

Assembly

MINUTES

0027

COMMERCE COMMITTEE - NEVADA STATE LEGISLATURE - 58TH SESSION

FEBRUARY 24, 1975

The meeting was called to order by Chairman Robinson at 3:13 P.M.

MEMBERS PRESENT: Mr. Benkovich
Mr. Demers
Mr. Getto
Mr. Hickey
Mr. Harmon
Mr. Moody
Mr. Schofield
Mr. Wittenberg
Mr. Chairman

MEMBERS ABSENT: None

ALSO PRESENT: Sharon Green - Nevada State Hospital
(Speaking Robert A. Groves - Attorney General's Office
guests)

The purpose of this meeting was to hear testimony on AB 69
and AB 307.

Mr. Moody moved the minutes of February 14 be approved. This was seconded by Mr. Getto. Mr. Demers moved that the minutes of February 14 be amended to include the minutes of February 12 to be approved at the same time. This was done and carried the committee unanimously.

Discussion then turned to AB 69 which is:

Technical amendments to correct internal reference
and name designation in NRS Chapter 639.

Sharon Green felt there needed to be some clarification with regard to AB 69. It was her understanding that it would be a misdemeanor if anyone other than a pharmacist or an Intern pharmacist handles drugs. The clerk hands the perscriptions to customers - would that then be a misdemeanor? She felt the verbage should be clearly defined so that hospital pharmacy technicians be exempt. She went on to say that pharmacy technicians and intern pharmacists were totally different things. In AB 69 it says that anyone handling drugs other than the pharmacist or an intern pharmacist will be guilty of a misdemeanor - a pharmacy technician handles drugs in a hospital - this bill would put him out of a job.

Mr. Groves said he didn't think exempting technicians would be opening doors for other uses of technicians in retail pharmacies or in hospital pharmacies. He didn't think it objectionable if the committee would see fit to have a section added to the effect that anything in this subsection would in no way relate to hospital pharmacy technicians.

He went on to say a Pharmacy Clerk (now called Intern Pharmacist) is a person who has completed his schooling and is working under a pharmacist. A pharmacy technician is anyone with or without formal education which the pharmacist or hospital sees fit to hire. He is not licensed. He is the complete responsibility of the pharmacist.

Chairman Robinson commented that in previous testimony from George Bennett, the committee was told that the only thing this bill would do is simply change the name pharmacy clerk to intern pharmacist to bring it into compliance with the rest of the laws in which the terminology was changed during the last Session.

Discussion then went on to AB 307 which:

Defines "pharmaceutical technician" and establishes employment criteria.

Mr. Groves said that under NRS 639, the State Board of Pharmacy was directed to implement regulations covering the use of hospital pharmaceutical technicians. Extensive hearings were held on this matter and the Board did establish regulations which are essentially the same as those put forth in AB 307 with the exception that in Section 4, Subsection 4, the Board decided that it was in the best interest not to define what duties a technician could and could not perform and leave it up to each hospital to determine so no hospital would be saddled with restrictions not applicable to their operation.

Sharon Green commented that Nevada has been using pharmaceutical technicians in hospitals for almost 20 years. A few years ago they began to hear comments to the effect that might put these technicians out of a job so it was decided to introduce legislation to allow the continuing use of them. The duties in 307 are just about the opposite of what was decided they could do. Weeks were spent with the State Board of Pharmacy to try to decide what the duties of a technician should be. We arrived at a compromise which said: 1. Pharmaceutical technicians can be used only in hospital pharmacies because of the checks and balances in a hospital pharmacy as opposed to a retail pharmacy and this would be in the in-patient facilities only. 2. Eliminate the duties that a pharmaceutical technician could do from the law and leave it up to the Board to establish the regulations. This was agreed upon, it was a compromise agreement. The regulations in AB 307 would put these people out of a job. Ms. Green went on to describe just what the duties of the technician are. When an order comes down from a doctor, the nurse makes out an order which is given to the technician. He then removes the requested drug from the shelf, types up a label and leaves it on the counter for the pharmacist to check. The reason this system, i.e. technicians, is used is because in the large institutions, the pharmacist is a member of the medical care team. He has a different role than a retail

pharmacist. She said he is needed more on the medical team rather than typing up labels and performing other essentially clerical tasks. The pharmacist is totally responsible for the technicians work even to the point of losing his license. She said she was extremely opposed to AB 307 and she felt it an affront to the agreement made last Session. She said she felt the intent of the law was not to eliminate these people out of the hospitals where there are in-patient facilities.

Mr. Wittenberg asked what the salary was for a pharmacist and what the salary was for a pharmaceutical technician. Ms. Green said a pharmacist earned approximately \$12,000 to \$17,000 per year and a technician earned approximately \$600 to \$650 per month and that the technicians considered their positions a career. They are usually women and they do not have to have any formal education or training but if they do, they would be selected over someone who does not.

Mr. Demers wondered if a certificate should be provided for in the law and required of a technician. Ms. Green said she would have no objection to this but that it might create problems with the other para-medical fields inasfar as status. They might all want such certificates.

Mr. Demers also wondered if there were any symbolic cases of "foul-ups" regarding technicians. Ms. Green said she spoke to one pharmacist who said he could not give an exact percentage but that they made even fewer errors than the pharmacists.

Mr. Wittenberg asked what it would cost to replace the pharmaceutical technicians with intern pharmacists. Ms. Green said it would cost about \$200 to \$300 per month per technician and, the interns would not consider this their career while the technicians do. It would cost the hospitals more money. That is why technicians are used.

Mr. Groves added that a technician may not be involved in the filling of or the dispensing of perscriptions for out patients. He said the bill is too restrictive. It would even preclude a hospital from having an out patient section separate. This bill does not refer to emergency room patients or to the patient sent home with some drugs to keep him until he can get to a store. "In patient" will have to be defined no matter how this bill comes out.

When asked, Ms. Green stated that there are presently nine pharmaceutical technicians in the State of Nevada. She also said she would not oppose a definition of a pharmaceutical technician being put into the NRS.

Chairman Robinson then presented the committee with BDR 22-455 regarding surveying and entertained a motion for committee introduction. Mr. Getto so moved and Mr. Moody seconded. All committee members voted "aye" with the exception of Mr. Wittenberg who voted "no".

Mr. Getto then moved for a "do pass" on AB 69. Mr. Demers seconded this motion and it was carried unanimously.

Mr. Demers moved for committee adjournment. This was seconded by Mr. Benkovich and carried unanimously.

Meeting adjourned at 4:00 P.M.

Respectfully submitted,

Joan Anderson, Secretary

ASSEMBLY
HEARING

0026

COMMITTEE ON.....COMMERCE.....

Date. FEB. 24, 1975 Time 3:00 P.M. Room 316.....

Bill or Resolution
to be considered

Subject

A.B. 69

DO PASS

Technical amendments to correct internal reference
and name designation in NRS Chapter 639.

A.B. 307
(Preliminary
Hearing)

Defines "pharmaceutical technician" and establishes
employment criteria.

COMMERCE COMMITTEE
LEGISLATION ACTION

DATE February 24, 1975

SUBJECT BDR 22-455 regarding surveying and

MOTION: Committee Introduction X
Do Pass Amend Indefinitely Postpone Reconsider

Moved By Mr. Getto Seconded By Mr. Moody

AMENDMENT: _____

Moved By _____ Seconded By _____

AMENDMENT: _____

Moved BY _____ Seconded By _____

VOTE:	<u>MOTION</u>		<u>AMEND</u>		<u>AMEND</u>	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
Robinson	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Harmon	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Demers	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Hickey	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Moody	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Schofield	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Wittenberg	<u> </u>	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Benkovich	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Getto	<u>X</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

ORIGINAL MOTION: Passed X Defeated Withdrawn

AMENDED & PASSED AMENDED & DEFEATED

AMENDED & PASSED AMENDED & DEFEATED

Attached to Minutes February 24, 1975

COMMERCE COMMITTEE
LEGISLATION ACTION

DATE February 24, 1975

SUBJECT AB 69 - Technical amendments to correct internal reference
and name designation in NRS chapter 639.

MOTION:

Do Pass X Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By Mr. Getto Seconded By Mr. Demers

AMENDMENT:

Moved By _____ Seconded By _____

AMENDMENT:

Moved BY _____ Seconded By _____

VOTE:	<u>MOTION</u>		<u>AMEND</u>		<u>AMEND</u>	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
Robinson	<u>X</u>	_____	_____	_____	_____	_____
Harmon	<u>X</u>	_____	_____	_____	_____	_____
Demers	<u>X</u>	_____	_____	_____	_____	_____
Hickey	<u>X</u>	_____	_____	_____	_____	_____
Moody	<u>X</u>	_____	_____	_____	_____	_____
Schofield	<u>X</u>	_____	_____	_____	_____	_____
Wittenberg	<u>X</u>	_____	_____	_____	_____	_____
Benkovich	<u>X</u>	_____	_____	_____	_____	_____
Getto	<u>X</u>	_____	_____	_____	_____	_____

ORIGINAL MOTION: Passed X Defeated _____ Withdrawn _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

Attached to Minutes February 24, 1975

