ADOPTED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R050-08

Effective June 17, 2008

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

AUTHORITY: §§1 and 2, NRS 639.070 and 639.2176.

A REGULATION relating to pharmacists; establishing procedures for pharmacists to apply to the State Board of Pharmacy to have certificates of registration placed on inactive status; revising procedures for returning such certificates of registration to active status; 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:

1. A registered pharmacist may apply to the Board to have his certificate of registration placed on inactive status.

2. A registered pharmacist who wishes to have his certificate of registration placed on inactive status must submit to the Board:

(a) A completed application on a form provided by the Board; and

(b) A statement certifying that he:

(1) Is not engaged in the practice of pharmacy in this State; and

(2) Will not engage in the practice of pharmacy in this State during the period that his certificate of registration is placed on inactive status.

3. If the Board places the certificate of registration of a registered pharmacist on inactive status, the pharmacist:

(a) May not engage in the practice of pharmacy in this State during the period that his certificate of registration is placed on inactive status;

(b) Must renew his certificate of registration biennially;

(c) Is not required to complete continuing education during the period that his certificate of registration is placed on inactive status, except as otherwise required to return the certificate of registration to active status pursuant to subparagraph (1) of paragraph (b) of subsection 2 of NAC 639.219; and

(d) May apply to the Board pursuant to NAC 639.219 to have his certificate of registration returned to active status.

Sec. 2. NAC 639.219 is hereby amended to read as follows:

639.219 1. ~~[An]~~ *If a pharmacist whose certificate of registration has been placed on inactive status wishes to resume the practice of pharmacy in this State, the pharmacist must submit to the Board a completed* application for return to active status ~~[must be made]~~ on a form provided by the Board.

2. The Board will grant an application *for return to active status* if ~~[:]~~ *the applicant submits to the Board:*

(a) ~~[The applicant submits proof of completion of]~~ *Evidence that the applicant holds an active certificate, license or registration to practice pharmacy in another state; or*

(b) Evidence that the applicant has:

(1) Completed 30 units of continuing professional education within the 2 years immediately preceding the date on which the application for return to active status is filed;

~~[(b) The applicant passes]~~ *and*

(2) Passed the *written continuing education* examination on law ~~[; and~~

~~(c) An~~ ***provided by the Board.***

3. In addition to the requirements set forth in subsection 2, an applicant who was granted inactive status because of a medical disability ~~[submits]~~ ***must submit*** proof satisfactory to the Board that he is physically capable of resuming the practice of pharmacy. Unless the proof submitted by the applicant is otherwise satisfactory, the Board will require the applicant to submit to a medical examination to be conducted by a physician chosen by the Board. The applicant shall pay for the cost of the examination.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R050-08

The State Board of Pharmacy adopted regulations assigned LCB File No. R050-08 which pertain to chapter 639 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

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 amended slightly as a result of discussion at the hearing.

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.

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.

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