

**LCB File No. R119-02**  
**PROPOSED REGULATION OF THE**  
**STATE BOARD OF PHARMACY**

**DISCIPLINE REGULATIONS**  
(Ver. 5/06/02)

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

*1. Following is the schedule of fines that the board may impose against a pharmacist or pharmacy in disciplinary actions pursuant to NRS 639.255(1)(f):*

<i>Failure to counsel a patient.....</i>	<i>\$750</i>
<i>Failure to document counseling of a patient.....</i>	<i>\$750</i>
<i>Prescription error that resulted in a negative patient outcome or patient discomfort but not requiring intervention or treatment by an institution or physician.....</i>	<i>\$500</i>
<i>Prescription error that resulted in a significantly negative patient outcome or an outcome that required intervention or treatment by an institution or physician.....</i>	<i>\$1,000</i>
<i>Prescription error that resulted in or contributed to a patient's death .....</i>	<i>\$5,000</i>
<i>Working as a pharmacist or allowing a pharmacist in a pharmacy's employ to work without an active license .....</i>	<i>\$200/day</i>
<i>Working as a pharmaceutical technician or allowing a pharmaceutical technician in a pharmacy's employ to work without an active license .....</i>	<i>\$100/day</i>
<i>Failure to make or maintain a biennial controlled substances inventory.....</i>	<i>\$1,000</i>

*2. For each violation of statute or regulation under similar circumstances committed by a licensee within a preceding 36-month period, a fine on the schedule in subsection 1 may be as much as doubled from the fine in the immediately preceding similar action except that in no case may the fine exceed \$10,000 for a violation.*

*3. In cases that do not have a fine listed on the schedule in subsection 1, the board may impose a fine it deems appropriate.*

*4. The board may impose a different fine upon each licensee involved in a particular disciplinary action based upon an evaluation of the aggravating and mitigating factors regarding each licensee's role in and responsibility for the violative conduct. The board may condition any increase or decrease of a fine as the board deems necessary under the unique circumstances of a disciplinary matter.*

*5. Within an accusation, the board's staff may group similar violations of statute and regulation into causes of action, but such grouping of similar violations shall be for the administrative convenience of the board and shall not affect the board's ability to impose separate discipline for each separate violation of statute or regulation.*

*6. This section shall be construed and applied so as to preserve board discretion in the imposition of discipline and remedial measures pursuant to NRS 639.255.*

*Workshop 6/20/02*