

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

LCB File No. R194-97

December 23, 1997

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

AUTHORITY: NRS 639.070, 639.129 and 639.2555.

Section 1. NAC 639.950, 639.952, 639.954, 639.956 and 639.958 are hereby repealed.

TEXT OF REPEALED SECTIONS

639.950 Grounds for disciplinary action. For the purposes of NRS 639.210, the board finds that any holder of or applicant for a certificate, license, registration or permit issued by the board who has:

1. An order of a court of competent jurisdiction of this state or any other state entered against him for an arrearage in payments for support of dependent children; or
2. A recommendation entered against him by a master and approved by a district court pursuant to NRS 425.382 to 425.3852, inclusive, for an arrearage in payments for support of dependent children,

is not of good moral character and is guilty of conduct contrary to the public interest.

639.952 Provision of certain information to welfare division of department of human resources. During the first week of each quarter, beginning April 1994, the board will provide to the welfare division of the department of human resources:

1. A list which sets forth the name and any aliases, address, social security number and date of birth of each natural person who was issued a certificate, license, registration or permit by the board in the previous quarter;

2. A list which sets forth any change in the name and any aliases, address, social security number or date of birth of each natural person who holds a certificate, license, registration or permit issued by the board in the previous quarter; and

3. A list which sets forth the name and any aliases, address, social security number and date of birth of each natural person whose application for a certificate, license, registration or permit is pending before the board at the time the board provides the information to the welfare division.

639.954 Procedure following receipt of notice of arrearage from welfare division of department of human resources.

1. If the board receives a written notice from the welfare division of the department of human resources that an applicant for a certificate, license, registration or permit has an order or recommendation entered against him for an arrearage in payments for support of dependent children, the board will:

(a) Not issue to the applicant a permanent certificate, license, registration or permit unless the applicant provides to the board written notification of satisfaction of the order or recommendation from the prosecuting attorney and, if applicable, the welfare division within the period prescribed in paragraph (e);

(b) Notify the applicant:

- (1) That the board has received a copy of the order or recommendation;
- (2) Of the name of the court where the order or recommendation was entered;
- (3) Of the number of the case under which the order or recommendation was entered;
- (4) Of the name of the prosecuting attorney; and
- (5) That the board will not issue to the applicant a permanent certificate, license,

registration or permit unless the applicant provides to the board written notification of satisfaction of the order or recommendation from the prosecuting attorney and, if applicable, the welfare division within the period prescribed in paragraph (e);

(c) Notify the prosecuting attorney and, if applicable, the welfare division that the board has notified the applicant pursuant to paragraph (b);

(d) If all other requirements are satisfied, issue a temporary certificate, license, registration or permit to the applicant that is valid for 120 days after the date of issuance; and

(e) Issue a permanent certificate, license, registration or permit if, during the period of the temporary certificate, license, registration or permit issued pursuant to paragraph (d), the applicant provides to the board written notification of satisfaction of the order or recommendation from the prosecuting attorney and, if applicable, the welfare division.

2. An applicant who is issued a temporary certificate, license, registration or permit pursuant to paragraph (d) of subsection 1 and fails to submit to the board written notification of satisfaction of the order or recommendation from the prosecuting attorney and, if applicable, the welfare division before the temporary certificate, license, registration or permit expires, may not apply to the board for a certificate, license, registration or permit for at least 1 year after the temporary certificate, license, registration or permit expires.

639.956 Procedure following receipt of report of arrearage pursuant to NRS 425.348.

1. If the board receives a report pursuant to NRS 425.348 that a holder of a certificate, license, registration or permit has an order or recommendation entered against him for an arrearage in payments for support of dependent children, the board will:

(a) File an accusation pursuant to NRS 639.241 against the holder charging him with a violation of the provisions of subsection 1 or 4 of NRS 639.210.

(b) Notify the prosecuting attorney and, if applicable, the welfare division that the board has filed the accusation.

(c) Set a date for a hearing to review the accusation. The hearing will be set not earlier than 120 days after the holder has received the accusation or the accusation has been returned to the board.

(d) Notify the holder in writing:

(1) That the board has received a copy of the order or recommendation;

(2) Of the name of the court where the order or recommendation was entered;

(3) Of the number of the case under which the order or recommendation was entered;

(4) Of the name of the prosecuting attorney; and

(5) Of the date of the hearing.

2. If the holder provides to the board written notification of satisfaction of the order or recommendation from the prosecuting attorney and, if applicable, the welfare division before the day the hearing is held, the board will:

(a) Dismiss the accusation with prejudice;

(b) Notify the holder that the board has dismissed the accusation with prejudice; and

(c) Notify the prosecuting attorney and, if applicable, the welfare division that the board has dismissed the accusation with prejudice.

3. If the holder fails to provide to the board written notification of satisfaction of the order or recommendation from the prosecuting attorney and, if applicable, the welfare division within the period prescribed in subsection 2, the board will hold the hearing to determine if the holder has committed the violation alleged in the accusation.

639.958 Prerequisites to action by board. Before beginning any action pursuant to NAC 639.954 or 639.956, the board will obtain a copy of:

1. The order of a court of competent jurisdiction of this state or any other state entered against the holder or applicant for an arrearage in payments for support of dependent children; or
2. The recommendation entered against the holder or applicant by the master pursuant to NRS 425.382 to 425.3852, inclusive, and approved by the district court, for an arrearage in payments for support of dependent children.