

Amendment No. 538

Assembly Amendment to Assembly Bill No. 370

(BDR 54-1014)

Proposed by: Assembly Committee on Commerce and Labor**Amendment Box:** Replaces Amendment No. 159.**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date	
Adopted	☐	Lost	☐	_____		Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____		Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____		Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) green bold dashed underlining is newly added transitory language.

DY/BJE



Date: 4/20/2009

A.B. No. 370—Makes various changes to provisions governing pharmacies.
(BDR 54-1014)



ASSEMBLY BILL NO. 370—ASSEMBLYMAN CARPENTER

MARCH 16, 2009

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes to provisions governing pharmacies.
(BDR 54-1014)

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 pharmacies; providing for the establishment of remote sites, satellite consultation sites and telepharmacies; requiring the State Board of Pharmacy to adopt regulations for the operation of such establishments; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the issuance of a license to an applicant to conduct a pharmacy upon compliance with all licensing requirements. (NRS 639.231) This bill authorizes the establishment of remote sites and satellite consultation sites for the dispensing of prescriptions, and telepharmacies, which are connected to such sites via computer link, video link and audio link to enable a registered pharmacist at the telepharmacy to oversee the dispensing of prescriptions to patients at a remote site or satellite consultation site.

Section 6 of this bill requires a remote site or satellite consultation site to be located at least 50 miles from the nearest pharmacy and **in a service area with a total population of less than 2,000. Section 6 also** authorizes such sites to be operated by a pharmaceutical technician. **Section 6 further requires the State Board of Pharmacy to adopt regulations which establish the manner of determining a "service area."** Sections 8 and 9 of this bill exempt those sites from the requirement that every pharmacy must be managed by a registered pharmacist. (NRS 639.220, 639.284)

Section 5 of this bill requires the State Board of Pharmacy to adopt regulations for the operation of remote sites, satellite consultation sites and telepharmacies.

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

Section 1. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. "Remote site" means a pharmacy staffed by a pharmaceutical technician and equipped to facilitate communicative access to a pharmacy and its registered pharmacists via computer link, video link and audio link during regular business hours.

1 Sec. 3. “Satellite consultation site” means a site that only dispenses filled
2 prescriptions which are prepared at a pharmacy and delivered to that site and
3 where a registered pharmacist at the pharmacy that prepared the prescription
4 provides consultation to patients via computer link, video link and audio link
5 during regular business hours.

6 Sec. 4. “Telepharmacy” means a pharmacy that is accessible by a remote
7 site or a satellite consultation site via computer link, video link and audio link.

8 Sec. 5. The Board shall adopt regulations as are necessary for the safe and
9 efficient operation of remote sites, satellite consultation sites and telepharmacies.

10 Sec. 6. 1. In addition to the requirements set forth in this chapter and any
11 other specific statute, a remote site or satellite consultation site must be located
12 ~~far~~ :

13 (a) At least 50 miles or more from the nearest pharmacy ~~far~~ ; and

14 (b) In a service area with a total population of less than 2,000.

15 2. A remote site or satellite consultation site may be operated by a
16 pharmaceutical technician without the physical presence of a managing
17 pharmacist, except that the managing pharmacist of the telepharmacy shall also
18 be deemed the managing pharmacist of the remote site or satellite consultation
19 site.

20 3. The Board shall adopt regulations for the purposes of this section, which
21 establish the manner of determining a “service area.” Such a “service area” must
22 be a geographical area of between 5 and 10 miles in radius. In adopting the
23 regulations, the Board may consider, without limitation, the ease or difficulty of
24 access to the nearest pharmacy and the availability of roadways.

25 Sec. 7. NRS 639.001 is hereby amended to read as follows:

26 639.001 As used in this chapter, unless the context otherwise requires, the
27 words and terms defined in NRS 639.0015 to 639.016, inclusive, *and sections 2, 3*
28 *and 4 of this act* have the meanings ascribed to them in those sections.

29 Sec. 8. NRS 639.220 is hereby amended to read as follows:

30 639.220 1. Except as otherwise provided in NRS 639.2324, 639.2326 ~~and~~
31 , 639.2327 ~~and~~ *and section 6 of this act*, each pharmacy must be managed by a
32 registered pharmacist, approved by the Board, who is responsible for compliance
33 by the pharmacy and its personnel with all state and federal laws and regulations
34 relating to the operation of the pharmacy and the practice of pharmacy.

35 2. Except as otherwise provided in NRS 639.2321, if the managing
36 pharmacist is the only registered pharmacist employed in the pharmacy, the Board
37 may authorize his absence each day for a total period of not to exceed 2 hours for
38 the purpose of taking meals if:

39 (a) A registered pharmacist is on call during his absence;

40 (b) A sign, as prescribed by regulations of the Board, is posted for public view
41 in the pharmacy indicating the absence of the pharmacist and the hours of his
42 absence; and

43 (c) All drugs, poisons, chemical and restricted devices are kept safe in a
44 manner prescribed by regulations of the Board.

45 ➤ The authorization required from the Board must be in writing and be retained in
46 the pharmacy and available for inspection.

47 3. Except as otherwise provided in this subsection ~~and~~ *and section 6 of this*
48 *act*:

49 (a) A person shall not act as a managing pharmacist for more than one licensed
50 pharmacy.

51 (b) Each managing pharmacist shall be on duty in the pharmacy and active in
52 the management of the pharmacy full-time, but he need not be present during the

1 time the pharmacy is open for business if he designates another pharmacist
2 employed in the pharmacy to assume his duties in his absence.

3 (c) The managing pharmacist is responsible for the activities of his designee.

4 ➤ A waiver from the limitation set forth in paragraph (a) may be granted by the
5 Board to the managing pharmacist of a pharmacy located in a hospital with fewer
6 than 100 beds or in a correctional institution housing fewer than 1,500 inmates.

7 4. The Board must be notified before there is a change in the managing
8 pharmacist.

9 **Sec. 9.** NRS 639.284 is hereby amended to read as follows:

10 639.284 ~~Any~~ *Except as otherwise provided in section 6 of this act, any*
11 person who:

12 1. Being the licensed proprietor of a pharmacy, fails to place a registered
13 pharmacist in charge of such pharmacy, or permits the compounding or dispensing
14 of drugs or prescriptions, or the selling of drugs, poisons or devices, the sale of
15 which is restricted by the provisions of this chapter, by any person other than a
16 registered pharmacist or an intern pharmacist, is guilty of a misdemeanor.

17 2. Is not a registered pharmacist and who takes charge of or acts as manager
18 of any pharmacy, compounds or dispenses any prescription, or sells any drug,
19 poison or device, the sale of which is restricted by the provisions of this chapter, is
20 guilty of a misdemeanor.

21 **Sec. 10.** The State Board of Pharmacy shall, on or before January 1, 2010,
22 adopt any regulations which are required by or necessary to carry out the provisions
23 of this act.

24 **Sec. 11.** This act becomes effective on July 1, 2009.