

SENATE BILL NO. 142—SENATOR SCHNEIDER

FEBRUARY 25, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Provides for appointment of additional member to State Board of Pharmacy. (BDR 54-623)

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

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

AN ACT relating to pharmacy; providing for the appointment of an additional member to the State Board of Pharmacy; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the State Board of Pharmacy, which consists of seven members appointed by the Governor. (NRS 639.020)

This bill increases the number of board members to eight and provides that one member of the Board must represent pharmaceutical wholesalers or manufacturers licensed in this State and whose principal place of business or headquarters is in this State.

Existing law provides a specific number of members of the Board that must be present to constitute a quorum for various purposes. (NRS 639.050, 639.247) Unless a quorum is present, the Board cannot take action. In addition, existing law requires three members to concur in a decision to suspend or revoke a certificate, license or permit. (NRS 639.247)

This bill increases the number of board members needed to constitute a quorum so that five members must be present, regardless of the type of hearing. In addition, five members must concur to suspend or revoke a certificate, certification, license or permit.

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

Section 1. NRS 639.020 is hereby amended to read as follows:
639.020 The State Board of Pharmacy, consisting of ~~seven~~
eight members appointed by the Governor, is hereby created.



Sec. 2. NRS 639.030 is hereby amended to read as follows:

639.030 1. The Governor shall appoint:

(a) Six members who are registered pharmacists in the State of Nevada, are actively engaged in the practice of pharmacy in the State of Nevada and have had at least 5 years' experience as registered pharmacists preceding the appointment.

(b) One member who is a representative of the general public and is not related to a pharmacist registered in the State of Nevada by consanguinity or affinity within the third degree.

(c) One member who is a representative of a manufacturer or wholesaler who is licensed in the State of Nevada and whose principal place of business or headquarters is in the State of Nevada.

2. Appointments of registered pharmacists must be representative of the practice of pharmacy.

3. Within 30 days after his appointment, each member of the Board shall take and subscribe an oath to discharge faithfully and impartially the duties prescribed by this chapter.

4. After the initial terms, the members of the Board must be appointed to terms of 3 years. A person may not serve as a member of the Board for more than three consecutive terms. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this section to replace that member for the remainder of the unexpired term.

5. The Governor shall remove from the Board any member, after a hearing, for neglect of duty or other just cause.

Sec. 3. NRS 639.050 is hereby amended to read as follows:

639.050 1. The Board shall hold a meeting at least once in every 6 months.

2. ~~Four~~ **Five** members of the Board constitute a quorum.

3. Meetings of the Board which are held to deliberate on the decision in an administrative action or to prepare, grade or administer examinations are closed to the public.

4. Each member of the Board is entitled to receive:

(a) A salary of not more than \$80 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

5. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.



1 **Sec. 4.** NRS 639.247 is hereby amended to read as follows:
2 639.247 1. Any hearing held for the purpose of suspending or
3 revoking any certificate, certification, license or permit must be
4 conducted publicly by the Board. The hearing must be presided over
5 by a member of the Board or his designee and ~~three~~ **five** members
6 constitute a quorum. Any decision by the Board requires the
7 concurrence of at least ~~three~~ **five** members. The proceedings of the
8 hearing must be reported or recorded by an electronic recording
9 device, an official court reporter or another qualified person.

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

16 **Sec. 5.** The Governor shall, as soon as practicable on or after
17 July 1, 2005, appoint to the State Board of Pharmacy one member
18 who qualifies pursuant to paragraph (c) of subsection 1 of NRS
19 639.030, as amended by section 2 of this act, to a term which
20 expires on October 31, 2008.

21 **Sec. 6.** This act becomes effective on July 1, 2005.



