

SENATE BILL NO. 519—COMMITTEE ON HUMAN RESOURCES
AND FACILITIES

(ON BEHALF OF BOARD OF PHARMACY)

MARCH 22, 1999

Referred to Committee on Human Resources and Facilities

SUMMARY—Authorizes certain persons to possess and administer controlled substances and dangerous drugs. (BDR 40-456)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

~

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

AN ACT relating to public health; authorizing certain persons to possess and administer controlled substances and dangerous drugs; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 453.126 is hereby amended to read as follows:
2 453.126 “Practitioner” means:
3 1. A physician, dentist, veterinarian or podiatric physician who holds a
4 valid license to practice his profession in this state and is registered
5 pursuant to this chapter.
6 2. An advanced practitioner of nursing who holds a certificate from the
7 state board of nursing and a certificate from the state board of pharmacy
8 permitting him to dispense controlled substances.
9 3. A scientific investigator or a pharmacy, hospital or other institution
10 licensed, registered or otherwise permitted by this state to distribute,
11 dispense, conduct research with respect to, to administer, or use in teaching
12 or chemical analysis, a controlled substance in the course of professional
13 practice or research.
14 4. A euthanasia technician who is licensed by the Nevada state board
15 of veterinary medical examiners and registered pursuant to this chapter,

1 when he possesses or administers ~~{sodium pentobarbital}~~ **a controlled**
2 **substance** pursuant to his license and registration.

3 5. A physician's assistant who:

4 (a) Holds a license from the board of medical examiners or a certificate
5 from the state board of osteopathic medicine; and

6 (b) Is authorized by the board to possess, administer, prescribe or
7 dispense controlled substances under the supervision of a physician or
8 osteopathic physician as required by chapter 630 or 633 of NRS.

9 **Sec. 2.** NRS 453.375 is hereby amended to read as follows:

10 453.375 A controlled substance may be possessed and administered by
11 the following persons:

12 1. A practitioner.

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

17 3. An advanced emergency medical technician:

18 (a) As authorized by regulation of:

19 (1) The state board of health in a county whose population is less than
20 100,000; or

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

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

24 (1) The state board of health in a county whose population is less than
25 100,000;

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

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

30 4. A respiratory therapist, at the direction of a physician or physician's
31 assistant.

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

36 (a) In the presence of a physician, physician's assistant or a registered
37 nurse; or

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

42 A medical student or student nurse may administer a controlled substance
43 in the presence or under the supervision of a registered nurse alone only if

1 the circumstances are such that the registered nurse would be authorized to
2 administer it personally.

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

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

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

8 9. In accordance with applicable regulations of the state board of
9 health, an employee of a residential facility for groups, as defined in NRS
10 449.017, pursuant to a written agreement entered into by the ultimate user.

11 ***10. In accordance with applicable regulations of the state board of***
12 ***pharmacy, an animal control officer, a wildlife biologist or an employee***
13 ***designated by a federal, state or local governmental agency whose duties***
14 ***include the control of domestic, wild and predatory animals.***

15 **Sec. 3.** NRS 453.381 is hereby amended to read as follows:

16 453.381 1. In addition to the limitations imposed by NRS 453.256, a
17 physician, physician's assistant, dentist or podiatric physician may
18 prescribe or administer controlled substances only for a legitimate medical
19 purpose and in the usual course of his professional practice, and he shall
20 not prescribe, administer or dispense a controlled substance listed in
21 schedule II for himself, his spouse or his children except in cases of
22 emergency.

23 2. A veterinarian, in the course of his professional practice only, and
24 not for use by a human being, may prescribe, possess and administer
25 controlled substances, and he may cause them to be administered by a
26 veterinary technician under his direction and supervision.

27 3. A euthanasia technician, within the scope of his license, and not for
28 use by a human being, may possess and administer ~~sodium pentobarbital.~~
29 ***a controlled substance.***

30 4. A pharmacist shall not fill an order which purports to be a
31 prescription if he has reason to believe that it was not issued in the usual
32 course of the professional practice of a physician, physician's assistant,
33 dentist, podiatric physician or veterinarian.

34 5. Any person who has obtained from a physician, physician's
35 assistant, dentist, podiatric physician or veterinarian any controlled
36 substance for administration to a patient during the absence of the
37 physician, physician's assistant, dentist, podiatric physician or veterinarian
38 shall return to him any unused portion of the substance when it is no longer
39 required by the patient.

40 6. A manufacturer, wholesale supplier or other person legally able to
41 furnish or sell any controlled substance listed in schedule II shall not
42 provide samples of such a controlled substance to registrants.

1 7. A salesman of any manufacturer or wholesaler of pharmaceuticals
2 shall not possess, transport or furnish any controlled substance listed in
3 schedule II.

4 8. A person shall not dispense a controlled substance in violation of a
5 regulation adopted by the board.

6 **Sec. 4.** NRS 454.213 is hereby amended to read as follows:

7 454.213 A drug or medicine referred to in NRS 454.181 to 454.371,
8 inclusive, may be possessed and administered by:

9 1. A practitioner.

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

13 3. ~~1A~~ *Except as otherwise provided in subsection 4, a* registered
14 nurse licensed to practice professional nursing or licensed practical nurse,
15 at the direction of a prescribing physician, dentist, podiatric physician or
16 advanced practitioner of nursing, or pursuant to a chart order, for
17 administration to a patient at another location.

18 4. *In accordance with applicable regulations of the board, a*
19 *registered nurse licensed to practice professional nursing or licensed*
20 *practical nurse who is employed by a health care agency or health care*
21 *facility that is authorized to provide emergency care, or to respond to the*
22 *immediate needs of a patient, in the residence of the patient.*

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

26 (a) The state board of health in a county whose population is less than
27 100,000;

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

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

32 ~~15~~ 6. A respiratory therapist employed in a health care facility. The
33 therapist may possess and administer respiratory products only at the
34 direction of a physician.

35 ~~16~~ 7. A dialysis technician, under the direction or supervision of a
36 physician or registered nurse only if the drug or medicine is used for the
37 process of renal dialysis.

38 ~~17~~ 8. A medical student or student nurse in the course of his studies
39 at an approved college of medicine or school of professional or practical
40 nursing, at the direction of a physician and:

41 (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.

~~{8.}~~ 9. Any person designated by the head of a correctional institution.

~~{9.}~~ 10. An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

~~{10.}~~ 11. A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the board.

~~{11.}~~ 12. A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the board.

~~{12.}~~ 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.

~~{13.}~~ 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.

~~{14.}~~ 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.

~~{15.}~~ 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.

1 **Sec. 5.** NRS 638.005 is hereby amended to read as follows:
2 638.005 “Euthanasia technician” means an employee of a law
3 enforcement agency, an animal control agency, or of a society for the
4 prevention of cruelty to animals that is in compliance with the provisions of
5 chapter 574 of NRS, who is licensed by the board and trained to administer
6 ~~sodium pentobarbital~~ *controlled substances* to euthanize injured, sick,
7 homeless or unwanted domestic pets and other animals.

~