

REQUIRES TWO-THIRDS MAJORITY VOTE (§ 6)

(Reprinted with amendments adopted on April 22, 2019)

FIRST REPRINT

A.B. 204

ASSEMBLY BILL NO. 204—ASSEMBLYMEN HARDY,
LEAVITT; AND TITUS

FEBRUARY 18, 2019

JOINT SPONSORS: SENATORS HARDY
AND HAMMOND

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to health care.
(BDR 54-932)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 prescription drugs; revising provisions governing recovery centers and chart orders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that hospitals, facilities for intermediate care and facilities for skilled nursing which are licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services may use chart orders to authorize the administration of a drug to a patient. (NRS 639.004) **Section 2** of this bill defines a recovery center. **Section 5** of this bill adds a recovery center to the list of facilities that may use a chart order. **Section 3** of this bill authorizes the State Board of Pharmacy to license recovery centers to possess and administer controlled substances and dangerous drugs and authorizes the board to adopt regulations concerning their operation. **Section 6** of this bill establishes the maximum fees that the Board may charge for investigating, initially licensing and renewing the license of a recovery center.



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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 and 3 of this act.

Sec. 2. *“Recovery center” means any public or private facility that provides only short-term care, not to exceed 72 hours, to a person recovering from surgery, which is licensed as such by the Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 3. 1. *The Board may issue a license to a facility that is licensed by the State Board of Health pursuant to NRS 449.0303 that meets the requirements set forth by the Board by regulation.*

2. *The Board shall adopt regulations:*

(a) As are necessary for the protection of the public appertaining to the safe and efficient acquisition, possession, storage, handling and administration of controlled substances and dangerous drugs in a facility licensed pursuant to this section.

(b) To set forth the qualifications, authority and duties of a facility licensed pursuant to this section and the owners, employees and contract employees of the facility.

Sec. 4. 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 section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 5. NRS 639.004 is hereby amended to read as follows:

639.004 “Chart order” means an order entered on the chart of a patient in a hospital, *recovery center*, facility for intermediate care or facility for skilled nursing which is licensed as such by the Division of Public and Behavioral Health of the Department of Health and Human Services or on the chart of a patient under emergency treatment in a hospital by a practitioner or on the written or oral order of a practitioner authorizing the administration of a drug to the patient.

Sec. 6. 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



1	For the investigation or registration of an	
2	applicant as a registered pharmacist,	
3	including a certificate by endorsement.....	\$200
4	For the investigation, examination or	
5	registration of an applicant as a registered	
6	pharmacist by reciprocity	300
7	For the investigation or issuance of an	
8	original license to conduct a retail	
9	pharmacy, including a license by	
10	endorsement	600
11	For the biennial renewal of a license to	
12	conduct a retail pharmacy	500
13	For the investigation or issuance of an	
14	original license to conduct an institutional	
15	pharmacy, including a license by	
16	endorsement	600
17	For the biennial renewal of a license to	
18	conduct an institutional pharmacy.....	500
19	<i>For the investigation or issuance of an</i>	
20	<i>original license to conduct a facility</i>	
21	<i>licensed pursuant to section 3 of this act.....</i>	<i>600</i>
22	<i>For the biennial renewal of a license to</i>	
23	<i>conduct a facility licensed pursuant to</i>	
24	<i>section 3 of this act.....</i>	<i>500</i>
25	For the issuance of an original or duplicate	
26	certificate of registration as a registered	
27	pharmacist, including a certificate by	
28	endorsement	50
29	For the biennial renewal of registration as a	
30	registered pharmacist	200
31	For the reinstatement of a lapsed registration	
32	(in addition to the fees for renewal for the	
33	period of lapse).....	100
34	For the initial registration of a	
35	pharmaceutical technician or	
36	pharmaceutical technician in training	50
37	For the biennial renewal of registration of a	
38	pharmaceutical technician or	
39	pharmaceutical technician in training	50
40	For the investigation or registration of an	
41	intern pharmacist.....	50
42	For the biennial renewal of registration as an	
43	intern pharmacist.....	40
44	For investigation or issuance of an original	
45	license to a manufacturer or wholesaler.....	500



For the biennial renewal of a license for a manufacturer or wholesaler.....	\$500
For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon.....	100
For authorization of a practitioner to dispense controlled substances or dangerous drugs, or both	300
For the biennial renewal of authorization of a practitioner to dispense controlled substances or dangerous drugs, or both.....	300

2. If an applicant submits an application for a certificate or license by endorsement pursuant to NRS 639.136 or 639.2315, as applicable, the Board shall charge and collect not more than the fee specified in subsection 1, respectively, for:

(a) The initial registration and issuance of an original certificate of registration as a registered pharmacist.

(b) The issuance of an original license to conduct a retail or an institutional pharmacy.

3. If an applicant submits an application for a certificate or license by endorsement pursuant to NRS 639.1365 or 639.2316, as applicable, the Board shall collect not more than one-half of the fee set forth in subsection 1, respectively, for:

(a) The initial registration and issuance of an original certificate of registration as a registered pharmacist.

(b) The issuance of an original license to conduct a retail or an institutional pharmacy.

4. 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.

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

6. 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. 7. NRS 639.23275 is hereby amended to read as follows:

639.23275 1. Except as otherwise provided in NRS 453.256, no pharmacy may deliver a controlled substance or dangerous drug for a specific patient to a hospital, *recovery center*, facility for



1 intermediate care or facility for skilled nursing which is licensed as
2 such by the Division of Public and Behavioral Health of the
3 Department of Health and Human Services which does not have a
4 pharmacy on the premises except pursuant to a prescription given:

5 (a) Directly from the prescribing practitioner to a pharmacist;
6 (b) Indirectly by means of an order signed by the prescribing
7 practitioner; or

8 (c) By an oral order transmitted by an agent of the prescribing
9 practitioner.

10 2. If an order for entry on a chart is given by a prescribing
11 practitioner, the chart order must be signed by the practitioner who
12 authorized the administration of the drug within 48 hours after the
13 order is given by that practitioner.

14 **Sec. 8.** This act becomes effective July 1, 2019.

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