preparation for surgery or childbirth, during surgery or childbirth and while a patient recovers from surgery or childbirth; and providing other matters properly relating thereto.

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

- 1. The application of a certified registered nurse anesthetist for a certificate of registration to order, prescribe, possess, and administer controlled substances, poisons, dangerous drugs, and devices to treat a patient under the care of a licensed physician in a critical access hospital in preparation for surgery or childbirth, during surgery or childbirth and while a patient recovers from surgery or childbirth, must include:*
 - a. The name, address, social security number and telephone number of the applicant; and*
 - b. Any other information requested by the Board.*
- 2. Each certified registered nurse anesthetist who applies for a certificate of registration may be required by the Board to appear personally before the Board for a determination and an assignment of the specific authority to be granted to the certified registered nurse anesthetist.*
- 3. Any certificate of registration issued pursuant to subsection 1 and 2 is a revocable privilege and no holder of such a certificate acquires any vested right therein or thereunder.*

4. *A certified registered nurse anesthetist shall notify the Board in writing of a change in location of the practice of the certified registered nurse anesthetist not later than 10 days after the change occurs.*

Section 2. NAC 639.900 is hereby amended as follows:

The Board may deny the application of an advanced practice registered nurse *or a certified registered nurse anesthetist* for a certificate of registration or suspend or revoke his or her certificate of registration if the advanced practice registered nurse *or certified registered nurse anesthetist*:

1. Is not of good moral character;
2. Is guilty of habitual intemperance;
3. Becomes or is under the influence of liquor, any depressant drug or a controlled substance while on duty, unless the drug or substance has been taken pursuant to a physician's prescription;
4. Is guilty of unprofessional conduct or conduct contrary to the public interest;
5. Is addicted to the use of any controlled substance;
6. Has been convicted of a violation of any federal law or law of this or any other state relating to controlled substances;
7. Has been convicted of a felony or other crime involving moral turpitude, dishonesty or corruption;
8. Has willfully made to the Board or its authorized representative any false written statement which is material to the administration or enforcement of any provision of chapter 453, 454 or 639 of NRS;
9. Has obtained a registration by filing any application, record or affidavit, or any information in support thereof, which is false or fraudulent;
10. Has violated any provision of the Federal Food, Drug, and Cosmetic Act or any other state or federal law or regulation relating to prescription drugs;
11. Has failed to renew his or her registration by failing to pay the renewal fee;
12. Has failed to maintain the security of his or her drug supply;
13. Has supplied patients with prescriptions that are presigned in blank; or
14. Has violated any provision of chapter 453, 454, 585 or 639 of NRS or any regulation pertaining to the practice of pharmacy, controlled substances, dangerous drugs or devices.

Section 3. NAC 639.220 is hereby amended as follows:

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

	Actual cost of the examination
For the examination of an applicant for registration as a pharmacist.....	
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
<i>For authorization of certified registered nurse anesthetist, under the supervision of a physician licensed pursuant to chapter 630 or 633 of NRS, to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices to treat a patient under the care of a licensed physician in a critical access hospital in</i>	<i>200</i>

<i>preparation for surgery or childbirth, during surgery or childbirth and while a patient recovers from surgery or childbirth.....</i>	
<i>For biennial renewal of authorization of certified registered nurse anesthetist, under the supervision of a physician licensed pursuant to chapter 630 or 633 of NRS, to order, prescribe, possess and administer controlled substances, poisons, dangerous drugs and devices to treat a patient under the care of a licensed physician in a critical access hospital in preparation for surgery or childbirth, during surgery or childbirth and while a patient recovers from surgery or childbirth.....</i>	<i>200</i>
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 products 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.....	300
For the biennial renewal of authorization of a practitioner, other than a licensed veterinarian, to dispense controlled substances or dangerous	300

drugs, or both, for human consumption for each location where the practitioner will dispense controlled substances or dangerous drugs, or both, for human consumption.....	
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

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,
Ê 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 the actual costs of inspection incurred by the Board.