

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 amendments will create a new section to implement the provisions of Assembly Bill No. 156 requiring a pharmacist to register with the State Board of Pharmacy and perform certain assessments before prescribing and dispensing drugs for medication-assisted treatment of opioid use disorder (OUD); requiring a pharmacist to prescribe and dispense drugs for medication-assisted treatment of opioid use disorder as part of a documented treatment plan; requiring the documentation and periodic reviews of such treatment; and providing other matters properly relating thereto. The proposed amendment reduces barriers and expands access to medication treatment for individuals with OUD. (LCB File R059-23)

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.

Assembly David Orentlicher  
5451 Pepperbrook Court  
Las Vegas, NV 89120-1944  
Leg Bldg Phone: (775) 684-8825  
PK.Oneill@asm.state.nv.us

Assembly Orentlicher expressed support of the regulation which will ensure that Nevadans will have access to treatment.

Lesley Dickson, MD, Addiction Psychiatrist  
Nevada Psychiatrist  
Lea Case, Vice-President  
Belz & Case Government Affairs

State Legislative Representative  
Nevada Psychiatric Association  
2590 East Russell Rd.  
Las Vegas, NV 89120  
702-623-4319

111 W. Proctor Street, Suite 208  
Carson City, NV 89701

Lesley Dickson and Lea Case submitted written testimony and Ms. Case also appeared.

Ms. Case stated that a letter was submitted with recommendations in regard to this regulation. She suggested the following to ensure the Board's mission statement to protect the health, welfare, and safety of the public: 1) a collaborative practice; 2) continuing education credits for pharmacist; and 3) comparisons from eleven other states regarding pharmacist prescribing rights.

Ken Kunke, Nevada Pharmacy Alliance  
11 Sunset Way  
Henderson, NV 89014  
702-714-1931  
info@nevadapharmacyalliance.com

Ken Kunke submitted written public comment and also appeared.

Mr. Kunke thanked the Board for clarifying the questions submitted in the written testimony and supported the regulation. He commented that the recommendations provided by the Nevada Psychiatric Association may cause restrictions for pharmacists to be able to provide this service. He asked that in order to conform with AB156, NAC 639.408(1) be amended to include NRS 639.0124(1)(I).

Krystal Riccio, Professor of Pharmacy Practice  
Roseman University – Henderson Campus  
11 Sunset Way  
Henderson, NV 89014  
702-968-5582  
kriccio@roseman.edu

Krystal Riccio stated that the regulation is a move in the right direction and answers concerns regarding current access to patient care barriers in Nevada. She stated that Roseman University's current curriculum addresses several concerns of the Nevada Psychiatric Association. Ms. Riccio expressed concern that the proposed regulation does not allow a pharmacist to administer longacting injectables used in the treatment for OUD outside of a pharmacy.

Elizabeth MacMenamin, Government Affairs  
Retail Association of Nevada  
410 S Minnesota St.  
Carson City, NV 89703  
775-882-1700  
LizM@rannv.org

Ms. MacMenamin spoke in support of the proposed regulation.

Kelly Morgan, MD  
Emergency Physician and EMS Medical Director

Dr. Morgan stated that she supports the proposed legislation. She requested that the Board consider when patients receive buprenorphine treatment from a pharmacist, how documentation of treatment including patient follow-up services are documented in the patient's medical record.

Parties interested in obtaining a copy of the summary of the comments solicited should contact Board Coordination at [teamBC@pharmacy.nv.gov](mailto: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: 24  
The number of persons who testified at the hearing was: 6  
The number of agency submitted statements was: 2  
The name of persons who testified at the hearing:

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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.

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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.

The Board adopted LCB File R059-23 with an amendment to NAC 639.408(1) to include NRS 639.0124(1) (l) in conformance with AB156. The amendment is attached.

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 public by expanding access to medication treatment for individuals with OUD.

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 reducing barriers and expanding access to medication treatment for individuals with OUD which will benefit public health, safety, and welfare.

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.