

LCB File No. T022-98

TEMPORARY REGULATION OF THE STATE BOARD OF PHARMACY

November 25, 1998

Informational Statement

The informational statement required by NRS 233B.066 numerically conforms to the subsections of the statute as follows:

1. A DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED, A SUMMARY OF PUBLIC RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

Public comment was solicited through public notices posted in county courthouses and through mailings to interested parties.

There was no public response expressed relative to this proposed regulation.

2. THE NUMBER OF PERSONS WHO: (A) ATTENDED EACH HEARING; (B) TESTIFIED AT EACH HEARING; AND (C) SUBMITTED TO THE AGENCY WRITTEN STATEMENTS.

The number of persons who attended the hearing was 23.
The number of persons who testified at the hearing was 0.
The number of agency submitted statements was 0.

There was no public response expressed relative to this proposed regulation.

3. A DESCRIPTION OF HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESSES, A SUMMARY OF THEIR RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

Comments were solicited from affected businesses through posting of public notice in the county courthouses, by direct mailings to all interested persons who have requested notices of board of pharmacy meeting agendas and by direct mailings to professional and trade associations.

There was no response from affected businesses relative to this proposed regulation.

4. IF THE REGULATION WAS ADOPTED WITHOUT CHANGING ANY PART OF THE PROPOSED REGULATION, A SUMMARY OF THE REASONS FOR ADOPTING THE REGULATION WITHOUT CHANGE.

The proposed regulation was adopted with minor changes.

5. THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS WHICH IT IS TO REGULATE AND ON THE PUBLIC. THESE MUST BE STATE SEPARATELY, AND IN EACH CASE MUST INCLUDE:
 - A) BOTH ADVERSE AND BENEFICIAL EFFECTS; AND
 - B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

This regulation should have only a minor economic impact on affected businesses and should have no economic impact on the public.

6. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION.

There will be no cost incurred by the board for enforcement of this regulation.

7. A DESCRIPTION OF ANY REGULATIONS OF OTHER STATE OR GOVERNMENT AGENCIES WHICH THE PROPOSED REGULATION OVERLAPS OR DUPLICATES AND A STATEMENT EXPLAINING WHY THE DUPLICATION OR OVERLAPPING IS NECESSARY. IF THE REGULATION OVERLAPS OR DUPLICATES A FEDERAL REGULATION, THE NAME OF THE REGULATING FEDERAL AGENCY.

The Board of Pharmacy is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

8. IF THE REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.

The Board of Pharmacy is not aware of any similar regulations of the same activity in which the Federal regulation is more stringent.

9. IF THE REGULATION PROVIDES A NEW FEE OR INCREASES AN EXISTING FEE, THE TOTAL ANNUAL AMOUNT THE AGENCY EXPECTS TO COLLECT AND THE MANNER IN WHICH THE MONEY WILL BE USED.

This regulation does not provide a new or increase of fees.

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ADOPTED TEMPORARY REGULATION OF THE STATE BOARD OF PHARMACY

639.215 Application for license to operate pharmacy: Appearance of applicant before board; execution on behalf of partnership or corporation; payment of expenses for special meeting of board.

1. An applicant for a license to operate a pharmacy in the State of Nevada must appear before the board in support of the application and must receive instructions relative to the pharmacy laws if the applicant:

- (a) Is applying for a license to operate a pharmacy in this state for the first time;
- (b) Responded affirmatively to any of the questions on the application regarding his character or competency;
- (c) Is applying for the licensure of a pharmacy located outside the state that will be shipping compounded parenteral products into this state; or
- (d) Is requested to do so by the board.

2. If an applicant who is required to appear before the board is:

- (a) A partnership, all partners must appear.
- (b) A corporation, a designated representative of the corporation must appear. If the designated representative is not an officer of the corporation, a letter authorizing him to appear on behalf of the corporation that is signed by an officer of the corporation must be submitted with the application. Documentation of the status of the person signing the letter of authorization must be submitted with the application.

3. If the applicant is a partnership or corporation, the application must be signed by a partner or by an officer of the corporation. Documentation of the status of the person signing the application must be submitted with the application.

4. A special meeting of the board will not be called for the purpose of considering an application for a license to operate a pharmacy until the applicant has paid the secretary of the board sufficient money to defray all expenses of the meeting.

5. A pharmacy shall file an application for change of ownership no later than 15 business days before 50% or more of the ownership or value of the business is changes.

6. An owner of a pharmacy must submit a written notice to the board of any ownership changes of 49% or less value of the business within 5 days after such a change.

7. The board may summarily suspend operations of a pharmacy upon failure of the owners to submit an application for change of ownership according to this section.

10/22/98 public hearing