R058-23
December 22, 2023

INFORMATIONAL STATEMENT

The informational statement required by NRS 233B.066 numerically conforms to the subsections of the statute as follows:

1. EXPLANATION OF THE NEED FOR THE ADOPTED REGULATION

   The proposed regulation amendment authorizes a medical products provider to hold at a hospital an inventory of ambulatory aids for sale to patients upon discharge pursuant to a contract with the hospital under which the hospital agrees to furnish appropriate providers of health care who will be available at all times to assist patients with the use and operation of those aids. The medical products provider is required to employ an administrator who: (1) is designated as the medical products provider's administrator for the hospital; (2) does not serve in that capacity for more than five hospitals, none of which may be located more than 50 miles from each of the others; (3) meets the requirements for administrators prescribed by existing regulations; and (4) is on call and reasonably available at all times to assist patients with the use and operation of those aids. The delivery of ambulatory aids is required to occur at the site of the hospital. The medical products provider is required to obtain and maintain a license to engage in business as a medical products provider for each hospital at which the medical products provider intends to hold and sell an inventory of ambulatory aids. The proposed amendment will improve patient access and the delivery of medically necessary ambulatory aids needed upon discharge from the acute or post-acute care setting.

2. 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.

The Board solicited comment on the proposed amendment by (1) posting notice, with links to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

The Board also solicited comment from Nevada dispensing practitioners, and from representatives of relevant industry associations that Board Staff deemed likely to have an interest in the proposed amendment. The Board further provided time for public comment at the workshop(s) concerning the proposed amendment. The Board received no public response.

Parties interested in obtaining a copy of the summary of the comments solicited should contact Board Coordination at teamBC@pharmacy.nv.gov or call Shirley at (775) 850-1440 ext. 107.

3. 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: 31
The number of persons who testified at the hearing was: -0-
The number of agency submitted statements was: 1
The name of persons who testified at the hearing: -0-

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Mr. Crandell provided written testimony requesting the regulation "acknowledge not just a hospital, but a hospital system that follows the same rules and processes that is governed by the same administrator."

4. 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.

The Board solicited comment on the proposed amendment by (1) posting notice, with links to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

The Board also solicited comment from Nevada dispensing practitioners, and from representatives of relevant industry associations that Board Staff deemed likely to have an interest in the proposed amendment. Further, the Board provided time for public comment at the workshop(s) concerning the proposed amendment.

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Mr. Crandell provided written testimony requesting the regulation “acknowledge not just a hospital, but a hospital system that follows the same rules and processes that is governed by the same administrator.”

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5. IF THE REGULATION WAS ADOPTED WITHOUT CHANGING ANY PART OF THE PROPOSED REGULATION, A SUMMARY OF THE REASONS FOR ADOPTING THE REGULATION WITHOUT CHANGE.

This regulation meets the requirements and was adopted with no changes.

6. 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.

   There should be no adverse economic impact from this regulation amendment on the regulated entities or on the public. The regulation amendment will have a beneficial effect on the regulated entities and on the public by improving patient access and delivery of ambulatory aids in Nevada.

   B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

   Both the immediate and long-term economic effects on regulated entities and on the public will be beneficial by removing unnecessary barriers to ambulatory aids and the improvement of patient care and outcomes.

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

There will be no additional or special costs incurred by the Board of Pharmacy for enforcement of this regulation amendment.

8. 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.

9. IF THE REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.

The regulation does not contain provisions which are more stringent than a federal regulation which regulates the same activity.

10. 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.