

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

LCB File No. R057-23

October 9, 2023

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

AUTHORITY: § 1, NRS 639.070.

A REGULATION relating to pharmacy; authorizing the imposition of an administrative fine for certain violations; establishing a process for the appeal of such an administrative fine; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prescribes a procedure for the revocation, suspension, limitation or placement of conditions upon the rights and privileges granted by any certificate, certification, license or permit issued by the State Board of Pharmacy. (NRS 639.241-639.255) This regulation authorizes the Executive Secretary of the Board, in lieu of imposing disciplinary action through that procedure, to impose an administrative fine of not more than \$1,000 against the holder of a certificate, certification, license or permit who: (1) engages in activity for which the certificate, certification, license or permit is required after the certificate, certification, license or permit has expired because the holder failed to submit the fee for renewal; or (2) violates any regulation adopted by the Board while the certificate, certification, license or permit is effective. This regulation also authorizes the holder of a certificate, certification, license or permit to appeal the imposition of such an administrative fine by submitting to the Board, within 30 days of the imposition of the administrative fine, a written request for a hearing.

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

1. In lieu of initiating disciplinary action pursuant to NRS 639.241 to 639.255, inclusive, against a person who holds a certificate, certification, license or permit issued by the Board, the Executive Secretary of the Board may impose an administrative fine of not more than \$1,000 if the holder:

(a) Engages in activity for which the certificate, certification, license or permit is required after the certificate, certification, license or permit has expired because the holder failed to submit the fee for renewal required by NAC 639.220; or

(b) Violates any regulation adopted by the Board at any time during which the certificate, certification, license or permit is effective.

2. A person upon whom the Executive Secretary imposes an administrative fine pursuant to this section may appeal that action by submitting to the Board, within 30 days of the imposition of the administrative fine, a written request for a hearing.

3. For the purposes of paragraph (a) of subsection 1, a person shall be deemed to be the holder of a certificate, certification, license or permit issued by the Board for a period of 1 year following the expiration date of the certificate, certification, license or permit.