Amendment No. 69

Assembly Amendment to Assembly Bill No. 199 (BDR 54-875)

Proposed by: Assembly 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 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 underlining** is newly added transitory language.

SLP/TMC Date: 4/4/2011

A.B. No. 199—Revises provisions governing the practice of pharmacy.
(BDR 54-875)

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~~] **revising provisions governing the authority of** a registered pharmacist to [~~engage in collaborative pharmacy practice~~] **collaborate** with a [~~physician at a facility other than a licensed medical facility or licensed pharmacy; requiring~~] **practitioner for the implementation, monitoring and modification of drug therapy; authorizing** the State Board of Pharmacy to establish [~~by regulation policies and procedures~~] **regulations** 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:

Existing law authorizes a registered pharmacist to collaborate with a [~~physician~~] **practitioner** to engage in the implementation and modification of drug therapy for a patient at a licensed medical facility or licensed pharmacy. (NRS 639.0124) [~~Sections 4 and 9 of this bill authorize a registered pharmacist, pursuant to a collaborative practice agreement entered into~~] **Section 1 of this bill prescribes requirements for written guidelines and protocols which must be developed by a pharmacist who collaborates** with a [~~physician~~] **practitioner** and **requires those guidelines and protocols to be** approved by the State Board of Pharmacy**.** [~~, to~~] **Section 1 also authorizes the written guidelines and protocols to set forth provisions for a pharmacist to** implement, monitor and modify the drug therapy of a patient [~~at a facility~~] **in a setting** other than a licensed medical facility or licensed pharmacy. [~~Section 5 of this bill requires that a facility other than a licensed medical facility or licensed pharmacy, while being used for collaborative pharmacy practice, be continuously supervised by a registered pharmacist, physician or certain other qualified persons whom the Board may authorize to supervise the facility in the absence of a registered pharmacist or physician. Section 6 of this bill requires the Board to 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.]~~ **a new section to read as follows:**

1. Written guidelines and protocols developed by a registered pharmacist in collaboration with a practitioner which authorize the implementation, monitoring and modification of drug therapy:

(a) May authorize a pharmacist to order and use the findings of laboratory tests and examinations.

(b) May provide for implementation, monitoring and modification of drug therapy for a patient receiving care in a licensed medical facility or, if developed to ensure continuity of care for a patient, in any setting outside a medical facility where the patient is receiving care.

(c) Must be approved by the Board.

2. The Board may adopt regulations which:

(a) Prescribe additional requirements for written guidelines and protocols developed pursuant to this section; and

(b) Set forth the process for obtaining the approval of the Board of such written guidelines and protocols.

Secs. 2-8. (Deleted by amendment.)

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

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

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

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

3. Participation in drug evaluation and drug research.

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

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

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

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

8. Development of written guidelines and protocols in collaboration with a practitioner which are intended for a patient in a licensed medical facility ***or in a setting outside a medical facility where the patient is receiving care*** and ***which*** authorize the implementation, monitoring and modification of drug therapy. The written guidelines and protocols ~~[may authorize a pharmacist to order and use the findings of laboratory tests and examinations.]~~ ***must comply with section 1 of this act.***

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

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

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

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

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

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

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

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

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

6. The provisions of this section do not prohibit ~~[a]~~ ***:***

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

(b) A registered pharmacist or ~~*[physician]*~~ ***practitioner from*** ~~*[engaging in collaborative pharmacy practice pursuant to a collaborative practice agreement]*~~ ***collaborating in the implementation, monitoring and modification of drug therapy pursuant to guidelines and protocols approved by the Board .*** ~~*[pursuant to section 4 of this act.]*~~

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