

## LCB File No. R014-01

### PROPOSED REGULATION OF THE STATE BOARD OF PHARMACY

(This proposed regulation was previously adopted as LCB File No. T033-00)

**Section 1.** NAC 639.945 shall be amended as follows:

1. The following acts or practices by ~~[a registered pharmacist or the owner of a pharmacy]~~ *a holder of any license, certificate or registration issued by the board or any employee of any business holding any such license, certificate or registration* are declared to be, specifically but not by way of limitation, unprofessional conduct and conduct contrary to the public interest:

(a) Manufacturing, compounding, selling, dispensing or permitting to be manufactured, compounded, sold or dispensed substandard drugs or preparations.

(b) Except as provided in NRS 639.2583 to 639.2805, inclusive, for substitutions of generic drugs, dispensing or causing to be dispensed a different drug or brand of drug in place of the drug or brand of drug ordered or prescribed, unless the express permission of the orderer or prescriber is obtained and, in the case of a written prescription, unless the following information is recorded on the prescription by the person obtaining permission:

- (1) The date on which the permission was granted;
- (2) The name of the practitioner granting the permission;
- (3) The name of the person obtaining the permission;
- (4) The name of the drug dispensed; and
- (5) The name of the manufacturer or distributor of the drug.

(c) Using secret formulas.

(d) Failing strictly to follow the instructions of the person writing, making or ordering a prescription as to its filling or refilling, the content of the label or giving a copy of the prescription to any person except as permitted by law.

(e) Failing to confer with the person writing, making or ordering a prescription if there is an error or omission in it which should be questioned.

(f) Operating a pharmacy at a location other than the location at which the pharmacy is licensed to operate.

(g) Supplying or diverting drugs, biologicals, medicines, substances or devices which are legally sold in pharmacies *or wholesalers*, so that unqualified persons can circumvent any law pertaining to the legal sale of such articles.

(h) Performing or in any way being a party to any fraudulent or deceitful practice or transaction.

(i) Performing any of his duties as a ~~[pharmacist]~~ *holder of any license, certificate, or registration* or owner of a ~~[pharmacy]~~ *facility licensed by the board* in an incompetent, unskillful or negligent manner.

(j) Aiding or abetting a person not licensed to practice pharmacy in the State of Nevada.

*(k) Performing any act, task or operation for which licensure, certification or registration is required without the license, certificate or registration.*

*(l) Violating any term or condition of any subpoena or order issued by the board or its staff.*

*(m) Failing to provide any document, data or information the making and maintenance is required by NRS chapters 639, 453, 454 and 585 and NAC chapters 639, 453, 454 and 585 to a member of the board or the board's staff upon his request.*

*(n) Dispensing as a dispensing practitioner a drug to a patient with whom the dispensing practitioner does not have a bona fide therapeutic relationship as defined in NAC 639.752(3).*

*(o) Prescribing as a prescribing practitioner a drug to a patient with whom the prescribing practitioner does not have a bona fide therapeutic relationship as defined in NAC 639.752(3).*

2. The owner of ~~[a pharmacy]~~ *any business or facility licensed, certificated, or registered by the board* is responsible for the acts of ~~[a registered pharmacist]~~ *all personnel* in his employ.