ADOPTED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R060-05

Effective December 29, 2005

EXPLANATION – Matter in ***italics*** is new; matter in brackets **[**~~omitted material~~**]** is material to be omitted.

AUTHORITY: §1, NRS 639.070 and 639.1375.

A REGULATION relating to advanced practitioners of nursing; requiring an advanced practitioner of nursing who dispenses drugs to a patient to do so in accordance with applicable law and his agreement with his collaborating physician; limiting the amounts of certain controlled substances and dangerous drugs that an advanced practitioner of nursing may dispense to no more than a 30-day supply; and providing other matters properly relating thereto.

Section 1. NAC 639.879 is hereby amended to read as follows:

639.879 1. An advanced practitioner of nursing who dispenses drugs to a patient **[**~~under the direction of a collaborating physician or pursuant to NRS 454.00958~~**]** shall do so **[**~~by a written prescription, unless the prescription is issued as an oral order from a practitioner.~~**]** ***in accordance with:***

(a) All applicable statutes and regulations; and

(b) The agreement between the advanced practitioner of nursing and his collaborating physician.

2. Except as otherwise provided in subsection 3, an advanced practitioner of nursing who is authorized to dispense controlled substances, poisons, dangerous drugs and devices or to dispense poisons, dangerous drugs and devices may dispense a controlled substance, poison, dangerous drug and device or a poison, dangerous drug and device, as applicable, only:

(a) For a legitimate medical purpose; and

(b) In such amounts as are authorized by his collaborating physician, except that the amounts ***of any controlled substance or dangerous drug*** must not exceed a ~~[365-day]~~ ***30-day*** supply.

3. An advanced practitioner of nursing who is authorized to dispense dangerous drugs may dispense any method of birth control in any quantity ordered by prescription.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R060-05

The State Board of Pharmacy adopted regulations assigned LCB File No. R060-05 which pertain to chapter 639 of the Nevada Administrative Code on September 8, 2005.

Notice date: 8/4/2005 **Date of adoption by agency:** 9/8/2005
Hearing date: 9/8/2005 **Filing date:** 12/29/2005

INFORMATIONAL STATEMENT

1. 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.

Public comment was solicited through public notices posted in county courthouses and through mailings to interested parties.

There was no public response expressed relative to this proposed regulation.

2. 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 __0___.
The number of persons who testified at the hearing was __0___.
The number of agency submitted statements was ___0__.

There was no public response expressed relative to this proposed regulation.

3. 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.

Comments were solicited from affected businesses through posting of public notices in the county courthouses, by direct mailings to all interested persons who have requested notices of board of pharmacy meeting agendas and by direct mailings to professional and trade associations.

There was no response from affected businesses relative to this proposed regulation.

4. 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 proposed regulation was adopted without change as no testimony was offered.

5. 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.

This regulation should have no economic impact on affected businesses or on the public.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

This regulation will have no immediate or long-term economic effects on business or the public.

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

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

7. 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.

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

The Board of Pharmacy is not aware of any similar regulations of the same activity in which the federal regulation is more stringent.

9. 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.