

SENATE BILL NO. 357—SENATORS SMITH, PARKS; ATKINSON,
DENIS, KIHUEN, MANENDO, SPEARMAN AND WOODHOUSE

MARCH 16, 2015

JOINT SPONSOR: ASSEMBLYMAN CARRILLO

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions relating to pharmacists.
(BDR 54-869)

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 pharmacists; authorizing a registered pharmacist or registered intern pharmacist to administer a drug to the body of a patient by certain means; authorizing a registered pharmacist to administer a vaccine under certain circumstances and to furnish certain drugs to a patient without a prescription; authorizing the State Board of Pharmacy to issue an endorsement as an advanced practice pharmacist to a registered pharmacist under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides for the licensing and regulation of pharmacists in this
2 State. (Chapter 639 of NRS) Existing regulations permit a pharmacist to administer
3 immunizations pursuant to a physician's authorization. (NAC 639.2971) **Section 3**
4 of this bill allows a registered pharmacist to administer certain vaccines without the
5 authorization of a physician. **Section 2** of this bill authorizes a registered
6 pharmacist to administer a drug to the body of a patient by certain means. Existing
7 law requires that a dangerous drug may only be dispensed pursuant to a prescription
8 issued by a practitioner. (NRS 454.215) **Section 4** of this bill allows a registered
9 pharmacist to furnish those drugs to a patient without a prescription under certain
10 circumstances. Existing law allows a pharmacist, under a written protocol and in
11 collaboration with a physician, to order and interpret certain laboratory tests and
12 examinations of a patient to monitor a drug therapy. Additionally, existing law
13 allows a pharmacist to administer a blood glucose test to a patient. (NRS 639.2808,



* S B 3 5 7 *

639.2809) **Section 5** of this bill authorizes the State Board of Pharmacy to endorse as an advanced practice pharmacist a registered pharmacist who has met certain training or experience requirements. **Section 5** allows an advanced practice pharmacist to perform physical assessments of a patient, independently order and interpret lab tests and refer patients to other health care providers.

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 5, inclusive, of this act.

Sec. 2. *In addition to the administration of any drug or medicine pursuant to NRS 454.213, a registered pharmacist or a registered intern pharmacist may administer a drug to the body of a patient by injection, inhalation, ingestion or any other means.*

Sec. 3. 1. *A registered pharmacist who is qualified pursuant to this section may administer a vaccine recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, or its successor.*

2. *Before administering a vaccine pursuant to subsection 1, a registered pharmacist must:*

(a) Complete a program of immunization training endorsed by the Accreditation Council for Pharmacy Education, or its successor; and

(b) Be certified in basic life support by the American Heart Association.

3. *A registered pharmacist who administers a vaccine pursuant to this section shall, as soon as practicable after administering the vaccine:*

(a) Provide documentation of immunization to the patient's primary care provider, if any; and

(b) Provide documentation of immunization to the Division of Public and Behavioral Health of the Department of Health and Human Services.

4. *A registered pharmacist who administers a vaccine pursuant to this section may also administer epinephrine or diphenhydramine by injection to treat a severe allergic reaction to the vaccine.*

Sec. 4. 1. *A registered pharmacist may furnish the following drugs to a patient without a prescription:*

(a) Prescription drugs not requiring a diagnosis that are recommended by the Centers for Disease Control and Prevention for persons traveling outside the United States, in accordance with the provisions of subsection 2;



1 (b) Prescription drugs and devices related to tobacco cessation,
2 in accordance with the provisions of subsection 3; and

3 (c) Drugs for emergency contraception and self-administered
4 hormonal contraceptives, in accordance with the provisions of
5 subsection 4.

6 2. Before furnishing any drug pursuant to paragraph (a) of
7 subsection 1, a registered pharmacist shall complete a course in
8 pharmacy-based travel health services endorsed by the
9 Accreditation Council for Pharmacy Education, or its successor.

10 3. A registered pharmacist who furnishes a drug to a patient
11 pursuant to paragraph (b) of subsection 1 shall:

12 (a) Maintain a record of each drug furnished for at least 3
13 years after furnishing the drug;

14 (b) Notify the patient's primary care physician, if any. If the
15 patient does not have a primary care provider, the registered
16 pharmacist shall advise the patient to consult a physician; and

17 (c) Complete a course in tobacco cessation therapy specified by
18 the Board.

19 4. A registered pharmacist who furnishes a drug or
20 contraceptive to a patient pursuant to paragraph (c) of subsection
21 1 shall:

22 (a) Require the patient to complete a self-screening tool, which
23 must be developed by the State Board of Pharmacy in consultation
24 with the Board of Medical Examiners and based on the United
25 States Medical Eligibility Criteria for Contraceptive Use developed
26 by the Centers for Disease Control and Prevention;

27 (b) Comply with any regulation adopted by the Board; and

28 (c) Complete any training required by the Board.

29 5. This section does not authorize a pharmacist to furnish a
30 controlled substance without a prescription.

31 6. The Board shall adopt regulations to carry out the
32 provisions of this section.

33 **Sec. 5.** 1. The Board may issue an endorsement as an
34 advanced practice pharmacist to any registered pharmacist in
35 good standing with the Board who has:

36 (a) Completed a 1-year postgraduate residency in pharmacy
37 which included significant direct patient care as part of an
38 interdisciplinary team;

39 (b) Had at least 1 year of experience managing patients under
40 a collaborative agreement or protocol with a practitioner pursuant
41 to NRS 639.2809; or

42 (c) Completed an accredited certification program in a
43 relevant area of practice approved by the Board.

44 2. An advanced practice pharmacist may:

45 (a) Perform a physical assessment of a patient;



(b) Order and interpret laboratory tests for the purpose of monitoring the toxicity and efficacy of a drug therapy on a patient; and

(c) Refer a patient to other providers of health care.

3. The Board shall adopt regulations:

(a) Specifying the required education, training or experience for the issuance of an endorsement as an advanced practice pharmacist pursuant to subsection 1 and any continuing education requirements for the renewal of the endorsement.

(b) Defining the scope of practice for an advanced practice pharmacist in collaboration with the Board of Medical Examiners.

(c) Establishing the manner in which a registered pharmacist may apply for an endorsement as an advanced practice pharmacist and setting any application fee, which must not exceed the cost of issuing the endorsement.

Sec. 6. 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. *Administering of a drug that has been prescribed by a practitioner.*

3. *Administering of a vaccine pursuant to section 3 of this act.*

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

~~3.~~ 5. Participation in drug evaluation and drug research.

~~4.~~ 6. Advising of the therapeutic value, reaction, drug interaction, hazard and use of a drug.

~~5.~~ 7. *Provision of information concerning the management and prevention of disease.*

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

~~6.~~ 9. Maintenance of proper documentation of the source, storage and distribution of a drug.

~~7.~~ 10. Interpretation of clinical data contained in a person's record of medication.

~~8.~~ 11. 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 that is affiliated with 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 must comply with NRS 639.2809.



~~19.1~~ 12. 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.

↳ 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. 7. NRS 639.170 is hereby amended to read as follows:

639.170 1. The Board shall charge and collect not more than the following fees for the following services:

For the examination of an applicant for registration as a pharmacist.....	Actual cost of the examination
For the investigation or registration of an applicant as a registered pharmacist.....	\$200
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity	300
For the investigation or issuance of an original license to conduct a retail pharmacy	600
For the biennial renewal of a license to conduct a retail pharmacy	500
For the investigation or issuance of an original license to conduct an institutional pharmacy	600
For the biennial renewal of a license to conduct an institutional pharmacy.....	500
For the issuance of an original or duplicate certificate of registration as a registered pharmacist	50
For the biennial renewal of registration as a registered pharmacist	200
For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse).....	100
For the initial registration of a pharmaceutical technician or pharmaceutical technician in training	50
For the biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training	50
For the investigation or registration of an intern pharmacist.....	50



1	For the biennial renewal of registration as an	
2	intern pharmacist.....	\$40
3	For investigation or issuance of an original	
4	license to a manufacturer or wholesaler.....	500
5	For the biennial renewal of a license for a	
6	manufacturer or wholesaler.....	500
7	For the reissuance of a license issued to a	
8	pharmacy, when no change of ownership	
9	is involved, but the license must be	
10	reissued because of a change in the	
11	information required thereon.....	100
12	For authorization of a practitioner to dispense	
13	controlled substances or dangerous drugs,	
14	or both	300
15	For the biennial renewal of authorization of a	
16	practitioner to dispense controlled	
17	substances or dangerous drugs, or both.....	300
18	<i>For an application for an endorsement as an</i>	
19	<i>advanced practice pharmacist.....</i>	<i>Actual cost</i>

2. If a person requests a special service from the Board or requests the Board to convene a special meeting, the person must pay the actual costs to the Board as a condition precedent to the rendition of the special service or the convening of the special meeting.

3. All fees are payable in advance and are not refundable.

4. The Board may, by regulation, set the penalty for failure to pay the fee for renewal for any license, permit, authorization or certificate within the statutory period, at an amount not to exceed 100 percent of the fee for renewal for each year of delinquency in addition to the fees for renewal for each year of delinquency.

Sec. 8. NRS 454.215 is hereby amended to read as follows:

454.215 A dangerous drug may be dispensed by:

1. A registered pharmacist ~~upon~~ :

(a) *Upon* the legal prescription from a practitioner ~~for to~~ ;

(b) *To* a pharmacy in a correctional institution upon the written order of the prescribing practitioner in charge; *or*

(c) *Pursuant to section 4 of this act;*

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

3. A practitioner, or a physician assistant licensed pursuant to chapter 630 or 633 of NRS if authorized by the Board;

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

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



6. An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her to dispense dangerous drugs;

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

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

9. A registered nurse to a patient at a rural clinic that is designated as such pursuant to NRS 433.233 and that is operated by the Division of Public and Behavioral Health of the Department of Health and Human Services if the nurse is providing mental health services at the rural clinic,

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

Sec. 9. NRS 454.221 is hereby amended to read as follows:

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

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

(a) A practitioner to his or her patients;

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS if authorized by the Board;

(c) A registered nurse while participating in a public health program approved by the Board, or an advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her to dispense dangerous drugs;

(d) A manufacturer or wholesaler or pharmacy to each other or to a practitioner or to a laboratory under records of sales and purchases that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity;

(e) A hospital pharmacy or a pharmacy so designated by a county health officer in a county whose population is 100,000 or more, or by a district health officer in any county within its jurisdiction or, in the absence of either, by the Chief Medical Officer or the Chief Medical Officer's designated Medical Director of Emergency Medical Services, to a person or agency described in subsection 3 of NRS 639.268 to stock ambulances or other authorized vehicles or replenish the stock; ~~for~~

(f) A pharmacy in a correctional institution to a person designated by the Director of the Department of Corrections to administer a lethal injection to a person who has been sentenced to death ~~for~~; or

(g) A registered pharmacist pursuant to section 4 of this act.



- 1 **Sec. 10.** This act becomes effective:
2 1. Upon passage and approval for the purposes of adopting any
3 regulations and performing any preparatory administrative tasks
4 necessary to carry out the provisions of this act; and
5 2. On January 1, 2016, for all other purposes.

