

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

LCB FILE NO. R197-24I

**The following document is the initial draft regulation proposed
by the agency submitted on 10/21/2024**

Proposed Regulation of the Nevada State Board of Pharmacy

Workshop: October 17, 2024

Explanation – Language in *blue italics* is new; language in *red text* [*omitted material*] is language to be omitted, and language in *green text* indicates prior Board-approved amendments that are in the process of being codified.

AUTHORITY: NRS 453.221; NRS 639.070; NRS 639.2177

A related to pharmacy; revising the licensing requirements for facilities for treatment with narcotics; and providing other matters properly relating thereto.

Section 1. R196-22 is hereby amended to read as follows:

1. A person or public or private facility shall not operate or provide the services of a facility for treatment with narcotics unless the person or facility holds a license ~~to administer opioid-agonist treatment medication~~ issued by the Board pursuant to this section.

2. A person or public or private facility may apply to the Board for a license ~~to administer opioid-agonist treatment medication~~ by submitting an application to the Board on a form prescribed by the Board. The Board shall issue such a license if the applicant meets the requirements sets forth in subsection 3 and pays the fee required by NAC 639.220.

3. An applicant for a license pursuant to subsection 2 must:

(a) Be certified by the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services pursuant to 42 C.F.R. § 8.11;

(b) Hold a license issued by the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NAC 449.154 to 449.15485, inclusive, to operate a facility for treatment with narcotics;

(c) Be certified by the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 458.025; and

(d) ~~Ensure that each practitioner who dispenses opioid-agonist treatment medication at the facility is~~ *Be* registered with ~~the Board pursuant to NRS 453.231 and~~ the Drug Enforcement Administration of the United States Department of Justice ~~to dispense controlled substances as a narcotic treatment program.~~

4. Any license issued pursuant to this section is a revocable privilege and a holder of such a license does not acquire any vested right in such a license.

5. Each ~~dispensing practitioner practicing at a~~ facility for treatment with narcotics *licensed pursuant to this section* shall, to the extent required by 42 C.F.R. § 2.36, obtain informed consent for the reporting of information to the computerized program to track prescriptions for controlled substances established pursuant to NRS 453.162.

6. A facility for treatment with narcotics licensed pursuant to this section may only administer or dispense (but not prescribe) as an opioid agonist treatment medication a Schedule II or III narcotic drug approved by the Food and Drug Administration specifically for use in maintenance or detoxification treatment to a narcotic dependent person.

7. Each facility for treatment with narcotics licensed pursuant to this section shall employ a medical director which has the meaning ascribed to it in 42 CFR § 8.2. The Board must be notified in writing before there is a change in the medical director. The medical director must:

(a) Be a physician who holds a license to practice his or her profession in this State and is registered with the Board pursuant to NRS 453.231; and

(b) Be registered as a dispensing practitioner pursuant to NAC 639.742.

8. Each facility for treatment with narcotics licensed pursuant to this section must comply with applicable federal and state laws and regulations, including, without limitation, 21 U.S.C. Chapter 13, subchapter I (Control and Enforcement), 21 CFR Chapter II (Drug Enforcement Administration, Department of Justice) and 42 CFR Part 8 (Medications for the Treatment of Opioid Use Disorder).

Section 2. NAC 639.010 is hereby amended to read as follows:

“Narcotic treatment program” has the meaning ascribed to it in and 21 CFR § 1300.01.