

## HEALTH, WELFARE AND STATE INSTITUTIONS

Minutes of Meeting - April 18, '75

The twenty-third meeting of the Health, Welfare and State Institutions Committee was held on April 18, 1975 at 12:00 p.m. in Room 323.

COMMITTEE MEMBERS PRESENT: Chairman Lee E. Walker  
Senator Neal  
Senator Gojack  
Senator Herr  
Senator Hilbrecht  
Senator Schofield  
Senator Young

A.B. 108 - Revises child abuse and neglect statutes.

Mr. Orville Wahrenbrock requested that Section 3 be deleted and that the remainder of the bill be passed.

Senator Gojack moved "Do Pass" as amended, seconded by Senator Herr, motion carried.

A.B. 433 - Apportions duties respecting medical or remedial care rates between state welfare board and state welfare administrator.

Mr. Bill Hadley, State Welfare, advised that they introduced this bill to bring it in line with other sections of the law regarding rate setting.

Senator Schofield moved "Do Pass"; seconded by Senator Young; motion carried.

S.B. 459 - Provides for regulation of retail sale of convenience drugs.

Mr. George Bennett, Secretary for State Board of Pharmacy, advised that the reason for this bill is that they find during their inspections that many stores such as grocery stores, liquor stores, etc. that sell drugs have these drugs stored improperly. Mr. Bennett referred to drugs being stored in direct sunlight or certain drugs requiring refrigeration being stored on shelves. Mr. Bennett commented that usually upon contacting the manager of the store and advising them of improper storage, they are happy to remove them from the shelves; however, Mr. Bennett further commented that they do not have the money to do this. This bill would protect the consumer and also regulate the people who store and sell these drugs. Mr. Bennett referred to a publication entitled "Survey on Pharmacy Law" and provided the committee with an excerpt from this publication which indicates that 34 states have such a drug licensing law (see Exhibit A).

Senator Walker commented that Section 7 be deleted from this bill since it is contained in S.B. 460; Mr. Bennett concurred.

## Senate

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Senator Gojack asked what the total charges would be per year to the store - how many could be overlapping charges to one person. Mr. Bennett replied none.

Mr. Bennett advised that this would enable them to go back and check the time, date stamp, etc. Senator Walker asked if they would adopt regulations that would keep the drugs from being placed in the sunlight; Mr. Bennett advised that this may be done in the way of an informative letter to the people who carry drugs. Senator Walker asked what the prior opposition to this bill was; Mr. Bennett replied that the Proprietary Association felt that they might take these drugs off the sundry outlet. Mr. Bennett further stated that they just wanted to carry out their inspections and inform people of possibly storage problems.

Senator Walker referred to page 1, line 16, and asked the purpose of this language. Mr. Bennett replied that it refers to prescription drugs, such as narcotics, which can't be in such stores anyway. Senator Gojack suggested that page 1, line 21 be amended to read: ".without prescription" (the remainder of the sentence should be deleted).

**S.B. 460** - Makes various changes relating to pharmacists and pharmacy.

Mr. Robert Groves provided the committee with proposed amendments to this bill (see Exhibit B for amendments). Mr. Groves advised that the bill came out of the bill drafter's office with a number of changes that were not in their original draft.

Senator Walker referred to amendment #1 and felt that perhaps this would be setting them up as an investment agency. Mr. Bennett replied that they don't have that authority. By June 30th, they have the maximum amount in the treasury - most of the fees come in within two months and these are used up during the year. They invest on 60-90 days. Mr. Bennett agreed that "state bonds" may be deleted on line two of their proposed amendments. Mr. Bennett referred to page 3, line 27 and advised that in the past they have had accounts with savings and loan associations, but in the last year they have purchased treasury notes for several months -- this wording on page 3 would prohibit them from doing this. Senator Schofield asked how much more interest they receive on treasury notes; Mr. Bennett replied that last summer it was 9.55% on treasury note while it was 5 1/4% in savings and loan.

Senator Walker asked how they handle continuing education. Mr. Bennett advised that they have had considerable expense since this began July 1. Mr. Bennett further commented that they do not produce the continuing education programs - they merely monitor the quality - this comes out of the general fund. This allows them to do something

that is suggested by federal legislation.

Mr. Bennett referred to Section 3, line 10, page 1, and advised that they have occasion to find someone who has psychiatric problem or injured in an accident, and if that person is able to meet the requirements they have to relicense him. They have no authority to ask that he have an examination. At the Board's expense, they would like to refer him to a psychiatrist. Mr. Groves advised that there is a provision that an examining physician must report and the person being examined then has the opportunity to seek independent medical examination.

Senator Schofield felt that whenever a pharmacist feels that there is incompetency, he should be able to show proof of such incompetency. Mr. Groves suggested that we put in the requirement of showing "good cause". Senator Walker suggested that in order to conform with other requirements for finding of incompetency that we have, we should also state that once the determination for incompetency has been made, the person should be examined by two physicians. Mr. Bennett agreed. Senator Walker referred to page 2, lines 16-18, and felt that this determination should be left to the mental health authorities; Mr. Bennett replied that the Board does not want to determine mental competency. Senator Herr expressed concern with the possibility of only one person making a determination and asked if this would be the only witness required. Mr. Bennett advised that this would be only hearsay and they would have to investigate such reports.

Mr. Bennett advised of the following technical changes: Section 5, page 2, line 24, change "shall" to "may"; Section 6, page 2, line 43, change "shall" to "may"; Section 7, page 3, line 8, has been changed from \$25 a day because they are now forced to go for hearings at a specific place where they cannot use cheaper lodging. Senator Walker advised that a bill has been passed that would standardize all travel for all. Mr. Bennett asked if this was S.B. 165 -- if so, Mr. Bennett feels this relates to salary only. Senator Walker advised that he would check on this.

Mr. Bennett referred to Section 9, page 3, and advised that the Board licenses people out of the State of Nevada and some out of the U.S. They are now required to notify everyone of a Board meeting and they feel it is an unnecessary burden to have to incur the expenses of postage. They would like to give some type of general notice, such as a notice in the newspaper, a newsletter, etc. Mr. Midmore requested that the word "regular" on line 45 be deleted so that this would apply to special as well as regular meetings.

With reference to page 4, line 22, Mr. Bennett commented that they would like this changed to "biennially" in order to conform with many other states; also, most of their out-of-state members are from California and this conforms with California statutes.

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Mr. Bennett referred to page 4, line 30, and advised that they want to set forth in the law what the passing grades are on their examination since there has recently been confusion as to what is a satisfactory grade to pass.

Mr. Bennett advised that page 4, line 38 has been changed in order to conform with the National Association of Pharmacy who advise 1,500 hours.

Sharon Greene referred to page 10, subsection 3, and felt this should include the wording "immediately after caring for the patient" since it is not realistic that the nurse would have to sign the inventory sheet prior to caring for a patient if it were an emergency. With respect to line 48, page 10, Ms. Green commented that many times there is only one registered nurse on duty at one time -- this would cause problems if there were two emergency patients in that she could only work on one at a time. A possible solution to this section would be to add the wording "unless directed by them", meaning the physician or registered nurse. The areas on page 10 that Ms. Greene feels need amending are subsections 3, 4 and 6.


Senator Walker advised that testimony on S.B. 459 and S.B. 460 will be continued for Tuesday, April 22, 1975.

S.B. 288 - Prohibits denial of hospital privileges to certain podiatrists solely because of their profession.


Senator Schofield moved "Do Pass" and amend; seconded by Senator Young; motion carried.

Being no further business at this time, the meeting was adjourned at 2:00 p.m.

Respectfully submitted,

  
Sharon W. Maher, Secretary

APPROVED:

  
Lee E. Walker, Chairman

**XI. LICENSURE REQUIREMENTS FOR DRUG DISTRIBUTION**

*34  
Running down rock  
all bordering  
states*

|                    | Pharmacy Permit Required | New Permit Fee | Annual Fee Renewal-R | Minimum Standards of Equipment Required | Pharmacy Inspected Annually | Outlets Other than Pharmacies Licensed to Sell Packaged Drugs | Saleable Annual Fee |
|--------------------|--------------------------|----------------|----------------------|---|-----------------------------|---|---------------------|
| Alabama            | Yes                      | \$50. A        | \$25.                | x                                       | x                           | K   | No                  |
| 2 Alaska           | Yes                      | 50. T          | 2.                   | x                                       |                             | L   | 10.T                |
| 1, 2 Arizona       | Yes                      | 50. A          | 50.                  | x                                       | x                           | K-L   | \$25.               |
| 1, 2 Arkansas      | Yes                      | 25. B          | 25.                  | x                                       | x                           | K   | No                  |
| 1, 2 California    | Yes                      | 50. B          | 50. D                | x                                       | x                           | K   | 5.                  |
| Colorado           | Yes                      | 100.           | 35.                  | x                                       | x                           | L   | 25-10               |
| 1, 2 Connecticut   | Yes                      | 200. E         | 50.                  | x                                       | x                           | K-L   | 20.-40.             |
| 1, 2 Delaware      | Yes                      | 25.            | 25.                  | x                                       | x                           | K   | 50.                 |
| Dist. of Col.      | Yes                      | 15. A          | 15.                  | x                                       | x                           |   | 15.                 |
| Florida            | Yes                      | 50.            | 25. F                | x                                       | x                           | K   | No                  |
| 1 Georgia          | Yes.                     | 25. A          | 30. T                | x                                       | x                           |   | No                  |
| 1 Hawaii           | Yes                      | 18.            | 18.                  | x                                       | x                           |   | 18.                 |
| 2 Idaho            | Yes                      | 50. A          | 50.                  | x                                       | x                           | L   | 4.-10.-25.          |
| Illinois           | Yes                      | 10.            | 10.                  | x                                       | x                           |   | No                  |
| Indiana            | Yes                      | 25. B          | 10.                  | x                                       | x                           | K   | No                  |
| 2 Iowa             | Yes                      | 25.            | 25.                  | x                                       | x                           |   | 50.                 |
| 1, 2 Kansas        | Yes                      | 150. U         | 125. U               | x                                       | x                           | x   | 10.                 |
| Kentucky           | Yes                      | 50. A          | 35.                  | x                                       | x                           |   | No                  |
| Louisiana          | Yes                      | 40. A          | 40.                  | x-o                                     | x                           | N   | No                  |
| Maine              | Yes                      | 100.           | 100.                 | x                                       | x                           | K   | 100.                |
| 1, 2 Maryland      | Yes                      | 40. B          | 20.                  | x                                       | x                           | K   | No                  |
| 1, 2 Massachusetts | Yes                      | 35. B-P        | 35.                  | x                                       | x                           | L   | No                  |
| Michigan           | Yes                      | 15. B          | 15.                  | x                                       | x                           | K-L   | No                  |
| 1, 2 Minnesota     | Yes                      | 35. A          | 35.                  | x                                       | x                           |   | No                  |
| Mississippi        | Yes                      | 25. A          | 25.                  | x                                       | x                           | L   | No                  |
| Missouri           | Yes                      | 100. A         | 20.                  | x                                       | x                           |   | No                  |
| Montana            | Yes                      | 20. A          | 20.                  | x                                       | x                           |   | 5                   |
| Nebraska           | Yes                      | 100. B         | 50.                  | x                                       | x                           | K   | No                  |
| 1, 2 Nevada        | Yes                      | 50. B          | 25.                  | x                                       | x                           |   | No                  |
| New Hampshire      | Yes                      | 100. A         | 50. A                | x                                       | x                           |   | No                  |
| 1, 2 New Jersey    | Yes                      | 100. G         | 25.                  | x                                       | x                           | K   | No                  |
| 1, 2 New Mexico    | Yes                      | 60. A          | 60.                  | x                                       | x                           | K   | No                  |
| 1, 2 New York      | Yes                      | 60. F          | 25. T                | x                                       | x                           | L   | 10.T                |
| North Carolina     | Yes                      | 100. A         | 50.                  | x                                       | x                           | K-L   | No                  |
| North Dakota       | Yes                      | 50. A          | 50.                  | x                                       | x                           |   | 3.H                 |
| 1, 2 Ohio          | Yes                      | 27.50          | 27.50                | x                                       | x                           |   | No                  |
| 1, 2 Oklahoma      | Yes                      | 35. B          | 35.                  | x                                       | x                           | K   | No                  |
| 1, 2 Oregon        | Yes                      | 25. B          | 25.                  | x                                       | x                           | L   | 15.                 |
| 1, 2 Pennsylvania  | Yes                      | 50. B          | 5.                   | x                                       | x                           | K   | No                  |
| Puerto Rico        | Yes                      | 3. A           | 3.                   | x                                       | x                           | K   | No                  |
| 1, 2 Rhode Island  | Yes                      | 20. A          | 10.                  | x                                       | x                           | K   | No                  |
| South Carolina     | Yes                      | 15. A          | 10.                  | x                                       | x                           | K   | No                  |
| South Dakota       | Yes                      | 50.            | 50.                  | x                                       | x                           | K-L   | 6.                  |
| 1, 2 Tennessee     | Yes                      | 20. A          | 20.                  | x                                       | x                           |   | 20                  |
| 1, 2 Texas         | Yes                      | 25.            | 25.                  | x                                       | x                           |   | No                  |
| 1, 2 Utah          | Yes                      | 5.             | 7.50                 | x                                       | x                           | K   | No                  |
| Vermont            | Yes                      | 10. A          | 10.                  | x                                       | x                           | K-L   | No                  |
| 1, 2 Virginia      | Yes                      | 25. A          | 25.                  | x                                       | x                           |   | No                  |
| 1, 2 Washington    | Yes                      | 65. AH         | 10. HS               | x                                       | x                           | K-L   | 15.                 |
| 1 West Virginia    | Yes                      | 50. F          | 25.                  | x                                       | x                           |   | No                  |
| 1, 2 Wisconsin     | Yes                      | 85. A          | 65.                  | x                                       | x                           | L   | 15                  |
| Wyoming            | Yes                      | 50.            | 50.                  | x                                       | x V                         |   | No                  |

**FOOTNOTES:**

- 1 — License required to manufacture drugs.
- 2 — License required to wholesale drugs.
- A — Not transferable.
- B — Transfer fee same.
- C — Transfer fee \$1.00
- D — Transfer fee \$5.00
- E — Transfer fee \$15.00
- F — Transfer fee \$25.00
- G — Transfer fee \$50.00
- H — Plus \$10 for prophylactic fee
- I — Only to dealers located remote from a pharmacy.
- K — Drugs saleable designated by law, Arizona \$25.00 annual patent and proprietary permit; N. M. all proprietary OTC except controlled substances in Schedule V.
- L — Drugs saleable designated by Board, Arizona \$5.00 lifetime general dealer permit.
- M — Examination given applicants.
- N — Louisiana Bd. Health License products of Mfg.
- O — Minimum standards of equipment designated by Board except in Louisiana where it is by law.
- P — Massachusetts permit fee—biennial
- R — Average renewal fee \$32.00
- S — Additional \$10.00—Controlled Substances Act
- T — Biennial
- U — Registration under Controlled Substances Act included.
- V — Twice a year.

- I. Add to Sec. 2, subsection 1, authority for the board to invest its moneys in United States or ~~state bonds~~ or treasury notes.
- II. Amend Sec. 7, subsection 4(b), to read as follows:

Actual expenses for subsistence, lodging and transportation while traveling on business of the board.
- III. Amend Sec. 16, subsection 1, line 39, to provide that the biennial renewal fee shall be not more than \$100.00.

The suggested new language to become NRS 639.170, subsection 2, which appears at page 7, lines 11 through 14, should be deleted because it is contained in S.B. 248, which has been passed and approved.
- IV. Delete all of Sec. 21, except the new language commencing on page 9, line 41 through line 44.
- V. Amend Sec. 18 by deleting the words "that he is unable properly to perform his duties" which appear on page 8, lines 8 and 9.
- VI. Delete Sec. 25.
- VII. Add a new section, to read as follows:

No pharmaceutical manufacturer's service representative or detail man may possess or distribute any prescription drug or sample thereof, unless he has first applied for and obtained a permit from the board to do so.
- VIII. Add a new section to make the act effective upon passage and approval.