

SENATE BILL NO. 98—SENATOR SCHNEIDER

FEBRUARY 15, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Abolishes the State Board of Pharmacy and transfers its powers and duties to the Board of Medical Examiners. (BDR 54-60)

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; abolishing the State Board of Pharmacy; transferring its powers and duties to the Board of Medical Examiners; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Pharmacy to regulate the practice of pharmacy in this State, including the licensing of pharmacists, pharmacist interns, pharmaceutical technicians and pharmacies. (Chapter 639 of NRS) The State Board of Pharmacy also regulates the sale, distribution and dispensing of controlled substances, dangerous drugs and poisons. (NRS 639.070 and chapters 453 and 454 of NRS)

Existing law requires the Board of Medical Examiners to regulate the practice of medicine in this State, including the licensing of physicians, physician assistants and practitioners of respiratory care.

This bill abolishes the State Board of Pharmacy and transfers all the powers and duties of the Board to the Board of Medical Examiners.

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

Section 1. NRS 622A.120 is hereby amended to read as follows:

622A.120 1. The following regulatory bodies are exempted from the provisions of this chapter:



* S B 9 8 *

- 1 (a) State Contractors' Board.
- 2 (b) State Board of Professional Engineers and Land Surveyors.
- 3 (c) Nevada State Board of Accountancy.
- 4 (d) Board of Medical Examiners.
- 5 (e) Board of Dental Examiners of Nevada.
- 6 (f) State Board of Nursing.
- 7 (g) Chiropractic Physicians' Board of Nevada.
- 8 (h) Nevada State Board of Optometry.
- 9 ~~(i) [State Board of Pharmacy]~~.
- 10 ~~— (j)~~ Board of Examiners for Marriage and Family Therapists.
- 11 ~~[(k)]~~ (j) Real Estate Commission, Real Estate Administrator and
- 12 Real Estate Division of the Department of Business and Industry.
- 13 ~~[(l)]~~ (k) Commission of Appraisers of Real Estate.
- 14 ~~[(m)]~~ (l) Commissioner of Mortgage Lending and Division of
- 15 Mortgage Lending of the Department of Business and Industry.
- 16 ~~[(n)]~~ (m) Commissioner of Financial Institutions and Division
- 17 of Financial Institutions of the Department of Business and Industry.
- 18 ~~[(o)]~~ (n) State Board of Health and Health Division of the
- 19 Department of Health and Human Services.

20 2. Any regulatory body which is exempted from the provisions

21 of this chapter pursuant to subsection 1 may elect by regulation to

22 follow the provisions of this chapter or any portion thereof.

23 **Sec. 2.** NRS 630.060 is hereby amended to read as follows:

24 630.060 1. Six members of the Board must be persons who

25 are licensed to practice medicine in this State, are actually engaged

26 in the practice of medicine in this State and have resided and

27 practiced medicine in this State for at least 5 years preceding their

28 respective appointments.

29 2. *One member of the Board must be a person who is*

30 *registered as a pharmacist in this State, is actively engaged in the*

31 *practice of pharmacy in this State and has at least 5 years'*

32 *experience as a registered pharmacist preceding his appointment.*

33 3. One member of the Board must be a person who has resided

34 in this State for at least 5 years and who represents the interests of

35 persons or agencies that regularly provide health care to patients

36 who are indigent, uninsured or unable to afford health care. This

37 member must not be licensed under the provisions of this chapter.

38 ~~[(3.—The remaining two members)]~~

39 4. *One member* of the Board must be ~~[(persons who have)]~~ *a*

40 *person who has* resided in this State for at least 5 years and who:

- 41 (a) ~~[(Are)]~~ *Is* not licensed in any state to practice any healing art;
- 42 (b) ~~[(Are)]~~ *Is* not the spouse or the parent or child, by blood,
- 43 marriage or adoption, of a person licensed in any state to practice
- 44 any healing art;



(c) ~~Are~~ *Is* not actively engaged in the administration of any facility for the dependent as defined in chapter 449 of NRS, medical facility or medical school; and

(d) ~~Do~~ *Does* not have a pecuniary interest in any matter pertaining to the healing arts, except as a patient or potential patient.

~~4~~ *5*. The members of the Board must be selected without regard to their individual political beliefs.

Sec. 3. NRS 630.075 is hereby amended to read as follows:

630.075 The Board may, by majority vote, select physicians , *pharmacists* and members of the public, who must meet the same qualifications as required for members of the Board, to serve as advisory members of the Board. One or more advisory members may be designated by the Board to assist a committee of its members in an investigation as provided in NRS 630.311 but may not vote on any matter before the committee. Advisory members may also serve as members of the panel selected to hear charges as provided in NRS 630.339 and may vote on any recommendation made by the panel to the Board.

Sec. 4. NRS 630.110 is hereby amended to read as follows:

630.110 1. Out of the money coming into the possession of the Board ~~is~~ *pursuant to this chapter*, each member and advisory 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.

2. 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.

3. Expenses of the Board and the expenses and salaries of its members and employees must be paid from the fees received by the Board pursuant to the provisions of this chapter, and no part of the salaries or expenses of the Board may be paid out of the State General Fund or from the penalties imposed by the Board pursuant to this chapter.

4. All money received by the Board from:

(a) Fees must be deposited in financial institutions in this State that are federally insured or insured by a private insurer pursuant to NRS 678.755, invested in treasury bills or notes of the United States, deposited in institutions in this State whose business is the making of investments, or invested as authorized by NRS 355.140.



(b) Penalties must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 5. NRS 630.258 is hereby amended to read as follows:

630.258 1. A physician who is retired from active practice and who wishes to donate his expertise for the medical care and treatment of indigent persons in this State may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the physician;

(b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that he has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605;

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care to indigent persons in this State; and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the ~~[State Board of Pharmacy.]~~ **Board.**

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to practice medicine, the Board shall issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or

(b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of



1 practicing medicine in this State pursuant to the provisions of the
2 special volunteer medical license is subject to all the provisions
3 governing disciplinary action set forth in this chapter.

4 7. A physician who is issued a special volunteer medical
5 license pursuant to this section shall comply with the requirements
6 for continuing education adopted by the Board.

7 **Sec. 6.** NRS 630.306 is hereby amended to read as follows:

8 630.306 The following acts, among others, constitute grounds
9 for initiating disciplinary action or denying licensure:

10 1. Inability to practice medicine with reasonable skill and
11 safety because of illness, a mental or physical condition or the use of
12 alcohol, drugs, narcotics or any other substance.

13 2. Engaging in any conduct:

14 (a) Which is intended to deceive;

15 (b) Which the Board has determined is a violation of the
16 standards of practice established by regulation of the Board; or

17 (c) Which is in violation of a regulation adopted by the ~~[State~~
18 ~~Board of Pharmacy.]~~ *Board pursuant to chapter 453, 454 or 639 of*
19 *NRS.*

20 3. Administering, dispensing or prescribing any controlled
21 substance, or any dangerous drug as defined in chapter 454 of NRS,
22 to or for himself or to others except as authorized by law.

23 4. Performing, assisting or advising the injection of any
24 substance containing liquid silicone into the human body, except for
25 the use of silicone oil to repair a retinal detachment.

26 5. Practicing or offering to practice beyond the scope permitted
27 by law or performing services which the licensee knows or has
28 reason to know that he is not competent to perform.

29 6. Performing, without first obtaining the informed consent of
30 the patient or his family, any procedure or prescribing any therapy
31 which by the current standards of the practice of medicine are
32 experimental.

33 7. Continual failure to exercise the skill or diligence or use the
34 methods ordinarily exercised under the same circumstances by
35 physicians in good standing practicing in the same specialty or field.

36 8. Making or filing a report which the licensee or applicant
37 knows to be false or failing to file a record or report as required by
38 law or regulation.

39 9. Failing to comply with the requirements of NRS 630.254.

40 10. Habitual intoxication from alcohol or dependency on
41 controlled substances.

42 11. Failure by a licensee or applicant to report, within 30 days,
43 the revocation, suspension or surrender of his license to practice
44 medicine in another jurisdiction.



12. Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

Sec. 7. NRS 630.3066 is hereby amended to read as follows:

630.3066 A physician is not subject to disciplinary action solely for:

1. Prescribing or administering to a patient under his care a controlled substance which is listed in schedule II, III, IV or V by the ~~[State Board of Pharmacy]~~ *Board* pursuant to NRS 453.146, if the controlled substance is lawfully prescribed or administered for the treatment of intractable pain in accordance with regulations adopted by the Board.

2. Engaging in any activity in accordance with the provisions of chapter 453A of NRS.

Sec. 8. NRS 630.311 is hereby amended to read as follows:

630.311 1. A committee designated by the Board and consisting of members of the Board shall review each complaint and conduct an investigation to determine if there is a reasonable basis for the complaint. The committee must be composed of at least three members of the Board, at least one of whom is qualified pursuant to subsection ~~[2]~~ *3* of NRS 630.060. The committee may issue orders to aid its investigation, including, but not limited to, compelling a physician to appear before the committee.

2. If, after conducting an investigation, the committee determines that there is a reasonable basis for the complaint and that a violation of any provision of this chapter has occurred, the committee may file a formal complaint with the Board.

Sec. 9. NRS 630.400 is hereby amended to read as follows:

630.400 A person who ~~[1]~~, *pursuant to this chapter:*

1. Presents to the Board as his own the diploma, license or credentials of another;

2. Gives either false or forged evidence of any kind to the Board;

3. Practices medicine or respiratory care under a false or assumed name or falsely personates another licensee;

4. Except as otherwise provided by specific statute, practices medicine or respiratory care without being licensed under this chapter;

5. Holds himself out as a physician assistant or uses any other term indicating or implying that he is a physician assistant without being licensed by the Board; or

6. Holds himself out as a practitioner of respiratory care or uses any other term indicating or implying that he is a practitioner of respiratory care without being licensed by the Board,



1 ➔ is guilty of a category D felony and shall be punished as provided
2 in NRS 193.130.

3 **Sec. 10.** NRS 630.411 is hereby amended to read as follows:

4 630.411 A person shall not use the seal, the designation of the
5 Board or any license, card or certificate issued by the Board or any
6 imitation thereof in any way not authorized by this chapter *or*
7 *chapter 639 of NRS* or *the* regulations of the Board.

8 **Sec. 11.** NRS 631.3485 is hereby amended to read as follows:

9 631.3485 The following acts, among others, constitute
10 unprofessional conduct:

11 1. Willful or repeated violations of the provisions of this
12 chapter;

13 2. Willful or repeated violations of the regulations of the State
14 Board of Health, the ~~[State]~~ Board of ~~[Pharmacy]~~ *Medical*
15 *Examiners* or the Board of Dental Examiners of Nevada;

16 3. Failure to pay the fees for a license; or

17 4. Failure to make the health care records of a patient available
18 for inspection and copying as provided in NRS 629.061.

19 **Sec. 12.** NRS 633.131 is hereby amended to read as follows:

20 633.131 1. "Unprofessional conduct" includes:

21 (a) Willfully making a false or fraudulent statement or
22 submitting a forged or false document in applying for a license to
23 practice osteopathic medicine or in applying for renewal of a license
24 to practice osteopathic medicine.

25 (b) Failure of a licensee to designate his school of practice in the
26 professional use of his name by the term D.O., osteopathic
27 physician, doctor of osteopathy or a similar term.

28 (c) Directly or indirectly giving to or receiving from any person,
29 corporation or other business organization any fee, commission,
30 rebate or other form of compensation for sending, referring or
31 otherwise inducing a person to communicate with an osteopathic
32 physician in his professional capacity or for any professional
33 services not actually and personally rendered, except as otherwise
34 provided in subsection 2.

35 (d) Employing, directly or indirectly, any suspended or
36 unlicensed person in the practice of osteopathic medicine, or the
37 aiding or abetting of any unlicensed person to practice osteopathic
38 medicine.

39 (e) Advertising the practice of osteopathic medicine in a manner
40 which does not conform to the guidelines established by regulations
41 of the Board.

42 (f) Engaging in any:

43 (1) Professional conduct which is intended to deceive or
44 which the Board by regulation has determined is unethical; or



(2) Medical practice harmful to the public or any conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence.

(g) Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, otherwise than in the course of legitimate professional practice or as authorized by law.

(h) Habitual drunkenness or habitual addiction to the use of a controlled substance.

(i) Performing, assisting in or advising an unlawful abortion or the injection of any liquid silicone substance into the human body.

(j) Willful disclosure of a communication privileged pursuant to a statute or court order.

(k) Willful disobedience of the regulations of the State Board of Health, the ~~{State}~~ Board of ~~{Pharmacy}~~ *Medical Examiners* or the State Board of Osteopathic Medicine.

(l) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any prohibition made in this chapter.

(m) Failure of a licensee to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

(n) Making alterations to the medical records of a patient that the licensee knows to be false.

(o) Making or filing a report which the licensee knows to be false.

(p) Failure of a licensee to file a record or report as required by law, or willfully obstructing or inducing any person to obstruct such filing.

(q) Failure of a licensee to make medical records of a patient available for inspection and copying as provided by NRS 629.061.

2. It is not unprofessional conduct:

(a) For persons holding valid licenses issued pursuant to this chapter to practice osteopathic medicine in partnership under a partnership agreement or in a corporation or an association authorized by law, or to pool, share, divide or apportion the fees and money received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association;

(b) For two or more persons holding valid licenses issued pursuant to this chapter to receive adequate compensation for concurrently rendering professional care to a patient and dividing a fee if the patient has full knowledge of this division and if the



1 division is made in proportion to the services performed and the
2 responsibility assumed by each; or

3 (c) For a person licensed pursuant to the provisions of this
4 chapter to form an association or other business relationship with an
5 optometrist pursuant to the provisions of NRS 636.373.

6 **Sec. 13.** NRS 633.521 is hereby amended to read as follows:

7 633.521 An osteopathic physician is not subject to disciplinary
8 action solely for:

9 1. Prescribing or administering to a patient under his care:

10 (a) Amygdalin (laetrile), if the patient has consented to the use
11 of the substance.

12 (b) Procaine hydrochloride with preservatives and stabilizers
13 (Gerovital H3).

14 (c) A controlled substance which is listed in schedule II, III, IV
15 or V by the ~~[State]~~ Board of ~~[Pharmacy]~~ *Medical Examiners*
16 pursuant to NRS 453.146, if the controlled substance is lawfully
17 prescribed or administered for the treatment of intractable pain in
18 accordance with accepted standards for the practice of osteopathic
19 medicine.

20 2. Engaging in any activity in accordance with the provisions
21 of chapter 453A of NRS.

22 **Sec. 14.** NRS 635.130 is hereby amended to read as follows:

23 635.130 1. The Board, after notice and a hearing as required
24 by law, and upon any cause enumerated in subsection 2, may take
25 one or more of the following disciplinary actions:

26 (a) Deny an application for a license or refuse to renew a
27 license.

28 (b) Suspend or revoke a license.

29 (c) Place a licensee on probation.

30 (d) Impose a fine not to exceed \$5,000.

31 2. The Board may take disciplinary action against a licensee for
32 any of the following causes:

33 (a) The making of a false statement in any affidavit required of
34 the applicant for application, examination or licensure pursuant to
35 the provisions of this chapter.

36 (b) Lending the use of the holder's name to an unlicensed
37 person.

38 (c) If the holder is a podiatric physician, his permitting an
39 unlicensed person in his employ to practice as a podiatry hygienist.

40 (d) Habitual indulgence in the use of alcohol or any controlled
41 substance which impairs the intellect and judgment to such an extent
42 as in the opinion of the Board incapacitates the holder in the
43 performance of his professional duties.

44 (e) Conviction of a crime involving moral turpitude.



(f) Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(g) Conduct which in the opinion of the Board disqualifies him to practice with safety to the public.

(h) The commission of fraud by or on behalf of the licensee regarding his license or practice.

(i) Gross incompetency.

(j) Affliction of the licensee with any mental or physical disorder which seriously impairs his competence as a podiatric physician or podiatry hygienist.

(k) False representation by or on behalf of the licensee regarding his practice.

(l) Unethical or unprofessional conduct.

(m) Willful or repeated violations of this chapter or regulations adopted by the Board.

(n) Willful violation of the regulations adopted by the [State] Board of [Pharmacy] *Medical Examiners pursuant to chapter 453, 454 or 639 of NRS.*

Sec. 15. NRS 636.288 is hereby amended to read as follows:

636.288 The Board shall provide to:

1. Each optometrist who has complied with the requirements adopted by the Board pursuant to NRS 636.287, a certificate to administer and prescribe therapeutic pharmaceutical agents.

2. The [State] Board of [Pharmacy] *Medical Examiners* the name of each optometrist it certifies pursuant to this section.

Sec. 16. NRS 638.118 is hereby amended to read as follows:

638.118 A euthanasia technician shall surrender his license to the Board, and notify the [State] Board of [Pharmacy] *Medical Examiners*, when he ceases to be employed by a law enforcement agency, an animal control agency, or by a society for the prevention of cruelty to animals that is in compliance with the provisions of chapter 574 of NRS.

Sec. 17. NRS 638.140 is hereby amended to read as follows:

638.140 The following acts, among others, are grounds for disciplinary action:

1. Violation of a regulation adopted by the [State] Board of [Pharmacy] *Medical Examiners pursuant to chapter 453, 454 or 639 of NRS* or the Nevada State Board of Veterinary Medical Examiners;

2. Habitual drunkenness;

3. Addiction to the use of a controlled substance;

4. Conviction of or a plea of nolo contendere to a felony related to the practice of veterinary medicine, or any offense involving moral turpitude;



5. Incompetence;
6. Negligence;
7. Malpractice pertaining to veterinary medicine as evidenced by an action for malpractice in which the holder of a license is found liable for damages;

8. Conviction of a violation of any law concerning the possession, distribution or use of a controlled substance or a dangerous drug as defined in chapter 454 of NRS;

9. Willful failure to comply with any provision of this chapter, a regulation, subpoena or order of the Board, the standard of care established by the American Veterinary Medical Association or an order of a court;

10. Prescribing, administering or dispensing a controlled substance to an animal to influence the outcome of a competitive event in which the animal is a competitor;

11. Willful failure to comply with a request by the Board for medical records within 14 days after receipt of a demand letter issued by the Board;

12. Willful failure to accept service by mail or in person from the Board;

13. Failure of a supervising veterinarian to provide immediate or direct supervision to licensed or unlicensed personnel if the failure results in malpractice or the death of an animal; and

14. Failure of a supervising veterinarian to ensure that a licensed veterinarian is on the premises of a facility or agency when medical treatment is administered to an animal if the treatment requires direct or immediate supervision by a licensed veterinarian.

Sec. 18. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 19 and 20 of this act.

Sec. 19. *“Executive Director” means the Executive Director of the Board of Medical Examiners.*

Sec. 20. *Each certificate, license or permit issued by the Board pursuant to this chapter must bear the seal of the Board and the signatures of its President and Secretary-Treasurer.*

Sec. 21. NRS 639.001 is hereby amended to read as follows:

639.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 639.0015 to 639.016, inclusive, *and section 19 of this act* have the meanings ascribed to them in those sections.

Sec. 22. NRS 639.002 is hereby amended to read as follows:

639.002 “Board” means the [State] Board of [Pharmacy.] *Medical Examiners.*

Sec. 23. NRS 639.0125 is hereby amended to read as follows:

639.0125 “Practitioner” means:



1 1. A physician, dentist, veterinarian or podiatric physician who
2 holds a license to practice his profession in this State;

3 2. A hospital, pharmacy or other institution licensed, registered
4 or otherwise permitted to distribute, dispense, conduct research with
5 respect to or administer drugs in the course of professional practice
6 or research in this State;

7 3. An advanced practitioner of nursing who has been
8 authorized to prescribe controlled substances, poisons, dangerous
9 drugs and devices;

10 4. A physician assistant who:

11 (a) Holds a license issued by the Board ; ~~for Medical~~
12 ~~Examiners;~~ and

13 (b) Is authorized by the Board to possess, administer, prescribe
14 or dispense controlled substances, poisons, dangerous drugs or
15 devices under the supervision of a physician as required by chapter
16 630 of NRS;

17 5. An osteopathic physician's assistant who:

18 (a) Holds a certificate issued by the State Board of Osteopathic
19 Medicine; and

20 (b) Is authorized by the Board to possess, administer, prescribe
21 or dispense controlled substances, poisons, dangerous drugs or
22 devices under the supervision of an osteopathic physician as
23 required by chapter 633 of NRS; or

24 6. An optometrist who is certified by the Nevada State Board
25 of Optometry to prescribe and administer therapeutic
26 pharmaceutical agents pursuant to NRS 636.288, when he prescribes
27 or administers therapeutic pharmaceutical agents within the scope of
28 his certification.

29 **Sec. 24.** NRS 639.015 is hereby amended to read as follows:

30 639.015 "Registered pharmacist" means:

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

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

35 3. A person who has complied with the provisions of NRS
36 639.120 and whose name has been entered in the registry of
37 pharmacists of this State by the Executive ~~Secretary of the Board~~
38 ~~Director~~ and to whom a valid certificate as a registered pharmacist
39 or valid renewal thereof has been issued by the Board.

40 **Sec. 25.** NRS 639.040 is hereby amended to read as follows:

41 639.040 ~~1. The Board shall elect a President and a Treasurer~~
42 ~~from among its members.~~

43 ~~2. The Board shall employ an Executive Secretary, who is not~~
44 ~~a member of the Board. The Executive Secretary must have~~
45 ~~experience as a licensed pharmacist in this State or in another state~~



~~with comparable licensing requirements.]~~ The Executive ~~[Secretary]~~
Director shall keep a complete record of all proceedings of the
Board *pursuant to this chapter* and of all certificates issued, and
shall perform such other duties as the Board may require . ~~[, for
which services he is entitled to receive a salary to be determined by
the Board.]~~

Sec. 26. NRS 639.070 is hereby amended to read as follows:
639.070 1. The Board may:

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

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

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

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

(e) Regulate the practice of pharmacy.

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

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

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

(2) Drugs stored in hospitals; and

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

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

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

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

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

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

(m) Adopt regulations concerning the information required to be
submitted in connection with an application for any license,



1 certificate or permit required by this chapter or chapter 453 or 454
2 of NRS.

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

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

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

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

14 **Sec. 27.** NRS 639.081 is hereby amended to read as follows:

15 639.081 1. Except as otherwise provided in subsection 3 ~~§~~
16 *and NRS 630.110*, all money coming into the possession of the
17 Board must be kept or deposited by the Executive ~~{Secretary of the~~
18 ~~Board}~~ *Director* in banks, credit unions or savings and loan
19 associations in the State of Nevada, or invested in United States
20 treasury bills or notes, to be expended for payment of compensation
21 and expenses of members of the Board and for other necessary or
22 proper purposes in the administration of this chapter.

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

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

34 **Sec. 28.** NRS 639.093 is hereby amended to read as follows:

35 639.093 The Board may communicate the results of its
36 deliberations or investigations *conducted pursuant to this chapter*
37 to other public agencies, and the Board or its members, agents,
38 servants, employees or attorneys ~~{shall}~~ *do* not incur any liability as
39 a result of ~~{such}~~ *those* communications.

40 **Sec. 29.** NRS 639.127 is hereby amended to read as follows:

41 639.127 1. An applicant for registration as a pharmacist in
42 this State must submit an application to the Executive ~~{Secretary of~~
43 ~~the Board}~~ *Director* on a form furnished by the Board and must pay
44 the fee fixed by the Board. The fee must be paid at the time the
45 application is submitted and is compensation to the Board for the



1 investigation and the examination of the applicant. Under no
2 circumstances may the fee be refunded.

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

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

9 4. A certificate of registration as a pharmacist must be issued to
10 each person who the Board determines is qualified pursuant to the
11 provisions of NRS 639.120 and 639.134. The certificate entitles the
12 person to whom it is issued to practice pharmacy in this State.

13 **Sec. 30.** NRS 639.137 is hereby amended to read as follows:

14 639.137 1. Any person who is not a registered pharmacist,
15 but who is employed in this State for the purpose of fulfilling the
16 requirements of paragraph (d) of subsection 1 of NRS 639.120 to
17 become eligible for registration as a pharmacist, shall register with
18 the Board as an intern pharmacist. An applicant, to be eligible for
19 registration as an intern pharmacist, must be enrolled in a college of
20 pharmacy or a department of pharmacy of a university approved by
21 the Board or be a graduate of a foreign school and pass an
22 examination for foreign graduates approved by the Board. The
23 application must be made on a form furnished by the Board.

24 2. The Executive ~~{Secretary of the Board,}~~ **Director**, upon
25 approval of the application, shall issue a certificate of registration
26 authorizing the applicant to undergo practical pharmaceutical
27 training under the direct and immediate supervision of a registered
28 pharmacist. The period of validity of the certificate of registration,
29 including any renewal, must not exceed 4 years after the date of
30 issue. The certificate of registration authorizes the holder, if acting
31 under the direct and immediate supervision of a registered
32 pharmacist, to perform:

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

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

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

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

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

43 (b) The failure of the registered pharmacist whose name appears
44 on the certificate of registration to provide adequate training and



1 supervision for the intern pharmacist in compliance with regulations
2 adopted by the Board.

3 **Sec. 31.** NRS 639.1373 is hereby amended to read as follows:

4 639.1373 1. A physician assistant or an osteopathic
5 physician's assistant may, if authorized by the Board, possess,
6 administer, prescribe or dispense controlled substances, or possess,
7 administer, prescribe or dispense poisons, dangerous drugs or
8 devices in or out of the presence of his supervising physician only to
9 the extent and subject to the limitations specified in the registration
10 certificate issued to the physician assistant or osteopathic
11 physician's assistant, as appropriate, by the Board pursuant to this
12 section.

13 2. Each physician assistant and osteopathic physician's
14 assistant who is authorized by his physician assistant's license
15 issued by the Board ~~[of Medical Examiners]~~ or certificate issued by
16 the State Board of Osteopathic Medicine to possess, administer,
17 prescribe or dispense controlled substances, or to possess,
18 administer, prescribe or dispense poisons, dangerous drugs or
19 devices must apply for and obtain a registration certificate from the
20 Board, pay a fee to be set by regulations adopted by the Board and
21 pass an examination administered by the Board on the law relating
22 to pharmacy before he can possess, administer, prescribe or dispense
23 controlled substances, or possess, administer, prescribe or dispense
24 poisons, dangerous drugs or devices.

25 3. The Board shall consider each application separately and
26 may, even though the physician assistant's license issued by the
27 Board ~~[of Medical Examiners]~~ or the osteopathic physician's
28 assistant's certificate issued by the State Board of Osteopathic
29 Medicine authorizes the physician assistant or osteopathic
30 physician's assistant, as appropriate, to possess, administer,
31 prescribe or dispense controlled substances, or to possess,
32 administer, prescribe or dispense poisons, dangerous drugs and
33 devices:

34 (a) Refuse to issue a registration certificate;

35 (b) Issue a registration certificate limiting the authority of the
36 physician assistant or osteopathic physician's assistant, as
37 appropriate, to possess, administer, prescribe or dispense controlled
38 substances, or to possess, administer, prescribe or dispense poisons,
39 dangerous drugs or devices, the area in which the physician assistant
40 or osteopathic physician's assistant may possess controlled
41 substances, poisons, dangerous drugs and devices, or the kind and
42 amount of controlled substances, poisons, dangerous drugs and
43 devices; or



(c) Issue a registration certificate imposing other limitations or restrictions which the Board feels are necessary and required to protect the health, safety and welfare of the public.

4. If the registration of the physician assistant or osteopathic physician's assistant is suspended or revoked, the physician's controlled substance registration may also be suspended or revoked.

5. The Board shall adopt regulations controlling the maximum amount to be administered, possessed and dispensed, and the storage, security, recordkeeping and transportation of controlled substances and the maximum amount to be administered, possessed, prescribed and dispensed and the storage, security, recordkeeping and transportation of poisons, dangerous drugs and devices by physician assistants and osteopathic physicians' assistants. In the adoption of those regulations, the Board shall consider, but is not limited to, the following:

(a) The area in which the physician assistant or osteopathic physician's assistant is to operate;

(b) The population of that area;

(c) The experience and training of the physician assistant or osteopathic physician's assistant;

(d) The distance to the nearest hospital and physician; and

(e) The effect on the health, safety and welfare of the public.

6. For the purposes of this section, the term "supervising physician" includes an employing osteopathic physician as defined in chapter 633 of NRS.

Sec. 32. NRS 639.1375 is hereby amended to read as follows:

639.1375 1. An advanced practitioner of nursing may dispense controlled substances, poisons, dangerous drugs and devices if he:

(a) Passes an examination administered by the State Board of Nursing on Nevada law relating to pharmacy and submits to the ~~[State]~~ Board of ~~[Pharmacy]~~ *Medical Examiners* evidence of passing that examination;

(b) Is authorized to do so by the State Board of Nursing in a certificate issued by that Board; and

(c) Applies for and obtains a certificate of registration from the ~~[State]~~ Board of ~~[Pharmacy]~~ *Medical Examiners* and pays the fee set by a regulation adopted by the Board. The Board may set a single fee for the collective certification of advanced practitioners of nursing in the employ of a public or nonprofit agency and a different fee for the individual certification of other advanced practitioners of nursing.

2. The ~~[State]~~ Board of ~~[Pharmacy]~~ *Medical Examiners* shall consider each application from an advanced practitioner of nursing separately, and may:



(a) Issue a certificate of registration limiting:

(1) The authority of the advanced practitioner of nursing to dispense controlled substances, poisons, dangerous drugs and devices;

(2) The area in which the advanced practitioner of nursing may dispense;

(3) The kind and amount of controlled substances, poisons, dangerous drugs and devices which the certificate permits the advanced practitioner of nursing to dispense; and

(4) The practice of the advanced practitioner of nursing which involves controlled substances, poisons, dangerous drugs and devices in any manner which the Board finds necessary to protect the health, safety and welfare of the public;

(b) Issue a certificate of registration without any limitation not contained in the certificate issued by the State Board of Nursing; or

(c) Refuse to issue a certificate of registration, regardless of the provisions of the certificate issued by the State Board of Nursing.

3. If a certificate of registration issued pursuant to this section is suspended or revoked, the Board may also suspend or revoke the registration of the physician for and with whom the advanced practitioner of nursing is in practice to dispense controlled substances.

4. The Board shall adopt regulations setting forth the maximum amounts of any controlled substance, poison, dangerous drug and devices which an advanced practitioner of nursing who holds a certificate from the Board may dispense, the conditions under which they must be stored, transported and safeguarded, and the records which each such nurse shall keep. In adopting its regulations, the Board shall consider:

(a) The areas in which an advanced practitioner of nursing who holds a certificate from the Board can be expected to practice and the populations of those areas;

(b) The experience and training of the nurse;

(c) Distances between areas of practice and the nearest hospitals and physicians;

(d) Effects on the health, safety and welfare of the public; and

(e) Other factors which the Board considers important to the regulation of the practice of advanced practitioners of nursing who hold certificates from the Board.

Sec. 33. NRS 639.138 is hereby amended to read as follows:

639.138 If the Board, after an investigation, denies any application for a certificate, license or permit, the Executive ~~Secretary of the Board~~ *Director* shall notify the applicant, within 10 days after the denial is approved by the Board and entered in the official minutes, by registered or certified mail, of the denial of the



1 application and the reasons therefor. The notice must inform the
2 applicant of his right to petition the Board for reconsideration and
3 his right to submit evidence to controvert the alleged violations on
4 which the denial was based.

5 **Sec. 34.** NRS 639.139 is hereby amended to read as follows:

6 639.139 1. At any time within 30 days after receipt of the
7 notice of denial of his application, an applicant may petition the
8 Board for reconsideration of the application. The petition must set
9 forth a denial, in whole or in part, of the violations alleged and a
10 statement that the applicant is prepared to submit evidence in
11 support of his denial of the allegations.

12 2. Within 30 days after the petition is received by the Board,
13 the Executive ~~{Secretary of the Board}~~ **Director** shall notify the
14 petitioner, by registered or certified mail, of the Board's decision to
15 grant or deny the petition for reconsideration. If the petition is
16 granted, the notice must include the time and place set for
17 reconsideration of the application by the Board.

18 **Sec. 35.** NRS 639.160 is hereby amended to read as follows:

19 639.160 Every registered pharmacist shall, within 10 days after
20 changing his place of practice as designated on the books of the
21 Executive ~~{Secretary of the Board}~~ **Director**, notify the Executive
22 ~~{Secretary}~~ **Director** of the change and of his new place of practice.
23 Upon receipt of the notification, the Executive ~~{Secretary}~~ **Director**
24 shall make the necessary change in his register.

25 **Sec. 36.** NRS 639.180 is hereby amended to read as follows:

26 639.180 1. Except as otherwise provided in this subsection, a
27 certificate, license or permit issued by the Board pursuant to this
28 chapter expires on October 31 of each even-numbered year. A
29 certificate of registration as a pharmacist expires on October 31 of
30 each odd-numbered year.

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

35 (a) Filing an application for renewal;

36 (b) Paying the fee for renewal;

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

39 (d) If applicable, filing with the Board satisfactory evidence that
40 his surety bond or other security required by NRS 639.515 is in full
41 force; and

42 (e) Submitting all information required to complete the renewal.

43 3. The application for renewal, together with the fee for
44 renewal, all required information and the evidence of compliance
45 with NRS 639.515 must be delivered to the Executive ~~{Secretary of~~



1 ~~the Board~~ **Director** on or before the expiration date of the
2 certificate, license or permit, or the current renewal receipt thereof.

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

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

9 6. If the application for renewal, the fee for renewal, all
10 required information and the evidence of compliance with NRS
11 639.515 are not postmarked on or before the expiration date of the
12 certificate, license or permit, or the current renewal receipt thereof,
13 the registration is automatically forfeited.

14 **Sec. 37.** NRS 639.231 is hereby amended to read as follows:

15 639.231 1. An application to conduct a pharmacy must be
16 made on a form furnished by the Board and must state the name,
17 address, usual occupation and professional qualifications, if any, of
18 the applicant. If the applicant is other than a natural person, the
19 application must state such information as to each person
20 beneficially interested therein.

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

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

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

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

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

43 5. Upon compliance with all the provisions of this section and
44 upon approval of the application by the Board, the Executive
45 ~~Secretary~~ **Director** shall issue a license to the applicant to conduct



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

5 **Sec. 38.** NRS 639.2324 is hereby amended to read as follows:

6 639.2324 1. The operation of an institutional pharmacy must
7 meet the following requirements:

8 (a) In a hospital with 100 or more beds, the pharmacy must be
9 under the continuous supervision of a pharmacist during the time it
10 is open for pharmaceutical services.

11 (b) In a hospital with less than 100 beds, the services of a
12 pharmacist may be on less than a full-time basis, depending upon
13 the needs of the institution, and pursuant to the regulations and
14 recommendations of the ~~{State Board of Pharmacy}~~ **Board** and the
15 person charged with the administration and control of the institution.

16 (c) In the absence of a pharmacist from the pharmacy, a nurse or
17 practitioner designated by the pharmacist may obtain from the
18 pharmacy such necessary quantities of drugs to administer to a
19 patient until the pharmacy reopens as are ordered by a medical
20 practitioner and needed by a patient in an emergency.

21 2. The pharmacist in charge of the institutional pharmacy shall
22 initiate procedures to provide for administration and technical
23 guidance in all matters pertaining to the acquiring, stocking,
24 recordkeeping and dispensing of drugs and devices.

25 **Sec. 39.** NRS 639.234 is hereby amended to read as follows:

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

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

37 3. The Board may authorize as its representative any member
38 or representative of the ~~{board of pharmacy}~~ **Board** or **a** similar
39 agency of the state in which the records are located.

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



1 **Sec. 40.** NRS 639.2351 is hereby amended to read as follows:

2 639.2351 1. An advanced practitioner of nursing may
3 prescribe, in accordance with NRS 454.695 and 632.237, controlled
4 substances, poisons, dangerous drugs and devices if he:

5 (a) Is authorized to do so by the State Board of Nursing in a
6 certificate issued by that Board; and

7 (b) Applies for and obtains a certificate of registration from the
8 ~~{State}~~ Board of ~~{Pharmacy}~~ *Medical Examiners* and pays the fee
9 set by a regulation adopted by the Board.

10 2. The ~~{State}~~ Board of ~~{Pharmacy}~~ *Medical Examiners* shall
11 consider each application from an advanced practitioner of nursing
12 separately, and may:

13 (a) Issue a certificate of registration; or

14 (b) Refuse to issue a certificate of registration, regardless of the
15 provisions of the certificate issued by the State Board of Nursing.

16 **Sec. 41.** NRS 639.241 is hereby amended to read as follows:

17 639.241 1. A hearing to determine whether the rights and
18 privileges granted by any certificate, certification, license or permit
19 issued by the Board should be revoked, suspended, limited or
20 conditioned must be initiated by the filing of an accusation by the
21 Board. The action must be entitled: The ~~{Nevada State Board of~~
22 ~~Pharmacy}~~ *Board of Medical Examiners* v. (insert the name of the
23 party whose certificate, license or permit is involved), who must be
24 designated "Respondent."

25 2. The accusation is a written statement of the charges alleged
26 and must set forth in ordinary and concise language the acts or
27 omissions with which the respondent is charged to the end that the
28 respondent will be able to prepare his defense. The accusation must
29 specify the statutes and regulations which the respondent is alleged
30 to have violated, but must not consist merely of charges phrased in
31 language of the statute or regulation. The accusation must be signed
32 by the Executive ~~{Secretary of the Board}~~ *Director* acting in his
33 official capacity.

34 **Sec. 42.** NRS 639.242 is hereby amended to read as follows:

35 639.242 1. After filing the accusation, the Executive
36 ~~{Secretary of the Board}~~ *Director* shall cause a copy thereof,
37 together with one copy of the Statement to Respondent and three
38 copies of the form of the Notice of Defense, to be served on the
39 respondent.

40 2. Service may be by personal service or by first-class
41 registered or certified mail addressed to the respondent at his last
42 address of record, or by mail to his attorney of record. Proof of
43 service must be retained and made a part of the case record.



1 **Sec. 43.** NRS 639.245 is hereby amended to read as follows:

2 639.245 ~~[Whenever]~~ *If* a hearing has been granted by the
3 Board, the Executive ~~[Secretary of the Board]~~ *Director* shall serve
4 notice on the respondent of the time and place set for the hearing on
5 the accusation. If the Board receives a report pursuant to subsection
6 5 of NRS 228.420, a hearing must be held within 30 days after
7 receiving the report. Service may be effected in the same manner as
8 provided in NRS 639.242.

9 **Sec. 44.** NRS 639.246 is hereby amended to read as follows:

10 639.246 1. The Executive ~~[Secretary of the Board]~~ *Director*
11 shall issue subpoenas for the production of witnesses, documents or
12 papers, in accordance with statutory provisions, at the request of any
13 party to a hearing or for purposes of an investigation or other matter
14 under inquiry by the Board.

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

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

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

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

37 **Sec. 45.** NRS 639.247 is hereby amended to read as follows:

38 639.247 1. Any hearing held for the purpose of suspending or
39 revoking any certificate, certification, license or permit must be
40 conducted publicly by the Board. The hearing must be presided over
41 by a member of the Board or his designee and ~~[three]~~ *four* members
42 constitute a quorum. Any decision by the Board requires the
43 concurrence of at least ~~[three]~~ *four* members. The proceedings of
44 the hearing must be reported or recorded by an electronic recording
45 device, an official court reporter or another qualified person.



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

Sec. 46. NRS 639.252 is hereby amended to read as follows:

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

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

Sec. 47. NRS 639.256 is hereby amended to read as follows:

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

Sec. 48. NRS 639.257 is hereby amended to read as follows:

639.257 1. A person whose certificate, license or permit has been revoked may petition the Board for reinstatement after a period of not less than 1 year has lapsed since the date of revocation.

2. The petition ~~shall~~ **must** state such facts as may be required by the Board and ~~shall~~ **must** be heard by the Board at its next regular meeting held not earlier than 30 days after the petition is filed. ~~Such~~ **The** petition may be considered by the Board while the petitioner is under sentence for any criminal offense, including any period during which he is on probation or parole, only if the Board members, by a majority vote, find that the public interest would best be served by ~~such~~ **the** reinstatement.

3. In considering reinstatement the Board may investigate and consider all activities of the petitioner since the time his original



1 certificate, license or permit was issued, his ability, character and
2 reputation. The affirmative vote of at least ~~three~~ four members is
3 necessary for reinstatement of a certificate, license or permit with or
4 without terms, conditions and restrictions.

5 **Sec. 49.** NRS 639.282 is hereby amended to read as follows:

6 639.282 1. Except as otherwise provided in NRS 433.801,
7 449.2485, 639.267 and 639.2675, it is unlawful for any person to
8 have in his possession, or under his control, for the purpose of
9 resale, or to sell or offer to sell or dispense or give away, any
10 pharmaceutical preparation, drug or chemical which:

11 (a) Has been dispensed pursuant to a prescription or chart order
12 and has left the control of a registered pharmacist or practitioner;

13 (b) Has been damaged or subjected to damage by heat, smoke,
14 fire or water, or other cause which might reasonably render it unfit
15 for human or animal use;

16 (c) Has been obtained through bankruptcy or foreclosure
17 proceedings, or other court action, auction or other legal or
18 administrative proceedings, except when the pharmaceutical
19 preparation, drug or chemical is in the original sealed container;

20 (d) Is no longer safe or effective for use, as indicated by the
21 expiration date appearing on its label; or

22 (e) Has not been properly stored or refrigerated as required by
23 its label.

24 2. The provisions of subsection 1 do not apply if the person in
25 whose possession the pharmaceutical preparation, drug or chemical
26 is found also has in his possession a valid and acceptable
27 certification of analysis attesting to the purity and strength of the
28 pharmaceutical preparation, drug or chemical and attesting to the
29 fact that it can be safely and effectively used by humans or animals.
30 The preparation, drug or chemical must not be sold or otherwise
31 disposed of until the certification required by this subsection has
32 been presented to and approved by the Board.

33 3. In the absence of conclusive proof that the preparation, drug
34 or chemical can be used safely and effectively by humans or
35 animals, it must be destroyed under the direct supervision of a
36 member or an inspector of the Board, or two persons designated as
37 agents by the Board who include an inspector of a health care board,
38 a licensed practitioner of a health care board or a peace officer of an
39 agency that enforces the provisions of chapters 453 and 454 of NRS.

40 4. As used in this section, "health care board" includes the
41 ~~[State Board of Pharmacy, the]~~ State Board of Nursing, the Board of
42 Medical Examiners and the Nevada State Board of Veterinary
43 Medical Examiners.



Sec. 50. NRS 0.031 is hereby amended to read as follows:

0.031 Except as otherwise expressly provided in a particular statute or required by the context, "controlled substance" means a drug, immediate precursor or other substance which is listed in schedule I, II, III, IV or V for control by the ~~[State]~~ Board of ~~[Pharmacy]~~ **Medical Examiners** pursuant to NRS 453.146.

Sec. 51. NRS 223.560 is hereby amended to read as follows:

223.560 The Director shall:

1. Respond to written and telephonic inquiries received from consumers and injured employees regarding concerns and problems related to health care and workers' compensation;

2. Assist consumers and injured employees in understanding their rights and responsibilities under health care plans and policies of industrial insurance;

3. Identify and investigate complaints of consumers and injured employees regarding their health care plans and policies of industrial insurance and assist those consumers and injured employees to resolve their complaints, including, without limitation:

(a) Referring consumers and injured employees to the appropriate agency, department or other entity that is responsible for addressing the specific complaint of the consumer or injured employee; and

(b) Providing counseling and assistance to consumers and injured employees concerning health care plans and policies of industrial insurance;

4. Provide information to consumers and injured employees concerning health care plans and policies of industrial insurance in this State;

5. Establish and maintain a system to collect and maintain information pertaining to the written and telephonic inquiries received by the Office for Consumer Health Assistance;

6. Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the Director pursuant to this section;

7. In appropriate cases and pursuant to the direction of the Governor, refer a complaint or the results of an investigation to the Attorney General for further action;

8. Provide information to and applications for prescription drug programs for consumers without insurance coverage for prescription drugs or pharmaceutical services; and

9. Establish and maintain an Internet website which includes:

(a) Information concerning purchasing prescription drugs from Canadian pharmacies that have been recommended by the ~~[State]~~ Board of ~~[Pharmacy]~~ **Medical Examiners** for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328; and



(b) Links to websites of Canadian pharmacies which have been recommended by the [State] Board of [Pharmacy] Medical Examiners for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328.

Sec. 52. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) The Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The State Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140, the Nevada Gaming Commission.

(g) The Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) The Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) The State Board of Examiners acting pursuant to chapter 217 of NRS.

(j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(k) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(l) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(m) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 590.830.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;



(c) Chapter 703 of NRS for the judicial review of decisions of the Public Utilities Commission of Nevada;

(d) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(e) NRS 90.800 for the use of summary orders in contested cases,

➔ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the ~~{State}~~ Board of ~~{Pharmacy}~~ *Medical Examiners* adopted pursuant to NRS 453.2184; or

(c) A regulation adopted by the State Board of Education pursuant to NRS 392.644 or 394.1694.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 53. NRS 372A.020 is hereby amended to read as follows:

372A.020 "Controlled substance" includes:

1. A drug, substance or immediate precursor listed in schedules I to V, inclusive, of the regulations adopted by the ~~{State}~~ Board of ~~{Pharmacy}~~ *Medical Examiners*; and

2. A substance which:

(a) Was manufactured by a person who at the time was not currently registered with the Secretary of Health and Human Services; and

(b) Is an imitation of or intended for use as a substitute for a substance described in subsection 1.

Sec. 54. NRS 433.801 is hereby amended to read as follows:

433.801 1. A public or private mental health facility may return a prescription drug that is dispensed to a patient of the facility, but will not be used by that patient, to the dispensing pharmacy for the purpose of reissuing the drug to fill other prescriptions for patients in that facility if:



(a) The drug is not a schedule II drug specified in or pursuant to chapter 453 of NRS;

(b) The drug is dispensed in a unit dose, in individually sealed doses or in a bottle that is sealed by the manufacturer of the drug;

(c) The drug is returned unopened and sealed in the original manufacturer's packaging or bottle;

(d) The usefulness of the drug has not expired;

(e) The packaging or bottle contains the expiration date of the usefulness of the drug; and

(f) The name of the patient for whom the drug was originally prescribed, the prescription number and any other identifying marks are obliterated from the packaging or bottle before the return of the drug.

2. A dispensing pharmacy to which a drug is returned pursuant to this section may reissue the drug to fill other prescriptions for patients in the same facility if the registered pharmacist of the pharmacy determines that the drug is suitable for that purpose in accordance with standards adopted by the ~~{State}~~ Board of ~~{Pharmacy}~~ *Medical Examiners* pursuant to subsection 5.

3. No drug that is returned to a dispensing pharmacy pursuant to this section may be used to fill other prescriptions more than one time.

4. A mental health facility shall adopt written procedures for returning drugs to a dispensing pharmacy pursuant to this section. The procedures must:

(a) Provide appropriate safeguards for ensuring that the drugs are not compromised or illegally diverted during their return.

(b) Require the maintenance and retention of ~~{such}~~ *the* records relating to the return of ~~{such}~~ *those* drugs as are required by the ~~{State}~~ Board of ~~{Pharmacy}~~ *Medical Examiners*.

(c) Be approved by the ~~{State}~~ Board of ~~{Pharmacy}~~ *Medical Examiners*.

5. The ~~{State}~~ Board of ~~{Pharmacy}~~ *Medical Examiners* shall adopt such regulations as are necessary to carry out the provisions of this section, including, without limitation, requirements for:

(a) Returning and reissuing such drugs pursuant to the provisions of this section.

(b) Maintaining records relating to the return and the use of such drugs to fill other prescriptions.

Sec. 55. NRS 449.2485 is hereby amended to read as follows:

449.2485 1. A facility for skilled nursing or a facility for intermediate care may return a prescription drug that is dispensed to a patient of the facility, but will not be used by that patient, to the dispensing pharmacy for the purpose of reissuing the drug to fill other prescriptions for patients in that facility if:



(a) The drug is not a schedule II drug specified in or pursuant to chapter 453 of NRS;

(b) The drug is dispensed in a unit dose, in individually sealed doses or in a bottle sealed by the manufacturer of the drug;

(c) The drug is returned unopened and sealed in the original manufacturer's packaging or bottle;

(d) The usefulness of the drug has not expired;

(e) The packaging or bottle contains the expiration date of the usefulness of the drug; and

(f) The name of the patient for whom the drug was originally prescribed, the prescription number and any other identifying marks are obliterated from the packaging or bottle before the return of the drug.

2. A dispensing pharmacy to which a drug is returned pursuant to this section may reissue the drug to fill other prescriptions for patients in the same facility if the registered pharmacist of the pharmacy determines that the drug is suitable for that purpose in accordance with standards adopted by the ~~{State}~~ Board of ~~{Pharmacy}~~ *Medical Examiners* pursuant to subsection 5.

3. No drug that is returned to a dispensing pharmacy pursuant to this section may be used to fill other prescriptions more than one time.

4. A facility for skilled nursing or facility for intermediate care shall adopt written procedures for returning drugs to a dispensing pharmacy pursuant to this section. The procedures must:

(a) Provide appropriate safeguards for ensuring that the drugs are not compromised or illegally diverted during their return.

(b) Require the maintenance and retention of such records relating to the return of drugs to dispensing pharmacies as are required by the ~~{State}~~ Board of ~~{Pharmacy}~~ *Medical Examiners*.

(c) Be approved by the ~~{State}~~ Board of ~~{Pharmacy}~~.

~~5. The State Medical Examiners.~~

5. The Board of ~~{Pharmacy}~~ *Medical Examiners* shall adopt such regulations as are necessary to carry out the provisions of this section, including, without limitation, requirements for:

(a) Returning and reissuing such drugs pursuant to the provisions of this section.

(b) Maintaining records relating to the return and the use of such drugs to fill other prescriptions.

Sec. 56. NRS 453.031 is hereby amended to read as follows:

453.031 "Board" means the ~~{State}~~ Board of ~~{Pharmacy}~~ *Medical Examiners*.

Sec. 57. NRS 453.126 is hereby amended to read as follows:

453.126 "Practitioner" means:



1 1. A physician, dentist, veterinarian or podiatric physician who
2 holds a license to practice his profession in this State and is
3 registered pursuant to this chapter.

4 2. An advanced practitioner of nursing who holds a certificate
5 from the State Board of Nursing and a certificate from the ~~[State]~~
6 Board of ~~[Pharmacy]~~ *Medical Examiners* authorizing him to
7 dispense or to prescribe and dispense controlled substances.

8 3. A scientific investigator or a pharmacy, hospital or other
9 institution licensed, registered or otherwise authorized in this State
10 to distribute, dispense, conduct research with respect to, to
11 administer, or use in teaching or chemical analysis, a controlled
12 substance in the course of professional practice or research.

13 4. A euthanasia technician who is licensed by the Nevada State
14 Board of Veterinary Medical Examiners and registered pursuant to
15 this chapter, while he possesses or administers sodium pentobarbital
16 pursuant to his license and registration.

17 5. A physician assistant who:

18 (a) Holds a license from the Board ; ~~[of Medical Examiners;]~~
19 and

20 (b) Is authorized by the Board to possess, administer, prescribe
21 or dispense controlled substances under the supervision of a
22 physician as required by chapter 630 of NRS.

23 6. An osteopathic physician's assistant who:

24 (a) Holds a certificate from the State Board of Osteopathic
25 Medicine; and

26 (b) Is authorized by the Board to possess, administer, prescribe
27 or dispense controlled substances under the supervision of an
28 osteopathic physician as required by chapter 633 of NRS.

29 7. An optometrist who is certified by the Nevada State Board
30 of Optometry to prescribe and administer therapeutic
31 pharmaceutical agents pursuant to NRS 636.288, when he prescribes
32 or administers therapeutic pharmaceutical agents within the scope of
33 his certification.

34 **Sec. 58.** NRS 453.375 is hereby amended to read as follows:

35 453.375 A controlled substance may be possessed and
36 administered by the following persons:

37 1. A practitioner.

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

43 3. An advanced emergency medical technician:

44 (a) As authorized by regulation of:



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

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

(b) In accordance with any applicable regulations of:

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

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

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

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

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

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

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

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

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

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

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

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

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

11. A person who is enrolled in a training program to become an advanced emergency medical technician, respiratory therapist or veterinary technician if the person possesses and administers the



1 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 under
5 the direct supervision of a person licensed or registered to perform
6 the respective medical art or a supervisor of such a person.

7 **Sec. 59.** NRS 453.690 is hereby amended to read as follows:

8 453.690 1. Every person or institution authorized to dispense
9 or administer narcotic drugs shall furnish to the Health Division of
10 the Department, the Investigation Division of the Department of
11 Public Safety and the ~~{State Board of Pharmacy}~~ **Board** such
12 information as the Health Division or the Board may require by
13 regulation.

14 2. Every public official or employee having duties to perform
15 with respect to narcotic drugs shall furnish to the Health Division of
16 the Department, the Investigation Division of the Department of
17 Public Safety and the ~~{State Board of Pharmacy}~~ **Board** such
18 information as the regulations of the Health Division or the Board
19 may require.

20 **Sec. 60.** NRS 454.003 is hereby amended to read as follows:

21 454.003 "Board" means the ~~{State}~~ Board of ~~{Pharmacy}~~
22 **Medical Examiners.**

23 **Sec. 61.** NRS 454.00958 is hereby amended to read as
24 follows:

25 454.00958 "Practitioner" means:

26 1. A physician, dentist, veterinarian or podiatric physician who
27 holds a valid license to practice his profession in this State.

28 2. A pharmacy, hospital or other institution licensed or
29 registered to distribute, dispense, conduct research with respect to or
30 to administer a dangerous drug in the course of professional practice
31 in this State.

32 3. When relating to the prescription of poisons, dangerous
33 drugs and devices:

34 (a) An advanced practitioner of nursing who holds a certificate
35 from the State Board of Nursing and a certificate from the ~~{State}~~
36 Board of ~~{Pharmacy}~~ **Medical Examiners** permitting him so to
37 prescribe; or

38 (b) A physician assistant who holds a license from the Board ~~{of}~~
39 ~~Medical Examiners}~~ and a certificate from the ~~{State Board of}~~
40 ~~Pharmacy}~~ **Board** permitting him so to prescribe.

41 4. An optometrist who is certified to prescribe and administer
42 dangerous drugs pursuant to NRS 636.288 when he prescribes or
43 administers dangerous drugs which are within the scope of his
44 certification.



Sec. 62. NRS 454.213 is hereby amended to read as follows:

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

1. A practitioner.

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

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

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

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

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

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

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

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

(c) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

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

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

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

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

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



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

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

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

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

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

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

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

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

22 (b) Prescribed by a licensed physician for:

23 (1) Iontophoresis; or

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

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

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

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

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

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

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

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



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

12 **Sec. 63.** NRS 454.215 is hereby amended to read as follows:

13 454.215 A dangerous drug may be dispensed by:

14 1. A registered pharmacist upon the legal prescription from a
15 practitioner or to a pharmacy in a correctional institution upon the
16 written order of the prescribing practitioner in charge;

17 2. A pharmacy in a correctional institution, in case of
18 emergency, upon a written order signed by the chief medical officer;

19 3. A practitioner, or a physician assistant if authorized by the
20 Board;

21 4. A registered nurse, when the nurse is engaged in the
22 performance of any public health program approved by the Board;

23 5. A medical intern in the course of his internship;

24 6. An advanced practitioner of nursing who holds a certificate
25 from the State Board of Nursing and a certificate from the ~~{State}~~
26 Board of ~~{Pharmacy}~~ *Medical Examiners* permitting him to
27 dispense dangerous drugs;

28 7. A registered nurse employed at an institution of the
29 Department of Corrections to an offender in that institution;

30 8. A registered pharmacist from an institutional pharmacy
31 pursuant to regulations adopted by the Board; or

32 9. A registered nurse to a patient at a rural clinic that is
33 designated as such pursuant to NRS 433.233 and that is operated by
34 the Division of Mental Health and Developmental Services of the
35 Department of Health and Human Services if the nurse is providing
36 mental health services at the rural clinic,

37 ➤ except that no person may dispense a dangerous drug in violation
38 of a regulation adopted by the Board.

39 **Sec. 64.** NRS 454.221 is hereby amended to read as follows:

40 454.221 1. A person who furnishes any dangerous drug
41 except upon the prescription of a practitioner is guilty of a category
42 D felony and shall be punished as provided in NRS 193.130, unless
43 the dangerous drug was obtained originally by a legal prescription.

44 2. The provisions of this section do not apply to the furnishing
45 of any dangerous drug by:



- 1 (a) A practitioner to his patients;
- 2 (b) A physician assistant if authorized by the Board;
- 3 (c) A registered nurse while participating in a public health
- 4 program approved by the Board, or an advanced practitioner of
- 5 nursing who holds a certificate from the State Board of Nursing and
- 6 a certificate from the ~~{State}~~ Board of ~~{Pharmacy}~~ *Medical*
- 7 *Examiners* permitting him to dispense dangerous drugs;
- 8 (d) A manufacturer or wholesaler or pharmacy to each other or
- 9 to a practitioner or to a laboratory under records of sales and
- 10 purchases that correctly give the date, the names and addresses of
- 11 the supplier and the buyer, the drug and its quantity;
- 12 (e) A hospital pharmacy or a pharmacy so designated by a
- 13 county health officer in a county whose population is 100,000 or
- 14 more, or by a district health officer in any county within its
- 15 jurisdiction or, in the absence of either, by the State Health Officer
- 16 or his designated Medical Director of Emergency Medical Services,
- 17 to a person or agency described in subsection 3 of NRS 639.268 to
- 18 stock ambulances or other authorized vehicles or replenish the
- 19 stock; or
- 20 (f) A pharmacy in a correctional institution to a person
- 21 designated by the Director of the Department of Corrections to
- 22 administer a lethal injection to a person who has been sentenced to
- 23 death.

24 **Sec. 65.** NRS 585.250 is hereby amended to read as follows:
25 585.250 1. ~~{Whenever}~~ *If* the Commissioner, any of his
26 authorized agents, or any member or inspector of the ~~{State}~~ Board
27 of ~~{Pharmacy}~~ *Medical Examiners* finds, or has probable cause to
28 believe, that any food, drug, device or cosmetic is adulterated, or so
29 misbranded as to be dangerous or fraudulent, within the meaning of
30 this chapter, he shall affix to ~~{such}~~ *the* article a tag or other
31 appropriate marking, giving notice that ~~{such}~~ *the* article is, or is
32 suspected of being, adulterated or misbranded and has been
33 quarantined, and warning all persons not to remove or dispose of
34 ~~{such}~~ *the* article by sale or otherwise until permission for removal
35 or disposal is given by ~~{such}~~ *the* agent or the court.
36 2. It ~~{shall be}~~ *is* unlawful for any person to remove or dispose
37 of ~~{such}~~ *the* quarantined article by sale or otherwise without such
38 permission.

39 **Sec. 66.** NRS 585.260 is hereby amended to read as follows:
40 585.260 1. ~~{When}~~ *If* the Commissioner, his authorized
41 agent, or a member or inspector of the ~~{State}~~ Board of ~~{Pharmacy}~~
42 *Medical Examiners* has found that an article so quarantined is not
43 adulterated or misbranded, he shall remove the tag or other marking.



2. In any proceeding against the Commissioner, his authorized agent, or a member or inspector of the ~~[State]~~ Board of ~~[Pharmacy]~~ *Medical Examiners* because of ~~[such]~~ *the* quarantine, the Commissioner, his authorized agent, or member or inspector of the ~~[State]~~ Board of ~~[Pharmacy shall not be held]~~ *Medical Examiners is not* liable if the court ~~[shall find]~~ *finds* that there was probable cause for ~~[such]~~ *the* quarantine.

Sec. 67. NRS 585.270 is hereby amended to read as follows:

585.270 ~~[When]~~ *If* an article quarantined under NRS 585.250 has been found by the Commissioner, his authorized agent, or a member or inspector of the ~~[State]~~ Board of ~~[Pharmacy]~~ *Medical Examiners* to be adulterated or misbranded, the Commissioner, his agent, or ~~[such]~~ *the* member or inspector shall petition the judge of the district court in whose jurisdiction the article is quarantined for the condemnation and destruction of ~~[such]~~ *the* article.

Sec. 68. NRS 585.280 is hereby amended to read as follows:

585.280 If the court finds that a quarantined article is adulterated or misbranded, ~~[such article shall,]~~ *the article must,* after entry of the decree, be destroyed under the supervision of the Commissioner, his authorized agent, or a member or inspector of the ~~[State]~~ Board of ~~[Pharmacy.]~~ *Medical Examiners.*

Sec. 69. NRS 585.290 is hereby amended to read as follows:

585.290 ~~[When]~~ *If* the adulteration or misbranding can be corrected by proper labeling or processing of the article to the satisfaction of the Commissioner, his authorized agent, or a member or inspector of the ~~[State]~~ Board of ~~[Pharmacy.]~~ *Medical Examiners,* the court, after entry of the decree, may by order direct that ~~[such]~~ *the* article be delivered to the owner or defender thereof for such labeling or processing under the supervision of the Commissioner, his authorized agent, or a member or inspector of the ~~[State]~~ Board of ~~[Pharmacy.]~~ *Medical Examiners.*

Sec. 70. NRS 639.020, 639.030 and 639.050 are hereby repealed.

Sec. 71. 1. The regulations adopted by the State Board of Pharmacy to carry out the provisions of chapters 453, 454 and 639 of NRS become the regulations of the Board of Medical Examiners on January 1, 2008, and remain in effect until amended by the Board of Medical Examiners.

2. The Legislative Counsel shall appropriately change in the Nevada Administrative Code any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.



1 **Sec. 72.** 1. The term of office of the member of the Board of
2 Medical Examiners who was appointed pursuant to subsection 3 of
3 NRS 630.060 and whose term expires on June 30, 2009, expires on
4 January 1, 2008.

5 2. The Governor shall, as soon as practicable after January 1,
6 2008, appoint a member to the Board of Medical Examiners to fill
7 the vacancy.

8 **Sec. 73.** 1. Any subpoena issued by the State Board of
9 Pharmacy pursuant to NRS 639.246 that is in effect on January 1,
10 2008, shall be deemed to have been issued by the Board of Medical
11 Examiners.

12 2. Any bond or other security filed with the State Board of
13 Pharmacy that is in effect on January 1, 2008, shall be deemed to
14 have been filed with the Board of Medical Examiners.

15 3. Any license, certificate, permit or other authorization issued
16 by the State Board of Pharmacy that is in effect on January 1, 2008,
17 remains in effect until its expiration unless earlier suspended,
18 terminated or revoked, and shall be deemed to have been issued by
19 the Board of Medical Examiners.

20 4. Any contract or other agreement entered into by the State
21 Board of Pharmacy that is in effect on January 1, 2008, is binding
22 upon the Board of Medical Examiners and may be enforced by the
23 Board of Medical Examiners.

24 **Sec. 74.** Notwithstanding any other provision of this act to the
25 contrary, the State Board of Pharmacy may, as soon as practicable,
26 complete the prosecution of any legal or administrative action,
27 including any disciplinary action, that was commenced by the Board
28 before January 1, 2008.

29 **Sec. 75.** The State Board of Pharmacy shall cooperate with the
30 Board of Medical Examiners to ensure that the provisions of this act
31 are carried out in an orderly manner, including, without limitation,
32 the transfer or exchange of books and records and the transfer of
33 money in the bank accounts of the State Board of Pharmacy to the
34 Board of Medical Examiners.

35 **Sec. 76.** The employees of the State Board of Pharmacy
36 become employees of the Board of Medical Examiners on
37 January 1, 2008, and retain their job classifications and all rights,
38 privileges and benefits accrued as employees of the State Board of
39 Pharmacy.

40 **Sec. 77.** This act becomes effective:

41 1. Upon passage and approval for the purpose of performing
42 any preparatory administrative activities that are necessary to ensure
43 that the provisions of this act are carried out in an orderly manner;
44 and



- 1 2. On January 1, 2008, for all other purposes.

TEXT OF REPEALED SECTIONS

639.020 Creation; number and appointment of members.

The State Board of Pharmacy, consisting of seven members appointed by the Governor, is hereby created.

639.030 Qualification and terms of members; oath; vacancies; grounds for removal from office.

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.

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.

639.050 Meetings; quorum; compensation of members and employees.

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

2. Four 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.

