

LCB File No. R152-05

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

**MEAL PERIOD REGULATIONS
(ver. 8/3/05)**

Section 1. Chapter 639 of NAC shall be amended to add the following new language:

1. Except as otherwise provided in this section, the owner of a pharmacy shall allow all of its employees an opportunity to take meal periods and rest periods pursuant to NRS 608.019 and any applicable collective bargaining agreement. A pharmacy may schedule a regular time at which a pharmacist may take a meal period.

2. If there is more than one pharmacist on duty at the time that a meal period for a pharmacist is taken, the pharmacist taking the meal period may, in his discretion, remain in or leave the pharmacy and the building in which the pharmacy is located.

3. If a pharmacist is the only pharmacist on duty at the time he takes a meal period, the pharmacist may choose in his discretion to leave the pharmacy or to remain in the pharmacy. If the pharmacist chooses to leave the pharmacy, then:

*(a) The pharmacist must close and secure the pharmacy pursuant to NAC 639.520;
and*

(b) A sign, visible to the public, must be posted stating that the pharmacist is on break and specifying the time at which he will return to serve the public.

If the pharmacist chooses to remain in the pharmacy, he shall not be interrupted or disturbed except as directed or allowed by the pharmacist in his discretion.

4. A pharmacy that is closed and secured during the meal period of a pharmacist may accept a prescription during a meal period under this subsection, if:

(a) The prescription is placed by the patient or the patient's agent or representative in a secure opening in the pharmacy or receptacle that assures that the prescription, once placed, cannot be seen, removed or damaged; or

(b) A person employed by the pharmacy personally accepts and secures the prescription from the patient or the patient's agent or representative at some location outside the secured premises of the pharmacy.

5. A pharmacy may require a pharmacist to remain in the pharmacy during a rest period, but may not require the pharmacist to serve the public during the rest period. The pharmacist may allow his rest period to be interrupted, in the pharmacist's discretion.

6. Nothing in this section is intended to alter or render ineffective any other statute or regulation regarding the practice of pharmacy.

Sec. 2. NAC 639.545, 639.550, 639.555, 639.560 and 639.565 are hereby repealed. The text of the repealed sections follows:

NAC 639.545 Absence of pharmacist from pharmacy to take meals: Authorization required.

1. The board will authorize a pharmacist to be absent from a pharmacy during business hours for the purpose of taking meals if:

(a) It finds that the pharmacy is so remotely located that relief pharmacists are not available; and

(b) No absence will be for more than 1 hour and there will not be more than two absences in any 24-hour period.

2. An application for an authorized absence must be made to the board in writing together with payment of a filing fee of \$50.

3. An application for an authorization to be absent for the purpose of taking meals which is submitted after June 26, 1980, will be granted only after a physical inspection of the prescription department by an inspector of the board and a certification by the board's secretary that the security measures set forth in NAC 639.560 have been complied with.

NAC 639.550 Violation of authorized absence to take meals; modification or revocation of permit.

1. A pharmacist who violates NAC 639.545, pertaining to authorized absence, is subject to:

(a) The methods of discipline set out in NRS 639.255;

(b) The revocation of the permit for authorized absence; or

(c) Both discipline and revocation.

Each day of violation constitutes a separate violation.

2. If the board, after a hearing, finds that a permit which authorizes absence for meals is detrimental to the health, safety, peace, morals, comfort and general welfare of the public, the permit may be modified or revoked.

NAC 639.555 Absence of pharmacist from pharmacy while store remains open.

1. No pharmacy may remain closed and without a pharmacist on duty during the time that any general merchandising area within the same store is open for business without first giving notice to the board, paying an inspection fee of \$75 and being authorized to do so.

2. Once the board receives such a notice and the inspection fee, an inspector of the board will conduct an inspection of the prescription department and the secretary of the board may certify compliance with the security requirements set forth in NAC 639.560.

NAC 639.560 Absence of pharmacist from pharmacy: Security. Before the secretary of the board may authorize a pharmacist to be absent from a pharmacy during business hours for the purpose of taking meals or may authorize a pharmacy to remain closed and without a pharmacist on duty while the store in which it is located is open for business:

1. The prescription department must be separated from the merchandising or public areas of the premises occupied by the pharmacy by a solid partition extending from the floor to the ceiling;

2. The doors which permit access by the pharmacist must be secured by dead-bolt locks which can be opened from the outside only with a key, and the key must be in the physical possession of the pharmacist; and

3. The doors to the prescription department must be locked at all times when the pharmacist is absent from the pharmacy.

NAC 639.565 Absence of pharmacist from pharmacy: Posting of sign. Whenever the registered pharmacist in charge of any licensed pharmacy is legally absent from the pharmacy, he must notify the public of his absence and the length of time of the absence by posting a suitable sign to public view in the pharmacy. The sign must be not less than 8 1/2 inches in height by 14 inches in width and have letters not less than 1 inch in height, and it must read substantially as follows:

PHARMACIST NOT ON DUTY
From o'clock M to o'clock M
From o'clock M to o'clock M

The hours of the authorized absence must be entered in the spaces provided.