

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

LCB File No. R058-23

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 a medical products provider to hold at a hospital an inventory of ambulatory aids for sale to patients upon discharge under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Board of Pharmacy to adopt regulations governing the storage and handling of medical devices. (NRS 639.070) Existing regulations provide for the issuance by the Board of licenses to engage in business as a medical products provider. (NAC 639.6942) Existing regulations require a medical products provider to, among other things: (1) provide services, including set up, repair and maintenance, for all medical products sold, leased or otherwise provided by the medical products provider; (2) instruct consumers concerning the use, set up and maintenance of those products; and (3) maintain an adequate inventory of medical products at a suitable physical location. (NAC 639.6946)

This regulation authorizes a medical products provider to hold at a hospital an inventory of ambulatory aids for sale to patients upon discharge under certain conditions. First, this regulation requires the medical products provider to sell those ambulatory aids 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. Second, this regulation requires the medical products provider 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. Third, this regulation requires the delivery of ambulatory aids to occur at the site of the hospital. Finally, this regulation requires the medical products provider 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.

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

1. A medical products provider may hold at a hospital an inventory of ambulatory aids for sale to patients of the hospital upon discharge if the medical products provider:

(a) Sells those ambulatory aids pursuant to a contract with the hospital under which the hospital agrees to furnish the appropriate providers of health care who will be available at all times to assist patients with the use and operation of ambulatory aids.

(b) Employs an administrator who:

(1) Is designated as the medical products provider's administrator for the hospital;

(2) Serves in that capacity for not more than five hospitals, each of which is located not more than 50 miles from each of the others;

(3) Meets the requirements of NAC 639.694; and

(4) Is on call and reasonably available at all times to assist patients with the use and operation of ambulatory aids delivered to those patients at the site of the hospital upon their discharge.

(c) Delivers ambulatory aids to patients of the hospital only at the site of the hospital.

(d) Is in compliance with the requirements of subsection 2.

2. A medical products provider must obtain and maintain a license to engage in business as a medical products provider pursuant to NAC 639.6942 for each hospital at which the medical products provider intends to hold an inventory of ambulatory aids and sell those aids pursuant to subsection 1.

3. As used in this section:

(a) “Ambulatory aids” means mobility enhancing equipment, prosthetic devices, orthotic devices, ambulatory casts and other braces, supports and casts for human use.

(b) “Provider of health care” has the meaning ascribed to it in NRS 629.031.