

Amendment No. CA21

Conference Committee Amendment to (BDR 54-875)  
Assembly Bill No. 199 Second Reprint

**Proposed by:** Conference Committee

**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

MSN/SLP



Date: 6/6/2011

A.B. No. 199—Revises provisions governing the practice of pharmacy.  
(BDR 54-875)



ASSEMBLY BILL NO. 199—ASSEMBLYMEN SMITH, ATKINSON, HORNE, CONKLIN;  
BOBZIEN, DALY, DONDERO LOOP, HICKEY, KIRKPATRICK, MASTROLUCA  
AND OCEGUERA

FEBRUARY 22, 2011

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the practice of pharmacy.  
(BDR 54-875)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for  
Term of Imprisonment in County or City Jail or Detention  
Facility.  
Effect on the State: Yes.

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

AN ACT relating to the practice of pharmacy; revising provisions governing the authority of a registered pharmacist to collaborate with a practitioner for the implementation, monitoring and modification of drug therapy; authorizing the State Board of Pharmacy to establish regulations relating to collaborative pharmacy practice; revising provisions governing the use of the letters “Rx” and “RX” by certain persons; revising provisions relating to the authority of a registered pharmacist to possess and administer controlled substances and dangerous drugs under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law authorizes a registered pharmacist to collaborate with a practitioner to engage in the implementation and modification of drug therapy for a patient at a licensed medical facility or licensed pharmacy. (NRS 639.0124) **Section 1** of this bill prescribes requirements for written guidelines and protocols which must be developed by a pharmacist who collaborates with a practitioner and requires those guidelines and protocols to be approved by the State Board of Pharmacy. **Section 1** also authorizes the written guidelines and protocols to set forth provisions for a pharmacist to implement, monitor and modify the drug therapy of a patient in a medical facility or a setting that is affiliated with a licensed medical facility. **Sections 10.3 and 10.7** of this bill revise the authority of a pharmacist to possess and administer controlled substances and dangerous drugs under certain circumstances for the care of a patient in accordance with the written guidelines and protocols developed pursuant to **section 1**.

Existing law prohibits a person operating a business from using the letters “Rx” or “RX” if the person does not have a license from the Board. (NRS 639.230) **Section 10** of this bill authorizes persons who are not subject to the laws governing the practice of pharmacy to use those letters if the person obtains approval from the Board.

17 A person who violates any provision of chapter 639 of NRS governing pharmacists and  
18 pharmacies, including any provision of this bill, is guilty of a misdemeanor. (NRS 639.310)

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

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

3 *1. Written guidelines and protocols developed by a registered pharmacist in*  
4 *collaboration with a practitioner which authorize the implementation, monitoring*  
5 *and modification of drug therapy:*

6 *(a) May authorize a pharmacist to order and use the findings of laboratory*  
7 *tests and examinations.*

8 *(b) May provide for implementation, monitoring and modification of drug*  
9 *therapy for a patient receiving care:*

10 *(1) In a licensed medical facility; or*

11 *(2) If developed to ensure continuity of care for a patient, in any setting*  
12 *that is affiliated with a medical facility where the patient is receiving care. A*  
13 *pharmacist who modifies a drug therapy of a patient receiving care in a setting*  
14 *that is affiliated with a medical facility shall, within 72 hours after implementing*  
15 *or modifying the drug therapy, provide written notice of the implementation or*  
16 *modification of the drug therapy to the collaborating practitioner or enter the*  
17 *appropriate information concerning the drug therapy in an electronic patient*  
18 *record system shared by the pharmacist and the collaborating practitioner.*

19 *(c) Must state the conditions under which a prescription of a practitioner*  
20 *relating to the drug therapy of a patient may be changed by the pharmacist*  
21 *without a subsequent prescription from the practitioner.*

22 *(d) Must be approved by the Board.*

23 *2. The Board may adopt regulations which:*

24 *(a) Prescribe additional requirements for written guidelines and protocols*  
25 *developed pursuant to this section; and*

26 *(b) Set forth the process for obtaining the approval of the Board of such*  
27 *written guidelines and protocols.*

28 **Sec. 2.** (Deleted by amendment.)

29 **Sec. 3.** (Deleted by amendment.)

30 **Sec. 4.** (Deleted by amendment.)

31 **Sec. 5.** (Deleted by amendment.)

32 **Sec. 6.** (Deleted by amendment.)

33 **Sec. 7.** (Deleted by amendment.)

34 **Sec. 8.** (Deleted by amendment.)

35 **Sec. 9.** NRS 639.0124 is hereby amended to read as follows:

36 639.0124 "Practice of pharmacy" includes, but is not limited to, the:

37 1. Performance or supervision of activities associated with manufacturing,  
38 compounding, labeling, dispensing and distributing of a drug, including the receipt,  
39 handling and storage of prescriptions and other confidential information relating to  
40 patients.

41 2. Interpretation and evaluation of prescriptions or orders for medicine.

42 3. Participation in drug evaluation and drug research.

43 4. Advising of the therapeutic value, reaction, drug interaction, hazard and  
44 use of a drug.

1 5. Selection of the source, storage and distribution of a drug.  
2 6. Maintenance of proper documentation of the source, storage and  
3 distribution of a drug.

4 7. Interpretation of clinical data contained in a person's record of medication.  
5 8. Development of written guidelines and protocols in collaboration with a  
6 practitioner which are intended for a patient in a licensed medical facility *or in a*  
7 *setting that is affiliated with a medical facility where the patient is receiving care*  
8 *and which* authorize the implementation, monitoring and modification of drug  
9 therapy. The written guidelines and protocols ~~[may authorize a pharmacist to order~~  
10 ~~and use the findings of laboratory tests and examinations.]~~ *must comply with*  
11 *section 1 of this act.*

12 9. Implementation and modification of drug therapy in accordance with the  
13 authorization of the prescribing practitioner for a patient in a pharmacy in which  
14 drugs, controlled substances, poisons, medicines or chemicals are sold at retail.

15 ↪ The term does not include the changing of a prescription by a pharmacist or  
16 practitioner without the consent of the prescribing practitioner, except as otherwise  
17 provided in NRS 639.2583.

18 **Sec. 10.** NRS 639.230 is hereby amended to read as follows:

19 639.230 1. A person operating a business in this State shall not use ~~the~~  
20 ~~letters "Rx" or "RX" or~~ the word "drug" or "drugs," "prescription" or "pharmacy,"  
21 or similar words or words of similar import, without first having secured a license  
22 from the Board. *A person operating a business in this State which is not otherwise*  
23 *subject to the provisions of this chapter shall not use the letters "Rx" or "RX"*  
24 *without the approval of the Board. The Board [must not unreasonably] may deny*  
25 *approval of the use of the letters "Rx" or "RX" by any person [but may deny*  
26 *approval upon a determination] if the Board determines that:*

27 (a) *The person is subject to the provisions of this chapter but has not secured*  
28 *a license from the Board; or*

29 (b) *The use of the letters "Rx" or "RX" by the person is confusing or*  
30 *misleading to or threatens the health or safety of the residents of this State.*

31 2. Each license must be issued to a specific person and for a specific location  
32 and is not transferable. The original license must be displayed on the licensed  
33 premises as provided in NRS 639.150. The original license and the fee required for  
34 reissuance of a license must be submitted to the Board before the reissuance of the  
35 license.

36 3. If the owner of a pharmacy is a partnership or corporation, any change of  
37 partners or corporate officers must be reported to the Board at such a time as is  
38 required by a regulation of the Board.

39 4. Except as otherwise provided in subsection 6, in addition to the  
40 requirements for renewal set forth in NRS 639.180, every person holding a license  
41 to operate a pharmacy must satisfy the Board that the pharmacy is conducted  
42 according to law.

43 5. Any violation of any of the provisions of this chapter by a managing  
44 pharmacist or by personnel of the pharmacy under the supervision of the managing  
45 pharmacist is cause for the suspension or revocation of the license of the pharmacy  
46 by the Board.

47 6. The provisions of this section do not prohibit ~~it~~:

48 (a) *A Canadian pharmacy which is licensed by the Board and which has been*  
49 *recommended by the Board pursuant to subsection 4 of NRS 639.2328 for inclusion*  
50 *on the Internet website established and maintained pursuant to subsection 9 of NRS*  
51 *223.560 from providing prescription drugs through mail order service to residents*  
52 *of Nevada in the manner set forth in NRS 639.2328 to 639.23286, inclusive ~~it~~; or*

1           ***(b) A registered pharmacist or practitioner from collaborating in the***  
2 ***implementation, monitoring and modification of drug therapy pursuant to***  
3 ***guidelines and protocols approved by the Board.***

4           **Sec. 10.3.** NRS 453.026 is hereby amended to read as follows:

5           453.026 “Agent” means a pharmacist ~~+~~ ***who cares for a patient of a***  
6 ***prescribing practitioner in a medical facility or in a setting that is affiliated with a***  
7 ***medical facility where the patient is receiving care in accordance with written***  
8 ***guidelines and protocols developed and approved pursuant to section 1 of this act,***  
9 ***a licensed practical nurse or registered nurse who cares for a patient of a***  
10 ***prescribing practitioner in a medical facility or an authorized person who acts on***  
11 ***behalf of or at the direction of and is employed by a manufacturer, distributor,***  
12 ***dispenser or prescribing practitioner. The term does not include a common or***  
13 ***contract carrier, public warehouseman or employee of the carrier or warehouseman.***

14           **Sec. 10.7.** NRS 454.213 is hereby amended to read as follows:

15           454.213 A drug or medicine referred to in NRS 454.181 to 454.371,  
16 inclusive, may be possessed and administered by:

17           1. A practitioner.

18           2. A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at  
19 the direction of his or her supervising physician or a licensed dental hygienist  
20 acting in the office of and under the supervision of a dentist.

21           3. Except as otherwise provided in subsection 4, a registered nurse licensed to  
22 practice professional nursing or licensed practical nurse, at the direction of a  
23 prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of  
24 NRS, dentist, podiatric physician or advanced practitioner of nursing, or pursuant to  
25 a chart order, for administration to a patient at another location.

26           4. In accordance with applicable regulations of the Board, a registered nurse  
27 licensed to practice professional nursing or licensed practical nurse who is:

28           (a) Employed by a health care agency or health care facility that is authorized  
29 to provide emergency care, or to respond to the immediate needs of a patient, in the  
30 residence of the patient; and

31           (b) Acting under the direction of the medical director of that agency or facility  
32 who works in this State.

33           5. Except as otherwise provided in subsection 6, an intermediate emergency  
34 medical technician or an advanced emergency medical technician, as authorized by  
35 regulation of the State Board of Pharmacy and in accordance with any applicable  
36 regulations of:

37           (a) The State Board of Health in a county whose population is less than  
38 100,000;

39           (b) A county board of health in a county whose population is 100,000 or more;  
40 or

41           (c) A district board of health created pursuant to NRS 439.362 or 439.370 in  
42 any county.

43           6. An intermediate emergency medical technician or an advanced emergency  
44 medical technician who holds an endorsement issued pursuant to NRS 450B.1975,  
45 under the direct supervision of a local health officer or a designee of the local  
46 health officer pursuant to that section.

47           7. A respiratory therapist employed in a health care facility. The therapist may  
48 possess and administer respiratory products only at the direction of a physician.

49           8. A dialysis technician, under the direction or supervision of a physician or  
50 registered nurse only if the drug or medicine is used for the process of renal  
51 dialysis.

1 9. A medical student or student nurse in the course of his or her studies at an  
2 approved college of medicine or school of professional or practical nursing, at the  
3 direction of a physician and:

4 (a) In the presence of a physician or a registered nurse; or

5 (b) Under the supervision of a physician or a registered nurse if the student is  
6 authorized by the college or school to administer the drug or medicine outside the  
7 presence of a physician or nurse.

8 **↳** A medical student or student nurse may administer a dangerous drug in the  
9 presence or under the supervision of a registered nurse alone only if the  
10 circumstances are such that the registered nurse would be authorized to administer  
11 it personally.

12 10. Any person designated by the head of a correctional institution.

13 11. An ultimate user or any person designated by the ultimate user pursuant to  
14 a written agreement.

15 12. A nuclear medicine technologist, at the direction of a physician and in  
16 accordance with any conditions established by regulation of the Board.

17 13. A radiologic technologist, at the direction of a physician and in  
18 accordance with any conditions established by regulation of the Board.

19 14. A chiropractic physician, but only if the drug or medicine is a topical drug  
20 used for cooling and stretching external tissue during therapeutic treatments.

21 15. A physical therapist, but only if the drug or medicine is a topical drug  
22 which is:

23 (a) Used for cooling and stretching external tissue during therapeutic  
24 treatments; and

25 (b) Prescribed by a licensed physician for:

26 (1) Iontophoresis; or

27 (2) The transmission of drugs through the skin using ultrasound.

28 16. In accordance with applicable regulations of the State Board of Health, an  
29 employee of a residential facility for groups, as defined in NRS 449.017, pursuant  
30 to a written agreement entered into by the ultimate user.

31 17. A veterinary technician at the direction of his or her supervising  
32 veterinarian.

33 18. In accordance with applicable regulations of the Board, a registered  
34 pharmacist who:

35 (a) Is trained in and certified to carry out standards and practices for  
36 immunization programs;

37 (b) Is authorized to administer immunizations pursuant to written protocols  
38 from a physician; and

39 (c) Administers immunizations in compliance with the "Standards of  
40 Immunization Practices" recommended and approved by the United States Public  
41 Health Service Advisory Committee on Immunization Practices.

42 19. *A registered pharmacist pursuant to written guidelines and protocols*  
43 *developed and approved pursuant to section 1 of this act.*

44 20. A person who is enrolled in a training program to become a physician  
45 assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist,  
46 intermediate emergency medical technician, advanced emergency medical  
47 technician, respiratory therapist, dialysis technician, nuclear medicine technologist,  
48 radiologic technologist, physical therapist or veterinary technician if the person  
49 possesses and administers the drug or medicine in the same manner and under the  
50 same conditions that apply, respectively, to a physician assistant licensed pursuant  
51 to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical  
52 technician, advanced emergency medical technician, respiratory therapist, dialysis

1 technician, nuclear medicine technologist, radiologic technologist, physical  
2 therapist or veterinary technician who may possess and administer the drug or  
3 medicine, and under the direct supervision of a person licensed or registered to  
4 perform the respective medical art or a supervisor of such a person.

5 **Sec. 11.** This act becomes effective upon passage and approval for the  
6 purpose of adopting regulations and on October 1, 2011, for all other purposes.