

LCB File No. R065-01

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

May 14, 2001

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption and Amendment of
Regulations of the Nevada State Board of Pharmacy

The Nevada State Board of Pharmacy will hold a public hearing at 9:00 a.m., on Thursday, June 14, 2001, at Meadow Wood Courtyard, 5851 South Virginia Street, Reno, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption and amendment of regulations that pertain to chapter 639 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.060:

Amendment of Nevada Administrative Code 639 NEW LANGUAGE

1. The need for and the purpose of the proposed regulation or amendment.

If a pharmacist refuses to fill a prescription for genuine reasons of conscience, this language will ensure that the pharmacist provide another means to have the prescription filled for the patient either by another pharmacist or by another pharmacy if there is no other pharmacist on duty.

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation amendment is attached to this notice.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public:

(a) Both adverse and beneficial effects.

The benefit would be to provide the public a means of having a prescription filled even if the pharmacist presented with the prescription will not fill it. There should be no adverse effects.

(b) Both immediate and long-term effects.

As stated above.

4. The estimated cost to the agency for enforcement of the proposed regulation.

There will be no cost incurred by the board for enforcement of this regulation.

5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include 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.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The Board of Pharmacy is not aware of this regulation being required by federal law.

7. If the regulation includes provisions which are more stringent than a federal regulation that 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.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not provide a new or increase of fees.

Persons wishing to comment upon the proposed action of the Board may appear at the scheduled public hearing or may address their comments, data, views, or arguments in written form to the Nevada State Board of Pharmacy, 555 Double Eagle Court, Suite 1100, Reno, Nevada 89511-8991, or at e-mail address: pharmacy@govmail.state.nv.us. Written submissions must be received by the Board at least five days before the scheduled public hearing. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted and amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted and amended will be available in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. The text of each regulation will include the entire text of any section of the Nevada Administrative Code which is proposed for amendment or repeal. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Nevada State Board of Pharmacy
Reno, Nevada

Nevada State Board of Pharmacy
Las Vegas, Nevada

Mineral County Courthouse
Hawthorne, Nevada

Elko County Courthouse
Elko, Nevada

Carson City Courthouse
Carson City, Nevada

Washoe County Courthouse
Reno, Nevada

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New regulatory language to be added to NAC 639.

1. *A pharmacist who refuses to fill a prescription for genuine reasons of conscience shall:*
 - (a) *Arrange to have the prescription filled by another pharmacist at the pharmacy or by another pharmacy;*
 - (b) *Notify his direct supervisor that he did not fill the prescription and the reason that he did not do so; and*
 - (c) *Should not elucidate his personal principals of conscience when counseling the patient for referred services.*

2. *A pharmacist shall not be disciplined by his employer for his refusal to dispense a prescription because:*
 - (a) *The filling of the prescription would violate a genuine principal or tenet of conscience held by the pharmacist;*
 - (b) *He reasonably believes that the filling of the prescription would be unlawful or potentially harmful to the patient; or*
 - (c) *He reasonably believes a prescription to be fraudulent or not for a legitimate medical purpose.*

Workshop 4/26/01

Public Hearing 6/14/01