

**ADOPTED REGULATION OF THE  
STATE BOARD OF PHARMACY**

**LCB File No. R081-04**

Effective August 25, 2004

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

AUTHORITY: §1, NRS 639.070 and 639.170.

A REGULATION relating to the State Board of Pharmacy; revising the fees charged by the Board for certain services provided by the Board; and providing other matters properly relating thereto.

**Section 1.** NAC 639.220 is hereby amended to read as follows:

639.220 1. The Board hereby adopts the following schedule of fees:

For the examination of an applicant for registration as a pharmacist .....	Actual cost of the examination
For the investigation or registration of an applicant as a registered pharmacist .....	\$150
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity .....	150
For the investigation or issuance of an original license to conduct a retail pharmacy .....	<del>425</del> 500
For the biennial renewal of a license to conduct a retail pharmacy .....	<del>425</del> 500

For the investigation or issuance of an original license to conduct an institutional pharmacy .....	<del>[425]</del> 500
For the biennial renewal of a license to conduct an institutional pharmacy .....	<del>[425]</del> 500
For the investigation or issuance of an original license to conduct a pharmacy in a correctional institution .....	<del>[425]</del> 500
For the biennial renewal of a license to conduct a pharmacy in a correctional institution.....	<del>[425]</del> 500
For the issuance of an original or duplicate certificate of registration as a registered pharmacist.....	<del>[25]</del> 50
For the biennial renewal of registration as a registered pharmacist.....	150
For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse).....	<del>[50]</del> 100
For the <del>[investigation or]</del> <i>initial</i> registration of a pharmaceutical technician or pharmaceutical technician in training.....	40
For the biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training .....	40
For the investigation or registration of an intern pharmacist .....	15
For the biennial renewal of registration as an intern pharmacist .....	15
For the investigation or registration of an advanced practitioner of nursing or a physician assistant to prescribe drugs that are not controlled substances.....	<del>[70]</del> 80

For the biennial renewal of registration of an advanced practitioner of nursing or a physician assistant to prescribe drugs that are not controlled substances..... ~~[70]~~ 80

For authorization of a physician, advanced practitioner of nursing, physician assistant, euthanasia technician, ambulatory surgical center, facility for treatment with narcotics, researcher, instructional user or any other authorized person to prescribe or possess controlled substances..... ~~[70]~~ 80

For the biennial renewal of authorization of a physician, advanced practitioner of nursing, physician assistant, euthanasia technician, ambulatory surgical center, facility for treatment with narcotics, researcher, instructional user or any other authorized person to prescribe or possess controlled substances..... ~~[70]~~ 80

For the investigation or issuance of an original license to engage in business as an authorized warehouse, medical products provider or medical products wholesaler ..... ~~[200]~~ 300

For the biennial renewal of a license to engage in business as an authorized warehouse, medical products provider or medical products wholesaler ..... ~~[200]~~ 300

For the investigation or issuance of an original license to a manufacturer or wholesaler ..... ~~[400]~~ 500

For the biennial renewal of a license for a manufacturer or wholesaler ..... ~~[400]~~ 500

For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon ..... [25] 50

~~For the biennial renewal of registration issued to a registered pharmacist placed on inactive status ..... 70}~~

For authorization of a practitioner to dispense controlled substances or dangerous drugs, or both, for each location where the practitioner will dispense controlled substances or ~~[dangers]~~ *dangerous* drugs, or both..... 300

For the biennial renewal of authorization of a practitioner to dispense controlled substances or dangerous drugs, or both, for each location where the practitioner will dispense controlled substances or dangerous drugs, or both ..... 300

2. The penalty for failure to pay the renewal fee for any license, permit or certificate within the statutory period, as provided in subsection 4 of NRS 639.170, is 50 percent of the renewal fee for each period of delinquency in addition to the renewal fee for each period of delinquency.

3. Any person who has been registered as a pharmacist in this State for at least 50 years is not required to pay the fee for the biennial renewal of a certificate of registration as a registered pharmacist.

4. The provisions of this section concerning the fee for the biennial renewal of the authorization to dispense controlled substances or dangerous drugs do not apply to an advanced practitioner of nursing who is required to pay a fee pursuant to NAC 639.870.

5. A health center:

(a) Which is a federally qualified health center as defined in 42 U.S.C. § 1396d(1)(2)(B), as that section existed on March 1, 2000, that provides health care primarily to medically underserved persons in a community; and

(b) Which is not a medical facility as defined in NRS 449.0151,

↳ is not required to pay the fee for the collective certification of advanced practitioners of nursing in the employ of a public or nonprofit agency as set forth in subsection 1.

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R081-04**

The State Board of Pharmacy adopted regulations assigned LCB File No. R081-04 which pertain to chapter 639 of the Nevada Administrative Code on July 22, 2004.

**Notice date:** 6/16/2004  
**Hearing date:** 7/22/2004

**Date of adoption by agency:** 7/22/2004  
**Filing date:** 8/25/2004

**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.

All interested parties may obtain a summary of public response by written or verbal request to: Nevada State Board of Pharmacy, 555 Double Eagle Court, Suite 1100, Reno, Nevada, 89521.

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   1  .

The number of persons who testified at the hearing was   1  .

The number of agency submitted statements was   0  .

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 notices 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 without change.

5. THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS WHICH IT IS TO REGULATE AND ON THE PUBLIC. THESE MUST BE STATED SEPARATELY, AND IN EACH CASE MUST INCLUDE:

A) BOTH ADVERSE AND BENEFICIAL EFFECTS.

The adverse effect on the business and individuals becoming licensed or registered is an incremental increase of one time and biennial licenses and registrations. All businesses and individuals currently pay these fees, however the increases escalate the current fees from \$10 up to \$100 for the approximately 12 different categories of licensures. They do not exceed the fee authority in NRS 639.170.

The beneficial effects include revenue for continued operational costs and expansion of services to licensees and registrants.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

The immediate effect is that the fee expansion is dispersed amongst several numbers of license categories and is for biennial renewal fees due before November 1<sup>st</sup> of 2004.

The long term effect is that some of the fees are one time costs, however most are biennial fees limited to the corresponding statutory provisions in NRS 639.170.

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

There will be no additional or special costs 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.

The regulation will provide an increase of \$193,000.