REQUIRES TWO-THIRDS MAJORITY VOTE (§ 20)

(Reprinted with amendments adopted on May 21, 2003)

THIRD REPRINT **S.B. 425**

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.

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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.

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

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

Sec. 3. ***"Pharmaceutical technician in training" means a person who is:***

1. Registered with the Board in order to obtain the training and experience required to be a pharmaceutical technician; or

2. Enrolled in a program of training for pharmaceutical technicians that is approved by the Board.

Sec. 3.5. ***1. A wholesaler may sell a prescription drug only to:***

(a) A pharmacy or practitioner; or

(b) Another wholesaler if:

(1) The wholesaler who purchases the drug is licensed by the Board; and

(2) The sale is a bona fide transaction.

2. A wholesaler may purchase a prescription drug only from:

(a) A manufacturer; or

(b) Another wholesaler if:

(1) The wholesaler who sells the drug is licensed by the Board; and

(2) The sale is a bona fide transaction.

3. The Board shall not limit the quantity of prescription drugs a wholesaler may purchase, sell, distribute or otherwise provide to another wholesaler, distributor or manufacturer.

4. For the purposes of this section:

(a) A purchase shall be deemed a bona fide transaction if:

(1) The wholesaler purchased the drug:

(I) Directly from the manufacturer of the drug; or

(II) With a reasonable belief that the drug was originally purchased directly from the manufacturer of the drug;

(2) The circumstances of the purchase reasonably indicate that the drug was not purchased from a source prohibited by law;

(3) Unless the drug is purchased by the wholesaler from the manufacturer, before the wholesaler sells the drug to another wholesaler, the wholesaler who sells the drug conducts a reasonable visual examination of the drug to ensure that the drug is not:

(I) Counterfeit;

(II) Deemed to be adulterated or misbranded in accordance with the provisions of chapter 585 of NRS;

(III) Mislabeled;

(IV) Damaged or compromised by improper handling, storage or temperature control;

(V) From a foreign or unlawful source; or

(VI) Manufactured, packaged, labeled or shipped in violation of any state or federal law relating to prescription drugs;

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

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

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

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

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

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

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

639.0124 "Practice of pharmacy" includes, but is not limited to, the:

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

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

3. Participation in drug evaluation and drug research.

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

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

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

7. Interpretation of clinical data contained in a person's record of medication.

8. Development of written guidelines and protocols in collaboration with a practitioner which are intended for a patient in a licensed medical facility and authorize the implementation, monitoring and modification of drug therapy. ***The written guidelines and protocols may authorize a pharmacist to order and use the findings of laboratory tests and examinations.***

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

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

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

639.015 "Registered pharmacist" means:

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

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

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

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

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

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

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

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

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

639.070 1. The Board may:

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

(b) Adopt regulations requiring that prices charged by retail pharmacies for drugs and medicines which are obtained by

prescription be posted in the pharmacies and be given on the telephone to persons requesting such information.

(c) Adopt regulations, not inconsistent with the laws of this state, authorizing the ***Executive*** Secretary ***of the Board*** to issue certificates, licenses and permits required by this chapter and chapters 453 and 454 of NRS.

(d) Adopt regulations governing the dispensing of poisons, drugs, chemicals and medicines.

(e) Regulate the practice of pharmacy.

(f) Regulate the sale and dispensing of poisons, drugs, chemicals and medicines.

(g) Regulate the means of recordkeeping and storage, handling, sanitation and security of drugs, poisons, medicines, chemicals and devices, including, but not limited to, requirements relating to:

(1) Pharmacies, institutional pharmacies and pharmacies in correctional institutions;

(2) Drugs stored in hospitals; and

(3) Drugs stored for the purpose of wholesale distribution.

(h) Examine and register, upon application, pharmacists and other persons who dispense or distribute medications whom it deems qualified.

(i) Charge and collect necessary and reasonable fees for its services, other than those specifically set forth in this chapter.

(j) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(k) Employ an attorney, inspectors, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(l) Enforce the provisions of NRS 453.011 to 453.552, inclusive, and enforce the provisions of this chapter and chapter 454 of NRS.

(m) Adopt regulations concerning the information required to be submitted in connection with an application for any license, certificate or permit required by this chapter or chapter 453 or 454 of NRS.

(n) Adopt regulations concerning the education, experience and background of a person who is employed by the holder of a license or permit issued pursuant to this chapter and who has access to drugs and devices.

(o) Adopt regulations concerning the use of computerized mechanical equipment for the filling of prescriptions.

(p) Participate in and expend money for programs that enhance the practice of pharmacy.

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

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

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

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

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

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

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

(a) Be of good moral character.

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

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

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

2. The practical pharmaceutical experience required pursuant to paragraph (d) of subsection 1 must relate primarily to the selling of drugs, poisons and devices, the compounding and dispensing of prescriptions, preparing prescriptions ***,*** and keeping records and preparing reports required by state and federal statutes.

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

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

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

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

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

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

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

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

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

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

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

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

(b) A separate form prescribed by the Board.

3. A certificate of registration as a pharmacist, ~~[an]~~ intern pharmacist ***, pharmaceutical technician, pharmaceutical technician in training*** or supportive personnel or a license issued pursuant to NRS 639.233 may not be issued or renewed by the Board if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) ~~[Services]~~ ***The services*** which may be performed by ***pharmaceutical technicians and*** supportive personnel,

to ensure the protection and safety of the public in the provision of pharmaceutical care.

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

(a) The qualifications for ~~[supportive personnel]~~ ***pharmaceutical technicians*** must include:

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

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

~~[(3)]~~ ***(2)*** The completion of at least 1,500 hours of experience in carrying out the duties of ~~[supportive personnel; or~~

~~(4)]~~ ***a pharmaceutical technician; or***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For the examination of an applicant for registration as a pharmacist	Actual cost of the examination
For the investigation or registration of an applicant as a registered pharmacist	$200
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity	300
For the investigation or issuance of an original license to conduct a retail pharmacy	600
For the biennial renewal of a license to conduct a retail pharmacy	500
For the investigation or issuance of an original license to conduct an institutional pharmacy	600
For the biennial renewal of a license to conduct an institutional pharmacy	500
For the issuance of an original or duplicate certificate of registration as a registered pharmacist	50
For the biennial renewal of registration as a registered pharmacist	200
For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse)	100
For the initial registration of a pharmaceutical technician or pharmaceutical technician in training	***50***
For the biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training	***50***
For the initial registration of supportive personnel	~~[50]~~ ***20***
For the biennial renewal of registration of supportive personnel	~~[50]~~ ***20***
For the investigation or registration of an intern pharmacist	50
For the biennial renewal of registration as an intern pharmacist	40
For investigation or issuance of an original license to a manufacturer or wholesaler	500
For the biennial renewal of a license for a manufacturer or wholesaler	~~[400]~~ ***500***

For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon $100

~~[For the biennial renewal of registration issued to a registered pharmacist placed on inactive status ..... 100]~~

For authorization of a practitioner to dispense controlled substances or dangerous drugs, or both 300

For the biennial renewal of authorization of a practitioner to dispense controlled substances or dangerous drugs, or both 300

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

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

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

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

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

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

(a) Filing an application for renewal;

(b) Paying the fee for renewal;

(c) Complying with the requirement of continuing professional education, if applicable; and

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

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

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

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

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

Sec. 22. NRS 639.2174 is hereby amended to read as follows:

639.2174 The Board shall not ~~[:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~3.]~~ For the purpose of this section, a person is "engaged in the business of furnishing" if he:

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

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

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

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

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

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

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

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

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

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

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

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

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

3. A pharmacist who fills a prescription described in subsection 2 shall record on the prescription or in the prescription record in the pharmacy's computer:

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

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

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

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

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

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

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

(b) The practitioner who originally issued the prescription;

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

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

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

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

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

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

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

(1) Misusing prescriptions to obtain excessive amounts of drugs ~~[.]~~ ***; or***

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

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

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

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

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

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

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

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

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

1. Affix the name and address of the practitioner to the back of the record;

2. Affix his initials, cause an agent of the practitioner to affix his initials and note the date of the removal of the record on the back of the record;

3. Affix the name of the agency for which he is removing the record to the back of the record;

4. Provide the practitioner with a receipt for the record; and

5. Return a photostatic copy of both sides of the record to the practitioner within 15 working days after the record is removed.

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

639.241 1. A hearing to determine whether the rights and privileges granted by any certificate, certification, license or permit issued by the Board should be revoked, suspended, limited or conditioned must be initiated by the filing of an accusation by the Board. The action must be entitled: The Nevada State Board of Pharmacy v. (insert the name of the party whose certificate, license or permit is involved), who must be designated "Respondent."

2. The accusation is a written statement of the charges alleged and must set forth in ordinary and concise language the acts or omissions with which the respondent is charged to the end that the respondent will be able to prepare his defense. ~~[It]~~ ***The accusation*** must specify the statutes and regulations which the respondent is alleged to have violated, but must not consist merely of charges phrased in language of the statute or regulation. The accusation must be signed by the ***Executive*** Secretary of the Board acting in his official capacity.

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

639.242 1. After filing the accusation, the ***Executive*** Secretary of the Board shall cause a copy thereof, together with one copy of the Statement to Respondent and three copies of the form of the Notice of Defense, to be served on the respondent.

2. Service may be ~~[either]~~ by personal service or by first-class registered or certified mail addressed to the respondent at his last address of record, or by mail to his attorney of record. Proof of service ~~[shall]~~ ***must*** be retained and made a part of the case record.

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

639.244 1. The form for the Notice of Defense ~~[shall]~~ ***must*** be prepared and furnished by the Board and ~~[shall]~~ permit the respondent, by completing and signing the notice ***,*** to:

(a) ~~[Request a hearing;~~

~~(b)]~~ Object to the accusation as being incomplete and failing to set forth clearly the charges; and

~~[(c)]~~ ***(b)*** Deny or admit, in part or in whole, the violations alleged.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 37. NRS 639.256 is hereby amended to read as follows:

639.256 A certificate, license or permit which has been suspended for a specified period of time ~~[shall]~~ ***must*** automatically be restored to good standing on the first day following the period of suspension. The ***Executive*** Secretary ~~[,]~~ ***of the Board,*** when notifying the respondent of the penalty imposed by the Board, shall inform the respondent of the date on which the certificate, license or permit will be so restored.

Sec. 38. NRS 639.2585 is hereby amended to read as follows:

639.2585 1. ~~[Except where a substitution is required by subsection 1 of NRS 639.2583:]~~ ***If a prescription is purchased with cash:***

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

(1) The generic drug which he proposes to substitute; and

(2) The price difference between the drug under the brand name prescribed and the drug which he proposes to substitute.

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

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

Sec. 39. NRS 639.2589 is hereby amended to read as follows:

639.2589 ~~[1.]~~ The form ***used*** for any prescription which is issued or intended to be filled in this state must contain a line for the signature of the ~~[prescriber, the printed words "dispense only as written" and a box near that statement for the purpose of indicating that a substitution may not be made.]~~ ***practitioner.***

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

~~prescriber here" and a box must be provided near that statement for the purpose of indicating that a substitution may not be made.~~

~~3. Substitutions may be made in filling prescriptions ordered on a patient's chart in a hospital if the hospital's medical staff has approved a formulary for specific generic substitutions.~~]

Sec. 40. NRS 453.1545 is hereby amended to read as follows:

453.1545 1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV that is filled by a pharmacy that is registered with the Board ~~[.]~~ ***or that is dispensed by a practitioner who is registered with the Board.*** The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III and IV to pharmacies, practitioners and appropriate state agencies to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient.

(b) Be administered by the Board, the Division, the Health Division of the Department of Human Resources and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

2. The Board and ***the*** Division must have access to the program established pursuant to subsection 1 to identify any suspected fraudulent or illegal activity related to the dispensing of controlled substances.

3. The Board or ***the*** Division shall report any activity it reasonably suspects may be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide the law enforcement agency or occupational licensing board with the relevant information obtained from the program for further investigation.

4. Information obtained from the program relating to a practitioner or a patient is confidential and, except as otherwise provided by this section, must not be disclosed to any person. That information must be disclosed:

(a) Upon the request of a person about whom the information requested concerns or upon the request on his behalf by his attorney; or

(b) Upon the lawful order of a court of competent jurisdiction.

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

Sec. 40.5. NRS 453.375 is hereby amended to read as follows:

453.375 A controlled substance may be possessed and administered by the following persons:

1. A practitioner.

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

3. An advanced emergency medical technician:

(a) As authorized by regulation of:

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

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

(b) In accordance with any applicable regulations of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 41.5. NRS 454.213 is hereby amended to read as follows:

454.213 A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

1. A practitioner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Prescribed by a licensed physician for:

(1) Iontophoresis; or

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

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

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

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

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

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

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

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

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

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

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

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

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

2. The provisions of subsection 1 do not:

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

(b) Prohibit:

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

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

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

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

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

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

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

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

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

2. The provisions of subsection 1 do not:

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

(b) Prohibit:

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

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

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

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

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

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

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

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

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

2. The provisions of subsection 1 do not:

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

(b) Prohibit:

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

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

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

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

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

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

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

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

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

2. The provisions of subsection 1 do not:

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

(b) Prohibit:

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

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

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

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

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

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

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

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

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

2. The provisions of subsection 1 do not:

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

(b) Prohibit:

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

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

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

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

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

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

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

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

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

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

2. The provisions of subsection 1 do not:

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

(b) Prohibit:

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

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

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

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

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

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

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

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

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

2. The provisions of subsection 1 do not:

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

(b) Prohibit:

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

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

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

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

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

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

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

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

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

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

2. The provisions of subsection 1 do not:

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

(b) Prohibit:

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

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

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

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

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

Sec. 50. NRS 639.133, 639.205, 639.2323 and 639.2599 are 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.

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