

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

LCB File No. R162-99

December 10, 1999

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

AUTHORITY: §§1-7, NRS 639.070.

Section 1. Chapter 639 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this regulation.

Sec. 2. 1. *Before the board will issue a new license to operate a pharmacy to any person, a satisfactory inspection of the premises of the pharmacy must be conducted by a member of the staff of the board.*

2. A member of the staff of the board shall inspect each licensed pharmacy annually and at any other time deemed necessary by the staff of the board.

3. Before an annual inspection of a licensed pharmacy, the board will provide a self-assessment form to the pharmacy that includes:

(a) A questionnaire concerning statutory and regulatory compliance pursuant to which the pharmacy must assess its physical plant and operations to assure that the pharmacy is in compliance with all applicable statutes and regulations; and

(b) An assessment of the workplace pursuant to which the pharmacy must assess its volume of work and prescriptions, personnel, workflow and technological devices that assist in the work of the pharmacy.

4. The managing pharmacist of a pharmacy or the designee of the owner of the pharmacy may obtain self-assessment forms from the board in addition to the form provided pursuant to subsection 3 at any time for his own use.

Sec. 3. *1. An assessment of the workplace completed by a pharmacy as part of the self-assessment, and all documentation accompanying the assessment, that are submitted to a member of the staff of the board pursuant to section 5 of this regulation are confidential. The board will destroy such an assessment of the workplace and all accompanying documentation within 6 months after the board receives the assessment and documentation.*

2. The staff of the board may compile and analyze such data provided in assessments of the workplace as the board deems appropriate, except that the staff shall not provide to any member of the board or otherwise publish any compilation or analysis completed by the staff unless the staff has redacted from the compilation or analysis all information by which an individual pharmacy could be identified. The board will not use data provided in an assessment of the workplace against the pharmacy that completed the assessment for any disciplinary purpose.

Sec. 4. *1. The managing pharmacist of a pharmacy or the designee of the owner of the pharmacy shall complete a self-assessment form before each annual inspection of the pharmacy by a member of the staff of the board.*

2. The managing pharmacist or the designee of the owner who completes a self-assessment form may make:

- (a) Notes and comments on the self-assessment form to explain his answers; and*
- (b) Suggestions on the self-assessment form relating to the compliance by or improvement of the pharmacy.*

3. If the managing pharmacist or the designee of the owner makes any suggestion on a self-assessment form of the pharmacy relating to the compliance by or improvement of the pharmacy, he shall submit ,in accordance with any policies and procedures of the pharmacy, a copy of the self-assessment form to the senior management of the pharmacy. If the managing pharmacist or designee believes that his suggestions are necessary for the care of the patients of the pharmacy and that the senior management of the pharmacy has not responded appropriately, the managing pharmacist or the designee of the owner may contact the board, which will take such action relating to the suggestion as the board deems appropriate.

Sec. 5. 1. *Whenever a member of the staff of the board conducts an annual inspection of a pharmacy, the managing pharmacist of the pharmacy or the designee of the owner of the pharmacy shall provide the member of the staff of the board with a completed self-assessment form of the pharmacy. A member of the staff of the board conducting an annual inspection of a pharmacy shall review a self-assessment form of the pharmacy with the managing pharmacist of the pharmacy or a pharmacist on duty in the pharmacy at the time of the inspection to verify that all the information contained in the self-assessment form of the pharmacy is true and complete.*

2. If, during the annual inspection of a pharmacy, the member of the staff of the board conducting the inspection finds any discrepancies between the information contained in the self-assessment form of the pharmacy and the actual state or condition of the pharmacy, or if the member of the staff of the board finds any other deficiencies or conditions in the pharmacy or its operation that are not otherwise in compliance with the applicable statutes and regulations governing the operation of a pharmacy and dispensing of drugs, the member of

the staff of the board shall make a note of the discrepancy, deficiency or condition in his inspection.

3. A pharmacy shall correct a discrepancy, deficiency or condition noted by a member of the staff of the board pursuant to subsection 2 within a reasonable time, as determined by the member of the staff of the board who noted the discrepancy, deficiency or condition. Any failure by a managing pharmacist or an owner of a pharmacy, or both, to correct a discrepancy, deficiency or condition in a timely manner as required by this subsection constitutes unprofessional conduct pursuant to subsection 4 of NRS 639.210 and may serve as the basis for such disciplinary action against the managing pharmacist or owner of the pharmacy, or both, as the staff of the board deems appropriate.

Sec. 6. A pharmacy shall not terminate, or otherwise negatively affect in any way, the employment of an employee of the pharmacy who:

1. In good faith, provides truthful answers, information or suggestions relating to the compliance by or improvement of the pharmacy in the preparation or completion of a self-assessment form for the pharmacy;

2. Transmits a copy of a self-assessment form to the senior management of the pharmacy or the board pursuant to subsection 3 of section 4 of this regulation; or

3. In good faith, provides truthful information to any member of the staff of the board as part of an inspection of the pharmacy pursuant to section 5 of this regulation.

Sec. 7. The board will review the provisions of sections 2 to 7, inclusive, of this regulation at its first regularly scheduled meeting following July 1 of each year to consider and suggest amendments to and deletions from the provisions of sections 2 to 7, inclusive, of this regulation, including the repeal of the sections.