

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

LCB File No. R098-07

Effective December 4, 2007

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

AUTHORITY: §§1, 3 and 4, NRS 639.070; §§2 and 5, NRS 639.070, 639.071 and 639.072.

A REGULATION relating to pharmacy; eliminating certain exceptions to the requirement that pharmacies in certain hospitals or correctional institutions have one full-time managing pharmacist; requiring pharmacies in certain hospitals or correctional institutions to provide chart order processing services to the hospital or correctional institution; and providing other matters properly relating thereto.

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

“Chart order processing services” means nondispensary pharmaceutical services that are provided by a pharmacy to a hospital or correctional institution, including, without limitation:

- 1. Receiving, interpreting and clarifying a chart order received from a hospital or correctional institution;*
- 2. Entering information regarding a chart order into the computerized data system of a hospital or correctional institution;*
- 3. Interpreting clinical data regarding a patient of a hospital or correctional institution;*
- 4. Performing therapeutic interventions regarding a patient of a hospital or correctional institution;*
- 5. Providing information to the appropriate staff of a hospital or correctional institution regarding a chart order submitted by the hospital or correctional institution; and*

6. Providing information regarding the treatment of a patient of a hospital or correctional institution.

Sec. 2. NAC 639.465 is hereby amended to read as follows:

639.465 1. ~~[Except as otherwise provided in NAC 639.4915, each]~~ A pharmacy located in a:

- (a) Hospital with 100 beds or more; or
- (b) Correctional institution housing 1,500 inmates or more,

↪ must have one full-time managing pharmacist. That pharmacist may be a managing pharmacist for only one such pharmacy.

2. Each pharmacy located in a:

- (a) Hospital with less than 100 beds; or
- (b) Correctional facility housing less than 1,500 inmates,

↪ must have one managing pharmacist who is retained as a consultant, or who is employed part-time or full-time.

Sec. 3. NAC 639.491 is hereby amended to read as follows:

639.491 As used in NAC 639.491 to 639.4917, inclusive, **and section 1 of this regulation**, unless the context otherwise requires, the words and terms defined in NAC 639.4911 to 639.4914, inclusive, **and section 1 of this regulation** have the meanings ascribed to them in those sections.

Sec. 4. NAC 639.4914 is hereby amended to read as follows:

639.4914 “Remote chart order processing services” means ~~[nondispensary pharmaceutical]~~ **chart order processing** services provided by an off-site pharmaceutical service provider ~~[in lieu~~

~~of those services being provided by a pharmacy located in]~~ **to** a hospital or correctional institution ~~[and includes,]~~ **including**, without limitation [:

- ~~—1.— Receiving, interpreting and clarifying a chart order received from a hospital or correctional institution.~~
- ~~—2.— Entering information regarding a chart order into the computerized data system of a hospital or correctional institution.~~
- ~~—3.— Transferring]~~ **transferring** information regarding a chart order from the off-site pharmaceutical service provider to members of the staff of the hospital or correctional institution that submitted the chart order.
- ~~[4.— Interpreting clinical data regarding a patient of a hospital or correctional institution.~~
- ~~—5.— Performing therapeutic interventions regarding a patient of a hospital or correctional institution.~~
- ~~—6.— Providing information to the appropriate staff of a hospital or correctional institution regarding a chart order submitted by the hospital or correctional institution.~~
- ~~—7.— Providing information regarding the treatment of a patient of a hospital or correctional institution.]~~

Sec. 5. NAC 639.4915 is hereby amended to read as follows:

639.4915 A pharmacy located within a hospital or correctional institution that is required to have a full-time managing pharmacist pursuant to NAC 639.465 ~~[may satisfy that requirement]~~ **shall provide chart order processing services to the hospital or correctional institution. The pharmacy shall provide the chart order processing services** by:

1. Operating at all times; or

2. Employing a pharmacist who is on duty at all times that the pharmacy is operating and either:

(a) Employing a pharmacist who is available at all times that the pharmacy is not operating;

or

(b) Contracting with an off-site pharmaceutical service provider that is available at all times that the pharmacy is not operating.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R098-07

The State Board of Pharmacy adopted regulations assigned LCB File No. R098-07 which pertain to chapter 639 of the Nevada Administrative Code.

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.

There was no public response expressed relative to this proposed regulation.

2. THE NUMBER OF PERSONS WHO: (A) ATTENDED EACH HEARING; (B) TESTIFIED AT EACH HEARING; AND (C) SUBMITTED TO THE AGENCY WRITTEN STATEMENTS.

There was no public response expressed relative to this proposed regulation.

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 as no testimony was offered.

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.

This regulation should have no economic impact on affected businesses or on the public.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

This regulation will have no immediate or long-term economic effects on business or the public.

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

Enforcement of the regulation will be performed during annual inspections of all pharmacies. There will be no additional cost incurred by the board.

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.

This regulation does not provide a new or increase of fees.