

SENATE BILL NO. 425—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE BOARD OF PHARMACY)

MARCH 24, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes relating to pharmacy.
(BDR 54-530)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

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

AN ACT relating to pharmacy; increasing the fee for the biennial renewal of a license for a manufacturer or wholesaler; abolishing inactive licenses; revising provisions governing prescriptions purchased with cash; revising provisions governing the sale and purchase of prescription drugs by a wholesaler; revising provisions governing a rehearing of the State Board of Pharmacy concerning a contest or appeal of a decision of the Board; repealing the requirement that a notice concerning the substitution of certain drugs be displayed in a pharmacy; reducing the fees for the initial registration and renewal of a registration of supportive personnel; authorizing persons enrolled in certain training programs to administer controlled substances and certain drugs and medicines; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 639 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2, 3 and 3.5 of this act.

3 **Sec. 2.** *“Pharmaceutical technician” means a person who*
4 *performs technical services in a pharmacy under the direct*
5 *supervision of a pharmacist and is registered with the Board.*



* S B 4 2 5 R 2 *

- 1 **Sec. 3.** *“Pharmaceutical technician in training” means a*
2 *person who is:*
3 1. *Registered with the Board in order to obtain the training*
4 *and experience required to be a pharmaceutical technician; or*
5 2. *Enrolled in a program of training for pharmaceutical*
6 *technicians that is approved by the Board.*
7 **Sec. 3.5.** 1. *A wholesaler may sell a prescription drug only*
8 *to:*
9 (a) *A pharmacy or practitioner; or*
10 (b) *Another wholesaler if:*
11 (1) *The wholesaler who purchases the drug is licensed by*
12 *the Board; and*
13 (2) *The sale is a bona fide transaction.*
14 2. *A wholesaler may purchase a prescription drug only from:*
15 (a) *A manufacturer; or*
16 (b) *Another wholesaler if:*
17 (1) *The wholesaler who sells the drug is licensed by the*
18 *Board; and*
19 (2) *The sale is a bona fide transaction.*
20 3. *The Board shall not limit the quantity of prescription drugs*
21 *a wholesaler may purchase, sell, distribute or otherwise provide to*
22 *another wholesaler, distributor or manufacturer.*
23 4. *For the purposes of this section:*
24 (a) *A purchase shall be deemed a bona fide transaction if:*
25 (1) *The wholesaler purchased the drug:*
26 (I) *Directly from the manufacturer of the drug; or*
27 (II) *With a reasonable belief that the drug was*
28 *originally purchased directly from the manufacturer of the drug;*
29 (2) *The circumstances of the purchase reasonably indicate*
30 *that the drug was not purchased from a source prohibited by law;*
31 (3) *Unless the drug is purchased by the wholesaler from the*
32 *manufacturer, before the wholesaler sells the drug to another*
33 *wholesaler, the wholesaler who sells the drug conducts a*
34 *reasonable visual examination of the drug to ensure that the drug*
35 *is not:*
36 (I) *Counterfeit;*
37 (II) *Deemed to be adulterated or misbranded in*
38 *accordance with the provisions of chapter 585 of NRS;*
39 (III) *Mislabeled;*
40 (IV) *Damaged or compromised by improper handling,*
41 *storage or temperature control;*
42 (V) *From a foreign or unlawful source; or*
43 (VI) *Manufactured, packaged, labeled or shipped in*
44 *violation of any state or federal law relating to prescription drugs;*



1 (4) *The drug is shipped directly from the wholesaler who*
2 *sells the drug to the wholesaler who purchases the drug; and*

3 (5) *The documents of the shipping company concerning the*
4 *shipping of the drug are attached to the invoice for the drug and*
5 *are maintained in the records of the wholesaler.*

6 (b) *A sale shall be deemed a bona fide transaction if there is a*
7 *reasonable assurance by the wholesaler that purchases the drug*
8 *that the wholesaler will sell the drug directly and only to a*
9 *pharmacy or practitioner.*

10 (c) *The purchase or sale of a prescription drug includes,*
11 *without limitation, the distribution, transfer, trading, bartering or*
12 *any other provision of a prescription drug to another person by a*
13 *wholesaler. A transfer of a prescription drug from a wholesale*
14 *facility of a wholesaler to another wholesale facility of the*
15 *wholesaler shall not be deemed a purchase or sale of a*
16 *prescription drug pursuant to this section if the wholesaler is a*
17 *corporation whose securities are publicly traded and regulated by*
18 *the Securities Exchange Act of 1934.*

19 **Sec. 4.** NRS 639.001 is hereby amended to read as follows:

20 639.001 As used in this chapter, unless the context otherwise
21 requires, the words and terms defined in NRS 639.0015 to 639.016,
22 inclusive, *and sections 2 and 3 of this act* have the meanings
23 ascribed to them in those sections.

24 **Sec. 5.** NRS 639.0124 is hereby amended to read as follows:

25 639.0124 “Practice of pharmacy” includes, but is not limited
26 to, the:

27 1. Performance or supervision of activities associated with
28 manufacturing, compounding, labeling, dispensing and distributing
29 of a drug ~~H~~, *including the receipt, handling and storage of*
30 *prescriptions and other confidential information relating to*
31 *patients.*

32 2. Interpretation and evaluation of prescriptions or orders for
33 medicine.

34 3. Participation in drug evaluation and drug research.

35 4. Advising of the therapeutic value, reaction, drug interaction,
36 hazard and use of a drug.

37 5. Selection of the source, storage and distribution of a drug.

38 6. Maintenance of proper documentation of the source, storage
39 and distribution of a drug.

40 7. Interpretation of clinical data contained in a person’s record
41 of medication.

42 8. Development of written guidelines and protocols in
43 collaboration with a practitioner which are intended for a patient in a
44 licensed medical facility and authorize the implementation,
45 monitoring and modification of drug therapy. *The written*



* S B 4 2 5 R 2 *

1 *guidelines and protocols may authorize a pharmacist to order and*
2 *use the findings of laboratory tests and examinations.*

3 9. Implementation and modification of drug therapy in
4 accordance with the authorization of the prescribing practitioner for
5 a patient in a pharmacy in which drugs, controlled substances,
6 poisons, medicines or chemicals are sold at retail.

7 The term does not include the changing of a prescription by a
8 pharmacist or practitioner without the consent of the prescribing
9 practitioner, except as otherwise provided in NRS 639.2583.

10 **Sec. 6.** NRS 639.015 is hereby amended to read as follows:

11 639.015 "Registered pharmacist" means:

12 1. A person registered in this state as such on July 1, 1947;

13 2. A person registered in this state as such in compliance with
14 the provisions of paragraph (c) of section 3 of chapter 195, Statutes
15 of Nevada 1951; or

16 3. A person who has complied with the provisions of NRS
17 639.120 ~~{and 639.133}~~ and whose name has been entered in the
18 registry of pharmacists of this state by the *Executive* Secretary of
19 the Board and to whom a valid certificate as a registered pharmacist
20 or valid renewal thereof has been issued by the Board.

21 **Sec. 7.** NRS 639.0152 is hereby amended to read as follows:

22 639.0152 "Supportive personnel" means ~~{persons who perform~~
23 ~~technical services in a pharmacy that do not require the judgment of~~
24 ~~a pharmacist but which are related to the preparation and~~
25 ~~distribution of drugs under the direct supervision of the pharmacist~~
26 ~~who is responsible for all of the work performed in the pharmacy.}~~
27 *any person, other than a pharmacist, intern pharmacist,*
28 *pharmaceutical technician or pharmaceutical technician in*
29 *training, who is employed by a pharmacy and has access to the*
30 *secured premises of the pharmacy.*

31 **Sec. 8.** NRS 639.040 is hereby amended to read as follows:

32 639.040 1. The Board shall elect a President and a Treasurer
33 from among its members.

34 2. The Board shall employ ~~{a}~~ *an Executive* Secretary, who
35 must not be a member of the Board. The *Executive* Secretary shall
36 keep a complete record of all proceedings of the Board and of all
37 certificates issued, and shall perform such other duties as the Board
38 may require, for which services he is entitled to receive a salary to
39 be determined by the Board.

40 **Sec. 9.** NRS 639.070 is hereby amended to read as follows:

41 639.070 1. The Board may:

42 (a) Adopt such regulations, not inconsistent with the laws of this
43 state, as are necessary for the protection of the public, appertaining
44 to the practice of pharmacy and the lawful performance of its duties.



- 1 (b) Adopt regulations requiring that prices charged by retail
2 pharmacies for drugs and medicines which are obtained by
3 prescription be posted in the pharmacies and be given on the
4 telephone to persons requesting such information.
- 5 (c) Adopt regulations, not inconsistent with the laws of this
6 state, authorizing the *Executive Secretary of the Board* to issue
7 certificates, licenses and permits required by this chapter and
8 chapters 453 and 454 of NRS.
- 9 (d) Adopt regulations governing the dispensing of poisons,
10 drugs, chemicals and medicines.
- 11 (e) Regulate the practice of pharmacy.
- 12 (f) Regulate the sale and dispensing of poisons, drugs, chemicals
13 and medicines.
- 14 (g) Regulate the means of recordkeeping and storage, handling,
15 sanitation and security of drugs, poisons, medicines, chemicals and
16 devices, including, but not limited to, requirements relating to:
 - 17 (1) Pharmacies, institutional pharmacies and pharmacies in
18 correctional institutions;
 - 19 (2) Drugs stored in hospitals; and
 - 20 (3) Drugs stored for the purpose of wholesale distribution.
- 21 (h) Examine and register, upon application, pharmacists and
22 other persons who dispense or distribute medications whom it
23 deems qualified.
- 24 (i) Charge and collect necessary and reasonable fees for its
25 services, other than those specifically set forth in this chapter.
- 26 (j) Maintain offices in as many localities in the State as it finds
27 necessary to carry out the provisions of this chapter.
- 28 (k) Employ an attorney, inspectors, investigators and other
29 professional consultants and clerical personnel necessary to the
30 discharge of its duties.
- 31 (l) Enforce the provisions of NRS 453.011 to 453.552, inclusive,
32 and enforce the provisions of this chapter and chapter 454 of NRS.
- 33 (m) Adopt regulations concerning the information required to be
34 submitted in connection with an application for any license,
35 certificate or permit required by this chapter or chapter 453 or 454
36 of NRS.
- 37 (n) Adopt regulations concerning the education, experience and
38 background of a person who is employed by the holder of a license
39 or permit issued pursuant to this chapter and who has access to
40 drugs and devices.
- 41 (o) Adopt regulations concerning the use of computerized
42 mechanical equipment for the filling of prescriptions.
- 43 (p) Participate in and expend money for programs that enhance
44 the practice of pharmacy.



1 2. This section does not authorize the Board to prohibit open-
2 market competition in the advertising and sale of prescription drugs
3 and pharmaceutical services.

4 **Sec. 10.** NRS 639.081 is hereby amended to read as follows:

5 639.081 1. Except as otherwise provided in subsection 3, all
6 money coming into the possession of the Board must be kept or
7 deposited by the *Executive Secretary of the Board* in banks, credit
8 unions or savings and loan associations in the State of Nevada, or
9 invested in United States treasury bills or notes, to be expended for
10 payment of compensation and expenses of members of the Board
11 and for other necessary or proper purposes in the administration of
12 this chapter.

13 2. The Board may delegate to a hearing officer or panel its
14 authority to take any disciplinary action pursuant to this chapter,
15 impose and collect fines therefor and deposit the money therefrom
16 in banks, credit unions or savings and loan associations in this state.

17 3. If a hearing officer or panel is not authorized to take
18 disciplinary action pursuant to subsection 2 and the Board deposits
19 the money collected from the imposition of fines with the State
20 Treasurer for credit to the State General Fund, it may present a
21 claim to the State Board of Examiners for recommendation to the
22 Interim Finance Committee if money is needed to pay attorney's
23 fees or the costs of an investigation, or both.

24 **Sec. 11.** NRS 639.120 is hereby amended to read as follows:

25 639.120 1. An applicant to become a registered pharmacist in
26 this state must:

27 (a) Be of good moral character.

28 (b) Be a graduate of a college of pharmacy or department of
29 pharmacy of a university accredited by the American Council on
30 Pharmaceutical Education *or Canadian Council for Accreditation*
31 *of Pharmacy Programs* and approved by the Board or a graduate of
32 a foreign school who has passed an examination for foreign
33 graduates approved by the Board to demonstrate that his education
34 is equivalent.

35 (c) Pass an examination approved and given by the Board with a
36 grade of at least 75 on the examination as a whole and a grade of at
37 least 75 on the examination on law. An applicant for registration by
38 reciprocity must pass the examination on law with at least a grade
39 of 75.

40 (d) Complete not less than 1,500 hours of practical
41 pharmaceutical experience as an intern pharmacist under the direct
42 and immediate supervision of a registered pharmacist.

43 2. The practical pharmaceutical experience required pursuant
44 to paragraph (d) of subsection 1 must relate primarily to the selling
45 of drugs, poisons and devices, the compounding and dispensing of



1 prescriptions, preparing prescriptions , and keeping records and
2 preparing reports required by state and federal statutes.

3 3. The Board may accept evidence of compliance with the
4 requirements set forth in paragraph (d) of subsection 1 from boards
5 of pharmacy of other states in which the experience requirement is
6 equivalent to the requirements in this state.

7 **Sec. 12.** NRS 639.127 is hereby amended to read as follows:

8 639.127 1. An applicant for registration as a pharmacist in
9 this state must submit an application to the *Executive* Secretary of
10 the Board on a form furnished by the Board and must pay the fee
11 fixed by the Board. The fee must be paid at the time the application
12 is submitted and is compensation to the Board for the investigation
13 and the examination of the applicant. Under no circumstances may
14 the fee be refunded.

15 2. Proof of the qualifications of any applicant must be made to
16 the satisfaction of the Board and must be substantiated by affidavits,
17 records or such other evidence as the Board may require.

18 3. An application is only valid for 1 year after the date it is
19 received by the Board unless the Board extends its period of
20 validity.

21 4. A certificate of registration as a pharmacist must be issued to
22 each person who the Board determines is qualified pursuant to the
23 provisions of NRS 639.120 ~~[, 639.133]~~ and 639.134. The certificate
24 entitles the person to whom it is issued to practice pharmacy in this
25 state.

26 **Sec. 13.** NRS 639.128 is hereby amended to read as follows:

27 639.128 The application of a natural person who applies for the
28 issuance of a certificate of registration as a pharmacist, ~~[an]~~
29 intern pharmacist , *pharmaceutical technician, pharmaceutical*
30 *technician in training* or supportive personnel or a license issued
31 pursuant to NRS 639.233 must include the social security number of
32 the applicant.

33 **Sec. 14.** NRS 639.129 is hereby amended to read as follows:

34 639.129 1. A natural person who applies for the issuance or
35 renewal of a certificate of registration as a pharmacist, ~~[an]~~
36 intern pharmacist , *pharmaceutical technician, pharmaceutical*
37 *technician in training* or supportive personnel or a license issued
38 pursuant to NRS 639.233 shall submit to the Board the statement
39 prescribed by the Welfare Division of the Department of Human
40 Resources pursuant to NRS 425. 520. The statement must be
41 completed and signed by the applicant.

42 2. The Board shall include the statement required pursuant to
43 subsection 1 in:

44 (a) The application or any other forms that must be submitted
45 for the issuance or renewal of the certificate or license; or



1 (b) A separate form prescribed by the Board.
2 3. A certificate of registration as a pharmacist, ~~an~~
3 intern pharmacist , *pharmaceutical technician, pharmaceutical*
4 *technician in training* or supportive personnel or a license issued
5 pursuant to NRS 639.233 may not be issued or renewed by the
6 Board if the applicant is a natural person who:

7 (a) Fails to submit the statement required pursuant to subsection
8 1; or
9 (b) Indicates on the statement submitted pursuant to subsection
10 1 that he is subject to a court order for the support of a child and is
11 not in compliance with the order or a plan approved by the district
12 attorney or other public agency enforcing the order for the
13 repayment of the amount owed pursuant to the order.

14 4. If an applicant indicates on the statement submitted pursuant
15 to subsection 1 that he is subject to a court order for the support of a
16 child and is not in compliance with the order or a plan approved by
17 the district attorney or other public agency enforcing the order for
18 the repayment of the amount owed pursuant to the order, the Board
19 shall advise the applicant to contact the district attorney or other
20 public agency enforcing the order to determine the actions that the
21 applicant may take to satisfy the arrearage.

22 **Sec. 15.** NRS 639.137 is hereby amended to read as follows:

23 639.137 1. Any person who is not a registered pharmacist,
24 but who is employed in this state for the purpose of fulfilling the
25 requirements of paragraph (d) of subsection 1 of NRS 639.120 to
26 become eligible for registration as a pharmacist, shall register with
27 the Board as an intern pharmacist. An applicant, to be eligible for
28 registration as an intern pharmacist, must be enrolled in a college of
29 pharmacy or a department of pharmacy of a university approved by
30 the Board or be a graduate of a foreign school and pass an
31 examination for foreign graduates approved by the Board. The
32 application must be made on a form furnished by the Board.

33 2. The *Executive* Secretary of the Board, upon approval of the
34 application, shall issue a certificate of registration authorizing
35 the applicant to undergo practical pharmaceutical training under the
36 direct and immediate supervision of a registered pharmacist. The
37 period of validity of the certificate of registration, including any
38 renewal, must not exceed 4 years after the date of issue. The
39 certificate of registration authorizes the holder, if acting under the
40 direct and immediate supervision of a registered pharmacist, to
41 perform:

42 (a) The duties of a registered pharmacist as authorized by
43 regulation of the Board; and

44 (b) Other activities as authorized by regulation of the Board.



1 3. The certificate of registration must be posted as required by
2 NRS 639.150.

3 4. Any certificate of registration issued pursuant to the
4 provisions of this section may be suspended, terminated or revoked
5 by the Board for:

6 (a) Any reason set forth in this chapter as grounds for the
7 suspension or revocation of any certificate, license or permit; or

8 (b) The failure of the registered pharmacist whose name appears
9 on the certificate of registration to provide adequate training and
10 supervision for the intern pharmacist in compliance with regulations
11 adopted by the Board.

12 **Sec. 16.** NRS 639.1371 is hereby amended to read as follows:

13 639.1371 1. The ratio of ~~supportive personnel~~
14 *pharmaceutical technicians* to pharmacists must not allow more
15 than one ~~supportive personnel~~ *pharmaceutical technician* to each
16 pharmacist unless the Board by regulation expands the ratio.

17 2. The Board shall adopt regulations concerning
18 *pharmaceutical technicians and* supportive personnel, including
19 requirements for:

20 (a) The qualifications, registration and supervision of
21 *pharmaceutical technicians and* supportive personnel; and

22 (b) ~~Services~~ *The services* which may be performed by
23 *pharmaceutical technicians and* supportive personnel,
24 to ensure the protection and safety of the public in the provision of
25 pharmaceutical care.

26 3. The regulations adopted by the Board pursuant to this
27 section which prescribe:

28 (a) The qualifications for ~~supportive personnel~~
29 *pharmaceutical technicians* must include:

30 (1) ~~At least 1 year of education at a postsecondary school~~
31 ~~which is directly related to the duties performed by supportive~~
32 ~~personnel;~~

33 ~~(2)~~ The successful completion of a program for ~~supportive~~
34 ~~personnel~~ *pharmaceutical technicians* which is approved by the
35 Board;

36 ~~(3)~~ (2) The completion of at least 1,500 hours of experience
37 in carrying out the duties of ~~supportive personnel; or~~
38 ~~(4)~~ *a pharmaceutical technician; or*

39 (3) Any other experience or education deemed equivalent by
40 the Board.

41 (b) An expanded ratio of ~~supportive personnel~~ *pharmaceutical*
42 *technicians* to pharmacists must ~~not allow more than two~~
43 ~~supportive personnel for each pharmacist in~~ *be appropriate and*
44 *necessary for* a particular category of pharmacy at any time.



1 (c) The services which may be performed by ~~supportive~~
2 ~~personnel~~ *pharmaceutical technicians* must include, without
3 limitation, the:

- 4 (1) Removal of drugs from stock;
- 5 (2) Counting, pouring or mixing of drugs;
- 6 (3) Placing of drugs in containers;
- 7 (4) Affixing of labels to containers; and
- 8 (5) Packaging and repackaging of drugs.

9 4. For the purposes of this chapter, and chapters 453 and 454 of
10 NRS, ~~supportive personnel~~ *pharmaceutical technicians* may
11 perform acts required to be performed by pharmacists , but only to
12 the extent provided in regulations.

13 **Sec. 17.** NRS 639.138 is hereby amended to read as follows:

14 639.138 If the Board, after an investigation, denies any
15 application for a certificate, license or permit, the *Executive*
16 Secretary *of the Board* shall notify the applicant, within 10 days
17 after the denial is approved by the Board and entered in the official
18 minutes, by registered or certified mail, of the denial of the
19 application and the reasons therefor. The notice must inform the
20 applicant of his right to petition the Board for reconsideration and
21 his right to submit evidence to controvert the alleged violations on
22 which the denial was based.

23 **Sec. 18.** NRS 639.139 is hereby amended to read as follows:

24 639.139 1. At any time within 30 days after receipt of the
25 notice of denial of his application, an applicant may petition the
26 Board for reconsideration of the application. The petition must set
27 forth a denial, in whole or in part, of the violations alleged and a
28 statement that the applicant is prepared to submit evidence in
29 support of his denial of the allegations.

30 2. Within 30 days after the petition is received by the Board,
31 the *Executive* Secretary *of the Board* shall notify the petitioner, by
32 registered or certified mail, of the Board's decision ~~either~~ to grant
33 or deny the petition for reconsideration. If the petition is granted, the
34 notice ~~shall~~ *must* include the time and place set for reconsideration
35 of the application by the Board.

36 **Sec. 19.** NRS 639.160 is hereby amended to read as follows:

37 639.160 Every registered pharmacist shall, within 10 days after
38 changing his place of practice as designated on the books of the
39 *Executive* Secretary of the Board, notify the *Executive* Secretary ~~of~~
40 ~~the Board of such~~ *of the* change and of his new place of practice.
41 Upon receipt of ~~such~~ *the* notification , the *Executive* Secretary
42 shall make the necessary change in his register.

43 **Sec. 20.** NRS 639.170 is hereby amended to read as follows:

44 639.170 1. The Board shall charge and collect not more than
45 the following fees for the following services:



	Actual cost
1	
2	For the examination of an applicant for registration of the
3	as a pharmacist..... examination
4	For the investigation or registration of an
5	applicant as a registered pharmacist \$200
6	For the investigation, examination or registration
7	of an applicant as a registered pharmacist by
8	reciprocity 300
9	For the investigation or issuance of an original
10	license to conduct a retail pharmacy..... 600
11	For the biennial renewal of a license to conduct a
12	retail pharmacy..... 500
13	For the investigation or issuance of an original
14	license to conduct an institutional pharmacy 600
15	For the biennial renewal of a license to conduct an
16	institutional pharmacy..... 500
17	For the issuance of an original or duplicate
18	certificate of registration as a registered
19	pharmacist 50
20	For the biennial renewal of registration as a
21	registered pharmacist 200
22	For the reinstatement of a lapsed registration (in
23	addition to the fees for renewal for the period
24	of lapse)..... 100
25	<i>For the initial registration of a pharmaceutical</i>
26	<i>technician or pharmaceutical technician in</i>
27	<i>training 50</i>
28	<i>For the biennial renewal of registration of a</i>
29	<i>pharmaceutical technician or pharmaceutical</i>
30	<i>technician in training..... 50</i>
31	For the initial registration of supportive personnel 50 20
32	For the biennial renewal of registration of
33	supportive personnel 50 20
34	For the investigation or registration of an intern
35	pharmacist 50
36	For the biennial renewal of registration as an
37	intern pharmacist..... 40
38	For investigation or issuance of an original license
39	to a manufacturer or wholesaler..... 500
40	For the biennial renewal of a license for a
41	manufacturer or wholesaler..... 400 500



1 For the reissuance of a license issued to a
 2 pharmacy, when no change of ownership is
 3 involved, but the license must be reissued
 4 because of a change in the information
 5 required thereon \$100
 6 ~~For the biennial renewal of registration issued to~~
 7 ~~a registered pharmacist placed on inactive~~
 8 ~~status 100]~~
 9 For authorization of a practitioner to dispense
 10 controlled substances or dangerous drugs, or
 11 both 300
 12 For the biennial renewal of authorization of a
 13 practitioner to dispense controlled substances
 14 or dangerous drugs, or both 300
 15

16 2. If a person requests a special service from the Board or
 17 requests the Board to convene a special meeting, he must pay the
 18 actual costs to the Board as a condition precedent to the rendition of
 19 the special service or the convening of the special meeting.

20 3. All fees are payable in advance and are not refundable.

21 4. The Board may, by regulation, set the penalty for failure to
 22 pay the fee for renewal for any license, permit, authorization or
 23 certificate within the statutory period, at an amount not to exceed
 24 100 percent of the fee for renewal for each year of delinquency in
 25 addition to the fees for renewal for each year of delinquency.

26 **Sec. 21.** NRS 639.180 is hereby amended to read as follows:

27 639.180 1. Except as otherwise provided in this subsection, a
 28 certificate, license or permit issued by the Board pursuant to this
 29 chapter expires on October 31 of each even-numbered year. A
 30 certificate of registration as a pharmacist expires on October 31 of
 31 each odd-numbered year.

32 2. Except as otherwise provided by NRS 639.137, 639.230 and
 33 639.2328, each person to whom a certificate, license or permit has
 34 been issued may, if the certificate, license or permit has not been
 35 revoked, renew the certificate, license or permit biennially by:

- 36 (a) Filing an application for renewal;
- 37 (b) Paying the fee for renewal;
- 38 (c) Complying with the requirement of continuing professional
 39 education, if applicable; and

40 (d) If the applicant is a natural person who is applying for the
 41 renewal of a certificate of registration as a pharmacist, ~~an~~
 42 intern pharmacist , *pharmaceutical technician, pharmaceutical*
 43 *technician in training* or supportive personnel or a license issued
 44 pursuant to NRS 639.233, submitting the statement required
 45 pursuant to NRS 639.129.



1 3. The application for renewal, together with the fee for
2 renewal and, if applicable, the statement, must be delivered to the
3 *Executive* Secretary of the Board on or before the expiration date of
4 the certificate, license or permit, or the current renewal receipt
5 thereof.

6 4. If a certificate, license or permit is renewed, it must be
7 delivered to the applicant within a reasonable time after receipt of
8 the application for renewal and the fee for renewal.

9 5. The Board may refuse to renew a certificate, license or
10 permit if the applicant has committed any act proscribed by
11 NRS 639.210.

12 6. If the application for renewal and the fee for renewal and, if
13 applicable, the statement ~~{ }~~ are not postmarked on or before the
14 expiration date of the certificate, license or permit, or the current
15 renewal receipt thereof, the registration is automatically forfeited.

16 **Sec. 22.** NRS 639.2174 is hereby amended to read as follows:
17 639.2174 The Board shall not ~~{ }~~

18 ~~1. Issue a certificate as a registered pharmacist to any person~~
19 ~~pursuant to NRS 639.133; or~~

20 ~~2. Renew~~ *renew* the certificate of any registered pharmacist ~~{ }~~
21 until the applicant has submitted proof to the Board of the receipt of
22 the required number of continuing education units, obtained through
23 the satisfactory completion of an accredited program of continuing
24 professional education during the period for which the certificate
25 was issued.

26 **Sec. 23.** NRS 639.230 is hereby amended to read as follows:

27 639.230 1. A ~~{ pharmacy or a }~~ person operating ~~{ as a~~
28 ~~pharmacy} a business in this state~~ shall not use the *letters "Rx" or*
29 *"RX" or the* word "drug" or "drugs," "prescription" or "pharmacy,"
30 or similar words or words of similar import, without first having
31 secured a license from the Board.

32 2. Each license must be issued to a specific person and for a
33 specific location and is not transferable. The original license must be
34 displayed on the licensed premises as provided in NRS 639.150.
35 The original license and the fee required for reissuance of a license
36 must be submitted to the Board before the reissuance of the license.

37 3. If the owner of a pharmacy is a partnership or corporation,
38 any change of partners or corporate officers must be reported to the
39 Board at such a time as is required by a regulation of the Board.

40 4. In addition to the requirements for renewal set forth in NRS
41 639.180, every person holding a license to operate a pharmacy must
42 satisfy the Board that the pharmacy is conducted according to law.

43 5. Any violation of any of the provisions of this chapter by a
44 managing pharmacist or by personnel of the pharmacy under the



1 supervision of the managing pharmacist is cause for the suspension
2 or revocation of the license of the pharmacy by the Board.

3 **Sec. 24.** NRS 639.231 is hereby amended to read as follows:

4 639.231 1. An application to conduct a pharmacy must be
5 made on a form furnished by the Board and must state the name,
6 address, usual occupation and professional qualifications, if any, of
7 the applicant. If the applicant is other than a natural person, the
8 application must state such information as to each person
9 beneficially interested therein.

10 2. As used in subsection 1, and subject to the provisions of
11 subsection 3, the term "person beneficially interested" means:

12 (a) If the applicant is a partnership or other unincorporated
13 association, each partner or member.

14 (b) If the applicant is a corporation, each of its officers, directors
15 and stockholders, provided that no natural person shall be deemed to
16 be beneficially interested in a nonprofit corporation.

17 3. If the applicant is a partnership, unincorporated association
18 or corporation and the number of partners, members or stockholders,
19 as the case may be, exceeds four, the application must so state, and
20 must list each of the four partners, members or stockholders who
21 own the four largest interests in the applicant entity and state their
22 percentages of interest. Upon request of the *Executive* Secretary of
23 the Board, the applicant shall furnish the Board with information as
24 to partners, members or stockholders not named in the application or
25 shall refer the Board to an appropriate source of such information.

26 4. The completed application form must be returned to the
27 Board with the fee prescribed by the Board, which may not be
28 refunded. Any application which is not complete as required by the
29 provisions of this section may not be presented to the Board for
30 consideration.

31 5. Upon compliance with all the provisions of this section and
32 upon approval of the application by the Board, the *Executive*
33 Secretary shall issue a license to the applicant to conduct a
34 pharmacy. Any other provision of law notwithstanding, such a
35 license authorizes the holder to conduct a pharmacy and to sell and
36 dispense drugs and poisons and devices and appliances that are
37 restricted by federal law to sale by or on the order of a physician.

38 **Sec. 24.5.** NRS 639.233 is hereby amended to read as follows:

39 639.233 1. Any person, including a wholesaler or
40 manufacturer, who engages in the business of wholesale distribution
41 or furnishing controlled substances, poisons, drugs, devices or
42 appliances that are restricted by federal law to sale by or on the
43 order of a physician to any person located within this state shall
44 obtain a license pursuant to the provisions of this chapter.



1 2. ~~2. The provisions of subsection 1 do not apply to a wholesaler~~
2 ~~or manufacturer whose principal place of business is located in~~
3 ~~another state and who ships controlled substances, drugs, poisons or~~
4 ~~restricted devices or appliances to a wholesaler or manufacturer~~
5 ~~located within this state and licensed by the Board.~~

6 ~~3.~~ For the purpose of this section, a person is “engaged in the
7 business of furnishing” if he:

8 (a) Solicits or accepts orders for drugs or devices whose sale in
9 this state is restricted by this chapter or chapter 453 or 454 of NRS;
10 or

11 (b) Receives, stores or ships such drugs or devices.

12 **Sec. 25.** NRS 639.234 is hereby amended to read as follows:

13 639.234 1. The acceptance of a license issued pursuant to
14 NRS 639.233 constitutes a consent by the licensee to the inspection
15 , *copying and removal for copying* of his records maintained inside
16 and outside this state by any authorized representative of the Board.

17 2. If such a licensee *is not a resident of this state and* does not
18 maintain records within this state of his shipments of controlled
19 substances, poisons or drugs or devices or appliances that are
20 restricted by federal law to sale by or on the order of a physician to
21 persons in this state , he shall, on receipt of a written demand from
22 the *Executive* Secretary of the Board, furnish a true copy of the
23 records to the Board.

24 3. The Board may authorize as its representative any member
25 or representative of the Board of pharmacy or similar agency of the
26 state in which the records are located.

27 4. ~~Failure~~ *The intentional failure* to furnish a true copy of
28 the required records or *the intentional* refusal to permit their
29 inspection is a ground for ~~the revocation or~~ *summary* suspension
30 of *and disciplinary action relating to* any license issued pursuant to
31 NRS 639.233.

32 **Sec. 26.** NRS 639.235 is hereby amended to read as follows:

33 639.235 1. No person other than a practitioner holding a
34 license to practice his profession in this state may prescribe or write
35 a prescription, except that a prescription written by a person *who is*
36 not licensed to practice in this state , but *is* authorized by the laws of
37 another state to prescribe , shall be deemed to be a legal prescription
38 unless the person prescribed or wrote the prescription in violation of
39 the provisions of NRS 453.3611 to 453.3648, inclusive.

40 2. If a prescription that is prescribed by a person who is not
41 licensed to practice in this state, but is authorized by the laws of
42 another state to prescribe, calls for a controlled substance listed in:

43 (a) Schedule II, the registered pharmacist who is to fill the
44 prescription shall establish and document that the prescription is
45 authentic and that a bona fide relationship between the patient and



1 the person prescribing the controlled substance did exist when the
2 prescription was written.

3 (b) Schedule III or IV, the registered pharmacist who is to fill
4 the prescription shall establish ~~[, in his professional judgment,]~~ that
5 the prescription is authentic and that a bona fide relationship
6 between the patient and the person prescribing the controlled
7 substance did exist when the prescription was written. This
8 paragraph does not require the registered pharmacist to inquire into
9 such a relationship upon the receipt of ~~[each such prescription.]~~ *a*
10 *similar prescription subsequently issued for that patient.*

11 *3. A pharmacist who fills a prescription described in*
12 *subsection 2 shall record on the prescription or in the prescription*
13 *record in the pharmacy's computer;*

14 *(a) The name of the person with whom he spoke concerning*
15 *the prescription;*

16 *(b) The date and time of the conversation; and*

17 *(c) The date and time the patient was physically examined by*
18 *the person prescribing the controlled substance for which the*
19 *prescription was issued.*

20 *4. For the purposes of subsection 2, a bona fide relationship*
21 *between the patient and the person prescribing the controlled*
22 *substance shall be deemed to exist if the patient was physically*
23 *examined by the person prescribing the controlled substances*
24 *within the 6 months immediately preceding the date the*
25 *prescription was issued.*

26 **Sec. 27.** NRS 639.238 is hereby amended to read as follows:

27 639.238 1. Prescriptions filled and on file in a pharmacy are
28 not a public record. A pharmacist shall not divulge the contents of
29 any prescription or provide a copy of any prescription, except to:

30 (a) The patient for whom the original prescription was issued;

31 (b) The practitioner who originally issued the prescription;

32 (c) A practitioner who is then treating the patient;

33 (d) A member, inspector or investigator of the Board or an
34 inspector of the Food and Drug Administration or an agent of the
35 Investigation Division of the Department of Public Safety;

36 (e) An agency of State Government charged with the
37 responsibility of providing medical care for the patient;

38 (f) An insurance carrier, on receipt of written authorization
39 signed by the patient or his legal guardian, authorizing the release of
40 such information;

41 (g) Any person authorized by an order of a district court;

42 (h) Any member, inspector or investigator of a professional
43 licensing board which licenses a practitioner who orders
44 prescriptions filled at the pharmacy; ~~[or]~~



1 (i) Other registered pharmacists for the limited purpose of and to
2 the extent necessary for the exchange of information relating to
3 persons who are suspected of:

4 (1) Misusing prescriptions to obtain excessive amounts of
5 drugs ~~§~~; *or*

6 (2) Failing to use a drug in conformity with the directions for
7 its use or taking a drug in combination with other drugs in a manner
8 that could result in injury to that person ~~§~~; *or*

9 *(j) A peace officer employed by a local government for the*
10 *limited purpose of and to the extent necessary:*

11 *(1) For the investigation of an alleged crime reported by an*
12 *employee of the pharmacy where the crime was committed; or*

13 *(2) To carry out a search warrant or subpoena issued*
14 *pursuant to a court order.*

15 2. Any copy of a prescription for a controlled substance or a
16 dangerous drug as defined in chapter 454 of NRS, issued to a person
17 authorized by this section to receive such a copy, must contain all of
18 the information appearing on the original prescription and be clearly
19 marked on its face ~~§~~ "Copy, Not Refillable—For Reference
20 Purposes Only." The copy must bear the name or initials of the
21 registered pharmacist who prepared the copy.

22 3. If a copy of a prescription for any controlled substance or a
23 dangerous drug as defined in chapter 454 of NRS is furnished to the
24 customer, the original prescription must be voided and notations
25 made thereon showing the date and the name of the person to whom
26 the copy was furnished.

27 4. If, at the express request of a customer, a copy of a
28 prescription for any controlled substance or dangerous drug is
29 furnished to another pharmacist, the original prescription must be
30 voided and notations made thereon showing the date and the name
31 of the pharmacist to whom the copy was furnished. The pharmacist
32 receiving the copy shall call the prescribing practitioner for a new
33 prescription.

34 **Sec. 28.** NRS 639.239 is hereby amended to read as follows:

35 639.239 Members, inspectors and investigators of the Board,
36 inspectors of the Food and Drug Administration, ~~and~~ agents of the
37 Investigation Division of the Department of Public Safety *and peace*
38 *officers described in paragraph (j) of subsection 1 of NRS 639.238*
39 may remove any record required to be retained by state or federal
40 law or regulation, including any prescription contained in the files of
41 a practitioner, if the record in question will be used as evidence in a
42 criminal action, civil action or an administrative proceeding, or
43 contemplated action or proceeding. The person who removes a
44 record pursuant to this section shall:



- 1 1. Affix the name and address of the practitioner to the back of
- 2 the record;
- 3 2. Affix his initials, cause an agent of the practitioner to affix
- 4 his initials and note the date of the removal of the record on the back
- 5 of the record;
- 6 3. Affix the name of the agency for which he is removing the
- 7 record to the back of the record;
- 8 4. Provide the practitioner with a receipt for the record; and
- 9 5. Return a photostatic copy of both sides of the record to the
- 10 practitioner within 15 working days after the record is removed.

11 **Sec. 29.** NRS 639.241 is hereby amended to read as follows:

12 639.241 1. A hearing to determine whether the rights and

13 privileges granted by any certificate, certification, license or permit

14 issued by the Board should be revoked, suspended, limited or

15 conditioned must be initiated by the filing of an accusation by the

16 Board. The action must be entitled: The Nevada State Board of

17 Pharmacy v. (insert the name of the party whose certificate, license

18 or permit is involved), who must be designated "Respondent."

19 2. The accusation is a written statement of the charges alleged

20 and must set forth in ordinary and concise language the acts or

21 omissions with which the respondent is charged to the end that the

22 respondent will be able to prepare his defense. ~~{H}~~ *The accusation*

23 must specify the statutes and regulations which the respondent is

24 alleged to have violated, but must not consist merely of charges

25 phrased in language of the statute or regulation. The accusation must

26 be signed by the *Executive* Secretary of the Board acting in his

27 official capacity.

28 **Sec. 30.** NRS 639.242 is hereby amended to read as follows:

29 639.242 1. After filing the accusation, the *Executive*

30 Secretary of the Board shall cause a copy thereof, together with one

31 copy of the Statement to Respondent and three copies of the form of

32 the Notice of Defense, to be served on the respondent.

33 2. Service may be ~~{either}~~ by personal service or by first-class

34 registered or certified mail addressed to the respondent at his last

35 address of record, or by mail to his attorney of record. Proof of

36 service ~~{shall}~~ *must* be retained and made a part of the case record.

37 **Sec. 31.** NRS 639.244 is hereby amended to read as follows:

38 639.244 1. The form for the Notice of Defense ~~{shall}~~ *must*

39 be prepared and furnished by the Board and ~~{shall}~~ permit the

40 respondent, by completing and signing the notice, to:

- 41 (a) ~~{Request a hearing;~~
- 42 ~~{(b)}~~ Object to the accusation as being incomplete and failing to
- 43 set forth clearly the charges; and
- 44 ~~{(c)}~~ (b) Deny or admit, in part or in whole, the violations
- 45 alleged.



1 2. The Notice of Defense ~~[shall]~~ *must* be signed by the
2 respondent or ~~[by]~~ his attorney under penalty of perjury. Failure to
3 file a Notice of Defense ~~[and request a hearing shall constitute]~~
4 *constitutes* a waiver of the respondent's right to a hearing, but the
5 Board may ~~[, in its discretion,]~~ grant a hearing.

6 **Sec. 32.** NRS 639.245 is hereby amended to read as follows:

7 639.245 Whenever a hearing has been granted by the Board,
8 the *Executive Secretary of the Board* shall serve notice on the
9 respondent of the time and place set for the hearing on the
10 accusation. If the Board receives a report pursuant to subsection 5 of
11 NRS 228.420, a hearing must be held within 30 days after receiving
12 the report. Service may be effected in the same manner as provided
13 in NRS 639.242.

14 **Sec. 33.** NRS 639.246 is hereby amended to read as follows:

15 639.246 1. The *Executive Secretary* of the Board shall issue
16 subpoenas for the production of witnesses, documents or papers, in
17 accordance with statutory provisions, at the request of any party to a
18 hearing or for purposes of an investigation or other matter under
19 inquiry by the Board.

20 2. Witnesses appearing pursuant to a subpoena must receive
21 expenses and witness fees in the amounts and under the same
22 circumstances as prescribed by law for witnesses in civil actions.
23 The expenses and fees must be paid in full by the party at whose
24 request the witness is subpoenaed.

25 3. Subpoenas must be served in the same manner as prescribed
26 by law for the service of subpoenas in civil actions. If any person
27 fails to comply with a subpoena within 10 days after its issuance, the
28 President of the Board, or the *Executive Secretary* of the Board at
29 the direction of the President, may petition the district court for an
30 order of the court compelling compliance with the subpoena.

31 4. Upon such a petition, the court shall enter an order directing
32 the person subpoenaed to appear before the court at a time and place
33 to be fixed by the court in its order, the time to be not more than 10
34 days after the date of the order, and then and there to show cause
35 why he has not complied with the subpoena. A certified copy of the
36 order must be served upon the person.

37 5. If it appears to the court that the subpoena was regularly
38 issued by the Board, the court shall enter an order compelling
39 compliance with the subpoena. Failure to obey the order constitutes
40 contempt of court.

41 **Sec. 34.** NRS 639.247 is hereby amended to read as follows:

42 639.247 1. Any hearing held for the purpose of suspending or
43 revoking any certificate, certification, license or permit must be
44 conducted publicly by the Board. The hearing must be presided over
45 by a member of the Board or his designee and three members



1 constitute a quorum. Any decision by the Board requires the
2 concurrence of at least three members. The proceedings of the
3 hearing must be reported or recorded by an electronic recording
4 device, an official court reporter or another qualified person.

5 2. The member of the Board or his designee presiding at the
6 hearing or the *Executive Secretary of the Board* may administer
7 oaths or affirmations. Continuances and adjournments may be
8 ordered, or may be granted, by the member or his designee
9 presiding, for cause shown and by orally notifying those persons
10 present of the time and place at which the hearing will be continued.

11 **Sec. 35.** NRS 639.252 is hereby amended to read as follows:

12 639.252 1. If the respondent wishes to contest or appeal the
13 decision of the Board, the order or any part thereof, he may, ~~prior~~
14 ~~to~~ *not later than 10 days after* the time the order becomes
15 effective, apply in writing to the Board for a rehearing. ~~Such~~
16 ~~application shall~~ *The application must* set forth with particularity
17 the part or parts of the decision or order to which the respondent
18 objects and the basis of the objection.

19 2. The *Executive Secretary of the* Board shall, within 10 days
20 after receipt of a written application for rehearing, notify the
21 respondent and his attorney of record in writing, by registered or
22 certified mail, of ~~its~~ *his* action, either granting or denying ~~such~~
23 *the* application. If the application is granted, the notice ~~shall~~ *must*
24 contain the date, time and place of the rehearing. ~~which date shall~~
25 ~~not be less than 30 days after the date of the notice.~~ *The rehearing*
26 *must be held at the next regularly scheduled meeting of the Board.*
27 Granting of the application by the ~~Board shall serve~~ *Executive*
28 *Secretary does not serve* as an automatic stay of execution of the
29 order pending conclusion of the rehearing.

30 **Sec. 36.** NRS 639.2555 is hereby amended to read as follows:

31 639.2555 1. If the Board receives a copy of a court order
32 issued pursuant to NRS 425.540 that provides for the suspension of
33 all professional, occupational and recreational licenses, certificates
34 and permits issued to a person who is the holder of a certificate of
35 registration as a pharmacist, ~~an~~ *intern pharmacist, pharmaceutical*
36 *technician, pharmaceutical technician in training* or supportive
37 personnel or a license issued pursuant to NRS 639.233, the Board
38 shall deem the certificate of registration or license issued to that
39 person to be suspended at the end of the 30th day after the date on
40 which the court order was issued unless the Board receives a letter
41 issued to the holder of the certificate of registration or license by the
42 district attorney or other public agency pursuant to NRS 425.550
43 stating that the holder of the certificate of registration or license has
44 complied with the subpoena or warrant or has satisfied the arrearage
45 pursuant to NRS 425.560.



1 2. The Board shall reinstate a certificate of registration as a
 2 pharmacist, ~~and~~ intern pharmacist, *pharmaceutical technician,*
 3 *pharmaceutical technician in training* or supportive personnel or a
 4 license issued pursuant to NRS 639.233 that has been suspended by
 5 a district court pursuant to NRS 425.540 if the Board receives a
 6 letter issued by the district attorney or other public agency pursuant
 7 to NRS 425.550 to the person whose certificate of registration or
 8 license was suspended stating that the person whose certificate of
 9 registration or license was suspended has complied with the
 10 subpoena or warrant or has satisfied the arrearage pursuant to
 11 NRS 425.560.

12 **Sec. 37.** NRS 639.256 is hereby amended to read as follows:
 13 639.256 A certificate, license or permit which has been
 14 suspended for a specified period of time ~~shall~~ *must* automatically
 15 be restored to good standing on the first day following the period of
 16 suspension. The *Executive Secretary* ~~of the Board,~~ when
 17 notifying the respondent of the penalty imposed by the Board, shall
 18 inform the respondent of the date on which the certificate, license or
 19 permit will be so restored.

20 **Sec. 38.** NRS 639.2585 is hereby amended to read as follows:
 21 639.2585 1. ~~Except where a substitution is required by~~
 22 ~~subsection 1 of NRS 639.2583:]~~ *If a prescription is purchased with*
 23 *cash:*

24 (a) Before he makes a substitution, a pharmacist shall advise the
 25 person who presents the prescription of:

- 26 (1) The generic drug which he proposes to substitute; and
- 27 (2) The price difference between the drug under the brand
 28 name prescribed and the drug which he proposes to substitute.

29 (b) The person presenting the prescription may refuse to accept
 30 the proposed substitution.

31 2. A pharmacist shall not make any substitution of drugs if the
 32 drug to be substituted is higher in cost than the drug prescribed by
 33 brand name.

34 **Sec. 39.** NRS 639.2589 is hereby amended to read as follows:
 35 639.2589 ~~1.]~~ The form *used* for any prescription which is
 36 issued or intended to be filled in this state must contain a line for the
 37 signature of the ~~prescriber, the printed words "dispense only as~~
 38 ~~written" and a box near that statement for the purpose of indicating~~
 39 ~~that a substitution may not be made.]~~ *practitioner.*

40 ~~[2.—Substitutions may be made in filling prescriptions contained~~
 41 ~~in the orders of a physician, or of an advanced practitioner of~~
 42 ~~nursing who is a practitioner, in a facility for skilled nursing or~~
 43 ~~facility for intermediate care. Each page of the document which~~
 44 ~~contains the order must be printed with the words: "The biological~~
 45 ~~equivalent of drugs ordered may be dispensed unless initialed by the~~



1 ~~prescriber here” and a box must be provided near that statement for~~
2 ~~the purpose of indicating that a substitution may not be made.~~
3 ~~—3. Substitutions may be made in filling prescriptions ordered~~
4 ~~on a patient’s chart in a hospital if the hospital’s medical staff has~~
5 ~~approved a formulary for specific generic substitutions.]~~

6 **Sec. 40.** NRS 453.1545 is hereby amended to read as follows:
7 453.1545 1. The Board and the Division shall cooperatively
8 develop a computerized program to track each prescription for a
9 controlled substance listed in schedule II, III or IV that is filled by a
10 pharmacy that is registered with the Board ~~[.]~~ *or that is dispensed by*
11 *a practitioner who is registered with the Board.* The program must:
12 (a) Be designed to provide information regarding:
13 (1) The inappropriate use by a patient of controlled
14 substances listed in schedules II, III and IV to pharmacies,
15 practitioners and appropriate state agencies to prevent the improper
16 or illegal use of those controlled substances; and
17 (2) Statistical data relating to the use of those controlled
18 substances that is not specific to a particular patient.
19 (b) Be administered by the Board, the Division, the Health
20 Division of the Department of Human Resources and various
21 practitioners, representatives of professional associations for
22 practitioners, representatives of occupational licensing boards and
23 prosecuting attorneys selected by the Board and the Division.
24 (c) Not infringe on the legal use of a controlled substance for the
25 management of severe or intractable pain.
26 2. The Board and *the* Division must have access to the program
27 established pursuant to subsection 1 to identify any suspected
28 fraudulent or illegal activity related to the dispensing of controlled
29 substances.
30 3. The Board or *the* Division shall report any activity it
31 reasonably suspects may be fraudulent or illegal to the appropriate
32 law enforcement agency or occupational licensing board and
33 provide the law enforcement agency or occupational licensing board
34 with the relevant information obtained from the program for further
35 investigation.
36 4. Information obtained from the program relating to a
37 practitioner or a patient is confidential and, except as otherwise
38 provided by this section, must not be disclosed to any person. That
39 information must be disclosed:
40 (a) Upon the request of a person about whom the information
41 requested concerns or upon the request on his behalf by his attorney;
42 or
43 (b) Upon the lawful order of a court of competent jurisdiction.



1 5. The Board and the Division may apply for any available
2 grants and accept any gifts, grants or donations to assist in
3 developing and maintaining the program required by this section.

4 **Sec. 40.5.** NRS 453.375 is hereby amended to read as follows:
5 453.375 A controlled substance may be possessed and
6 administered by the following persons:

7 1. A practitioner.
8 2. A registered nurse licensed to practice professional nursing
9 or licensed practical nurse, at the direction of a physician, physician
10 assistant, dentist, podiatric physician or advanced practitioner of
11 nursing, or pursuant to a chart order, for administration to a patient
12 at another location.

13 3. An advanced emergency medical technician:

14 (a) As authorized by regulation of:

15 (1) The State Board of Health in a county whose population
16 is less than 100,000; or

17 (2) A county or district board of health in a county whose
18 population is 100,000 or more; and

19 (b) In accordance with any applicable regulations of:

20 (1) The State Board of Health in a county whose population
21 is less than 100,000;

22 (2) A county board of health in a county whose population is
23 100,000 or more; or

24 (3) A district board of health created pursuant to NRS
25 439.370 in any county.

26 4. A respiratory therapist, at the direction of a physician or
27 physician assistant.

28 5. A medical student, student in training to become a physician
29 assistant or student nurse in the course of his studies at an approved
30 college of medicine or school of professional or practical nursing, at
31 the direction of a physician or physician assistant and:

32 (a) In the presence of a physician, physician assistant or a
33 registered nurse; or

34 (b) Under the supervision of a physician, physician assistant or a
35 registered nurse if the student is authorized by the college or school
36 to administer the substance outside the presence of a physician,
37 physician assistant or nurse.

38 A medical student or student nurse may administer a controlled
39 substance in the presence or under the supervision of a registered
40 nurse alone only if the circumstances are such that the registered
41 nurse would be authorized to administer it personally.

42 6. An ultimate user or any person whom the ultimate user
43 designates pursuant to a written agreement.

44 7. Any person designated by the head of a correctional
45 institution.



1 8. A veterinary technician at the direction of his supervising
2 veterinarian.

3 9. In accordance with applicable regulations of the State Board
4 of Health, an employee of a residential facility for groups, as
5 defined in NRS 449.017, pursuant to a written agreement entered
6 into by the ultimate user.

7 10. In accordance with applicable regulations of the State
8 Board of Pharmacy, an animal control officer, a wildlife biologist or
9 an employee designated by a federal, state or local governmental
10 agency whose duties include the control of domestic, wild and
11 predatory animals.

12 *11. A person who is enrolled in a training program to become*
13 *an advanced emergency medical technician, respiratory therapist*
14 *or veterinary technician if the person possesses and administers*
15 *the controlled substance in the same manner and under the same*
16 *conditions that apply, respectively, to an advanced emergency*
17 *medical technician, respiratory therapist or veterinary technician*
18 *who may possess and administer the controlled substance, and*
19 *under the direct supervision of a person licensed or registered to*
20 *perform the respective medical art or a supervisor of such a*
21 *person.*

22 **Sec. 41.** NRS 453.431 is hereby amended to read as follows:

23 453.431 1. A pharmacist shall not knowingly fill or refill any
24 prescription for a controlled substance for use by a person other than
25 the person for whom the prescription was originally issued.

26 2. A person shall not furnish a false name or address while
27 attempting to obtain a controlled substance or a prescription for a
28 controlled substance. A person prescribing, administering or
29 dispensing a controlled substance may request proper identification
30 from a person requesting controlled substances.

31 3. A pharmacist shall not fill a prescription for a controlled
32 substance if the prescription shows evidence of alteration, erasure or
33 addition, unless he obtains approval of the practitioner who issued
34 the prescription.

35 4. A pharmacist shall not fill a prescription for a controlled
36 substance classified in schedule II unless it is tendered on or before
37 the 14th day after the date of issue. *This subsection does not*
38 *prohibit a practitioner from issuing a prescription on which he*
39 *indicates that the prescription may not be filled until the date*
40 *indicated on the prescription, which must not be later than 6*
41 *months after the date the prescription is issued.*

42 5. A person who violates this section is guilty of a category C
43 felony and shall be punished as provided in NRS 193.130.



1 **Sec. 41.5.** NRS 454.213 is hereby amended to read as follows:
2 454.213 A drug or medicine referred to in NRS 454.181 to
3 454.371, inclusive, may be possessed and administered by:

4 1. A practitioner.

5 2. A physician assistant at the direction of his supervising
6 physician or a licensed dental hygienist acting in the office of and
7 under the supervision of a dentist.

8 3. Except as otherwise provided in subsection 4, a registered
9 nurse licensed to practice professional nursing or licensed practical
10 nurse, at the direction of a prescribing physician, physician assistant,
11 dentist, podiatric physician or advanced practitioner of nursing, or
12 pursuant to a chart order, for administration to a patient at another
13 location.

14 4. In accordance with applicable regulations of the Board, a
15 registered nurse licensed to practice professional nursing or licensed
16 practical nurse who is:

17 (a) Employed by a health care agency or health care facility that
18 is authorized to provide emergency care, or to respond to the
19 immediate needs of a patient, in the residence of the patient; and

20 (b) Acting under the direction of the medical director of that
21 agency or facility who works in this state.

22 5. An intermediate emergency medical technician or an
23 advanced emergency medical technician, as authorized by
24 regulation of the State Board of Pharmacy and in accordance with
25 any applicable regulations of:

26 (a) The State Board of Health in a county whose population is
27 less than 100,000;

28 (b) A county board of health in a county whose population is
29 100,000 or more; or

30 (c) A district board of health created pursuant to NRS 439.370
31 in any county.

32 6. A respiratory therapist employed in a health care facility.
33 The therapist may possess and administer respiratory products only
34 at the direction of a physician.

35 7. A dialysis technician, under the direction or supervision of a
36 physician or registered nurse only if the drug or medicine is used for
37 the process of renal dialysis.

38 8. A medical student or student nurse in the course of his
39 studies at an approved college of medicine or school of professional
40 or practical nursing, at the direction of a physician and:

41 (a) In the presence of a physician or a registered nurse; or

42 (b) Under the supervision of a physician or a registered nurse if
43 the student is authorized by the college or school to administer the
44 drug or medicine outside the presence of a physician or
45 nurse.



1 A medical student or student nurse may administer a dangerous drug
2 in the presence or under the supervision of a registered nurse alone
3 only if the circumstances are such that the registered nurse would be
4 authorized to administer it personally.

5 9. Any person designated by the head of a correctional
6 institution.

7 10. An ultimate user or any person designated by the ultimate
8 user pursuant to a written agreement.

9 11. A nuclear medicine technologist, at the direction of a
10 physician and in accordance with any conditions established by
11 regulation of the Board.

12 12. A radiologic technologist, at the direction of a physician
13 and in accordance with any conditions established by regulation of
14 the Board.

15 13. A chiropractic physician, but only if the drug or medicine
16 is a topical drug used for cooling and stretching external tissue
17 during therapeutic treatments.

18 14. A physical therapist, but only if the drug or medicine is a
19 topical drug which is:

20 (a) Used for cooling and stretching external tissue during
21 therapeutic treatments; and

22 (b) Prescribed by a licensed physician for:

23 (1) Iontophoresis; or

24 (2) The transmission of drugs through the skin using
25 ultrasound.

26 15. In accordance with applicable regulations of the State
27 Board of Health, an employee of a residential facility for groups, as
28 defined in NRS 449.017, pursuant to a written agreement entered
29 into by the ultimate user.

30 16. A veterinary technician at the direction of his supervising
31 veterinarian.

32 17. In accordance with applicable regulations of the Board, a
33 registered pharmacist who:

34 (a) Is trained in and certified to carry out standards and practices
35 for immunization programs;

36 (b) Is authorized to administer immunizations pursuant to
37 written protocols from a physician; and

38 (c) Administers immunizations in compliance with the
39 "Standards of Immunization Practices" recommended and approved
40 by the United States Public Health Service Advisory Committee on
41 Immunization Practices.

42 *18. A person who is enrolled in a training program to become*
43 *a physician assistant, dental hygienist, intermediate emergency*
44 *medical technician, advanced emergency medical technician,*
45 *respiratory therapist, dialysis technician, nuclear medicine*



1 *technologist, radiologic technologist, physical therapist or*
2 *veterinary technician if the person possesses and administers the*
3 *drug or medicine in the same manner and under the same*
4 *conditions that apply, respectively, to a physician assistant, dental*
5 *hygienist, intermediate emergency medical technician, advanced*
6 *emergency medical technician, respiratory therapist, dialysis*
7 *technician, nuclear medicine technologist, radiologic technologist,*
8 *physical therapist or veterinary technician who may possess and*
9 *administer the drug or medicine, and under the direct supervision*
10 *of a person licensed or registered to perform the respective*
11 *medical art or a supervisor of such a person.*

12 **Sec. 42.** NRS 689A.04045 is hereby amended to read as
13 follows:

14 689A.04045 1. Except as otherwise provided in this section,
15 a policy of health insurance which provides coverage for
16 prescription drugs must not limit or exclude coverage for a drug if
17 the drug:

18 (a) Had previously been approved for coverage by the insurer
19 for a medical condition of an insured and the insured's provider of
20 health care determines, after conducting a reasonable investigation,
21 that none of the drugs which are otherwise currently approved for
22 coverage are medically appropriate for the insured; and

23 (b) Is appropriately prescribed and considered safe and effective
24 for treating the medical condition of the insured.

25 2. The provisions of subsection 1 do not:

26 (a) Apply to coverage for any drug that is prescribed for a use
27 that is different from the use for which that drug has been approved
28 for marketing by the Food and Drug Administration;

29 (b) Prohibit:

30 (1) The insurer from charging a deductible, copayment or
31 coinsurance for the provision of benefits for prescription drugs to
32 the insured or from establishing, by contract, limitations on the
33 maximum coverage for prescription drugs;

34 (2) A provider of health care from prescribing another drug
35 covered by the policy that is medically appropriate for the insured;
36 or

37 (3) The substitution of another drug pursuant to NRS
38 639.23286 or 639.2583 to ~~639.2599,~~ 639.2597, inclusive; or

39 (c) Require any coverage for a drug after the term of the policy.

40 3. Any provision of a policy subject to the provisions of this
41 chapter that is delivered, issued for delivery or renewed on or after
42 October 1, 2001, which is in conflict with this section is void.



1 **Sec. 43.** NRS 689B.0368 is hereby amended to read as
2 follows:

3 689B.0368 1. Except as otherwise provided in this section, a
4 policy of group health insurance which provides coverage for
5 prescription drugs must not limit or exclude coverage for a drug if
6 the drug:

7 (a) Had previously been approved for coverage by the insurer
8 for a medical condition of an insured and the insured's provider of
9 health care determines, after conducting a reasonable investigation,
10 that none of the drugs which are otherwise currently approved for
11 coverage are medically appropriate for the insured; and

12 (b) Is appropriately prescribed and considered safe and effective
13 for treating the medical condition of the insured.

14 2. The provisions of subsection 1 do not:

15 (a) Apply to coverage for any drug that is prescribed for a use
16 that is different from the use for which that drug has been approved
17 for marketing by the Food and Drug Administration;

18 (b) Prohibit:

19 (1) The insurer from charging a deductible, copayment or
20 coinsurance for the provision of benefits for prescription drugs to
21 the insured or from establishing, by contract, limitations on the
22 maximum coverage for prescription drugs;

23 (2) A provider of health care from prescribing another drug
24 covered by the policy that is medically appropriate for the insured;
25 or

26 (3) The substitution of another drug pursuant to NRS
27 639.23286 or 639.2583 to ~~639.2599,~~ 639.2597, inclusive; or

28 (c) Require any coverage for a drug after the term of the policy.

29 3. Any provision of a policy subject to the provisions of this
30 chapter that is delivered, issued for delivery or renewed on or after
31 October 1, 2001, which is in conflict with this section is void.

32 **Sec. 44.** NRS 689C.168 is hereby amended to read as follows:

33 689C.168 1. Except as otherwise provided in this section, a
34 health benefit plan which provides coverage for prescription drugs
35 must not limit or exclude coverage for a drug if the drug:

36 (a) Had previously been approved for coverage by the carrier for
37 a medical condition of an insured and the insured's provider of
38 health care determines, after conducting a reasonable investigation,
39 that none of the drugs which are otherwise currently approved for
40 coverage are medically appropriate for the insured; and

41 (b) Is appropriately prescribed and considered safe and effective
42 for treating the medical condition of the insured.

43 2. The provisions of subsection 1 do not:



1 (a) Apply to coverage for any drug that is prescribed for a use
2 that is different from the use for which that drug has been approved
3 for marketing by the Food and Drug Administration;

4 (b) Prohibit:

5 (1) The carrier from charging a deductible, copayment or
6 coinsurance for the provision of benefits for prescription drugs to
7 the insured or from establishing, by contract, limitations on the
8 maximum coverage for prescription drugs;

9 (2) A provider of health care from prescribing another drug
10 covered by the plan that is medically appropriate for the insured; or

11 (3) The substitution of another drug pursuant to NRS
12 639.23286 or 639.2583 to ~~639.2599~~ 639.2597, inclusive; or

13 (c) Require any coverage for a drug after the term of the plan.

14 3. Any provision of a health benefit plan subject to the
15 provisions of this chapter that is delivered, issued for delivery or
16 renewed on or after October 1, 2001, which is in conflict with this
17 section is void.

18 **Sec. 45.** NRS 695A.184 is hereby amended to read as follows:

19 695A.184 1. Except as otherwise provided in this section, a
20 benefit contract which provides coverage for prescription drugs
21 must not limit or exclude coverage for a drug if the drug:

22 (a) Had previously been approved for coverage by the society
23 for a medical condition of an insured and the insured's provider of
24 health care determines, after conducting a reasonable investigation,
25 that none of the drugs which are otherwise currently approved for
26 coverage are medically appropriate for the insured; and

27 (b) Is appropriately prescribed and considered safe and effective
28 for treating the medical condition of the insured.

29 2. The provisions of subsection 1 do not:

30 (a) Apply to coverage for any drug that is prescribed for a use
31 that is different from the use for which that drug has been approved
32 for marketing by the Food and Drug Administration;

33 (b) Prohibit:

34 (1) The society from charging a deductible, copayment or
35 coinsurance for the provision of benefits for prescription drugs to
36 the insured or from establishing, by contract, limitations on the
37 maximum coverage for prescription drugs;

38 (2) A provider of health care from prescribing another drug
39 covered by the benefit contract that is medically appropriate for the
40 insured; or

41 (3) The substitution of another drug pursuant to NRS
42 639.23286 or 639.2583 to ~~639.2599~~ 639.2597, inclusive; or

43 (c) Require any coverage for a drug after the term of the benefit
44 contract.



1 3. Any provision of a benefit contract subject to the provisions
2 of this chapter that is delivered, issued for delivery or renewed on or
3 after October 1, 2001, which is in conflict with this section is void.

4 **Sec. 46.** NRS 695B.1905 is hereby amended to read as
5 follows:

6 695B.1905 1. Except as otherwise provided in this section, a
7 contract for hospital or medical services which provides coverage
8 for prescription drugs must not limit or exclude coverage for a drug
9 if the drug:

10 (a) Had previously been approved for coverage by the insurer
11 for a medical condition of an insured and the insured's provider of
12 health care determines, after conducting a reasonable investigation,
13 that none of the drugs which are otherwise currently approved for
14 coverage are medically appropriate for the insured; and

15 (b) Is appropriately prescribed and considered safe and effective
16 for treating the medical condition of the insured.

17 2. The provisions of subsection 1 do not:

18 (a) Apply to coverage for any drug that is prescribed for a use
19 that is different from the use for which that drug has been approved
20 for marketing by the Food and Drug Administration;

21 (b) Prohibit:

22 (1) The insurer from charging a deductible, copayment or
23 coinsurance for the provision of benefits for prescription drugs to
24 the insured or from establishing, by contract, limitations on the
25 maximum coverage for prescription drugs;

26 (2) A provider of health care from prescribing another drug
27 covered by the contract that is medically appropriate for the insured;
28 or

29 (3) The substitution of another drug pursuant to NRS
30 639.23286 or 639.2583 to ~~639.2599~~ 639.2597, inclusive; or

31 (c) Require any coverage for a drug after the term of the
32 contract.

33 3. Any provision of a contract for hospital or medical services
34 subject to the provisions of this chapter that is delivered, issued for
35 delivery or renewed on or after October 1, 2001, which is in conflict
36 with this section is void.

37 **Sec. 47.** NRS 695C.1734 is hereby amended to read as
38 follows:

39 695C.1734 1. Except as otherwise provided in this section,
40 evidence of coverage which provides coverage for prescription
41 drugs must not limit or exclude coverage for a drug if the drug:

42 (a) Had previously been approved for coverage by the health
43 maintenance organization or insurer for a medical condition of an
44 enrollee and the enrollee's provider of health care determines, after
45 conducting a reasonable investigation, that none of the drugs which



1 are otherwise currently approved for coverage are medically
2 appropriate for the enrollee; and

3 (b) Is appropriately prescribed and considered safe and effective
4 for treating the medical condition of the enrollee.

5 2. The provisions of subsection 1 do not:

6 (a) Apply to coverage for any drug that is prescribed for a use
7 that is different from the use for which that drug has been approved
8 for marketing by the Food and Drug Administration;

9 (b) Prohibit:

10 (1) The health maintenance organization or insurer from
11 charging a deductible, copayment or coinsurance for the provision
12 of benefits for prescription drugs to the enrollee or from
13 establishing, by contract, limitations on the maximum coverage for
14 prescription drugs;

15 (2) A provider of health care from prescribing another drug
16 covered by the evidence of coverage that is medically appropriate
17 for the enrollee; or

18 (3) The substitution of another drug pursuant to NRS
19 639.23286 or 639.2583 to ~~639.2599~~ 639.2597, inclusive; or

20 (c) Require any coverage for a drug after the term of the
21 evidence of coverage.

22 3. Any provision of an evidence of coverage subject to the
23 provisions of this chapter that is delivered, issued for delivery or
24 renewed on or after October 1, 2001, which is in conflict with this
25 section is void.

26 **Sec. 48.** NRS 695F.156 is hereby amended to read as follows:

27 695F.156 1. Except as otherwise provided in this section,
28 evidence of coverage which provides coverage for prescription
29 drugs must not limit or exclude coverage for a drug if the drug:

30 (a) Had previously been approved for coverage by the prepaid
31 limited health service organization for a medical condition of an
32 enrollee and the enrollee's provider of health care determines, after
33 conducting a reasonable investigation, that none of the drugs which
34 are otherwise currently approved for coverage are medically
35 appropriate for the enrollee; and

36 (b) Is appropriately prescribed and considered safe and effective
37 for treating the medical condition of the enrollee.

38 2. The provisions of subsection 1 do not:

39 (a) Apply to coverage for any drug that is prescribed for a use
40 that is different from the use for which that drug has been approved
41 for marketing by the Food and Drug Administration;

42 (b) Prohibit:

43 (1) The organization from charging a deductible, copayment
44 or coinsurance for the provision of benefits for prescription drugs to



1 the enrollee or from establishing, by contract, limitations on the
2 maximum coverage for prescription drugs;

3 (2) A provider of health care from prescribing another drug
4 covered by the evidence of coverage that is medically appropriate
5 for the enrollee; or

6 (3) The substitution of another drug pursuant to NRS
7 639.23286 or 639.2583 to ~~639.2599,~~ 639.2597, inclusive; or

8 (c) Require any coverage for a drug after the term of the
9 evidence of coverage.

10 3. Any provision of an evidence of coverage subject to the
11 provisions of this chapter that is delivered, issued for delivery or
12 renewed on or after October 1, 2001, which is in conflict with this
13 section is void.

14 **Sec. 49.** NRS 695G.166 is hereby amended to read as follows:

15 695G.166 1. Except as otherwise provided in this section, a
16 health care plan which provides coverage for prescription drugs
17 must not limit or exclude coverage for a drug if the drug:

18 (a) Had previously been approved for coverage by the managed
19 care organization for a medical condition of an insured and the
20 insured's provider of health care determines, after conducting a
21 reasonable investigation, that none of the drugs which are otherwise
22 currently approved for coverage are medically appropriate for the
23 insured; and

24 (b) Is appropriately prescribed and considered safe and effective
25 for treating the medical condition of the insured.

26 2. The provisions of subsection 1 do not:

27 (a) Apply to coverage for any drug that is prescribed for a use
28 that is different from the use for which that drug has been approved
29 for marketing by the Food and Drug Administration;

30 (b) Prohibit:

31 (1) The organization from charging a deductible, copayment
32 or coinsurance for the provision of benefits for prescription drugs to
33 the insured or from establishing, by contract, limitations on the
34 maximum coverage for prescription drugs;

35 (2) A provider of health care from prescribing another drug
36 covered by the plan that is medically appropriate for the insured; or

37 (3) The substitution of another drug pursuant to NRS
38 639.23286 or 639.2583 to ~~639.2599,~~ 639.2597, inclusive; or

39 (c) Require any coverage for a drug after the term of the plan.

40 3. Any provision of a health care plan subject to the provisions
41 of this chapter that is delivered, issued for delivery or renewed on or
42 after October 1, 2001, which is in conflict with this section is void.

43 **Sec. 50.** NRS 639.133, 639.205, 639.2323 and 639.2599 are
44 hereby repealed.



LEADLINES OF REPEALED SECTIONS

639.133 Registration of pharmacist not possessing formal educational requirements.

639.205 Inactive status.

639.2323 Nuclear pharmacy: Publications required on premises.

639.2599 Display of notice regarding substitution.

Ⓢ

