

ASSEMBLY BILL NO. 199—ASSEMBLYMEN SMITH, ATKINSON,
HORNE, CONKLIN; BOBZIEN, DALY, DONDERO LOOP,
HICKEY, KIRKPATRICK, MASTROLUCA AND OCEGUERA

FEBRUARY 22, 2011

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the practice of
pharmacy. (BDR 54-875)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
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 the practice of pharmacy; authorizing a
registered pharmacist to engage in collaborative pharmacy
practice with a physician at a facility other than a licensed
medical facility or licensed pharmacy; requiring the State
Board of Pharmacy to establish by regulation policies and
procedures relating to collaborative pharmacy practice;
establishing certain duties and responsibilities of persons
engaged in collaborative pharmacy practice; providing a
penalty; and providing other matters properly relating
thereto.

Legislative Counsel's Digest:

1 Existing law authorizes a registered pharmacist to collaborate with a physician
2 to engage in the implementation and modification of drug therapy for a patient at a
3 licensed medical facility or licensed pharmacy. (NRS 639.0124) **Sections 4 and 9**
4 of this bill authorize a registered pharmacist, pursuant to a collaborative practice
5 agreement entered into with a physician and approved by the State Board of
6 Pharmacy, to implement, monitor and modify the drug therapy of a patient at a
7 facility other than a licensed medical facility or licensed pharmacy. **Section 5** of
8 this bill requires that a facility other than a licensed medical facility or licensed
9 pharmacy, while being used for collaborative pharmacy practice, be continuously
10 supervised by a registered pharmacist, physician or certain other qualified persons
11 whom the Board may authorize to supervise the facility in the absence of a
12 registered pharmacist or physician. **Section 6** of this bill requires the Board to
13 establish by regulation the content and required terms of a collaborative practice



agreement and the procedures for securely maintaining confidential medical information and prescription drugs at the facility being used for collaborative pharmacy practice. **Section 6** also requires the Board to adopt regulations prescribing the acts which a registered pharmacist engaged in collaborative pharmacy practice may or may not perform pursuant to a collaborative practice agreement. **Section 8** of this bill exempts a facility at which a registered pharmacist practices collaborative pharmacy practice from provisions governing pharmacies.

A person who violates any provision of chapter 639 of NRS governing pharmacists and pharmacies, including any provision of this bill, is guilty of a misdemeanor. (NRS 639.310)

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. *“Collaborative pharmacy practice” means the practice of pharmacy whereby one or more registered pharmacists agree to work in collaboration with one or more physicians at a facility other than a licensed medical facility or a pharmacy to implement, monitor and modify the drug therapy of a patient.*

Sec. 3. *“Collaborative practice agreement” means a written agreement between a registered pharmacist and a physician to engage in collaborative pharmacy practice.*

Sec. 4. 1. *A registered pharmacist may engage in collaborative pharmacy practice at a facility other than a licensed medical facility or pharmacy pursuant to a collaborative practice agreement that has been approved by the Board pursuant to subsection 2. A registered pharmacist who engages in collaborative pharmacy practice pursuant to this section:*

(a) Must have access to prescription records, patient profiles and other relevant medical information;

(b) Shall review the information described in paragraph (a) for each patient before implementing or modifying the drug therapy of the patient;

(c) Shall maintain securely the information described in paragraph (a) in a computerized system for recordkeeping which complies with applicable federal and state law;

(d) Shall restrict access to any confidential medical information only to authorized persons;

(e) Shall maintain securely any prescription drugs or pharmaceutical supplies; and

(f) Shall comply with any regulations adopted by the Board pursuant to section 5 or 6 of this act.



2. A proposed collaborative practice agreement must be submitted to and approved by the Board before a registered pharmacist may engage in collaborative pharmacy practice. The Board may require the addition of any term or condition to or the removal or modification of any term or condition of a proposed collaborative practice agreement as a condition of approving the agreement.

3. Except as otherwise specifically provided in this section and NRS 639.230, a registered pharmacist who engages in collaborative pharmacy practice pursuant to this section is subject to all other provisions of this chapter and any other applicable provisions of law governing registered pharmacists.

4. If the Board determines that a registered pharmacist who engages in collaborative pharmacy practice pursuant to this section has violated any term of a collaborative practice agreement or any regulation adopted by the Board pursuant to section 5 or 6 of this act, the Board may, in addition to any other penalty imposed by law:

(a) Take disciplinary action against the registered pharmacist in accordance with the provisions of NRS 639.241 to 639.2576, inclusive; and

(b) Terminate the collaborative practice agreement.

Sec. 5. 1. Except as otherwise provided in subsection 2, a facility other than a licensed medical facility or pharmacy that is used for collaborative pharmacy practice pursuant to a collaborative practice agreement approved by the Board pursuant to section 4 of this act must be under the continuous supervision of the registered pharmacist or physician engaged in collaborative pharmacy practice at the facility while the facility is in use.

2. The Board may adopt regulations that authorize a qualified person to supervise a facility that is used for collaborative pharmacy practice during periods when a registered pharmacist or physician is not present.

Sec. 6. The Board shall adopt regulations to carry out the provisions of this section and sections 2 to 5, inclusive, of this act, including, without limitation, regulations which prescribe:

1. The content and required terms of a collaborative practice agreement;

2. The acts which a registered pharmacist may perform pursuant to a collaborative practice agreement;

3. The acts which a registered pharmacist is prohibited from performing pursuant to a collaborative practice agreement;

4. The procedures for securely maintaining and transmitting patient records and confidential medical information;



1 **5. The procedures for documenting access to patient records**
2 **and confidential medical information; and**

3 **6. The procedures for securely maintaining prescription**
4 **drugs and pharmaceutical supplies.**

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

6 639.001 As used in this chapter, unless the context otherwise
7 requires, the words and terms defined in NRS 639.0015 to 639.016,
8 inclusive, **and sections 2 and 3 of this act** have the meanings
9 ascribed to them in those sections.

10 **Sec. 8.** NRS 639.012 is hereby amended to read as follows:

11 639.012 1. "Pharmacy" means every store or shop licensed
12 by the Board where drugs, controlled substances, poisons, medicines
13 or chemicals are stored or possessed, or dispensed or sold at retail,
14 or displayed for sale at retail, or where prescriptions are
15 compounded or dispensed.

16 2. "Pharmacy" includes:

17 (a) Pharmacies owned or operated by the State of Nevada and
18 political subdivisions and municipal corporations therein.

19 (b) Institutional pharmacies.

20 (c) Pharmacies in correctional institutions.

21 (d) Nuclear pharmacies.

22 (e) Internet pharmacies.

23 **3. The term does not include a facility at which a registered**
24 **pharmacist engages in collaborative pharmacy practice pursuant**
25 **to a collaborative practice agreement approved by the Board**
26 **pursuant to section 4 of this act.**

27 **Sec. 9.** NRS 639.0124 is hereby amended to read as follows:

28 639.0124 "Practice of pharmacy" includes, but is not limited
29 to, the:

30 1. Performance or supervision of activities associated with
31 manufacturing, compounding, labeling, dispensing and distributing
32 of a drug, including the receipt, handling and storage of
33 prescriptions and other confidential information relating to patients.

34 2. Interpretation and evaluation of prescriptions or orders for
35 medicine.

36 3. Participation in drug evaluation and drug research.

37 4. Advising of the therapeutic value, reaction, drug interaction,
38 hazard and use of a drug.

39 5. Selection of the source, storage and distribution of a drug.

40 6. Maintenance of proper documentation of the source, storage
41 and distribution of a drug.

42 7. Interpretation of clinical data contained in a person's record
43 of medication.

44 8. Development of written guidelines and protocols in
45 collaboration with a practitioner which are intended for a patient in a



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1 licensed medical facility and authorize the implementation,
2 monitoring and modification of drug therapy. The written guidelines
3 and protocols may authorize a pharmacist to order and use the
4 findings of laboratory tests and examinations.

5 9. Implementation and modification of drug therapy in
6 accordance with the authorization of the prescribing practitioner for
7 a patient in a pharmacy in which drugs, controlled substances,
8 poisons, medicines or chemicals are sold at retail.

9 ***10. Implementation, monitoring and modification of drug***
10 ***therapy for a patient in collaboration with the patient's physician***
11 ***and pursuant to a collaborative practice agreement at a facility***
12 ***other than a licensed medical facility or pharmacy.***

13 ➔ The term does not include the changing of a prescription by a
14 pharmacist or practitioner without the consent of the prescribing
15 practitioner, except as otherwise provided in NRS 639.2583.

16 **Sec. 10.** NRS 639.230 is hereby amended to read as follows:

17 639.230 1. A person operating a business in this State shall
18 not use the letters "Rx" or "RX" or the word "drug" or "drugs,"
19 "prescription" or "pharmacy," or similar words or words of similar
20 import, without first having secured a license from the Board.

21 2. Each license must be issued to a specific person and for a
22 specific location and is not transferable. The original license must be
23 displayed on the licensed premises as provided in NRS 639.150.
24 The original license and the fee required for reissuance of a license
25 must be submitted to the Board before the reissuance of the license.

26 3. If the owner of a pharmacy is a partnership or corporation,
27 any change of partners or corporate officers must be reported to the
28 Board at such a time as is required by a regulation of the Board.

29 4. Except as otherwise provided in subsection 6, in addition to
30 the requirements for renewal set forth in NRS 639.180, every person
31 holding a license to operate a pharmacy must satisfy the Board that
32 the pharmacy is conducted according to law.

33 5. Any violation of any of the provisions of this chapter by a
34 managing pharmacist or by personnel of the pharmacy under the
35 supervision of the managing pharmacist is cause for the suspension
36 or revocation of the license of the pharmacy by the Board.

37 6. The provisions of this section do not prohibit ~~it~~ :

38 ***(a) A Canadian pharmacy which is licensed by the Board and***
39 ***which has been recommended by the Board pursuant to subsection 4***
40 ***of NRS 639.2328 for inclusion on the Internet website established***
41 ***and maintained pursuant to subsection 9 of NRS 223.560 from***
42 ***providing prescription drugs through mail order service to residents***
43 ***of Nevada in the manner set forth in NRS 639.2328 to 639.23286,***
44 ***inclusive ~~it~~ ; or***



1 ***(b) A registered pharmacist or physician from engaging in***
2 ***collaborative pharmacy practice pursuant to a collaborative***
3 ***practice agreement approved by the Board pursuant to section 4 of***
4 ***this act.***

5 **Sec. 11.** This act becomes effective upon passage and approval
6 for the purpose of adopting regulations and on October 1, 2011, for
7 all other purposes.

