

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

LCB File No. R119-02

July 29, 2002

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

AUTHORITY: § 1, NRS 639.255.

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

1. Except as otherwise provided in this section, the board may impose a fine against a pharmacist or pharmacy pursuant to paragraph (f) of subsection 1 of NRS 639.255 according to the following schedule:

- (a) For failing to counsel a patient..... \$750*
- (b) For failing to maintain documentation of counseling given to a patient..... 750*
- (c) For an error in a prescription that resulted in a negative outcome to the patient or discomfort to the patient, but did not require intervention or treatment by a medical facility or a physician..... 500*
- (d) For an error in a prescription that resulted in a significant negative outcome to the patient or required intervention or treatment by a medical facility or a physician1,000*
- (e) For an error in a prescription that resulted in or contributed to a patient's death5,000*
- (f) Working as a pharmacist or employing a pharmacist to work in a pharmacy without a certificate of registration.....200 per day*

(g) Working as a pharmaceutical technician or employing a pharmaceutical technician to work in a pharmacy without a certificate of registration100 per day

(h) For failing to make or maintain a biennial inventory of controlled substances.....1,000

2. If a pharmacy or pharmacist commits a violation listed in subsection 1 more than once during any 36-month period, the board may impose a fine for any subsequent violation in an amount that is greater than the amount set forth in subsection 1 for that violation, but in no event will the fine exceed \$10,000.

3. The board may, as it deems appropriate, impose a fine for a violation not listed in subsection 1 that is commensurate with the severity of the violation, but in no event will the fine exceed \$10,000.

4. To determine the amount of any fine imposed, the board will consider the aggravating and mitigating factors relating to the violator's role in and responsibility for the conduct for which the fine is being imposed, and the unique circumstances of each case.

5. If, within an accusation, a member of the board's staff groups similar violations into one cause of action, that grouping is for administrative convenience only and does not affect the authority of the board to take disciplinary action for each separate violation.

6. This section will be construed and applied so as to preserve the discretion of the board to take any disciplinary action authorized by NRS 639.255.