

REQUIRES TWO-THIRDS MAJORITY VOTE (§ 20)

(Reprinted with amendments adopted on May 22, 2003)

FOURTH REPRINT

S.B. 425

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SENATE BILL NO. 425—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE BOARD OF PHARMACY)

MARCH 24, 2003

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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.

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AN ACT relating to pharmacy; prohibiting a pharmacist from refusing to fill or refill a prescription under certain circumstances; eliminating the provisions relating to the regulation of supportive personnel; increasing the fee for the biennial renewal of a license for a manufacturer or wholesaler; abolishing inactive licenses; 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; 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:



\* S B 4 2 5 R 4 \*

1       **Section 1.** Chapter 639 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 3.7, inclusive, of this  
3 act.

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

7       **Sec. 3.** *“Pharmaceutical technician in training” means a*  
8 *person who is:*

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

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

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

15       (a) *A pharmacy or practitioner; or*

16       (b) *Another wholesaler if:*

17       (1) *The wholesaler who purchases the drug is licensed by*  
18 *the Board or the board or other relevant authority of another*  
19 *state; and*

20       (2) *The sale is a bona fide transaction.*

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

22       (a) *A manufacturer; or*

23       (b) *Another wholesaler if:*

24       (1) *The wholesaler who sells the drug is licensed by the*  
25 *Board or the board or other relevant authority of another state;*  
26 *and*

27       (2) *The sale is a bona fide transaction.*

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

31       4. *For the purposes of this section:*

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

33       (1) *The wholesaler purchased the drug:*

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

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

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

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

44       (I) *Counterfeit;*



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

3           (iii) Mislabeled;

4           (iv) Damaged or compromised by improper handling,  
5 storage or temperature control;

6           (v) From a foreign or unlawful source; or

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

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

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

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

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

27           **Sec. 3.7. 1.** A pharmacist shall not refuse to fill or refill a  
28 prescription as written unless the pharmacist knows or has  
29 reasonable cause to believe that the prescription is:

30           (a) Fraudulent;

31           (b) Issued contrary to law; or

32           (c) Contraindicated.

33           2. If a pharmacist refuses to dispense a prescription pursuant  
34 to paragraph (c) of subsection 1, the pharmacist shall consult with  
35 the prescribing practitioner as soon as practicable.

36           3. The provisions of this section do not:

37           (a) Require a pharmacist to stock a particular drug; or

38           (b) Prohibit a pharmacist from:

39           (1) Substituting a drug pursuant to NRS 639.2583; or

40           (2) Requiring payment for a drug in the normal course of  
41 business.

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

43           639.001 As used in this chapter, unless the context otherwise  
44 requires, the words and terms defined in NRS 639.0015 to 639.016,



1 inclusive, *and sections 2 and 3 of this act* have the meanings  
2 ascribed to them in those sections.

3 **Sec. 5.** NRS 639.0124 is hereby amended to read as follows:  
4 639.0124 "Practice of pharmacy" includes, but is not limited  
5 to, the:

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

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

13 3. Participation in drug evaluation and drug research.

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

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

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

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

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

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

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

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

35 639.015 "Registered pharmacist" means:

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

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

40 3. A person who has complied with the provisions of NRS  
41 639.120 ~~and 639.133~~ and whose name has been entered in the  
42 registry of pharmacists of this state by the *Executive* Secretary of  
43 the Board and to whom a valid certificate as a registered pharmacist  
44 or valid renewal thereof has been issued by the Board.

45 **Sec. 7.** (Deleted by amendment.)



1     **Sec. 8.** NRS 639.040 is hereby amended to read as follows:  
2     639.040 1. The Board shall elect a President and a Treasurer  
3 from among its members.

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

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

11    639.070 1. The Board may:

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

15    (b) Adopt regulations requiring that prices charged by retail  
16 pharmacies for drugs and medicines which are obtained by  
17 prescription be posted in the pharmacies and be given on the  
18 telephone to persons requesting such information.

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

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

25    (e) Regulate the practice of pharmacy.

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

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

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

33    (2) Drugs stored in hospitals; and

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

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

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

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

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



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

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

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

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

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

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

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

19 639.081 1. Except as otherwise provided in subsection 3, all  
20 money coming into the possession of the Board must be kept or  
21 deposited by the *Executive Secretary of the Board* in banks, credit  
22 unions or savings and loan associations in the State of Nevada, or  
23 invested in United States treasury bills or notes, to be expended for  
24 payment of compensation and expenses of members of the Board  
25 and for other necessary or proper purposes in the administration of  
26 this chapter.

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

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

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

39 639.120 1. An applicant to become a registered pharmacist in  
40 this state must:

41 (a) Be of good moral character.

42 (b) Be a graduate of a college of pharmacy or department of  
43 pharmacy of a university accredited by the American Council on  
44 Pharmaceutical Education *or Canadian Council for Accreditation*  
45 *of Pharmacy Programs* and approved by the Board or a graduate of



1 a foreign school who has passed an examination for foreign  
2 graduates approved by the Board to demonstrate that his education  
3 is equivalent.

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

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

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

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

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

22 639.127 1. An applicant for registration as a pharmacist in  
23 this state must submit an application to the *Executive* Secretary of  
24 the Board on a form furnished by the Board and must pay the fee  
25 fixed by the Board. The fee must be paid at the time the application  
26 is submitted and is compensation to the Board for the investigation  
27 and the examination of the applicant. Under no circumstances may  
28 the fee be refunded.

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

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

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

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

41 639.128 The application of a natural person who applies for the  
42 issuance of a certificate of registration as a pharmacist, ~~[an]~~  
43 intern pharmacist ~~[or supportive personnel]~~, *pharmaceutical*  
44 *technician or pharmaceutical technician in training* or a license





1 issued pursuant to NRS 639.233 must include the social security  
2 number of the applicant.

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

4 639.129 1. A natural person who applies for the issuance or  
5 renewal of a certificate of registration as a pharmacist, ~~[an]~~  
6 intern pharmacist ~~[or supportive personnel]~~ , *pharmaceutical*  
7 *technician or pharmaceutical technician in training* or a license  
8 issued pursuant to NRS 639.233 shall submit to the Board the  
9 statement prescribed by the Welfare Division of the Department of  
10 Human Resources pursuant to NRS 425.520. The statement must be  
11 completed and signed by the applicant.

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

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

16 (b) A separate form prescribed by the Board.

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

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

24 (b) Indicates on the statement submitted pursuant to subsection  
25 1 that he is subject to a court order for the support of a child and is  
26 not in compliance with the order or a plan approved by the district  
27 attorney or other public agency enforcing the order for the  
28 repayment of the amount owed pursuant to the order.

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

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

38 639.137 1. Any person who is not a registered pharmacist,  
39 but who is employed in this state for the purpose of fulfilling the  
40 requirements of paragraph (d) of subsection 1 of NRS 639.120 to  
41 become eligible for registration as a pharmacist, shall register with  
42 the Board as an intern pharmacist. An applicant, to be eligible for  
43 registration as an intern pharmacist, must be enrolled in a college of  
44 pharmacy or a department of pharmacy of a university approved by  
45 the Board or be a graduate of a foreign school and pass an





1 examination for foreign graduates approved by the Board. The  
2 application must be made on a form furnished by the Board.

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

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

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

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

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

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

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

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

27 639.1371 1. The ratio of ~~{supportive—personnel}~~  
28 *pharmaceutical technicians* to pharmacists must not allow more  
29 than one ~~{supportive personnel}~~ *pharmaceutical technician* to each  
30 pharmacist unless the Board by regulation expands the ratio.

31 2. The Board shall adopt regulations concerning ~~{supportive~~  
32 ~~personnel.}~~ *pharmaceutical technicians*, including requirements  
33 for:

34 (a) The qualifications, registration and supervision of  
35 ~~{supportive personnel.}~~ *pharmaceutical technicians*, and

36 (b) ~~{Services}~~ *The services* which may be performed by  
37 ~~{supportive personnel.}~~ *pharmaceutical technicians*,  
38 to ensure the protection and safety of the public in the provision of  
39 pharmaceutical care.

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

42 (a) The qualifications for ~~{supportive—personnel}~~  
43 *pharmaceutical technicians* must include:



- 1 (1) ~~[At least 1 year of education at a postsecondary school~~  
2 ~~which is directly related to the duties performed by supportive~~  
3 ~~personnel;~~  
4 ~~—(2)]~~ The successful completion of a program for ~~[supportive~~  
5 ~~personnel]~~ *pharmaceutical technicians* which is approved by the  
6 Board;
- 7 ~~[(3)]~~ (2) The completion of at least 1,500 hours of experience  
8 in carrying out the duties of ~~[supportive personnel; or~~  
9 ~~—(4)]~~ *a pharmaceutical technician; or*
- 10 (3) Any other experience or education deemed equivalent by  
11 the Board.
- 12 (b) An expanded ratio of ~~[supportive personnel]~~ *pharmaceutical*  
13 *technicians* to pharmacists must ~~[not allow more than two~~  
14 ~~supportive personnel for each pharmacist in]~~ *be appropriate and*  
15 *necessary for* a particular category of pharmacy at any time.
- 16 (c) The services which may be performed by ~~[supportive~~  
17 ~~personnel]~~ *pharmaceutical technicians* must include, without  
18 limitation, the:
- 19 (1) Removal of drugs from stock;  
20 (2) Counting, pouring or mixing of drugs;  
21 (3) Placing of drugs in containers;  
22 (4) Affixing of labels to containers; and  
23 (5) Packaging and repackaging of drugs.
- 24 4. For the purposes of this chapter, and chapters 453 and 454 of  
25 NRS, ~~[supportive personnel]~~ *pharmaceutical technicians* may  
26 perform acts required to be performed by pharmacists , but only to  
27 the extent provided in regulations.
- 28 **Sec. 17.** NRS 639.138 is hereby amended to read as follows:  
29 639.138 If the Board, after an investigation, denies a  
30 application for a certificate, license or permit, the *Executive*  
31 *Secretary of the Board* shall notify the applicant, within 10 days  
32 after the denial is approved by the Board and entered in the official  
33 minutes, by registered or certified mail, of the denial of the  
34 application and the reasons therefor. The notice must inform the  
35 applicant of his right to petition the Board for reconsideration and  
36 his right to submit evidence to controvert the alleged violations on  
37 which the denial was based.
- 38 **Sec. 18.** NRS 639.139 is hereby amended to read as follows:  
39 639.139 1. At any time within 30 days after receipt of the  
40 notice of denial of his application, an applicant may petition the  
41 Board for reconsideration of the application. The petition must set  
42 forth a denial, in whole or in part, of the violations alleged and a  
43 statement that the applicant is prepared to submit evidence in  
44 support of his denial of the allegations.



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

7 **Sec. 19.** NRS 639.160 is hereby amended to read as follows:  
8 639.160 Every registered pharmacist shall, within 10 days after  
9 changing his place of practice as designated on the books of the  
10 *Executive Secretary of the Board*, notify the *Executive Secretary* ~~of~~  
11 ~~the Board of such~~ *of the* change and of his new place of practice.  
12 Upon receipt of ~~such~~ *the* notification, the *Executive Secretary*  
13 shall make the necessary change in his register.

14 **Sec. 20.** NRS 639.170 is hereby amended to read as follows:  
15 639.170 1. The Board shall charge and collect not more than  
16 the following fees for the following services:

	Actual cost
18 For the examination of an applicant for registration of the	
19 as a pharmacist..... examination	
20 For the investigation or registration of an	
21 applicant as a registered pharmacist .....	\$200
22 For the investigation, examination or registration	
23 of an applicant as a registered pharmacist by	
24 reciprocity .....	300
25 For the investigation or issuance of an original	
26 license to conduct a retail pharmacy.....	600
27 For the biennial renewal of a license to conduct a	
28 retail pharmacy.....	500
29 For the investigation or issuance of an original	
30 license to conduct an institutional pharmacy.....	600
31 For the biennial renewal of a license to conduct an	
32 institutional pharmacy.....	500
33 For the issuance of an original or duplicate	
34 certificate of registration as a registered	
35 pharmacist.....	50
36 For the biennial renewal of registration as a	
37 registered pharmacist .....	200
38 For the reinstatement of a lapsed registration (in	
39 addition to the fees for renewal for the period	
40 of lapse).....	100
41 <del>For the initial registration of supportive personnel.....</del>	<del>50</del>
42 <del>For the biennial renewal of registration of</del>	
43 <del>supportive personnel.....</del>	<del>50</del>
44	



1            *For the initial registration of a pharmaceutical*  
2            *technician or pharmaceutical technician in*  
3            *training* ..... \$50  
4            *For the biennial renewal of registration of a*  
5            *pharmaceutical technician or pharmaceutical*  
6            *technician in training*..... 50  
7            For the investigation or registration of an intern  
8            pharmacist..... 50  
9            For the biennial renewal of registration as an  
10            intern pharmacist..... 40  
11            For investigation or issuance of an original license  
12            to a manufacturer or wholesaler..... 500  
13            For the biennial renewal of a license for a  
14            manufacturer or wholesaler..... ~~400~~ 500  
15            For the reissuance of a license issued to a  
16            pharmacy, when no change of ownership is  
17            involved, but the license must be reissued  
18            because of a change in the information  
19            required thereon ..... 100  
20            ~~For the biennial renewal of registration issued to~~  
21            ~~a registered pharmacist placed on inactive~~  
22            ~~status~~ ..... ~~100~~  
23            For authorization of a practitioner to dispense  
24            controlled substances or dangerous drugs, or  
25            both ..... 300  
26            For the biennial renewal of authorization of a  
27            practitioner to dispense controlled substances  
28            or dangerous drugs, or both ..... 300  
29

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

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

35            4. The Board may, by regulation, set the penalty for failure to  
36            pay the fee for renewal for any license, permit, authorization or  
37            certificate within the statutory period, at an amount not to exceed  
38            100 percent of the fee for renewal for each year of delinquency in  
39            addition to the fees for renewal for each year of delinquency.

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

41            639.180 1. Except as otherwise provided in this subsection, a  
42            certificate, license or permit issued by the Board pursuant to this  
43            chapter expires on October 31 of each even-numbered year. A  
44            certificate of registration as a pharmacist expires on October 31 of  
45            each odd-numbered year.



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

- 5 (a) Filing an application for renewal;  
6 (b) Paying the fee for renewal;  
7 (c) Complying with the requirement of continuing professional  
8 education, if applicable; and  
9 (d) If the applicant is a natural person who is applying for the  
10 renewal of a certificate of registration as a pharmacist, ~~an~~  
11 intern pharmacist ~~[or supportive personnel]~~, *pharmaceutical*  
12 *technician or pharmaceutical technician in training* or a license  
13 issued pursuant to NRS 639.233, submitting the statement required  
14 pursuant to NRS 639.129.

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

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

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

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

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

31 639.2174 The Board shall not ~~[-~~  
32 ~~1. Issue a certificate as a registered pharmacist to any person~~  
33 ~~pursuant to NRS 639.133; or~~

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

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

41 639.230 1. A ~~[pharmacy or a]~~ person operating ~~[as a~~  
42 ~~pharmacy]~~ *a business in this state* shall not use the *letters "Rx" or*  
43 *"RX" or the* word "drug" or "drugs," "prescription" or "pharmacy,"  
44 or similar words or words of similar import, without first having  
45 secured a license from the Board.



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

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

9 4. In addition to the requirements for renewal set forth in NRS  
10 639.180, every person holding a license to operate a pharmacy must  
11 satisfy the Board that the pharmacy is conducted according to law.

12 5. Any violation of any of the provisions of this chapter by a  
13 managing pharmacist or by personnel of the pharmacy under the  
14 supervision of the managing pharmacist is cause for the suspension  
15 or revocation of the license of the pharmacy by the Board.

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

17 639.231 1. An application to conduct a pharmacy must be  
18 made on a form furnished by the Board and must state the name,  
19 address, usual occupation and professional qualifications, if any, of  
20 the applicant. If the applicant is other than a natural person, the  
21 application must state such information as to each person  
22 beneficially interested therein.

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

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

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

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

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

44 5. Upon compliance with all the provisions of this section and  
45 upon approval of the application by the Board, the *Executive*



1 Secretary shall issue a license to the applicant to conduct a  
2 pharmacy. Any other provision of law notwithstanding, such a  
3 license authorizes the holder to conduct a pharmacy and to sell and  
4 dispense drugs and poisons and devices and appliances that are  
5 restricted by federal law to sale by or on the order of a physician.

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

7 639.233 1. Any person, including a wholesaler or  
8 manufacturer, who engages in the business of wholesale distribution  
9 or furnishing controlled substances, poisons, drugs, devices or  
10 appliances that are restricted by federal law to sale by or on the  
11 order of a physician to any person located within this state shall  
12 obtain a license pursuant to the provisions of this chapter.

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

18 ~~—3—~~ For the purpose of this section, a person is “engaged in the  
19 business of furnishing” if he:

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

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

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

25 639.234 1. The acceptance of a license issued pursuant to  
26 NRS 639.233 constitutes a consent by the licensee to the inspection  
27 *, copying and removal for copying* of his records maintained inside  
28 and outside this state by any authorized representative of the Board.

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

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

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

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

44 639.235 1. No person other than a practitioner holding a  
45 license to practice his profession in this state may prescribe or write





1 a prescription, except that a prescription written by a person *who is*  
2 not licensed to practice in this state, but *is* authorized by the laws of  
3 another state to prescribe, shall be deemed to be a legal prescription  
4 unless the person prescribed or wrote the prescription in violation of  
5 the provisions of NRS 453.3611 to 453.3648, inclusive.

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

9 (a) Schedule II, the registered pharmacist who is to fill the  
10 prescription shall establish and document that the prescription is  
11 authentic and that a bona fide relationship between the patient and  
12 the person prescribing the controlled substance did exist when the  
13 prescription was written.

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

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

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

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

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

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

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

38 639.238 1. Prescriptions filled and on file in a pharmacy are  
39 not a public record. A pharmacist shall not divulge the contents of  
40 any prescription or provide a copy of any prescription, except to:

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

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

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



- 1 (d) A member, inspector or investigator of the Board or an  
2 inspector of the Food and Drug Administration or an agent of the  
3 Investigation Division of the Department of Public Safety;
- 4 (e) An agency of State Government charged with the  
5 responsibility of providing medical care for the patient;
- 6 (f) An insurance carrier, on receipt of written authorization  
7 signed by the patient or his legal guardian, authorizing the release of  
8 such information;
- 9 (g) Any person authorized by an order of a district court;
- 10 (h) Any member, inspector or investigator of a professional  
11 licensing board which licenses a practitioner who orders  
12 prescriptions filled at the pharmacy; ~~or~~
- 13 (i) Other registered pharmacists for the limited purpose of and to  
14 the extent necessary for the exchange of information relating to  
15 persons who are suspected of:
- 16 (1) Misusing prescriptions to obtain excessive amounts of  
17 drugs ~~or~~; *or*
- 18 (2) Failing to use a drug in conformity with the directions for  
19 its use or taking a drug in combination with other drugs in a manner  
20 that could result in injury to that person ~~or~~; *or*
- 21 *(j) A peace officer employed by a local government for the*  
22 *limited purpose of and to the extent necessary:*
- 23 *(1) For the investigation of an alleged crime reported by an*  
24 *employee of the pharmacy where the crime was committed; or*
- 25 *(2) To carry out a search warrant or subpoena issued*  
26 *pursuant to a court order.*
- 27 2. Any copy of a prescription for a controlled substance or a  
28 dangerous drug as defined in chapter 454 of NRS, issued to a person  
29 authorized by this section to receive such a copy, must contain all of  
30 the information appearing on the original prescription and be clearly  
31 marked on its face ~~or~~ "Copy, Not Refillable—For Reference  
32 Purposes Only." The copy must bear the name or initials of the  
33 registered pharmacist who prepared the copy.
- 34 3. If a copy of a prescription for any controlled substance or a  
35 dangerous drug as defined in chapter 454 of NRS is furnished to the  
36 customer, the original prescription must be voided and notations  
37 made thereon showing the date and the name of the person to whom  
38 the copy was furnished.
- 39 4. If, at the express request of a customer, a copy of a  
40 prescription for any controlled substance or dangerous drug is  
41 furnished to another pharmacist, the original prescription must be  
42 voided and notations made thereon showing the date and the name  
43 of the pharmacist to whom the copy was furnished. The pharmacist  
44 receiving the copy shall call the prescribing practitioner for a new  
45 prescription.



- 1       **5. As used in this section, "peace officer" does not include:**  
2       **(a) A member of the Police Department of the University and**  
3       **Community College System of Nevada.**  
4       **(b) A school police officer who is appointed or employed**  
5       **pursuant to NRS 391.100.**

6       **Sec. 28.** NRS 639.239 is hereby amended to read as follows:  
7       639.239 Members, inspectors and investigators of the Board,  
8       inspectors of the Food and Drug Administration, ~~and~~ agents of the  
9       Investigation Division of the Department of Public Safety **and peace**  
10      **officers described in paragraph (j) of subsection 1 of NRS 639.238**  
11      may remove any record required to be retained by state or federal  
12      law or regulation, including any prescription contained in the files of  
13      a practitioner, if the record in question will be used as evidence in a  
14      criminal action, civil action or an administrative proceeding, or  
15      contemplated action or proceeding. The person who removes a  
16      record pursuant to this section shall:

- 17      1. Affix the name and address of the practitioner to the back of  
18      the record;  
19      2. Affix his initials, cause an agent of the practitioner to affix  
20      his initials and note the date of the removal of the record on the back  
21      of the record;  
22      3. Affix the name of the agency for which he is removing the  
23      record to the back of the record;  
24      4. Provide the practitioner with a receipt for the record; and  
25      5. Return a photostatic copy of both sides of the record to the  
26      practitioner within 15 working days after the record is removed.

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

28      639.241 1. A hearing to determine whether the rights and  
29      privileges granted by any certificate, certification, license or permit  
30      issued by the Board should be revoked, suspended, limited or  
31      conditioned must be initiated by the filing of an accusation by the  
32      Board. The action must be entitled: The Nevada State Board of  
33      Pharmacy v. (insert the name of the party whose certificate, license  
34      or permit is involved), who must be designated "Respondent."

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



1     **Sec. 30.** NRS 639.242 is hereby amended to read as follows:  
2     639.242 1. After filing the accusation, the *Executive*  
3 Secretary of the Board shall cause a copy thereof, together with one  
4 copy of the Statement to Respondent and three copies of the form of  
5 the Notice of Defense, to be served on the respondent.

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

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

11    639.244 1. The form for the Notice of Defense ~~shall~~ *must*  
12 be prepared and furnished by the Board and ~~shall~~ permit the  
13 respondent, by completing and signing the notice, to:

14    (a) ~~Request a hearing;~~  
15 ~~(b)~~ Object to the accusation as being incomplete and failing to  
16 set forth clearly the charges; and

17    ~~(c)~~ (b) Deny or admit, in part or in whole, the violations  
18 alleged.

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

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

25    639.245 Whenever a hearing has been granted by the Board,  
26 the *Executive Secretary of the Board* shall serve notice on the  
27 respondent of the time and place set for the hearing on the  
28 accusation. If the Board receives a report pursuant to subsection 5 of  
29 NRS 228.420, a hearing must be held within 30 days after receiving  
30 the report. Service may be effected in the same manner as provided  
31 in NRS 639.242.

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

33    639.246 1. The *Executive* Secretary of the Board shall issue  
34 subpoenas for the production of witnesses, documents or papers, in  
35 accordance with statutory provisions, at the request of any party to a  
36 hearing or for purposes of an investigation or other matter under  
37 inquiry by the Board.

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

43    3. Subpoenas must be served in the same manner as prescribed  
44 by law for the service of subpoenas in civil actions. If any person  
45 fails to comply with a subpoena within 10 days after its issuance, the



1 President of the Board, or the *Executive* Secretary of the Board at  
2 the direction of the President, may petition the district court for an  
3 order of the court compelling compliance with the subpoena.

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

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

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

15 639.247 1. Any hearing held for the purpose of suspending or  
16 revoking any certificate, certification, license or permit must be  
17 conducted publicly by the Board. The hearing must be presided over  
18 by a member of the Board or his designee and three members  
19 constitute a quorum. Any decision by the Board requires the  
20 concurrence of at least three members. The proceedings of the  
21 hearing must be reported or recorded by an electronic recording  
22 device, an official court reporter or another qualified person.

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

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

30 639.252 1. If the respondent wishes to contest or appeal the  
31 decision of the Board, the order or any part thereof, he may, ~~prior~~  
32 ~~to~~ *not later than 10 days after* the time the order becomes  
33 effective, apply in writing to the Board for a rehearing. ~~Such~~  
34 ~~application shall~~ *The application must* set forth with particularity  
35 the part or parts of the decision or order to which the respondent  
36 objects and the basis of the objection.

37 2. The *Executive Secretary of the* Board shall, within 10 days  
38 after receipt of a written application for rehearing, notify the  
39 respondent and his attorney of record in writing, by registered or  
40 certified mail, of ~~its~~ *his* action, either granting or denying ~~such~~  
41 *the* application. If the application is granted, the notice ~~shall~~ *must*  
42 contain the date, time and place of the rehearing. ~~[, which date shall~~  
43 ~~not be less than 30 days after the date of the notice.]~~ *The rehearing*  
44 *must be held at the next regularly scheduled meeting of the Board.*  
45 Granting of the application by the ~~Board shall serve~~ *Executive*



1 *Secretary does not serve* as an automatic stay of execution of the  
2 order pending conclusion of the rehearing.

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

4 639.2555 1. If the Board receives a copy of a court order  
5 issued pursuant to NRS 425.540 that provides for the suspension of  
6 all professional, occupational and recreational licenses, certificates  
7 and permits issued to a person who is the holder of a certificate of  
8 registration as a pharmacist, ~~an~~ intern pharmacist ~~for supportive~~  
9 ~~personnel~~ , *pharmaceutical technician or pharmaceutical*  
10 *technician in training* or a license issued pursuant to NRS 639.223,  
11 the Board shall deem the certificate of registration or license issued  
12 to that person to be suspended at the end of the 30th day after the  
13 date on which the court order was issued unless the Board receives a  
14 letter issued to the holder of the certificate of registration or license  
15 by the district attorney or other public agency pursuant to NRS  
16 425.550 stating that the holder of the certificate of registration or  
17 license has complied with the subpoena or warrant or has satisfied  
18 the arrearage pursuant to NRS 425.560.

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

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

31 639.256 A certificate, license or permit which has been  
32 suspended for a specified period of time ~~shall~~ *must* automatically  
33 be restored to good standing on the first day following the period of  
34 suspension. The *Executive Secretary* ~~of the Board~~, when  
35 notifying the respondent of the penalty imposed by the Board, shall  
36 inform the respondent of the date on which the certificate, license or  
37 permit will be so restored.

38 **Secs. 38 and 39.** (Deleted by amendment.)

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

40 453.1545 1. The Board and the Division shall cooperatively  
41 develop a computerized program to track each prescription for a  
42 controlled substance listed in schedule II, III or IV that is filled by a  
43 pharmacy that is registered with the Board ~~or~~ *or that is dispensed by*  
44 *a practitioner who is registered with the Board*. The program must:

45 (a) Be designed to provide information regarding:



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

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

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

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

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

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

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

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

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

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

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

36 453.375 A controlled substance may be possessed and  
37 administered by the following persons:

38 1. A practitioner.

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

44 3. An advanced emergency medical technician:

45 (a) As authorized by regulation of:





- 1 (1) The State Board of Health in a county whose population
- 2 is less than 100,000; or
- 3 (2) A county or district board of health in a county whose
- 4 population is 100,000 or more; and
- 5 (b) In accordance with any applicable regulations of:
- 6 (1) The State Board of Health in a county whose population
- 7 is less than 100,000;
- 8 (2) A county board of health in a county whose population is
- 9 100,000 or more; or
- 10 (3) A district board of health created pursuant to NRS
- 11 439.370 in any county.
- 12 4. A respiratory therapist, at the direction of a physician or
- 13 physician assistant.
- 14 5. A medical student, student in training to become a physician
- 15 assistant or student nurse in the course of his studies at an approved
- 16 college of medicine or school of professional or practical nursing, at
- 17 the direction of a physician or physician assistant and:
- 18 (a) In the presence of a physician, physician assistant or a
- 19 registered nurse; or
- 20 (b) Under the supervision of a physician, physician assistant or a
- 21 registered nurse if the student is authorized by the college or school
- 22 to administer the substance outside the presence of a physician,
- 23 physician assistant or nurse.
- 24 A medical student or student nurse may administer a controlled
- 25 substance in the presence or under the supervision of a registered
- 26 nurse alone only if the circumstances are such that the registered
- 27 nurse would be authorized to administer it personally.
- 28 6. An ultimate user or any person whom the ultimate user
- 29 designates pursuant to a written agreement.
- 30 7. Any person designated by the head of a correctional
- 31 institution.
- 32 8. A veterinary technician at the direction of his supervising
- 33 veterinarian.
- 34 9. In accordance with applicable regulations of the State Board
- 35 of Health, an employee of a residential facility for groups, as
- 36 defined in NRS 449.017, pursuant to a written agreement entered
- 37 into by the ultimate user.
- 38 10. In accordance with applicable regulations of the State
- 39 Board of Pharmacy, an animal control officer, a wildlife biologist or
- 40 an employee designated by a federal, state or local governmental
- 41 agency whose duties include the control of domestic, wild and
- 42 predatory animals.
- 43 ***11. A person who is enrolled in a training program to become***
- 44 ***an advanced emergency medical technician, respiratory therapist***
- 45 ***or veterinary technician if the person possesses and administers***



1 *the controlled substance in the same manner and under the same*  
2 *conditions that apply, respectively, to an advanced emergency*  
3 *medical technician, respiratory therapist or veterinary technician*  
4 *who may possess and administer the controlled substance, and*  
5 *under the direct supervision of a person licensed or registered to*  
6 *perform the respective medical art or a supervisor of such a*  
7 *person.*

8 **Sec. 41.** NRS 453.431 is hereby amended to read as follows:  
9 453.431 1. A pharmacist shall not knowingly fill or refill any  
10 prescription for a controlled substance for use by a person other than  
11 the person for whom the prescription was originally issued.

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

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

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

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

30 **Sec. 41.5.** NRS 454.213 is hereby amended to read as follows:  
31 454.213 A drug or medicine referred to in NRS 454.181 to  
32 454.371, inclusive, may be possessed and administered by:

33 1. A practitioner.

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

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

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



- 1 (a) Employed by a health care agency or health care facility that  
2 is authorized to provide emergency care, or to respond to the  
3 immediate needs of a patient, in the residence of the patient; and  
4 (b) Acting under the direction of the medical director of that  
5 agency or facility who works in this state.
- 6 5. An intermediate emergency medical technician or an  
7 advanced emergency medical technician, as authorized by  
8 regulation of the State Board of Pharmacy and in accordance with  
9 any applicable regulations of:
- 10 (a) The State Board of Health in a county whose population is  
11 less than 100,000;  
12 (b) A county board of health in a county whose population is  
13 100,000 or more; or  
14 (c) A district board of health created pursuant to NRS 439.370  
15 in any county.
- 16 6. A respiratory therapist employed in a health care facility.  
17 The therapist may possess and administer respiratory products only  
18 at the direction of a physician.
- 19 7. A dialysis technician, under the direction or supervision of a  
20 physician or registered nurse only if the drug or medicine is used for  
21 the process of renal dialysis.
- 22 8. A medical student or student nurse in the course of his  
23 studies at an approved college of medicine or school of professional  
24 or practical nursing, at the direction of a physician and:
- 25 (a) In the presence of a physician or a registered nurse; or  
26 (b) Under the supervision of a physician or a registered nurse if  
27 the student is authorized by the college or school to administer the  
28 drug or medicine outside the presence of a physician or  
29 nurse.
- 30 A medical student or student nurse may administer a dangerous drug  
31 in the presence or under the supervision of a registered nurse alone  
32 only if the circumstances are such that the registered nurse would be  
33 authorized to administer it personally.
- 34 9. Any person designated by the head of a correctional  
35 institution.
- 36 10. An ultimate user or any person designated by the ultimate  
37 user pursuant to a written agreement.
- 38 11. A nuclear medicine technologist, at the direction of a  
39 physician and in accordance with any conditions established by  
40 regulation of the Board.
- 41 12. A radiologic technologist, at the direction of a physician  
42 and in accordance with any conditions established by regulation of  
43 the Board.



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

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

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

8 (b) Prescribed by a licensed physician for:

9 (1) Iontophoresis; or

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

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

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

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

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

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

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

28 *18. A person who is enrolled in a training program to become*  
29 *a physician assistant, dental hygienist, intermediate emergency*  
30 *medical technician, advanced emergency medical technician,*  
31 *respiratory therapist, dialysis technician, nuclear medicine*  
32 *technologist, radiologic technologist, physical therapist or*  
33 *veterinary technician if the person possesses and administers the*  
34 *drug or medicine in the same manner and under the same*  
35 *conditions that apply, respectively, to a physician assistant, dental*  
36 *hygienist, intermediate emergency medical technician, advanced*  
37 *emergency medical technician, respiratory therapist, dialysis*  
38 *technician, nuclear medicine technologist, radiologic technologist,*  
39 *physical therapist or veterinary technician who may possess and*  
40 *administer the drug or medicine, and under the direct supervision*  
41 *of a person licensed or registered to perform the respective*  
42 *medical art or a supervisor of such a person.*



\* S B 4 2 5 R 4 \*

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

3     689A.04045 1. Except as otherwise provided in this section,  
4 a policy of 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. 43.** NRS 689B.0368 is hereby amended to read as  
33 follows:

34     689B.0368 1. Except as otherwise provided in this section, a  
35 policy of group health insurance which provides coverage for  
36 prescription drugs must not limit or exclude coverage for a drug if  
37 the drug:

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

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

45     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 insurer 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 policy that is medically appropriate for the insured;  
11 or

12 (3) The substitution of another drug pursuant to NRS  
13 639.23286 or 639.2583 to ~~639.2599,~~ 639.2597, inclusive; or

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

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

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

19 689C.168 1. Except as otherwise provided in this section, a  
20 health benefit plan 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 carrier for  
23 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 carrier 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 plan that is medically appropriate for the insured; or

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

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

43 3. Any provision of a health benefit plan subject to the  
44 provisions of this chapter that is delivered, issued for delivery or



1 renewed on or after October 1, 2001, which is in conflict with this  
2 section is void.

3 **Sec. 45.** NRS 695A.184 is hereby amended to read as follows:  
4 695A.184 1. Except as otherwise provided in this section, a  
5 benefit contract which provides coverage for prescription drugs  
6 must not limit or exclude coverage for a drug if the drug:

7 (a) Had previously been approved for coverage by the society  
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 society 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 benefit contract that is medically appropriate for the  
25 insured; 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 benefit  
29 contract.

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

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

35 695B.1905 1. Except as otherwise provided in this section, a  
36 contract for hospital or medical services which provides coverage  
37 for prescription drugs must not limit or exclude coverage for a drug  
38 if the drug:

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

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





- 1       2. The provisions of subsection 1 do not:
- 2       (a) Apply to coverage for any drug that is prescribed for a use
- 3       that is different from the use for which that drug has been approved
- 4       for marketing by the Food and Drug Administration;
- 5       (b) Prohibit:
- 6           (1) The insurer from charging a deductible, copayment or
- 7       coinsurance for the provision of benefits for prescription drugs to
- 8       the insured or from establishing, by contract, limitations on the
- 9       maximum coverage for prescription drugs;
- 10          (2) A provider of health care from prescribing another drug
- 11       covered by the contract that is medically appropriate for the insured;
- 12       or
- 13          (3) The substitution of another drug pursuant to NRS
- 14       639.23286 or 639.2583 to ~~639.2599,~~ 639.2597, inclusive; or
- 15       (c) Require any coverage for a drug after the term of the
- 16       contract.
- 17       3. Any provision of a contract for hospital or medical services
- 18       subject to the provisions of this chapter that is delivered, issued for
- 19       delivery or renewed on or after October 1, 2001, which is in conflict
- 20       with this section is void.
- 21       **Sec. 47.** NRS 695C.1734 is hereby amended to read as
- 22       follows:
- 23           695C.1734 1. Except as otherwise provided in this section,
- 24       evidence of coverage which provides coverage for prescription
- 25       drugs must not limit or exclude coverage for a drug if the drug:
- 26           (a) Had previously been approved for coverage by the health
- 27       maintenance organization or insurer for a medical condition of an
- 28       enrollee and the enrollee's provider of health care determines, after
- 29       conducting a reasonable investigation, that none of the drugs which
- 30       are otherwise currently approved for coverage are medically
- 31       appropriate for the enrollee; and
- 32           (b) Is appropriately prescribed and considered safe and effective
- 33       for treating the medical condition of the enrollee.
- 34       2. The provisions of subsection 1 do not:
- 35           (a) Apply to coverage for any drug that is prescribed for a use
- 36       that is different from the use for which that drug has been approved
- 37       for marketing by the Food and Drug Administration;
- 38           (b) Prohibit:
- 39           (1) The health maintenance organization or insurer from
- 40       charging a deductible, copayment or coinsurance for the provision
- 41       of benefits for prescription drugs to the enrollee or from
- 42       establishing, by contract, limitations on the maximum coverage for
- 43       prescription drugs;



1 (2) A provider of health care from prescribing another drug  
2 covered by the evidence of coverage that is medically appropriate  
3 for the enrollee; or  
4 (3) The substitution of another drug pursuant to NRS  
5 639.23286 or 639.2583 to ~~639.2599~~, 639.2597, inclusive; or  
6 (c) Require any coverage for a drug after the term of the  
7 evidence of coverage.  
8 3. Any provision of an evidence of coverage subject to the  
9 provisions of this chapter that is delivered, issued for delivery or  
10 renewed on or after October 1, 2001, which is in conflict with this  
11 section is void.  
12 **Sec. 48.** NRS 695F.156 is hereby amended to read as follows:  
13 695F.156 1. Except as otherwise provided in this section,  
14 evidence of coverage which provides coverage for prescription  
15 drugs must not limit or exclude coverage for a drug if the drug:  
16 (a) Had previously been approved for coverage by the prepaid  
17 limited health service organization for a medical condition of an  
18 enrollee and the enrollee's provider of health care determines, after  
19 conducting a reasonable investigation, that none of the drugs which  
20 are otherwise currently approved for coverage are medically  
21 appropriate for the enrollee; and  
22 (b) Is appropriately prescribed and considered safe and effective  
23 for treating the medical condition of the enrollee.  
24 2. The provisions of subsection 1 do not:  
25 (a) Apply to coverage for any drug that is prescribed for a use  
26 that is different from the use for which that drug has been approved  
27 for marketing by the Food and Drug Administration;  
28 (b) Prohibit:  
29 (1) The organization from charging a deductible, copayment  
30 or coinsurance for the provision of benefits for prescription drugs to  
31 the enrollee or from establishing, by contract, limitations on the  
32 maximum coverage for prescription drugs;  
33 (2) A provider of health care from prescribing another drug  
34 covered by the evidence of coverage that is medically appropriate  
35 for the enrollee; or  
36 (3) The substitution of another drug pursuant to NRS  
37 639.23286 or 639.2583 to ~~639.2599~~, 639.2597, inclusive; or  
38 (c) Require any coverage for a drug after the term of the  
39 evidence of coverage.  
40 3. Any provision of an evidence of coverage subject to the  
41 provisions of this chapter that is delivered, issued for delivery or  
42 renewed on or after October 1, 2001, which is in conflict with this  
43 section is void.



1       **Sec. 49.** NRS 695G.166 is hereby amended to read as follows:  
2       695G.166 1. Except as otherwise provided in this section, a  
3 health care plan which provides coverage for prescription drugs  
4 must not limit or exclude coverage for a drug if the drug:  
5       (a) Had previously been approved for coverage by the managed  
6 care organization for a medical condition of an insured and the  
7 insured's provider of health care determines, after conducting a  
8 reasonable investigation, that none of the drugs which are otherwise  
9 currently approved for coverage are medically appropriate for the  
10 insured; and  
11       (b) Is appropriately prescribed and considered safe and effective  
12 for treating the medical condition of the insured.  
13       2. The provisions of subsection 1 do not:  
14       (a) Apply to coverage for any drug that is prescribed for a use  
15 that is different from the use for which that drug has been approved  
16 for marketing by the Food and Drug Administration;  
17       (b) Prohibit:  
18       (1) The organization from charging a deductible, copayment  
19 or coinsurance for the provision of benefits for prescription drugs to  
20 the insured or from establishing, by contract, limitations on the  
21 maximum coverage for prescription drugs;  
22       (2) A provider of health care from prescribing another drug  
23 covered by the plan that is medically appropriate for the insured; or  
24       (3) The substitution of another drug pursuant to NRS  
25 639.23286 or 639.2583 to ~~639.2599,~~ 639.2597, inclusive; or  
26       (c) Require any coverage for a drug after the term of the plan.  
27       3. Any provision of a health care plan subject to the provisions  
28 of this chapter that is delivered, issued for delivery or renewed on or  
29 after October 1, 2001, which is in conflict with this section is void.  
30       **Sec. 50.** NRS 639.0152, 639.133, 639.205, 639.2323 and  
31 639.2599 are hereby repealed.

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**LEADLINES OF REPEALED SECTIONS**

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- 639.0152 "Supportive personnel" defined.
- 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.

