

Amendment No. 598

Senate Amendment to Assembly Bill No. 370 First Reprint (BDR 54-1014)

Proposed by: Senate Committee on Commerce and Labor**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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 italic*** 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.

DP/WLK



Date: 5/15/2009

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.

~

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 the governance of dispensing practitioners and dispensing technicians;~~ 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 ~~or a dispensing practitioner~~ 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 ~~++ or a dispensing 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. ~~++ and for the definition, registration, discipline, qualifications, powers and duties of dispensing practitioners and dispensing technicians.~~

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 ~~1.5~~ 1.5 to 6, inclusive, of this act.

Sec. 1.5. "Federally qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

Sec. 2. "Remote site" means ~~for~~ :

1. A pharmacy staffed by a pharmaceutical technician and equipped to facilitate communicative access to a pharmacy and its registered pharmacists ; or

2. An office:

(a) Of a dispensing practitioner who is employed by a nonprofit entity that is designated as a federally qualified health center; and

(b) That is:

(1) Staffed by a dispensing technician; and

(2) Equipped to facilitate communicative access to the dispensing practitioner,

via computer link, video link and audio link during regular business hours.

Sec. 3. "Satellite consultation site" means a site that only dispenses filled prescriptions which are delivered to that site after the prescriptions are prepared ~~for~~ :

1. At a pharmacy ~~and delivered to that site and~~ where a registered pharmacist ~~at the pharmacy that prepared the prescription~~ provides consultation to patients via computer link, video link and audio link during regular business hours. ~~for~~ ; or

2. At an office:

(a) Of a dispensing practitioner who is employed by a nonprofit entity that is designated as a federally qualified health center; and

(b) Where the dispensing practitioner provides consultation to patients via computer link, video link and audio link during regular business hours.

Sec. 4. "Telepharmacy" means ~~for~~ :

1. A pharmacy ; or

2. An office of a dispensing practitioner who is employed by a nonprofit entity that is designated as a federally qualified health center,

that is accessible by a remote site or a satellite consultation site via computer link, video link and audio link.

Sec. 5. The Board shall adopt regulations ~~for~~ :

1. As are necessary for the safe and efficient operation of remote sites, satellite consultation sites and telepharmacies. ~~for~~ ; and

2. To define the terms "dispensing practitioner" and "dispensing technician," to provide for the registration and discipline of dispensing practitioners and dispensing technicians, and to set forth the qualifications, powers and duties of dispensing practitioners and dispensing technicians.

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

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

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

2. A remote site or satellite consultation site may be operated by ~~for~~ :

(a) A pharmaceutical technician without the physical presence of a managing pharmacist, except that the managing pharmacist of the telepharmacy shall also be deemed the managing pharmacist of the remote site or satellite consultation site. ~~for~~ ; or

(b) A dispensing technician without the physical presence of a dispensing practitioner who is employed by a nonprofit entity that is designated as a federally qualified health center, except that the dispensing practitioner shall also be deemed the managing pharmacist of the remote site or satellite consultation site.

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

Sec. 7. 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 sections 1.5 to 4~~ and sections 1.5 to 4, inclusive, of this act have the meanings ascribed to them in those sections.

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

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

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

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

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

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

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

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

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

(b) Each managing pharmacist shall be on duty in the pharmacy and active in the management of the pharmacy full-time, but he need not be present during the time the pharmacy is open for business if he designates another pharmacist employed in the pharmacy to assume his duties in his absence.

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

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

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

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

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

1. Being the licensed proprietor of a pharmacy, fails to place a registered pharmacist in charge of such pharmacy, or permits the compounding or dispensing of drugs or prescriptions, or the selling of drugs, poisons or devices, the sale of

1 which is restricted by the provisions of this chapter, by any person other than a
2 registered pharmacist or an intern pharmacist, is guilty of a misdemeanor.

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

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

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