West's Nevada Revised Statutes Annotated Currentness
Title 54. Professions, Occupations and Businesses (Chapters 622-656A)
Chapter 639. Pharmacists and Pharmacy (Refs & Annos)
General Provisions

639.001. Definitions

As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 639.0015 to 639.016, inclusive, have the meanings ascribed to them in those sections.

639.0015. "Advanced practitioner of nursing" defined

"Advanced practice registered nurse" means a registered nurse who holds a valid license as an advanced practice registered nurse issued by the State Board of Nursing pursuant to NRS 632.237.

639.002. "Board" defined

"Board" means the State Board of Pharmacy.

639.003. "Certificate" defined

"Certificate," unless otherwise indicated, means a certificate of registration as a pharmacist in this State.

639.004. "Chart order" defined

"Chart order" means an order entered on the chart of a patient in a hospital, facility for intermediate care or facility for skilled nursing which is licensed as such by the Health Division 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.

639.005. "Chemical" defined

"Chemical" means all chemicals intended, designed and labeled for use in the cure, treatment, mitigation or prevention of disease in humans or other animals.

639.0053. "Compound" and "compounding" defined

"Compound" or "compounding" means to form or make up a composite product by combining two or more different ingredients.

639.006. "Conviction" defined

"Conviction" means a plea or verdict of guilty or guilty but mentally ill or a conviction following a plea of nolo contendere to a charge of a felony, any offense involving moral turpitude or any violation of the provisions of this chapter or chapter 453 or 454 of NRS.

639.0065. "Dispense" defined

1. "Dispense" means to deliver a controlled substance or dangerous drug to an ultimate user, patient or subject of research by or pursuant to the lawful order of a practitioner, including the prescribing by a practitioner, administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.

2. The term does not include the furnishing of a controlled substance by a hospital pharmacy for inpatients.

639.007. "Drug" and "medicine" defined

"Drug" and "medicine" mean:

1. Articles recognized in the official United States Pharmacopoeia, the official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them;

2. Articles and devices intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or other animals;

3. Articles, other than food, aspirin and effervescent saline analgesics, intended to affect the structure or any function of the body of humans or other animals;

4. Articles intended for use as a component of any article specified in subsection 1, 2 or 3; and

5. Any controlled substance.

639.0071. "Drug sample" defined

"Drug sample" means a unit of a drug that is not to be sold and is used to promote the sale of the drug.

639.0072. Repealed

639.0073. "Fill" defined

"Fill" means the counting, measuring, compounding, pouring, packaging and labeling required to prepare a drug for either direct or indirect delivery to a patient.

639.0074. "Hospital" defined

"Hospital" means any facility which is licensed by the Department of Health and Human Services as a hospital and which provides care and treatment for human illness or other abnormal physical or mental conditions on an inpatient basis, including any such facility operated by this State or a political subdivision of this State.

639.008. "Hypodermics" defined

"Hypodermics" means any syringe, needle, instrument, device or implement intended or capable of being adapted for the purpose of administering drugs by subcutaneous, intramuscular or intravenous injection.

639.0085. "Institutional pharmacy" defined

"Institutional pharmacy" means a pharmacy or other storage place as defined by regulations adopted by the Board which is a part of or is operated in conjunction with a medical facility as that term is defined in NRS 449.0151. The term includes:

1. A pharmacy on the premises of the medical facility which provides a system of distributing and supplying medication to the facility, whether or not operated by the facility; and

2. A pharmacy off the premises of the medical facility which provides services only to the patients of the facility and provides a system of distributing medication based upon chart orders from the medical facility.

639.0086. "Intern pharmacist" defined

"Intern pharmacist" means a person registered with and issued a certificate of registration by the Board as an intern pharmacist pursuant to NRS 639.137.

639.00865. "Internet pharmacy" defined

1. "Internet pharmacy" means a person located within or outside this State who knowingly:

(a) Uses or attempts to use the Internet, in whole or in part, to communicate with or obtain information from another person; and

(b) Uses or attempts to use such communication or information, in whole or in part, to fill or refill a prescription or otherwise engage in the practice of pharmacy.

2. As used in this section, "Internet" has the meaning ascribed to it in NRS 453.3625.

639.0087. "Managing pharmacist" defined

"Managing pharmacist" means a registered pharmacist who is responsible for the operation of a pharmacy.

639.009. "Manufacturer" defined

"Manufacturer" means a person who:

1. Derives, produces, prepares, compounds, mixes, cultivates, grows or processes any drug or medicine;

2. Repackages any drug or medicine for the purposes of resale; or

3. Produces or makes any devices or appliances that are restricted by federal law to sale by or on the order of a physician.

639.0095. "Nuclear pharmacist" defined

"Nuclear pharmacist" means a pharmacist who:

1. Is licensed to practice in this State; and

2. Meets the requirements of training and experience concerning the handling of radioactive materials pursuant to the regulations adopted by the Nuclear Regulatory Commission or the Health Division of the Department of Health and Human Services.

639.0097. "Nuclear pharmacy" defined

"Nuclear pharmacy" means a pharmacy:

1. Where radiopharmaceuticals are stored, compounded or dispensed; and

2. Which is licensed by the Nuclear Regulatory Commission or the Health Division of the Department of Health and Human Services to handle radioactive materials.

639.0105. "Parenteral solutions" and "parenterals" defined

"Parenteral solutions" or "parenterals" means those drugs which are administered into the human body by injection under or through one or more layers of skin or mucous membrane.

639.0113. "Pharmaceutical technician" defined

"Pharmaceutical technician" means a person who performs technical services in a pharmacy under the direct supervision of a pharmacist and is registered with the Board.

639.0115. "Pharmaceutical technician in training" defined

"Pharmaceutical technician in training" means a person who is:

1. Registered with the Board in order to obtain the training and experience required to be a pharmaceutical technician; or

2. Enrolled in a program of training for pharmaceutical technicians that is approved by the Board.

639.012. "Pharmacy" defined

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

2. "Pharmacy" includes:

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

(b) Institutional pharmacies.

(c) Pharmacies in correctional institutions.

(d) Nuclear pharmacies.

(e) Internet pharmacies.

639.0123. “Pharmacy in a correctional institution” defined

“Pharmacy in a correctional institution” means a pharmacy or other storage place for medicines, controlled substances and dangerous drugs which is a part of or is operated in conjunction with a correctional institution or facility, including a jail and facilities for the detention of juveniles.

639.0124. “Practice of pharmacy” defined

“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 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.

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.

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.

639.0125. "Practitioner" defined

"Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers therapeutic pharmaceutical agents within the scope of his or her certification.

639.013. “Prescription” defined

1. “Prescription” means:

(a) An order given individually for the person for whom prescribed, directly from the practitioner to a pharmacist or indirectly by means of an order signed by the practitioner or by an electronic transmission from the practitioner to a pharmacist.

(b) A chart order written for an inpatient specifying drugs which the inpatient is to take home upon discharge.

2. The term does not include a chart order written for an inpatient for use while he or she is an inpatient.

639.0143. “Radiopharmaceutical” defined

“Radiopharmaceutical” means any substance defined as a drug in 21 U.S.C. § 321(g)(1) which:

1. Exhibits spontaneous disintegration of unstable nuclei which emit nuclear particles or photons; or

2. Is intended to be made radioactive.

The term includes nonradioactive reagent kits and nuclide generators which are used in the preparation of any substance. The term does not include drugs containing compounds of carbon or potassium or salts containing potassium which contain trace quantities of naturally occurring radionuclides.

639.0145. “Refill” defined

“Refill” means to fill again.

639.015. “Registered pharmacist” defined

“Registered pharmacist” means:

1. A person registered in this State as such on July 1, 1947;

2. A person registered in this State as such in compliance with the provisions of paragraph (c) of section 3 of chapter 195, Statutes of Nevada 1951; or

3. A person who has complied with the provisions of NRS 639.120 and whose name has been entered in the registry of pharmacists of this State by the Executive Secretary of the Board and to whom a valid certificate as a registered pharmacist or valid renewal thereof has been issued by the Board.

639.0151. "Remote site" defined

"Remote site" means:

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 of a dispensing practitioner that is staffed by a dispensing technician and equipped to facilitate communicative access to the dispensing practitioner, electronically, telephonically or by fiber optics during regular business hours from within or outside this State or the United States.

639.0152. Repealed

639.0153. "Satellite consultation site" defined

"Satellite consultation site" means a site that only dispenses filled prescriptions which are delivered to that site after the prescriptions are prepared:

1. At a pharmacy where a registered pharmacist provides consultation to patients; or

2. At an office of a dispensing practitioner where the dispensing practitioner provides consultation to patients, electronically, telephonically or by fiber optics during regular business hours from within or outside this State or the United States.

639.0154. "Telepharmacy" defined

"Telepharmacy" means:

1. A pharmacy; or

2. An office of a dispensing practitioner, that is accessible by a remote site or a satellite consultation site electronically, telephonically or by fiber optics from within or outside this State or the United States.

639.0155. “Wholesale distribution” defined

“Wholesale distribution” means the distribution of drugs to persons other than consumers or patients, but does not include:

1. Sales within a company.

2. The purchase or other acquisition of a drug by a health care facility or a pharmacy that is a member of a purchasing organization.

3. The sale, purchase or trade of a drug or an offer to sell, purchase or trade a drug:

(a) By a charitable organization, as defined by section 501(c)(3) of the Internal Revenue Code of 1954, 26 U.S.C. § 501(c)(3), to a nonprofit affiliate of the organization.

(b) Between health care facilities or pharmacies that are under common control.

(c) For emergency medical reasons.

(d) Pursuant to a prescription.

4. A transfer of drugs, in an amount not to exceed 5 percent of the total annual sales, by a retail pharmacy to another retail pharmacy to alleviate a temporary shortage.

5. The distribution of drug samples by a representative of the manufacturer or distributor.

6. The sale, purchase or exchange of blood or blood components for transfusions.

As used in this section, “health care facility” has the meaning ascribed to it in NRS 162A.740.

639.016. “Wholesaler” defined

“Wholesaler” means a wholesale distributor as defined by 21 C.F.R. § 205.3(g) who supplies or distributes drugs, medicines or chemicals or devices or appliances that are restricted by federal law to sale by or on the order of a physician to a person other than the consumer or patient. The term includes a person who derives, produces, prepares or repackages drugs, medicines or chemicals or devices or appliances that are restricted by federal law to sale by or on the order of a physician on sales orders for resale. The term does not include a nonprofit cooperative agricultural organization which supplies or distributes veterinary drugs and medicines only to its own members.

State Board of Pharmacy

➡639.020. Creation; number and appointment of members

The State Board of Pharmacy, consisting of seven members appointed by the Governor, is hereby created.

➡639.030. Qualification and terms of members; oath; vacancies; grounds for removal from office

1. The Governor shall appoint:

(a) Six members who are registered pharmacists in the State of Nevada, are actively engaged in the practice of pharmacy in the State of Nevada and have had at least 5 years' experience as registered pharmacists preceding the appointment.

(b) One member who is a representative of the general public and is not related to a pharmacist registered in the State of Nevada by consanguinity or affinity within the third degree.

2. Appointments of registered pharmacists must be representative of the practice of pharmacy.

3. Within 30 days after appointment, each member of the Board shall take and subscribe an oath to discharge faithfully and impartially the duties prescribed by this chapter.

4. After the initial terms, the members of the Board must be appointed to terms of 3 years. A person may not serve as a member of the Board for more than three consecutive terms. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this chapter to replace that member for the remainder of the unexpired term.

5. The Governor shall remove from the Board any member, after a hearing, for neglect of duty or other just cause.

➡639.040. Officers of Board: Election of President and Treasurer; employment, duties and compensation of Executive Secretary

1. The Board shall elect a President and a Treasurer from among its members.

2. The Board shall employ an Executive Secretary, who is not a member of the Board. The Executive Secretary must have experience as a licensed pharmacist in this State or in another state with comparable licensing requirements. The Executive Secretary shall keep a complete record of all proceedings of the Board and of all certificates issued, and shall perform such other duties as the Board may require, for which services the Executive Secretary is entitled to receive a salary to be determined by the Board.

639.050. Meetings; quorum; compensation of members and employees

1. The Board shall hold a meeting at least once in every 6 months.

2. Four members of the Board constitute a quorum.

3. Meetings of the Board which are held to deliberate on the decision in an administrative action or to prepare, grade or administer examinations are closed to the public.

4. Each member of the Board is entitled to receive:

(a) A salary of not more than $150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

5. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

639.060. Biennial report to Governor

Before September 1 of each even-numbered year, for the biennium ending June 30 of that year, the Board shall report to the Governor upon the condition of pharmacy in the State of Nevada. The report must contain:

1. A summary of the proceedings of the Board for the year.

2. The names of all pharmacists registered under this chapter.

3. A complete statement of all fees received.

639.063. Annual report concerning drugs returned or transferred to pharmacies from certain facilities and institutions and reissued to fill other prescriptions

1. The Board shall prepare an annual report concerning drugs that are returned or transferred to pharmacies pursuant to NRS 433.801, 449.2485, 639.2675 and 639.2676 and section 58.85 of this act and are reissued to fill other prescriptions. The report must include, without limitation:

(a) The number of drugs that are returned to dispensing pharmacies.

(b) The number of drugs that are transferred to nonprofit pharmacies designated by the Board pursuant to NRS 639.2676.

(c) The number of drugs that are reissued to fill other prescriptions.

(d) An estimate of the amount of money saved by reissuing such drugs to fill other prescriptions.

(e) Any other information that the Board deems necessary.

2. The report must be:

(a) Available for public inspection during regular business hours at the office of the Board; and

(b) Posted on a website or other Internet site that is operated or administered by or on behalf of the Board.

639.065. Annual report concerning immunizations administered by pharmacists

The Board shall prepare an annual report concerning immunizations administered by pharmacists that includes, without limitation, the number of immunizations which were administered by pharmacists during the previous year, any problems or complaints reported to the Board concerning immunizations administered by pharmacists and any other information that the Board determines would be useful in determining whether pharmacists should continue to administer immunizations in this State. The report must be available for public inspection during regular business hours at the office of the Board.

639.067. Posting of information relating to pharmaceutical manufacturers on website

The Board shall post on a website or other Internet site that is operated or administered by or on behalf of the Board:

1. A general description of the basic elements of the Compliance Program Guidance for Pharmaceutical Manufacturers that is published by the Office of Inspector General of the United States Department of Health and Human Services, or links to websites or other Internet sites that are operated or administered by or on behalf of the Office of Inspector General where such information may be obtained;

2. A general description of the process for reporting unlawful or unethical conduct by pharmaceutical manufacturers to the Office of Inspector General, or links to websites or other Internet sites that are operated or administered by or on behalf of the Office of Inspector General where such information may be obtained; and

3. A current telephone number for the Office of Inspector General.

639.070. General powers

1. The Board may:

(a) Adopt such regulations, not inconsistent with the laws of this State, as are necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) Adopt regulations requiring that prices charged by retail pharmacies for drugs and medicines which are obtained by prescription be posted in the pharmacies and be given on the telephone to persons requesting such information.

(c) Adopt regulations, not inconsistent with the laws of this State, authorizing the Executive Secretary of the Board to issue certificates, licenses and permits required by this chapter and chapters 453 and 454 of NRS.

(d) Adopt regulations governing the dispensing of poisons, drugs, chemicals and medicines.

(e) Regulate the practice of pharmacy.

(f) Regulate the sale and dispensing of poisons, drugs, chemicals and medicines.

(g) Regulate the means of recordkeeping and storage, handling, sanitation and security of drugs, poisons, medicines, chemicals and devices, including, but not limited to, requirements relating to:

(1) Pharmacies, institutional pharmacies and pharmacies in correctional institutions;

(2) Drugs stored in hospitals; and

(3) Drugs stored for the purpose of wholesale distribution.

(h) Examine and register, upon application, pharmacists and other persons who dispense or distribute medications whom it deems qualified.

(i) Charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides, other than those specifically set forth in this chapter.

(j) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(k) Employ an attorney, inspectors, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(l) Enforce the provisions of NRS 453.011 to 453.552, inclusive, and enforce the provisions of this chapter and chapter 454 of NRS.

(m) Adopt regulations concerning the information required to be submitted in connection with an application for any license, certificate or permit required by this chapter or chapter 453 or 454 of NRS.

(n) Adopt regulations concerning the education, experience and background of a person who is employed by the holder of a license or permit issued pursuant to this chapter and who has access to drugs and devices.

(o) Adopt regulations concerning the use of computerized mechanical equipment for the filling of prescriptions.

(p) Participate in and expend money for programs that enhance the practice of pharmacy.

2. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

3. This section does not authorize the Board to prohibit open-market competition in the advertising and sale of prescription drugs and pharmaceutical services.

➡ 639.071. Regulations: Institutional pharmacies

The Board may adopt such regulations as are necessary for the safe and efficient operation of institutional pharmacies.

➡ 639.072. Regulations: Correctional institutions

The Board shall adopt regulations concerning the safe and efficient operation of pharmacies in correctional institutions.

➡ 639.0725. Regulations: Internet pharmacies

1. The Board shall adopt such regulations as are necessary for the safe and efficient operation of pharmacies and wholesalers that offer their services to persons in this State via the Internet.

2. For the purposes of this section, “pharmacy” includes any person who sells or offers to sell drugs to persons in this State via the Internet.

➡639.0727. Regulations: Remote sites, satellite consultation sites and telepharmacies; dispensing practitioners and dispensing technicians

The Board shall adopt regulations:

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

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;

3. To authorize registered pharmacists to engage in the practice of pharmacy electronically, telephonically or by fiber optics from within this State; and

4. To authorize prescriptions to be filled and dispensed to patients as prescribed by practitioners electronically, telephonically or by fiber optics from within or outside this State or the United States.

➡639.073. Regulations: Restricting sale of drugs except under supervision of registered pharmacist

1. If the public interest would best be served, the Board may adopt regulations restricting the sale of drugs to sale by or under the direct supervision of a registered pharmacist.

2. Any regulation adopted pursuant to the provisions of this section shall also include the conditions under which such drugs shall be stored in a pharmacy and the circumstances under which such drugs may be sold.

➡639.074. Regulations: Registered nurses who participate in certain public health programs or provide certain mental health services

The Board may adopt such regulations as may be necessary to ensure that proper and adequate safeguards, including dispensing procedures, are followed to protect a registered nurse who:

1. Participates in a public health program approved by the Board; or

2. Provides mental health services 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 Mental Health and Developmental Services of the Department of Health and Human Services.

➡639.0745. Regulations: Transfer, security and exchange of information relating to prescriptions

1. The Board may adopt regulations concerning the transfer of information between pharmacies relating to prescriptions.

2. The Board shall adopt regulations concerning the electronic transmission and the transmission by a facsimile machine of a prescription from a practitioner to a pharmacist for the dispensing of a drug. The regulations must be consistent with NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto and must establish procedures to:

(a) Ensure the security and confidentiality of the data that is transmitted between:

(1) The practitioner and the pharmacy;

(2) The practitioner and an insurer of the person for whom the prescription is issued; and

(3) The pharmacy and an insurer of the person for whom the prescription is issued.

(b) Protect the identity of the practitioner to prevent misuse of the identity of the practitioner or other fraudulent conduct related to the electronic transmission of a prescription.

(c) Verify the authenticity of a signature that is produced:

(1) By the computer or other electronic device; or

(2) Manually by the practitioner.

3. The Board shall adopt regulations governing the exchange of information between pharmacists and practitioners relating to prescriptions filled by the pharmacists for persons who are suspected of:

(a) Misusing prescriptions to obtain excessive amounts of drugs.

(b) Failing to use a drug in conformity with the directions for its use or taking a drug in combination with other drugs in a manner that could result in injury to that person.

The pharmacists and practitioners shall maintain the confidentiality of the information exchanged pursuant to this subsection.

➡ **639.075. Fiscal year**

The Board shall operate on the basis of a fiscal year commencing on July 1 and terminating on June 30.

➡639.081. Deposit and use of money received by Board; delegation of authority to take disciplinary action; deposit of fines imposed by Board; claims for attorney's fees and costs of investigation

1. Except as otherwise provided in subsection 3, all money coming into the possession of the Board must be kept or deposited by the Executive Secretary of the Board in banks, credit unions or savings and loan associations in the State of Nevada, or invested in United States treasury bills or notes, to be expended for payment of compensation and expenses of members of the Board and for other necessary or proper purposes in the administration of this chapter.

2. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State.

3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

➡639.090. Enforcement of chapter

The members of the Board, its inspectors and investigators are designated and constituted agents for the enforcement and carrying out of the provisions of this chapter, and for this purpose they are entitled to have free access at all times during business hours to all places where drugs, medicines or poisons or devices or appliances that are restricted by federal law to sale by or on the order of a physician are held or offered for sale and to all records of sale and disposition of drugs, medicines or poisons or devices or appliances that are restricted by federal law to sale by or on the order of a physician.

➡639.091. Repealed

➡639.093. Communication with other public agencies; immunity

The Board may communicate the results of its deliberations or investigations to other public agencies, and the Board or its members, agents, servants, employees or attorneys shall not incur any liability as a result of such communications.

➡639.095. Board to furnish free copies of law and regulations

The Board shall furnish each applicant for registration and each resident registered pharmacist with a free copy of chapters 453, 454, 585 and 639 of NRS and the regulations of the Board. Free copies must be provided nonresident

pharmacists registered in Nevada upon request.

➡639.097. Injunctive relief available to Board

The Board may bring an action to enjoin any act which would be in violation of the provisions of this chapter. Such action shall be commenced in the district court in and for the county in which the act is to occur and shall be in conformity with Rule 65 of the Nevada Rules of Civil Procedure, except that the Board shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or irreparable damage or loss. The action shall be brought in the name of the State of Nevada.

Certificates, Licenses and Permits

➡639.100. Unlawful to manufacture, engage in wholesale distribution, compound, sell or dispense drug, poison, medicine or chemical; exceptions; application for license

1. Except as otherwise provided in this chapter, it is unlawful for any person to manufacture, engage in wholesale distribution, compound, sell or dispense, or permit to be manufactured, distributed at wholesale, compounded, sold or dispensed, any drug, poison, medicine or chemical, or to dispense or compound, or permit to be dispensed or compounded, any prescription of a practitioner, unless the person:

(a) Is a prescribing practitioner, a person licensed to engage in wholesale distribution, a technologist in radiology or nuclear medicine under the supervision of the prescribing practitioner, a registered pharmacist, or a registered nurse certified in oncology under the supervision of the prescribing practitioner; and

(b) Complies with the regulations adopted by the Board.

2. A person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony,

and shall be punished as provided in NRS 193.130.

3. Sales representatives, manufacturers or wholesalers selling only in wholesale lots and not to the general public and compounders or sellers of medical gases need not be registered pharmacists. A person shall not act as a manufacturer or wholesaler unless the person has obtained a license from the Board.

4. Any nonprofit cooperative organization or any manufacturer or wholesaler who furnishes, sells, offers to sell or

delivers a controlled substance which is intended, designed and labeled “For Veterinary Use Only” is subject to the provisions of this chapter, and shall not furnish, sell or offer to sell such a substance until the organization, manufacturer or wholesaler has obtained a license from the Board.

5. Each application for such a license must be made on a form furnished by the Board and an application must not be considered by the Board until all the information required thereon has been completed. Upon approval of the application by the Board and the payment of the required fee, the Board shall issue a license to the applicant. Each license must be issued to a specific person for a specific location.

6. The Board shall not condition, limit, restrict or otherwise deny to a prescribing practitioner the issuance of a certificate, license, registration, permit or authorization to prescribe controlled substances or dangerous drugs because the practitioner is located outside this State.

639.120. Qualifications of applicants to become registered pharmacists

1. An applicant to become a registered pharmacist in this State must:

(a) Be of good moral character.

(b) Be a graduate of a college of pharmacy or department of pharmacy of a university accredited by the Accreditation Council for Pharmacy Education or Canadian Council for Accreditation of Pharmacy Programs and approved by the Board or a graduate of a foreign school who has passed an examination for foreign graduates approved by the Board to demonstrate that his or her education is equivalent.

(c) Except as otherwise provided in NRS 622.090:

(1) Pass an examination approved and given by the Board with a grade of at least 75 on the examination as a whole and a grade of at least 75 on the examination on law.

(2) If he or she is an applicant for registration by reciprocity, pass the examination on law with at least a grade of 75.

(d) Complete not less than 1,500 hours of practical pharmaceutical experience as an intern pharmacist under the direct and immediate supervision of a registered pharmacist.

2. The practical pharmaceutical experience required pursuant to paragraph (d) of subsection 1 must relate primarily to the selling of drugs, poisons and devices, the compounding and dispensing of prescriptions, preparing prescriptions and keeping records and preparing reports required by state and federal statutes.

3. The Board may accept evidence of compliance with the requirements set forth in paragraph (d) of subsection 1 from

boards of pharmacy of other states in which the experience requirement is equivalent to the requirements in this State.

➡639.125. Repealed

➡639.127. Application for registration as pharmacist; payment of fee; proof of qualifications; period of validity; issuance of certificate of registration

1. An applicant for registration as a pharmacist in this State must submit an application to the Executive Secretary of the Board on a form furnished by the Board and must pay the fee fixed by the Board. The fee must be paid at the time the application is submitted and is compensation to the Board for the investigation and the examination of the applicant. Under no circumstances may the fee be refunded.

2. Proof of the qualifications of any applicant must be made to the satisfaction of the Board and must be substantiated by affidavits, records or such other evidence as the Board may require.

3. An application is only valid for 1 year after the date it is received by the Board unless the Board extends its period of validity.

4. A certificate of registration as a pharmacist must be issued to each person who the Board determines is qualified pursuant to the provisions of NRS 639.120 and 639.134. The certificate entitles the person to whom it is issued to practice pharmacy in this State.

➡639.128. Repealed

➡639.129. Payment of child support: Submission of certain information by applicant; grounds for denial of certificate or license; duty of Board

<Text of section expires by limitation on the date of the repeal of the federal law requiring states to establish procedures for restricting licenses for persons with child support arrearages or related procedural noncompliance. See, also, section effective on the date of the repeal of the federal law requiring states to establish procedures for restricting licenses for persons with child support arrearages or related procedural noncompliance.>

1. In addition to any other requirements set forth in this chapter:

(a) A natural person who applies for the issuance of a certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training or a license issued pursuant to NRS 639.233 shall include the social security number of the applicant in the application submitted to the Board.

(b) A natural person who applies for the issuance or renewal of a certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training or a license issued pursuant to NRS 639.233 shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate or license; or

(b) A separate form prescribed by the Board.

3. A certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training or a license issued pursuant to NRS 639.233 may not be issued or renewed by the Board if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

➡639.129. Payment of child support: Submission of certain information by applicant; grounds for denial of certificate or license; duty of Board

<Section effective on the date of the repeal of the federal law requiring states to establish procedures for restricting licenses for persons with child support arrearages or related procedural noncompliance and expires two years after that date. See, also, section effective until the date of the repeal of that federal law, when it expires by limitation.>

1. In addition to any other requirements set forth in this chapter, a natural person who applies for the issuance or renewal of a certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training or a license issued pursuant to NRS 639.233 shall submit to the Board the statement prescribed

by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate or license; or

(b) A separate form prescribed by the Board.

3. A certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training or a license issued pursuant to NRS 639.233 may not be issued or renewed by the Board if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

➡639.130. Reexamination

1. An applicant for a certificate as a registered pharmacist who has failed to pass the Board's examination for the certificate is not eligible for reexamination until the next regularly scheduled examination conducted by the Board.

2. No subsequent examination may be given to any applicant until he or she has filed a new application and paid a fee therefor.

➡639.132. Board prohibited from approving application for registration or renewal of registration as pharmacist or intern pharmacist unless applicant attests to knowledge of and compliance with certain guidelines related to safe and appropriate injection practices

The Board shall not approve an application for registration or renewal of registration as a pharmacist or intern

pharmacist unless the applicant for issuance or renewal of registration attests to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

➡639.133. Repealed

➡639.134. Registration of pharmacist without examination; reciprocity

1. The Board may, without an examination, register as a pharmacist any person who:

(a) Is registered as a pharmacist in another jurisdiction if the person was required to pass an examination in order to be registered in that jurisdiction;

(b) Produces evidence satisfactory to the Board that the person has the required secondary and professional education and training and, if a graduate of a foreign school, produces evidence that, before taking the examination for registration in that jurisdiction, the person passed an examination for foreign graduates offered in that jurisdiction which is comparable to the examination required pursuant to paragraph (b) of subsection 1 of NRS 639.120; and

(c) Is of good moral character.

2. The provisions of this section apply only if pharmacists registered in this State are granted similar privileges by the state in which the applicant is registered.

➡639.137. Registration of intern pharmacists: Qualifications; application; issuance of certificate of registration; period of validity of certificate; authorized activities; grounds for suspension, termination or revocation

1. Any person who is not a registered pharmacist, but who is employed in this State for the purpose of fulfilling the requirements of paragraph (d) of subsection 1 of NRS 639.120 to become eligible for registration as a pharmacist, shall register with the Board as an intern pharmacist. An applicant, to be eligible for registration as an intern pharmacist, must be enrolled in a college of pharmacy or a department of pharmacy of a university approved by the Board or be a graduate of a foreign school and pass an examination for foreign graduates approved by the Board. The application must be made on a form furnished by the Board.

2. The Executive Secretary of the Board, upon approval of the application, shall issue a certificate of registration authorizing the applicant to undergo practical pharmaceutical training under the direct and immediate supervision of a registered pharmacist. The period of validity of the certificate of registration, including any renewal, must not exceed 4 years after the date of issue. The certificate of registration authorizes the holder, if acting under the direct and immediate supervision of a registered pharmacist, to perform:

(a) The duties of a registered pharmacist as authorized by regulation of the Board; and

(b) Other activities as authorized by regulation of the Board.

3. The certificate of registration must be posted as required by NRS 639.150.

4. Any certificate of registration issued pursuant to the provisions of this section may be suspended, terminated or revoked by the Board for:

(a) Any reason set forth in this chapter as grounds for the suspension or revocation of any certificate, license or permit; or

(b) The failure of the registered pharmacist whose name appears on the certificate of registration to provide adequate training and supervision for the intern pharmacist in compliance with regulations adopted by the Board.

➡639.1371. Pharmaceutical technicians: Number permitted; qualifications and registration; authorized activities; regulations

1. The ratio of pharmaceutical technicians to pharmacists must not allow more than one pharmaceutical technician to each pharmacist unless the Board by regulation expands the ratio.

2. The Board shall adopt regulations concerning pharmaceutical technicians, including requirements for:

(a) The qualifications, registration and supervision of pharmaceutical technicians; and

(b) The services which may be performed by pharmaceutical technicians,

to ensure the protection and safety of the public in the provision of pharmaceutical care.

3. The regulations adopted by the Board pursuant to this section which prescribe:

(a) The qualifications for pharmaceutical technicians must include:

(1) The successful completion of a program for pharmaceutical technicians which is approved by the Board;

(2) The completion of at least 1,500 hours of experience in carrying out the duties of a pharmaceutical technician; or

(3) Any other experience or education deemed equivalent by the Board.

(b) An expanded ratio of pharmaceutical technicians to pharmacists must be appropriate and necessary for a particular category of pharmacy at any time.

(c) The services which may be performed by pharmaceutical technicians must include, without limitation, the:

(1) Removal of drugs from stock;

(2) Counting, pouring or mixing of drugs;

(3) Placing of drugs in containers;

(4) Affixing of labels to containers; and

(5) Packaging and repackaging of drugs.

4. For the purposes of this chapter, and chapters 453 and 454 of NRS, pharmaceutical technicians may perform acts required to be performed by pharmacists, but only to the extent provided in regulations.

➡639.1373. Physician assistant: Authority regarding possession, administration, prescription and dispensing of controlled substances, poisons, dangerous drugs and devices; registration; regulations

1. A physician assistant licensed pursuant to chapter 630 or 633 of NRS may, if authorized by the Board, possess, administer, prescribe or dispense controlled substances, or possess, administer, prescribe or dispense poisons, dangerous drugs or devices in or out of the presence of his or her supervising physician only to the extent and subject to the limitations specified in the registration certificate issued to the physician assistant by the Board pursuant to this section.

2. Each physician assistant licensed pursuant to chapter 630 or 633 of NRS who is authorized by his or her physician assistant's license issued by the Board of Medical Examiners or by the State Board of Osteopathic Medicine, respectively, to possess, administer, prescribe or dispense controlled substances, or to possess, administer, prescribe or dispense poisons, dangerous drugs or devices must apply for and obtain a registration certificate from the Board, pay a fee to be set by regulations adopted by the Board and pass an examination administered by the Board on the law relating to pharmacy before the physician assistant can possess, administer, prescribe or dispense controlled substances, or possess, administer, prescribe or dispense poisons, dangerous drugs or devices.

3. The Board shall consider each application separately and may, even though the physician assistant's license issued by the Board of Medical Examiners or by the State Board of Osteopathic Medicine authorizes the physician assistant to

possess, administer, prescribe or dispense controlled substances, or to possess, administer, prescribe or dispense poisons, dangerous drugs and devices:

(a) Refuse to issue a registration certificate;

(b) Issue a registration certificate limiting the authority of the physician assistant to possess, administer, prescribe or dispense controlled substances, or to possess, administer, prescribe or dispense poisons, dangerous drugs or devices, the area in which the physician assistant may possess controlled substances, poisons, dangerous drugs and devices, or the kind and amount of controlled substances, poisons, dangerous drugs and devices; or

(c) Issue a registration certificate imposing other limitations or restrictions which the Board feels are necessary and required to protect the health, safety and welfare of the public.

4. If the registration of the physician assistant licensed pursuant to chapter 630 or 633 of NRS is suspended or revoked, the physician's controlled substance registration may also be suspended or revoked.

5. The Board shall adopt regulations controlling the maximum amount to be administered, possessed and dispensed, and the storage, security, recordkeeping and transportation of controlled substances and the maximum amount to be administered, possessed, prescribed and dispensed and the storage, security, recordkeeping and transportation of poisons, dangerous drugs and devices by physician assistants licensed pursuant to chapter 630 or 633 of NRS. In the adoption of those regulations, the Board shall consider, but is not limited to, the following:

(a) The area in which the physician assistant is to operate;

(b) The population of that area;

(c) The experience and training of the physician assistant;

(d) The distance to the nearest hospital and physician; and

(e) The effect on the health, safety and welfare of the public.

6. For the purposes of this section, the term “supervising physician” includes a supervising osteopathic physician as defined in chapter 633 of NRS.

➡639.1375. Advanced practitioners of nursing: Authority to dispense controlled substances, poisons, dangerous drugs and devices; registration; regulations

1. Subject to the limitations set forth in NRS 632.237, an advanced practice registered nurse may dispense controlled substances, poisons, dangerous drugs and devices if the advanced practice registered nurse:

(a) Passes a n examination administered by the State Board of Nursing on Nevada law relating to pharmacy and submits to the State Board of Pharmacy evidence of passing that examination;

(b) Is authorized to do so by the State Board of Nursing in a license issued by that Board; and

(c) Applies for and obtains a certificate of registration from the State Board of Pharmacy and pays the fee set by a regulation adopted by the Board. The Board may set a single fee for the collective certification of advanced practice registered nurses in the employ of a public or nonprofit agency and a different fee for the individual certification of other advanced practice registered nurses.

2. The State Board of Pharmacy shall consider each application from an advanced practice registered nurse separately, and may:

(a) Issue a certificate of registration limiting:

(1) The authority of the advanced practice registered nurse to dispense controlled substances, poisons, dangerous drugs and devices;

(2) The area in which the advanced practice registered nurse may dispense;

(3) The kind and amount of controlled substances, poisons, dangerous drugs and devices which the certificate permits the advanced practice registered nurse to dispense; and

(4) The practice of the advanced practice registered nurse which involves controlled substances, poisons, dangerous drugs and devices in any manner which the Board finds necessary to protect the health, safety and welfare of the public;

(b) Issue a certificate of registration without any limitation not contained in the license issued by the State Board of Nursing; or

(c) Refuse to issue a certificate of registration, regardless of the provisions of the license issued by the State Board of Nursing.

3. If a certificate of registration issued pursuant to this section is suspended or revoked, the Board may also suspend or revoke the registration of the physician for and with whom the advanced practice registered nurse is in practice to dispense controlled substances.

4. The Board shall adopt regulations setting forth the maximum amounts of any controlled substance, poison, dangerous drug and devices which an advanced practice registered nurse who holds a certificate from the Board may dispense, the conditions under which they must be stored, transported and safeguarded, and the records which each such nurse shall keep. In adopting its regulations, the Board shall consider:

(a) The areas in which an advanced practice registered nurse who holds a certificate from the Board can be expected to practice and the populations of those areas;

(b) The experience and training of the advanced practice registered nurse;

(c) Distances between areas of practice and the nearest hospitals and physicians;

(d) Whether the advanced practice registered nurse is authorized to prescribe a controlled substance listed in schedule II pursuant to a protocol approved by a collaborating physician;

(e) Effects on the health, safety and welfare of the public; and

(f) Other factors which the Board considers important to the regulation of the practice of advanced practice registered nurses who hold certificates from the Board.

639.138. Denial of application: Notice

If the Board, after an investigation, denies any application for a certificate, license or permit, the Executive Secretary of the Board shall notify the applicant, within 10 days after the denial is approved by the Board and entered in the official minutes, by registered or certified mail, of the denial of the application and the reasons therefor. The notice must inform the applicant of the right to petition the Board for reconsideration and the right to submit evidence to controvert the alleged violations on which the denial was based.

639.139. Denial of application: Procedure for reconsideration

1. At any time within 30 days after receipt of the notice of denial of an application, the applicant may petition the Board for reconsideration of the application. The petition must set forth a denial, in whole or in part, of the violations alleged and a statement that the applicant is prepared to submit evidence in support of the denial of the allegations.

2. Within 30 days after the petition is received by the Board, the Executive Secretary of the Board shall notify the petitioner, by registered or certified mail, of the Board's decision to grant or deny the petition for reconsideration. If the petition is granted, the notice must include the time and place set for reconsideration of the application by the Board.

639.150. Display of certificates, licenses and permits

1. The holder of a certificate of registration, a license or a permit granted pursuant to the provisions of this chapter shall display the certificate, license or permit, and the current renewal receipt thereof, in the pharmacy conducted by the holder or in which the holder is employed in a place where it may be clearly read by the public.

2. A registered pharmacist who is employed or who practices in more than one pharmacy shall post his or her original certificate of registration and the current renewal receipt in the pharmacy in which the pharmacist is primarily employed, in compliance with the provisions of subsection 1, and shall post an 8-inch by 10-inch photocopy of the certificate of registration and the current renewal receipt in every other pharmacy in which the pharmacist practices on either a part-time or temporary basis.

3. An institutional pharmacy that serves a majority of inpatients shall display certificates, licenses and permits in accordance with regulations adopted by the Board.

639.160. Notice of new place of practice

Every registered pharmacist shall, within 10 days after changing his or her place of practice as designated on the books of the Executive Secretary of the Board, notify the Executive Secretary of the change and of the new place of practice. Upon receipt of the notification, the Executive Secretary shall make the necessary change in his or her register.

639.170. Schedule of fees

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	100

the period of lapse)	
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 biennial renewal of registration as an intern pharmacist	40
For investigation or issuance of an original 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 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.

➡639.180. Expiration of certificates, licenses and permits; procedure for renewal; automatic forfeiture for failure to comply with procedure

1. Except as otherwise provided in this subsection, a certificate, license or permit issued by the Board pursuant to this chapter expires on October 31 of each even-numbered year. A certificate of registration as a pharmacist expires on October 31 of each odd-numbered year.

2. Except as otherwise provided by NRS 639.137, 639.230 and 639.2328, each person to whom a certificate, license or permit has been issued may, if the certificate, license or permit has not been revoked, renew the certificate, license or permit biennially by:

(a) Filing an application for renewal;

(b) Paying the fee for renewal;

(c) Complying with the requirement of continuing professional education, if applicable;

(d) If applicable, filing with the Board satisfactory evidence that his or her surety bond or other security required by NRS 639.515 is in full force; and

(e) Submitting all information required to complete the renewal.

3. The application for renewal, together with the fee for renewal, all required information and the evidence of compliance with NRS 639.515 must be delivered to the Executive Secretary of the Board on or before the expiration date of the certificate, license or permit, or the current renewal receipt thereof.

4. If a certificate, license or permit is renewed, it must be delivered to the applicant within a reasonable time after receipt of the application for renewal and the fee for renewal.

5. The Board may refuse to renew a certificate, license or permit if the applicant has committed any act proscribed by NRS 639.210.

6. If the application for renewal, the fee for renewal, all required information and the evidence of compliance with NRS 639.515 are not postmarked on or before the expiration date of the certificate, license or permit, or the current renewal receipt thereof, the registration is automatically forfeited.

639.190. Issuance of certificate of registration after forfeiture

If a certificate of registration as a pharmacist is forfeited by a person as provided in NRS 639.180, the Board may, within 5 years thereafter, issue a certificate of registration to the person if the Board determines that the person:

1. Has not committed any act listed in NRS 639.210 other than the failure to renew the certificate by not submitting the application for renewal or the fee for renewal; and

2. Is capable and qualified by education or experience, or both, to practice the profession of pharmacy in this State.

639.200. Issuance of duplicate certificates and receipts for renewal

The Board shall have the power to issue duplicate certificates of registration and duplicate renewal receipts upon:

1. Written application therefor signed by the applicant;

2. Proof to the satisfaction of the Board that good cause exists for the issuance of the certificate or renewal receipt; and

3. The payment of the proper fees for the issuance thereof.

➡639.205. Repealed

➡639.210. Grounds for suspension or revocation of certificate, license, registration or permit or denial of application

The Board may suspend or revoke any certificate, license, registration or permit issued pursuant to this chapter, and deny the application of any person for a certificate, license, registration or permit, if the holder or applicant:

1. Is not of good moral character;

2. Is guilty of habitual intemperance;

3. Becomes or is intoxicated or under the influence of liquor, any depressant drug or a controlled substance, unless taken pursuant to a lawfully issued prescription, while on duty in any establishment licensed by the Board;

4. Is guilty of unprofessional conduct or conduct contrary to the public interest;

5. Is addicted to the use of any controlled substance;

6. Has been convicted of a violation of any law or regulation of the Federal Government or of this or any other state related to controlled substances, dangerous drugs, drug samples, or the wholesale or retail distribution of drugs;

7. Has been convicted of:

(a) A felony relating to holding a certificate, license, registration or permit pursuant to this chapter;

(b) A felony pursuant to NRS 639.550 or 639.555; or

(c) Other crime involving moral turpitude, dishonesty or corruption;

8. Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

9. Has willfully made to the Board or its authorized representative any false statement which is material to the administration or enforcement of any of the provisions of this chapter;

10. Has obtained any certificate, certification, license or permit by the filing of an application, or any record, affidavit or other information in support thereof, which is false or fraudulent;

11. Has violated any provision of the Federal Food, Drug and Cosmetic Act or any other federal law or regulation relating to prescription drugs;

12. Has violated, attempted to violate, assisted or abetted in the violation of or conspired to violate any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy, or has knowingly permitted, allowed, condoned or failed to report a violation of any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy committed by the holder of a certificate, license, registration or permit;

13. Has failed to renew a certificate, license or permit by failing to submit the application for renewal or pay the renewal fee therefor;

14. Has had a certificate, license or permit suspended or revoked in another state on grounds which would cause suspension or revocation of a certificate, license or permit in this State;

15. Has, as a managing pharmacist, violated any provision of law or regulation concerning recordkeeping or inventory in a store over which he or she presides, or has knowingly allowed a violation of any provision of this chapter or other state or federal laws or regulations relating to the practice of pharmacy by personnel of the pharmacy under his or her supervision;

16. Has repeatedly been negligent, which may be evidenced by claims of malpractice settled against him or her;

17. Has failed to maintain and make available to a state or federal officer any records in accordance with the provisions of this chapter or chapter 453 or 454 of NRS;

18. Has failed to file or maintain a bond or other security if required by NRS 639.515; or

19. Has operated a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility was suspended or revoked; or

(b) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

This subsection applies to an owner or other principal responsible for the operation of the facility.

➡639.2107. Surrender, revocation or suspension by licensing board or Drug Enforcement Administration: Immediate suspension of certificate, license or registration

The surrender, revocation or a suspension that has not been stayed of any certificate, license or registration of a practitioner, as defined in NRS 453.126, 454.00958 or 639.0125, by a licensing board or the Drug Enforcement Administration operates as an immediate suspension of a certificate, license, registration or permit issued by the Board pursuant to this chapter or chapter 453 or 454 of NRS to possess, administer, prescribe or dispense drugs.

➡639.211. Mental illness: Immediate suspension of right to practice

The adjudication of insanity or mental illness, or the voluntary commitment or admission to any hospital for a mental illness of any certificate holder, shall operate as an immediate suspension of the right of the certificate holder to practice pharmacy in this State, and such suspension shall continue until restoration to or declaration of sanity or mental competence.

➡639.212. Mental illness: Reinstatement of suspended certificate, license, registration or permit; procedure for reinstatement

1. A person whose certificate, license, registration or permit has been suspended by the Board in accordance with NRS 639.211 may petition the Board for reinstatement of the certificate, license, registration or permit after restoration or declaration of sanity or mental competence.

2. The Board shall not restore any suspended certificate, license, registration or permit until it has found, in a hearing held for that purpose, that with due regard for the public interest the petitioner's right to practice, or to perform the duties and conduct the business covered by the certificate, license, registration or permit, may be safely reinstated.

3. In any such hearing the Board may consider the results of its own investigation as well as evidence pertaining to the petitioner's restoration to sanity or mental competence. The affirmative vote of a majority of board members is necessary to restore the certificate, license, registration or permit. The Board may require, before reinstatement, the petitioner to pass an examination, either oral or written, to determine the petitioner’s present fitness to resume his or her practice or conduct his or her business in the public interest.

4. In any hearing, conducted for the purpose of reinstating any certificate, license, registration or permit, the Board may employ expert witnesses considered necessary in order to determine the competency and ability of the petitioner.

5. The Board may grant or deny, without a hearing or argument, any petition for reinstatement filed pursuant to this section, where the petitioner has been afforded a hearing upon any petition filed pursuant to this section within a period of 2 years immediately preceding the filing of the new petition.

➡639.2121. Conviction of certain felonies: Immediate suspension of certificate, license, registration or permit;

reinstatement

The conviction of any person who holds a certificate, license, registration or permit issued pursuant to this chapter of a felony for a violation of any federal law or law of any state concerning drugs or chemicals operates as an immediate suspension of the certificate, license, registration or permit. The person so convicted may apply to the Board for reinstatement at any time.

➡639.2122. Corporations: Denial, suspension and revocation of certificates, licenses and permits

The Board may suspend, revoke or deny any certificate, license, permit or registration of a corporation where conditions exist in relation to any person holding 10 percent or more of the corporate stock of such corporation or to any officer or director of such corporation which would constitute grounds for disciplinary action against such person if he or she were a licensee.

Professional Conduct

➡639.213. Legislative declaration

The Legislature hereby declares the practice of pharmacy to be a learned profession, affecting public safety and welfare and charged with the public interest, and is therefore subject to protection and regulation by the State.

➡639.215. Rules

1. The Board may by regulation adopt, amend or repeal rules of professional conduct appropriate to the establishment and maintenance of a high standard of integrity and dignity in the profession.

2. Every registered pharmacist shall be governed by the rules of professional conduct adopted by the Board.

3. The rules of professional conduct adopted by the Board shall be furnished to each pharmacist holding a currently valid certificate to practice in this State and to each person to whom a certificate is thereafter issued. Upon receipt of a copy of the rules of professional conduct, each registered pharmacist shall subscribe thereto.

4. Nothing contained in NRS 639.213 and this section shall be construed as authorizing the Board to adopt rules of professional conduct relating to the issuance of trading stamps to the general public.

Continuing Professional Education

➡639.2171. Legislative findings and declaration

The Legislature finds and declares that:

1. The practice of the profession of pharmacy is directly related to the public health and welfare of the citizens of this State and is subject to regulation and control in the public interest.

2. Because of the continuous introduction of new medicinal agents and the changing concepts of the practice of pharmacy, it is essential that a pharmacist undertake a program of continuing education to maintain and improve his or her professional competency.

3. To ensure the continued competency of the pharmacist and to maintain uniform qualifications for the licensing of pharmacists to protect the health and welfare of its citizens, the Legislature deems it in the public interest to adopt a program of continuing professional education.

4. NRS 639.2171 to 639.2176, inclusive, must be liberally construed to carry out their stated purposes.

639.2172. Definitions

As used in NRS 639.2171 to 639.2176, inclusive, the words and terms defined in this section have the meanings ascribed to them in this section unless the context otherwise requires:

1. “Accredited program” means those seminars, classes, meetings, work projects, home-study courses and other educational programs in pharmacy approved by the Board for purposes of continuing professional education.

2. “Continuing professional education” means professional, pharmaceutical postgraduate education in the general areas of the socioeconomic and legal aspects of medical care, the properties and actions of drugs and dosage forms, and the etiology, characteristics and therapeutics of the diseased organism.

3. “Continuing education unit” means the unit of measurement of credits for courses and programs of continuing education.

639.2174. Completion of program prerequisite to renewal of certificate

The Board shall not renew the certificate of any registered pharmacist until the applicant has submitted proof to the Board of the receipt of the required number of continuing education units, obtained through the satisfactory completion of an accredited program of continuing professional education during the period for which the certificate was issued.

639.2176. Regulations

The Board shall adopt regulations necessary to carry out the purposes of NRS 639.2171 to 639.2176, inclusive, which must include the methods of determining accredited programs, the number of hours of continuing professional education necessary to constitute a continuing education unit, the number of units required of each pharmacist during

the period for which a certificate is issued and such other regulations consistent with NRS 639.2171 to 639.2176, inclusive, as the Board may determine to be necessary.

Pharmacies

639.220. Registered pharmacist to be in charge of pharmacy; exceptions; managing pharmacists

1. Except as otherwise provided in NRS 639.2324, 639.2326, 639.2327 and 639.23277, 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 or her 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 the 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 the 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 NRS 639.23277:

(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 the managing pharmacist need not be present during the time the pharmacy is open for business if he or she designates another pharmacist employed in the pharmacy to assume the managing pharmacist's duties in his or her absence.

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

➡639.230. Licenses: Operation without license prohibited; conditions and limitations on issuance of license; duties upon change of partners or corporate officers; additional requirement for renewal; grounds for suspension or revocation; certain Canadian pharmacies not prohibited from providing prescription drugs through mail order service; registered pharmacists and practitioners not prohibited from collaborating in implementation, monitoring and modification of drug therapy

1. A person operating a business in this State shall not use 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. A person operating a business in this State which is not otherwise subject to the provisions of this chapter shall not use the letters “Rx” or “RX” without the approval of the Board. The Board may deny approval of the use of the letters “Rx” or “RX” by any person if the Board determines that:

(a) The person is subject to the provisions of this chapter but has not secured a license from the Board; or

(b) The use of the letters “Rx” or “RX” by the person is confusing or misleading to or threatens the health or safety of the residents of this State.

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 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 paragraph (i) of subsection 1 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 practitioner from collaborating in the implementation, monitoring and modification of drug therapy pursuant to guidelines and protocols approved by the Board.

639.231. Application for and issuance of license

1. An application to conduct a pharmacy must be made on a form furnished by the Board and must state the name, address, usual occupation and professional qualifications, if any, of the applicant. If the applicant is other than a natural person, the application must state such information as to each person beneficially interested therein.

2. As used in subsection 1, and subject to the provisions of subsection 3, the term "person beneficially interested" means:

(a) If the applicant is a partnership or other unincorporated association, each partner or member.

(b) If the applicant is a corporation, each of its officers, directors and stockholders, provided that no natural person shall be deemed to be beneficially interested in a nonprofit corporation.

3. If the applicant is a partnership, unincorporated association or corporation and the number of partners, members or stockholders, as the case may be, exceeds four, the application must so state, and must list each of the four partners, members or stockholders who own the four largest interests in the applicant entity and state their percentages of interest. Upon request of the Executive Secretary of the Board, the applicant shall furnish the Board with information as to partners, members or stockholders not named in the application or shall refer the Board to an appropriate source of such information.

4. The completed application form must be returned to the Board with the fee prescribed by the Board, which may not be refunded. Any application which is not complete as required by the provisions of this section may not be presented to the Board for consideration.

5. Upon compliance with all the provisions of this section and upon approval of the application by the Board, the Executive Secretary shall issue a license to the applicant to conduct a pharmacy. Any other provision of law notwithstanding, such a license authorizes the holder to conduct a pharmacy and to sell and dispense drugs and poisons and devices and appliances that are restricted by federal law to sale by or on the order of a physician.

639.232. Limitations on issuance of licenses

1. The Board shall not issue a license to conduct a pharmacy:

(a) To any practitioner; or

(b) To any partnership, corporation or association in which a practitioner has a controlling interest or owns more than 10 percent of the available stock.

2. This section does not:

(a) Apply to a hospital pharmacy or a health maintenance organization which holds a certificate of authority under chapter 695C of NRS.

(b) Prohibit ownership by a practitioner of a building in which a pharmacy is located, if space for the pharmacy is rented at the prevailing rate.

639.2321. Nuclear pharmacy: Direct supervision of preparation and distribution of radiopharmaceuticals required; qualifications of managing pharmacist; nuclear pharmacist required on premises

1. Any person who prepares or distributes radiopharmaceuticals must be under the direct supervision of a nuclear pharmacist.

2. The managing pharmacist of a nuclear pharmacy must be a nuclear pharmacist.

3. A nuclear pharmacist must be on the premises during the hours a nuclear pharmacy is open for business.

639.2322. Nuclear pharmacy: Oral orders; prohibition on refill of prescription for radiopharmaceutical

1. Except as otherwise provided in subsection 2, a managing pharmacist of a nuclear pharmacy may delegate to any person, under the direct supervision of the managing pharmacist, the authority to accept oral orders from a practitioner or the designated agent of a practitioner.

2. An oral order may be used for a radiopharmaceutical which is not prescribed for a specific patient. An oral order which is designated for a specific patient must be accepted only by a nuclear pharmacist or registered intern acting under the direct supervision of a nuclear pharmacist.

3. A prescription for a radiopharmaceutical must not be refilled.

4. As used in this section, “designated agent” means a person who is authorized to communicate a practitioner's

instructions to a nuclear pharmacy.

639.2323. Repealed

639.2324. Institutional pharmacies: Requirements for operation

1. The operation of an institutional pharmacy must meet the following requirements:

(a) In a hospital with 100 or more beds, the pharmacy must be under the continuous supervision of a pharmacist during the time it is open for pharmaceutical services.

(b) In a hospital with less than 100 beds, the services of a pharmacist may be on less than a full-time basis, depending upon the needs of the institution, and pursuant to the regulations and recommendations of the State Board of Pharmacy and the person charged with the administration and control of the institution.

(c) In the absence of a pharmacist from the pharmacy, a nurse or practitioner designated by the pharmacist may obtain from the pharmacy such necessary quantities of drugs to administer to a patient until the pharmacy reopens as are ordered by a medical practitioner and needed by a patient in an emergency.

2. The pharmacist in charge of the institutional pharmacy shall initiate procedures to provide for administration and technical guidance in all matters pertaining to the acquiring, stocking, recordkeeping and dispensing of drugs and devices.

639.2326. Pharmacies in correctional institutions: Supervision by prescribing practitioner or licensed pharmacy; security; records

1. Except as otherwise provided in NRS 639.2327, a pharmacy in a correctional institution which is used mainly for storage and from which controlled substances and dangerous drugs and devices are administered must be supervised by a prescribing practitioner or a licensed pharmacy.

2. The practitioner or a registered pharmacist need not be present at the times the pharmacy is open, but is responsible for the security of the pharmacy and shall maintain the records required by the Board. In any case, the name of the prescribing practitioner must be recorded when any controlled substance, dangerous drug or device is administered or ordered for stock.

639.2327. Maintenance of stocks of drugs by certain facilities

A facility for intermediate care or facility for skilled nursing which is licensed as such by the Health Division of the Department of Health and Human Services and is registered with the Board pursuant to this chapter may maintain a

stock of drugs for emergency treatment of inpatients, subject to the following conditions:

1. The Board shall by regulation determine the specific drugs and the quantities thereof which may be maintained.

2. The emergency stock of drugs must be maintained at all times in a solid, sealed container and the seal must remain intact except when the drugs are needed for emergency treatment of a patient in the facility. The sealed container must be stored at all times in a locked compartment on the premises of the facility.

3. All drugs delivered to a facility must be signed for by the nurse or other person in charge. An inventory of the stock of drugs must be appended to the sealed container. Immediately after the drugs are needed, the physician or registered nurse who breaks the seal shall enter on the inventory sheet the following information:

(a) The date and time the sealed container is opened;

(b) The name of the patient for whom the drugs are to be used;

(c) The name of the patient's physician or the physician who directs the administration of the drugs, if different;

(d) An itemization of the drugs removed; and

(e) The signature of the person who opened the sealed container.

4. When the drugs have been removed and the information required by subsection 3 has been entered on the inventory, the physician or registered nurse shall immediately replace the container in a locked compartment and shall notify the pharmaceutical consultant, as soon as it is practical to do so, that the container has been opened.

5. The sealed container and its contents at all times remain the responsibility of the pharmaceutical consultant. Upon being notified that the sealed container has been opened, or on the next business day if notification is not received during business hours, but in no event more than 48 hours following receipt of the notification, the pharmaceutical consultant shall:

(a) Examine the inventory sheet;

(b) Replace the drugs removed;

(c) Secure a written prescription for the drugs replaced, if one is required by law;

(d) Enter the name and quantity of the drugs so replaced on the inventory sheet, together with the date and time of

replacement;

(e) Reseal the container; and

(f) Sign the inventory sheet.

6. No person other than a licensed physician or registered nurse may open the container or remove any drugs from the container.

7. The Board, its agents and inspectors may at all times have access to the premises of the facility to determine compliance with this section.

➡639.23275. Delivery of controlled substance or dangerous drug to hospital, facility for intermediate care or facility for skilled nursing which does not have pharmacy on premises

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

(a) Directly from the prescribing practitioner to a pharmacist;

(b) Indirectly by means of an order signed by the prescribing practitioner; or

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

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

➡639.23277. Remote sites and satellite consultation sites: Location; operation; regulations

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:

(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; or

(b) A dispensing technician without the physical presence of a dispensing practitioner, except that the dispensing practitioner of the telepharmacy 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.

639.23279. "Pharmacy located outside Nevada that provides mail order service to a resident of Nevada" defined

For the purposes of NRS 639.23279 to 639.23286, inclusive, a "pharmacy located outside Nevada that provides mail order service to a resident of Nevada" includes any person who sells or offers to sell drugs to persons in this State via the Internet.

639.2328. Pharmacy located outside Nevada: Licensing; requirements; notice of licensing of Canadian pharmacy; recommendation that licensed Canadian pharmacy be included on website

1. Every pharmacy located outside Nevada that provides mail order service to or solicits or advertises for orders for drugs available with a prescription from a resident of Nevada must be licensed by the Board.

2. To be licensed or to renew a license, such a pharmacy must:

(a) Be licensed as a pharmacy, or the equivalent, by the state or country in which its dispensing facilities are located.

(b) Comply with all applicable federal laws, regulations and standards.

(c) Submit an application in the form furnished by the Board.

(d) Provide the following information to the Board:

(1) The name and address of the owner;

(2) The location of the pharmacy;

(3) The name of the pharmacist who is the managing pharmacist; and

(4) Any other information the Board deems necessary.

(e) Pay the fee required by regulation of the Board.

(f) Submit evidence satisfactory to the Board that the facility, records and operation of the pharmacy comply with the laws and regulations of the state or country in which the pharmacy is located.

(g) Submit certification satisfactory to the Board that the pharmacy complies with all lawful requests and directions from the regulatory board or licensing authority of the state or country in which the pharmacy is located relating to the shipment, mailing or delivery of drugs.

(h) Be certified by the Board pursuant to NRS 639.23288 if the pharmacy operates an Internet pharmacy.

3. In addition to the requirements of subsection 2, the Board may require such a pharmacy to be inspected by the Board.

4. The Board shall notify the Office for Consumer Health Assistance of the Department of Health and Human Services each time the Board licenses a Canadian pharmacy pursuant to this section and recommend that the Office for Consumer Health Assistance include each such pharmacy on the Internet website established and maintained pursuant to paragraph (i) of subsection 1 of NRS 223.560.

➡639.23282. Pharmacy located outside Nevada: Considerations required by Board before issuing license

Before issuing a license to a pharmacy located outside Nevada that provides mail order service to a resident of Nevada, the Board shall consider:

1. The qualifications and credentials of the applicant; and

2. Any suspension or revocation of a license or restriction on a license held by the applicant.

➡639.23284. Pharmacy located outside Nevada: Requirements to provide mail order service; restrictions on Canadian pharmacies

1. Every pharmacy located outside Nevada that provides mail order service to a resident of Nevada:

(a) Shall report to the Board any change of information that appears on its license and pay the fee required by regulation of the Board.

(b) Shall make available for inspection all pertinent records, reports, documents or other material or information required by the Board.

(c) As required by the Board, must be inspected by the Board or:

(1) The regulatory board or licensing authority of the state or country in which the pharmacy is located; or

(2) The Drug Enforcement Administration.

(d) As required by the Board, shall provide the following information concerning each prescription for a drug that is shipped, mailed or delivered to a resident of Nevada:

(1) The name of the patient;

(2) The name of the prescriber;

(3) The number of the prescription;

(4) The date of the prescription;

(5) The name of the drug;

(6) The symptom or purpose for which the drug is prescribed, if requested by the patient pursuant to NRS 639.2352; and

(7) The strength and quantity of the dose.

2. In addition to complying with the requirements of subsection 1, every 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 paragraph (i) of subsection 1 of NRS 223.560 that provides mail order service to a resident of Nevada shall not sell, distribute or furnish to a resident of this State:

(a) A controlled substance;

(b) A prescription drug that has not been approved by the federal Food and Drug Administration;

(c) A generic prescription drug that has not been approved by the federal Food and Drug Administration;

(d) A prescription drug for which the federal Food and Drug Administration has withdrawn or suspended its approval; or

(e) A quantity of prescription drugs at one time that includes more drugs than are prescribed to the patient as a 3-month supply of the drugs.

639.23286. Pharmacy located outside Nevada: Substitution of drug; toll-free telephone service

A pharmacy located outside Nevada that provides mail order service to a resident of Nevada:

1. May substitute a drug if the substitution is made in accordance with the provisions of the laws and regulations of the state or country in which the pharmacy is located.

2. Shall provide a toll-free telephone service for its customers to a pharmacist who has access to the records of the customers from Nevada. The telephone service must be available for not less than 5 days per week and for at least 40 hours per week. The telephone number must be disclosed on the label attached to each container of drugs dispensed to a resident of Nevada.

639.23288. Internet pharmacy: Certification required; regulations; list of approved Internet pharmacies

1. In addition to the requirements set forth in this chapter and any other specific statute, an Internet pharmacy located:

(a) Within this State, shall not fill or refill a prescription or otherwise engage in the practice of pharmacy for a person located within or outside this State unless the Internet pharmacy is certified by the Board.

(b) Outside this State, shall not fill or refill a prescription or otherwise engage in the practice of pharmacy for a person located within this State unless the Internet pharmacy is certified by the Board.

2. The Board shall adopt regulations prescribing standards for certifying an Internet pharmacy. The standards adopted by the Board may be based upon standards adopted by the National Association of Boards of Pharmacy or some other association or organization that provides standards for certifying an Internet pharmacy.

3. The Board shall post on a website or other Internet site that is operated or administered by or on behalf of the Board:

(a) A list of Internet pharmacies certified by the Board; and

(b) Any other information relating to Internet pharmacies that the Board deems relevant.

Licensing of Persons Engaged in Business of Furnishing Drugs, Devices or Appliances

➡639.233. License required

1. Any person, including a wholesaler or manufacturer, who engages in the business of wholesale distribution or furnishing controlled substances, poisons, drugs, devices or appliances that are restricted by federal law to sale by or on the order of a physician to any person located within this State shall obtain a license pursuant to the provisions of this chapter.

2. For the purpose of this section, a person is "engaged in the business of furnishing" if the person:

(a) Solicits or accepts orders for drugs or devices whose sale in this State is restricted by this chapter or chapter 453 or 454 of NRS; or

(b) Receives, stores or ships such drugs or devices.

➡639.234. Records: Consent to inspection; copying and removal; duty to furnish copies upon demand; designation of out-of-state representative of Board; administrative penalties

1. The acceptance of a license issued pursuant to NRS 639.233 constitutes a consent by the licensee to the inspection, copying and removal for copying of his or her records maintained inside and outside this State by any authorized representative of the Board.

2. If such a licensee is not a resident of this State and does not maintain records within this State of his or her shipments of controlled substances, poisons or drugs or devices or appliances that are restricted by federal law to sale by or on the order of a physician to persons in this State the licensee shall, on receipt of a written demand from the Executive Secretary of the Board, furnish a true copy of the records to the Board.

3. The Board may authorize as its representative any member or representative of the board of pharmacy or similar agency of the state in which the records are located.

4. The failure to furnish a true copy of the required records or the refusal to permit their inspection is a ground for suspension of and disciplinary action relating to any license issued pursuant to NRS 639.233.

➡639.2345. Sale of veterinary drugs: Permit required; regulations; exemption

1. Any person who engages in the sale of veterinary prescription or nonprescription drugs must obtain a permit from the Board. The Board shall adopt regulations specifying the fee for the permit, requirements for the refrigeration and storage of drugs and other matters relating to the permit.

2. The provisions of subsection 1 do not apply to a registered pharmacist or any person licensed to practice veterinary medicine in this state.

Prescriptions

➡639.235. Persons authorized to prescribe and write prescriptions; procedure for filling certain prescriptions written by persons not licensed in this State

1. No person other than a practitioner holding a license to practice his or her profession in this State may prescribe or write a prescription, except that a prescription written by a person who is not licensed to practice in this State, but is authorized by the laws of another state to prescribe, shall be deemed to be a legal prescription unless the person prescribed or wrote the prescription in violation of the provisions of NRS 453.3611 to 453.3648, inclusive.

2. If a prescription that is prescribed by a person who is not licensed to practice in this State, but is authorized by the laws of another state to prescribe, calls for a controlled substance listed in:

(a) Schedule II, the registered pharmacist who is to fill the prescription shall establish and document that the prescription is authentic and that a bona fide relationship between the patient and the person prescribing the controlled substance did exist when the prescription was written.

(b) Schedule III or IV, the registered pharmacist who is to fill the prescription shall establish that the prescription is authentic and that a bona fide relationship between the patient and the person prescribing the controlled substance did exist when the prescription was written. This paragraph does not require the registered pharmacist to inquire into such a relationship upon the receipt of a similar prescription subsequently issued for that patient.

3. A pharmacist who fills a prescription described in subsection 2 shall record on the prescription or in the prescription record in the pharmacy's computer:

(a) The name of the person with whom the pharmacist spoke concerning the prescription;

(b) The date and time of the conversation; and

(c) The date and time the patient was examined by the person prescribing the controlled substance for which the prescription was issued.

4. For the purposes of subsection 2, a bona fide relationship between the patient and the person prescribing the controlled substance shall be deemed to exist if the patient was examined in person, electronically, telephonically or by fiber optics within or outside this State or the United States by the person prescribing the controlled substances within the 6 months immediately preceding the date the prescription was issued.

639.23505. Conditions and limitations on practitioner dispensing controlled substances or dangerous drugs

A practitioner shall not dispense for human consumption any controlled substance or dangerous drug if the practitioner charges a patient for that substance or drug, either separately or together with charges for other professional services:

1. Unless the practitioner first applies for and obtains a certificate from the Board and pays the required fee; and

2. Issues a written prescription.

639.23507. Patient utilization report required before writing prescription for controlled substance

A practitioner shall, before writing a prescription for a controlled substance listed in schedule II, III or IV for a patient, obtain a patient utilization report regarding the patient for the preceding 12 months from the computerized program established by the Board and the Investigation Division of the Department of Public Safety pursuant to NRS 453.1545 if the practitioner has a reasonable belief that the patient may be seeking the controlled substance, in whole or in part, for any reason other than the treatment of an existing medical condition and:

1. The patient is a new patient of the practitioner; or

2. The patient has not received any prescription for a controlled substance from the practitioner in the preceding 12 months.

The practitioner shall review the patient utilization report to assess whether the prescription for the controlled substance is medically necessary.

639.2351. Prescription by advanced practitioner of nursing; certification by State Board of Pharmacy

1. An advanced practice registered nurse may prescribe, in accordance with NRS 454.695 and 632.237, controlled substances, poisons, dangerous drugs and devices if the advanced practice registered nurse:

(a) Is authorized to do so by the State Board of Nursing in a license issued by that Board; and

(b) Applies for and obtains a certificate of registration from the State Board of Pharmacy and pays the fee set by a

regulation adopted by the Board.

2. The State Board of Pharmacy shall consider each application from an advanced practice registered nurse separately, and may:

(a) Issue a certificate of registration; or

(b) Refuse to issue a certificate of registration, regardless of the provisions of the license issued by the State Board of Nursing.

➡639.2352. Inclusion of information regarding purpose of prescription on label attached to container; practitioners required to post notice

1. Before issuing a prescription, a practitioner may ask the patient whether he or she wishes to have included on the label attached to the container of the drug the symptom or purpose for which the drug is prescribed. If the patient requests that the information be included on the label, the practitioner shall include on the prescription the symptom or purpose for which the drug is prescribed.

2. Each practitioner shall post in a conspicuous location in each room used for the examination of a patient a sign which is not less than 8.5 inches wide and not less than 11 inches high and which contains, in at least 12-point boldface type, the following:

NOTICE TO PATIENTS

You have the right to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of your prescribed drug.

You have the right to ask the person writing your prescription to instruct the pharmacy to print this information on the label attached to the container of your prescribed drug.

Having the purpose or symptom printed on the label attached to the container of your drug may help you to properly use and track your prescribed drugs.

AVISO A LOS PACIENTES

Tiene derecho de que se imprima cierta informacion en la etiqueta de sus medicamentos. Especificamente, usted puede elegir que la etiqueta incluya los sintomas o el proposito para que el medicamento se prescribe. Tiene derecho de pedirle a la person que prescriba su medicamento que dirija a la farmacia que imprima la informacion en la etiqueta.

Si se imprimen los sintomas o el proposito en la etiqueta de sus medicamentos, le puede ayudar a mantenerlos y usarlos apropriadamente.

➡639.2353. Transmission of prescription to pharmacist; contents of written prescription; specific directions for use; requirements for written prescription; authentication of prescription given by electronic transmission

Except as otherwise provided in a regulation adopted pursuant to NRS 453.385 or 639.2357:

1. A prescription must be given:

(a) Directly from the practitioner to a pharmacist;

(b) Indirectly by means of an order signed by the practitioner;

(c) By an oral order transmitted by an agent of the practitioner; or

(d) Except as otherwise provided in subsection 5, by electronic transmission or transmission by a facsimile machine, including, without limitation, transmissions made from a facsimile machine to another facsimile machine, a computer equipped with a facsimile modem to a facsimile machine or a computer to another computer, pursuant to the regulations of the Board.

2. A written prescription must contain:

(a) Except as otherwise provided in this section, the name and signature of the practitioner, and the address of the practitioner if not immediately available to the pharmacist;

(b) The classification of his or her license;

(c) The name of the patient, and the address of the patient if not immediately available to the pharmacist;

(d) The name, strength and quantity of the drug prescribed;

(e) The symptom or purpose for which the drug is prescribed, if included by the practitioner pursuant to NRS 639.2352

;

(f) Directions for use; and

(g) The date of issue.

3. The directions for use must be specific in that they indicate the portion of the body to which the medication is to be applied or, if to be taken into the body by means other than orally, the orifice or canal of the body into which the medication is to be inserted or injected.

4. Each written prescription must be written in such a manner that any registered pharmacist would be able to dispense it. A prescription must be written in Latin or English and may include any character, figure, cipher or abbreviation which is generally used by pharmacists and practitioners in the writing of prescriptions.

5. A prescription for a controlled substance must not be given by electronic transmission or transmission by a facsimile machine unless authorized by federal law and NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.

6. A prescription that is given by electronic transmission is not required to contain the signature of the practitioner if:

(a) It contains a facsimile signature, security code or other mark that uniquely identifies the practitioner;

(b) A voice recognition system, biometric identification technique or other security system approved by the Board is used to identify the practitioner; or

(c) It complies with the provisions of NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.

639.2355. Practitioner liable for prescription transmitted by agent

A practitioner is liable for any order for a prescription which his or her agent orally transmits to a pharmacist.

639.2357. Transfer of prescription to another pharmacist upon request of patient

1. Upon the request of a patient, or a public or private school for which an order was issued pursuant to section 14 or 16 of this act, a registered pharmacist shall transfer a prescription or order to another registered pharmacist.

2. A registered pharmacist who transfers a prescription or order pursuant to subsection 1 shall comply with any applicable regulations adopted by the Board relating to the transfer.

3. The provisions of this section do not authorize or require a pharmacist to transfer a prescription or order in violation of:

(a) Any law or regulation of this State;

(b) Federal law or regulation; or

(c) A contract for payment by a third party if the patient is a party to that contract.

639.236. Numbering and filing of prescriptions; inspection of files

1. All prescriptions filled by a practitioner must be serially numbered and filed in the manner prescribed by regulation of the Board. Prescriptions for controlled substances listed in schedule II must be filed separately from other prescriptions or in a readily retrievable manner as the Board may provide by regulation. All prescriptions must be retained on file for at least 2 years.

2. Each prescription on file must bear the date on which it was originally filled and be personally signed or initialed by the registered pharmacist or practitioner who filled it.

3. Files of prescriptions are open to inspection by members, inspectors and investigators of the Board and by inspectors of the Food and Drug Administration and agents of the Investigation Division of the Department of Public Safety.

639.238. Prescriptions not public records; pharmacists not to divulge contents; exceptions; procedure for providing copy of prescription to authorized persons and other pharmacists

1. Prescriptions filled and on file in a pharmacy are not a public record. Except as otherwise provided in NRS 439.538 and 639.2357, a pharmacist shall not divulge the contents of any prescription or provide a copy of any prescription, except to:

(a) The patient for whom the original prescription was issued;

(b) The practitioner who originally issued the prescription;

(c) A practitioner who is then treating the patient;

(d) A member, inspector or investigator of the Board or an inspector of the Food and Drug Administration or an agent of the Investigation Division of the Department of Public Safety;

(e) An agency of state government charged with the responsibility of providing medical care for the patient;

(f) An insurance carrier, on receipt of written authorization signed by the patient or his or her legal guardian, authorizing the release of such information;

(g) Any person authorized by an order of a district court;

(h) Any member, inspector or investigator of a professional licensing board which licenses a practitioner who orders prescriptions filled at the pharmacy;

(i) Other registered pharmacists for the limited purpose of and to the extent necessary for the exchange of information relating to persons who are suspected of:

(1) Misusing prescriptions to obtain excessive amounts of drugs; or

(2) Failing to use a drug in conformity with the directions for its use or taking a drug in combination with other drugs in a manner that could result in injury to that person;

(j) A peace officer employed by a local government for the limited purpose of and to the extent necessary:

(1) For the investigation of an alleged crime reported by an employee of the pharmacy where the crime was committed; or

(2) To carry out a search warrant or subpoena issued pursuant to a court order; or

(k) A county coroner, medical examiner or investigator employed by an office of a county coroner for the purpose of:

(1) Identifying a deceased person;

(2) Determining a cause of death; or

(3) Performing other duties authorized by law.

2. Any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is issued to a county coroner, medical examiner or investigator employed by an office of a county coroner must be limited to a copy of the prescription filled or on file for:

(a) The person whose name is on the container of the controlled substance or dangerous drug that is found on or near the body of a deceased person; or

(b) The deceased person whose cause of death is being determined.

3. Except as otherwise provided in NRS 639.2357, any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS, issued to a person authorized by this section to receive such a copy, must contain all of the information appearing on the original prescription and be clearly marked on its face "Copy, Not Refillable-For Reference Purposes Only." The copy must bear the name or initials of the registered pharmacist who prepared the copy.

4. If a copy of a prescription for any controlled substance or a dangerous drug as defined in chapter 454 of NRS is furnished to the customer, the original prescription must be voided and notations made thereon showing the date and the name of the person to whom the copy was furnished.

5. As used in this section, "peace officer" does not include:

(a) A member of the Police Department of the Nevada System of Higher Education.

(b) A school police officer who is appointed or employed pursuant to NRS 391.100.

639.239. Removal of original prescriptions from file; substitution of copies

Members, inspectors and investigators of the Board, inspectors of the Food and Drug Administration, agents of the Investigation Division of the Department of Public Safety and peace officers described in paragraph (j) of subsection 1 of NRS 639.238 may remove any record required to be retained by state or federal law or regulation, including any prescription contained in the files of a practitioner, if the record in question will be used as evidence in a criminal action, civil action or an administrative proceeding, or contemplated action or proceeding. The person who removes a record pursuant to this section shall:

1. Affix the name and address of the practitioner to the back of the record;

2. Affix his or her initials, cause an agent of the practitioner to affix his or her initials and note the date of the removal of the record on the back of the record;

3. Affix the name of the agency for which the person is removing the record to the back of the record;

4. Provide the practitioner with a receipt for the record; and

5. Return a photostatic copy of both sides of the record to the practitioner within 15 working days after the record is removed.

Refilling of Prescriptions

➡639.2392. Controlled substance or dangerous drug: Records

1. A record of each refill of any prescription for a controlled substance or dangerous drug or any authorization to refill such a prescription must be kept:

(a) On the back of the original prescription;

(b) In a bound book or separate file; or

(c) In an electronic record that is readily retrievable.

2. The record must include:

(a) The date of each refill or authorization;

(b) The number of dosage units; and

(c) The signature or initials of the pharmacist who refilled the prescription or obtained the authorization to refill.

➡639.2393. Controlled substance or dangerous drug: Limitations

1. Any prescription for a controlled substance, regardless of the authorization to refill given by the prescribing practitioner, must not be refilled more than five times or after 6 months have elapsed from the date it was originally issued and may be refilled only in keeping with the number of doses ordered and the directions for use.

2. Any prescription for a dangerous drug, regardless of the authorization to refill given by the prescribing practitioner, must not be refilled after 1 year has elapsed from the date it was originally issued and may be refilled only in keeping with the number of doses ordered and the directions for use.

3. If no authorization to refill is given by the prescribing practitioner, or if the prescription is refillable and has been refilled for the number of times or for the period set forth in subsection 1 or 2, the original prescription is invalid and a new prescription must be obtained and placed in the prescription file.

639.2394. Controlled substance or dangerous drug: Exercise of judgment by pharmacist

In the absence of specific authorization to refill, when the refilling of a prescription calling for a controlled substance or dangerous drug needed for the continuation of a treatment of a chronic or continuing illness is considered necessary and the pharmacist is unable to communicate with the prescribing practitioner, the pharmacist may, if in his or her professional judgment the pharmacist feels that the controlled substance or dangerous drug should be provided for the patient, furnish a sufficient supply of the medication to provide for the continuation of treatment until such time as he or she can communicate with the prescribing practitioner personally.

639.2396. Specific authorization

1. Except as otherwise provided by subsection 2, a prescription which bears specific authorization to refill, given by the prescribing practitioner at the time he or she issued the original prescription, or a prescription which bears authorization permitting the pharmacist to refill the prescription as needed by the patient, may be refilled for the number of times authorized or for the period authorized if it was refilled in accordance with the number of doses ordered and the directions for use.

2. A pharmacist may, in his or her professional judgment and pursuant to a valid prescription that specifies an initial amount of less than a 90-day supply of a drug other than a controlled substance followed by periodic refills of the initial a mount of the drug, dispense not more than a 90-day supply of the drug if:

(a) The patient has used an initial 30-day supply of the drug or the drug has previously been prescribed to the patient in a 90-day supply;

(b) The total number of dosage units that are dispensed pursuant to the prescription does not exceed the total number of dosage units, including refills, that are authorized on the prescription by the prescribing practitioner; and

(c) The prescribing practitioner has not specified on the prescription that dispensing the prescription in an initial amount of less than a 90-day supply followed by periodic refills of the initial amount of the drug is medically necessary.

3. Nothing in this section shall be construed to alter the coverage provided under any contract or policy of health insurance, health plan or program or other agreement arrangement that provides health coverage.

639.2397. Rescission of authorization

Any authorization to refill a prescription issued pursuant to the provisions of NRS 639.2393 to 639.2397, inclusive, may be rescinded at any time after that authorization is given, by the original practitioner or by another practitioner acting in his or her behalf or by another practitioner who is caring for the patient for whom the original prescription was issued, by notifying the pharmacy in which the prescription was filled orally or in writing.

Administrative Proceedings

639.241. Accusation: Form, contents and signature

1. A hearing to determine whether the rights and privileges granted by any certificate, certification, license or permit issued by the Board should be revoked, suspended, limited or conditioned must be initiated by the filing of an accusation by the Board. The action must be entitled: The Nevada State Board of Pharmacy v. (insert the name of the party whose certificate, license or permit is involved), who must be designated "Respondent."

2. The accusation is a written statement of the charges alleged and must set forth in ordinary and concise language the acts or omissions with which the respondent is charged to the end that the respondent will be able to prepare a defense. The accusation must specify the statutes and regulations which the respondent is alleged to have violated, but must not consist merely of charges phrased in language of the statute or regulation. The accusation must be signed by the Executive Secretary of the Board acting in his or her official capacity.

639.242. Service on respondent of copies of accusation, statement and forms for Notice of Defense

1. After filing the accusation, the Executive Secretary of the Board shall cause a copy thereof, together with one copy of the Statement to Respondent and three copies of the form of the Notice of Defense, to be served on the respondent.

2. Service may be by personal service or by first-class registered or certified mail addressed to the respondent at his or her last address of record, or by mail to his or her attorney of record. Proof of service must be retained and made a part of the case record.

639.243. Statement to Respondent: Contents

The statement, entitled Statement to the Respondent, shall be worded so as to inform the respondent:

1. That an accusation has been filed.

2. Of the right to a hearing before the Board to answer to the alleged violations and to submit evidence in his or her own behalf if requested by the filing of two copies of the Notice of Defense within 15 days after receipt of the accusation.

639.244. Notice of Defense: Form; effect of failure to file

1. The form for the Notice of Defense must be prepared and furnished by the Board and permit the respondent, by completing and signing the notice, to:

(a) Object to the accusation as being incomplete and failing to set forth clearly the charges; and

(b) Deny or admit, in part or in whole, the violations alleged.

2. The Notice of Defense must be signed by the respondent or his or her attorney under penalty of perjury. Failure to file a Notice of Defense constitutes a waiver of the respondent's right to a hearing, but the Board may grant a hearing.

➡639.2445. Physical or mental examination of holder of certificate believed to be incompetent; competency hearing; probation for use of alcohol or drugs

1. Whenever the Board believes that a holder of a certificate is or has become incompetent to practice pharmacy by reason of any physical or mental injury, illness or disability or by reason of chronic or excessive use of alcohol or drugs, the Board may order that the holder of the certificate submit to a physical or psychiatric examination, or both, at the expense of the Board.

2. The Board shall designate a physician or a psychiatrist or both, as the case may be, to conduct the examination or examinations of the holder of the certificate and furnish the Board and the holder of the certificate with a report of the findings. If the holder of the certificate is dissatisfied with the findings, the holder of the certificate may obtain an independent examination and report at his or her own expense, not later than 10 days following receipt of the initial report.

3. Upon receipt of the findings the Board shall conduct a hearing to determine whether the holder of the certificate is competent to practice pharmacy. Except as provided in subsection 4, if the Board finds that the holder of the certificate is not competent to practice pharmacy, it shall order an immediate suspension of his or her right to practice pharmacy, and the suspension remains in effect until the Board determines that a certificate may be reinstated.

4. The Board may place on probation a holder of a certificate who is not competent to practice pharmacy by reason of chronic or excessive use of alcohol or drugs if the holder of the certificate voluntarily enters and completes a program of treatment approved by the Board and complies with any other conditions imposed by the Board.

➡639.245. Notice of hearing

Whenever a hearing has been granted by the Board, the Executive Secretary of the Board shall serve notice on the respondent of the time and place set for the hearing on the accusation. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held within 30 days after receiving the report. Service may be effected in the same manner as provided in NRS 639.242.

➡639.246. Subpoenas

1. The Executive Secretary of the Board shall issue subpoenas for the production of witnesses, documents or papers, in accordance with statutory provisions, at the request of any party to a hearing or for purposes of an investigation or other matter under inquiry by the Board.

2. Witnesses appearing pursuant to a subpoena must receive expenses and witness fees in the amounts and under the same circumstances as prescribed by law for witnesses in civil actions. The expenses and fees must be paid in full by the party at whose request the witness is subpoenaed.

3. Subpoenas must be served in the same manner as prescribed by law for the service of subpoenas in civil actions. If any person fails to comply with a subpoena within 10 days after its issuance, the President of the Board, or the Executive Secretary of the Board at the direction of the President, may petition the district court for an order of the court compelling compliance with the subpoena.

4. Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there to show cause why the person has not complied with the subpoena. A certified copy of the order must be served upon the person.

5. If it appears to the court that the subpoena was regularly issued by the Board, the court shall enter an order compelling compliance with the subpoena. Failure to obey the order constitutes contempt of court.

➡639.247. Hearing: Procedure

1. Any hearing held for the purpose of suspending or revoking any certificate, certification, license or permit must be conducted publicly by the Board. The hearing must be presided over by a member of the Board or his or her designee and three members constitute a quorum. Any decision by the Board requires the concurrence of at least three members. The proceedings of the hearing must be reported or recorded by an electronic recording device, an official court reporter or another qualified person.

2. The member of the Board or his or her designee presiding at the hearing or the Executive Secretary of the Board may administer oaths or affirmations. Continuances and adjournments may be ordered, or may be granted, by the member or the designee presiding, for cause shown and by orally notifying those persons present of the time and place at which the hearing will be continued.

➡639.248. Hearing: Use of hearsay evidence

Hearsay evidence may be admitted for the purpose of supplementing or explaining any direct evidence but is not sufficient in itself to support a finding.

➡639.2485. Certain records relating to investigation deemed confidential; certain records relating to disciplinary action deemed public records; disclosure of certain information relating to dangerous drugs and controlled substances; duties of Board upon request or subpoena for records or information; retention of complaints

1. Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the

course of an investigation by the Board and any record of the investigation are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The Board may disclose to a practitioner and a law enforcement agency information concerning a person who procures or attempts to procure any dangerous drug or controlled substance in violation of NRS 453.391 or 454.311.

4. If the Board receives a request or subpoena for records or information obtained during an investigation by the Board and the records or information is not made public pursuant to subsection 2, the Board shall notify the person regarding whom the investigation was made of the request or subpoena. If that person does not consent in writing to the release of the records or information, the Board may release the records or information only upon the order of a court of competent jurisdiction.

5. The Board shall retain all complaints or other documents filed by the Board to initiate disciplinary action for at least 10 years, including, without limitation, any complaints not acted upon.

639.249. Contempt

If any person in proceedings before the Board disobeys or resists any lawful order or refuses to respond to a subpoena, or refuses to take the oath or affirmation as a witness or thereafter refuses to be examined, or is guilty of misconduct during a hearing or so near the place thereof as to obstruct the proceeding, the Board shall certify the facts to the district court of the county where the proceeding is being conducted. The court shall thereupon issue an order directing the person to appear before the court and show cause why he or she should not be punished as for contempt. The order and a copy of the certified statement shall be served on the person. Thereafter the court shall have jurisdiction of the matter. The same proceedings shall be had, the same penalties may be imposed and the person charged may purge himself or herself of the contempt in the same way, as in the case of a person who has committed a contempt in the trial of a civil action.

639.251. Decision; order

Upon conclusion of the hearing or as soon as practicable thereafter and, in any event, within 30 days, the Board shall make, enter and file its decision and shall make, enter and file its order based thereon. A copy of the order shall promptly be served on the respondent and the respondent’s attorney of record, either personally or by registered or certified mail. The order shall not become effective until at least 30 days after receipt by the respondent unless otherwise ordered by the Board.

639.252. Rehearing

1. If the respondent wishes to contest or appeal the decision of the Board, the order or any part thereof, the respondent

may, not later than 10 days after the time the order becomes effective, apply in writing to the Board for a rehearing. The application must set forth with particularity the part or parts of the decision or order to which the respondent objects and the basis of the objection.

2. The Executive Secretary of the Board shall, within 10 days after receipt of a written application for rehearing, notify the respondent and the respondent's attorney of record in writing, by registered or certified mail, of his or her action, either granting or denying the application. If the application is granted, the notice must contain the date, time and place of the rehearing. The rehearing must be held at the next regularly scheduled meeting of the Board. Granting of the application by the Executive Secretary does not serve as an automatic stay of execution of the order pending conclusion of the rehearing.

➡639.253. Order following rehearing

1. On conclusion of the rehearing the Board may reaffirm the order previously adopted, or if new evidence is presented which controverts, in whole or in part, the allegations on which the accusation was based and if the Board considers that such action would be in the public interest, the Board may reset or reduce the penalty ordered at the conclusion of the original hearing.

2. The Board shall make, enter and file its order at the conclusion of the rehearing, or as soon thereafter as practicable, and cause a copy thereof to be served on the respondent and the respondent's attorney of record within 30 days. The order shall not become effective until 30 days after receipt thereof by the respondent unless otherwise ordered by the Board.

➡639.2535. Judicial review

1. Every order of the Board which limits the practice of pharmacy or any privileges extended by any certificate, permit, registration or license is effective until the date the order is modified or reversed by a final judgment of the reviewing court.

2. The district court shall give a petition for judicial review of the Board's order priority over other civil matters which are not expressly given priority by law.

➡639.255. Authorized disciplinary action; judicial review of such action; fines; private reprimands prohibited; orders imposing discipline deemed public records

1. The holder of any certificate, license or permit issued by the Board, whose default has been entered or who has been heard by the Board and found guilty of the violations alleged in the accusation, may be disciplined by the Board by one or more of the following methods:

(a) Suspending judgment;

(b) Placing the certificate, license or permit holder on probation;

(c) Suspending the right of a certificate holder to practice, or the right to use any license or permit, for a period to be determined by the Board;

(d) Revoking the certificate, license or permit;

(e) Public reprimand; or

(f) Imposition of a fine for each count of the accusation, in accordance with the schedule of fines established pursuant to subsection 3.

2. Such action by the Board is final, except that the propriety of such action is subject to review upon questions of law by a court of competent jurisdiction.

3. The Board shall, by regulation, establish a schedule of fines that may be imposed pursuant to paragraph (f) of subsection 1. Each fine must be commensurate with the severity of the applicable violation, but must not exceed $10,000 for each violation.

4. The Board shall not issue a private reprimand.

5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

➡639.2555. Suspension of certificate or license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of certificate or license

<Section expires by limitation two years after the date of the repeal of the federal law requiring states to establish procedures for restricting licenses for persons with child support arrearages or related procedural noncompliance.>

1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training or a license issued pursuant to NRS 639.233, the Board shall deem the certificate of registration or license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the certificate of registration or license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate of registration or license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a certificate of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training or a license issued pursuant to NRS 639.233 that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate of registration or license was suspended stating that the person whose certificate of registration or license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

639.256. Automatic restoration of suspended certificate, license or permit

A certificate, license or permit which has been suspended for a specified period of time must automatically be restored to good standing on the first day following the period of suspension. The Executive Secretary of the Board, when notifying the respondent of the penalty imposed by the Board, shall inform the respondent of the date on which the certificate, license or permit will be so restored.

639.2565. Reinstatement of certificate suspended for incompetency

1. A person whose certificate has been suspended by the Board may petition the Board for reinstatement of the certificate.

2. After receipt of the petition, the Board shall conduct a hearing to determine whether the certificate should be reinstated.

3. If a hearing is held, the Board may consider the results of its own investigation and any evidence pertaining to the competence of the petitioner. An affirmative vote of a majority of Board members is necessary to reinstate a certificate. The Board may require, prior to reinstatement, that the petitioner pass an examination, either oral or written, to determine the petitioner's present fitness to resume practice.

4. In any hearing conducted under this section, the Board may employ any expert witnesses considered necessary to determine the competency and ability of the petitioner.

5. If the Board orders restoration of such certificate, it may waive the requirements of NRS 639.180, 639.190 and 639.2174.

639.257. Reinstatement of revoked certificate, license or permit

1. A person whose certificate, license or permit has been revoked may petition the Board for reinstatement after a period of not less than 1 year has lapsed since the date of revocation.

2. The petition shall state such facts as may be required by the Board and shall be heard by the Board at its next regular

meeting held not earlier than 30 days after the petition is filed. Such petition may be considered by the Board while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on probation or parole, only if the Board members, by a majority vote, find that the public interest would best be served by such reinstatement.

3. In considering reinstatement the Board may investigate and consider all activities of the petitioner since the time the original certificate, license or permit was issued and his or her ability, character and reputation. The affirmative vote of at least three members is necessary for reinstatement of a certificate, license or permit with or without terms, conditions and restrictions.

➡639.2575. Disciplinary action by hearing officer or panel: Procedural requirements; powers and duties of officer or panel; appeals

1. Any disciplinary action taken by a hearing officer or panel pursuant to NRS 639.081 is subject to the same procedural requirements which apply to disciplinary actions taken by the Board, and the officer or panel has those powers and duties given to the Board in relation thereto.

2. A decision of the hearing officer or panel relating to the imposition of a fine is a final decision in a contested case. Any party aggrieved by a decision of the officer or panel to place the holder of a certificate, license or permit on probation, reprimand him or her or revoke or suspend his or her certificate, license or permit may appeal that decision to the Board.

➡639.2576. Immunity from civil action for assisting administrative proceeding

The Board or any other person who initiates or assists in any lawful investigation or administrative proceeding concerning the discipline of a pharmacist is immune from any civil action for that initiation or assistance or any consequential damages, if the person acted without malicious intent.

Regulation of Trade Practices

Substitution of Generic Drugs for Drugs Prescribed by Brand Name

➡639.258. Complaint

Any person who becomes aware that a person practicing pharmacy in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

639.2583. General requirements governing substitution; procedure; limitations; applicability

1. Except as otherwise provided in this section, if a practitioner has prescribed a drug by brand name and the practitioner has not indicated, by a method set forth in subsection 5, that a substitution is prohibited, the pharmacist who fills or refills the prescription shall dispense, in substitution, another drug which is available to him or her if the other drug:

(a) Is less expensive than the drug prescribed by brand name;

(b) Is biologically equivalent to the drug prescribed by brand name;

(c) Has the same active ingredient or ingredients of the same strength, quantity and form of dosage as the drug prescribed by brand name; and

(d) Is of the same generic type as the drug prescribed by brand name.

2. If the pharmacist has available to him or her more than one drug that may be substituted for the drug prescribed by brand name, the pharmacist shall dispense, in substitution, the least expensive of the drugs that are available to him or her for substitution.

3. Before a pharmacist dispenses a drug in substitution for a drug prescribed by brand name, the pharmacist shall:

(a) Advise the person who presents the prescription that the pharmacist intends to dispense a drug in substitution; and

(b) Advise the person that he or she may refuse to accept the drug that the pharmacist intends to dispense in substitution, unless the pharmacist is being paid for the drug by a governmental agency.

4. If a person refuses to accept the drug that the pharmacist intends to dispense in substitution, the pharmacist shall dispense the drug prescribed by brand name, unless the pharmacist is being paid for the drug by a governmental agency, in which case the pharmacist shall dispense the drug in substitution.

5. A pharmacist shall not dispense a drug in substitution for a drug prescribed by brand name if the practitioner has indicated that a substitution is prohibited using one or more of the following methods:

(a) By oral communication to the pharmacist at any time before the drug is dispensed.

(b) By handwriting the words “Dispense as Written” on the form used for the prescription, including, without limitation, any form used for transmitting the prescription from a facsimile machine to another facsimile machine. The pharmacist shall disregard the words “Dispense as Written” if they have been placed on the form used for the

prescription by preprinting or other mechanical process or by any method other than handwriting.

(c) By including the words "Dispense as Written" in any prescription that is given to the pharmacist by electronic transmission pursuant to the regulations of the Board or in accordance with NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto, including, without limitation, an electronic transmission from a computer equipped with a facsimile modem to a facsimile machine or from a computer to another computer pursuant to the regulations of the Board.

6. The provisions of this section also apply to a prescription issued to a person by a practitioner from outside this State if the practitioner has not indicated, by a method set forth in subsection 5, that a substitution is prohibited.

7. The provisions of this section do not apply to:

(a) A prescription drug that is dispensed to any inpatient of a hospital by an inpatient pharmacy which is associated with that hospital;

(b) A prescription drug that is dispensed to any person by mail order or other common carrier by an Internet pharmacy which is certified by the Board pursuant to NRS 639.23288 and authorized to provide service by mail order or other common carrier pursuant to the provisions of this chapter; or

(c) A prescription drug that is dispensed to any person by a pharmacist if the substitution:

(1) Would violate the terms of a health care plan that maintains a mandatory, exclusive or closed formulary for its coverage for prescription drugs; or

(2) Would otherwise make the transaction ineligible for reimbursement by a third party.

639.2585. Repealed

639.2587. Name of manufacturer, packer or distributor to be noted on prescription

If a generic drug is substituted for a drug prescribed by brand name, the pharmacist or practitioner shall:

1. Note the name of the manufacturer, packer or distributor of the drug actually dispensed on the prescription; and

2. Indicate the substitution by writing or typing on the label the words "substituted for," or substantially similar language, following the generic name and preceding the brand name of the drug unless, at the time the initial substitution of the generic drug for a drug prescribed by brand name is made, the person for whom the drug is

dispensed elects not to have such an indication written or typed on the label. An election to indicate or not to indicate a substitution on the label pursuant to this subsection applies to both the fill and each refill of the same prescription.

639.2588. Manufacturer's product identification code to be on certain dispensed tablets and capsules

A pharmacist or practitioner shall not dispense by prescription any tablet or capsule, except one which is hypodermic, sublingual or soluble, if it does not have the manufacturer's product identification code imprinted on it.

639.2589. Form for prescription; substitution in certain facilities; prescriptions ordered on patient's chart

1. The form used for any prescription which is issued or intended to be filled in this state must contain a line for the signature of the practitioner.

2. Substitutions may be made in filling prescriptions contained in the orders of a physician, or of an advanced practice registered nurse who is a practitioner, in a facility for skilled nursing or facility for intermediate care.

3. Substitutions may be made in filling prescriptions ordered on a patient's chart in a hospital if the hospital's medical staff has approved a formulary for specific generic substitutions.

639.259. When pharmacist not required to dispense specific generic drug

No employer of a pharmacist may require the pharmacist to dispense any specific generic drug in substitution for another drug if the:

1. Substitution is not permitted by the prescription as signed by a practitioner;

2. Substitution would be against the professional judgment of the pharmacist; or

3. Substitution would violate any provision of NRS 639.2583 to 639.2597, inclusive.

639.2595. Liability of pharmacist or practitioner

A pharmacist or practitioner who selects a drug for substitution assumes no greater civil liability than he or she assumes by filling the prescription with the drug under its brand name.

639.2597. Use of list of biologically equivalent drugs

A pharmacist or practitioner who proposes to make any substitution must have made use of a list of biologically equivalent drugs approved by the United States Food and Drug Administration.

➡639.2599. Repealed

Transactions Involving Wholesalers

➡639.2615. 639.595 substituted in revision for 639.2615

Miscellaneous Provisions

➡639.263. False or misleading advertising

No registered pharmacist or owner of any pharmacy licensed under the provisions of this chapter may make, disseminate or cause to be made or disseminated before the public in this state, in any newspaper or other publication, or any advertising device, or in any other manner or means whatever, any statement concerning prices or services, professional or otherwise, which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be false or misleading.

➡639.264. Rebates, refunds and commissions

1. No registered pharmacist, or owner of any pharmacy licensed under the provisions of this chapter, may offer, deliver or pay any unearned rebate, refund, commission, preference, patronage dividend, discount or other unearned consideration to any person, whether in the form of money or otherwise, as compensation or inducement to such person for referring prescriptions, patients, clients or customers to such pharmacist or pharmacy, irrespective of any membership, proprietary interest or co-ownership in or with any person by whom such prescriptions, patients, clients or customers are referred.

2. The furnishing to a practitioner by a pharmacist or a pharmacy of prescription blanks bearing the name or name and address of any pharmacy is an unearned rebate and an inducement to refer patients to such pharmacist or pharmacy.

➡639.265. Pharmacists may trade or exchange drugs if necessary for business

A registered pharmacist may trade or exchange drugs with another such pharmacist when any such trade or exchange is necessary to the business of either such pharmacist.

➡639.2655. Use of computerized mechanical equipment to perform act required to be performed by pharmacist

For the purposes of this chapter and chapters 453 and 454 of NRS, any act which is required to be performed by a pharmacist may be performed with the use of computerized mechanical equipment in accordance with the regulations

adopted by the Board.

639.266. Communication of information to patient or person caring for patient

1. Upon receipt of a prescription and after review of the patient's record, a pharmacist shall communicate matters which will enhance therapy through drugs with the patient or a person caring for the patient. The communication must include appropriate elements of counseling for the patient, as established in regulations adopted by the Board. The communication must be in person if practicable, or by telephone or in writing if the patient or the person caring for the patient is not present at the pharmacy.

2. Additional information may be used to supplement counseling when appropriate, including leaflets, pictogram labels, video programs and other such information.

3. Counseling is not required for inpatients of a hospital or a licensed health care facility where administration of drugs is provided.

639.267. Return or transfer of unused drugs packaged in unit doses: Generally

1. As used in this section, “unit dose” means that quantity of a drug which is packaged as a single dose.

2. A pharmacist who provides a regimen of drugs in unit doses to a patient in a facility for skilled nursing or facility for intermediate care as defined in chapter 449 of NRS may credit the person or agency which paid for the drug for any unused doses. The pharmacist may return the drugs to the dispensing pharmacy, which may reissue the drugs to fill other prescriptions or transfer the drugs in accordance with the provisions of NRS 449.2485.

3. Except schedule II drugs specified in or pursuant to chapter 453 of NRS and except as otherwise provided in NRS 433.801, 449.2485, 638.200, 639.2675 and 639.2676, and section 58.85 of this act, unit doses packaged in ampules or vials which do not require refrigeration may be returned to the pharmacy which dispensed them. The Board shall, by regulation, authorize the return of any other type or brand of drug which is packaged in unit doses if the Food and Drug Administration has approved the packaging for that purpose.

639.2675. Return or transfer of unused drugs dispensed by pharmacy to offender in correctional institution; reissuance or transfer of drugs by dispensing pharmacy; regulations

1. A prescription drug that is dispensed by a pharmacy to an offender incarcerated in a correctional institution, but will not be used by that offender, may be returned to that dispensing pharmacy for the purpose of reissuing the drug to fill other prescriptions for offenders incarcerated in that correctional institution or for the purposes of transferring the drug to a nonprofit pharmacy designated by the Board pursuant to NRS 639.2676 if:

(a) The drug is not a controlled substance;

(b) The drug is dispensed in a unit dose, in individually sealed doses or in a bottle that is sealed by the manufacturer of the drug;

(c) The drug is returned unopened and sealed in the original manufacturer's packaging or bottle;

(d) The usefulness of the drug has not expired;

(e) The packaging or bottle contains the expiration date of the usefulness of the drug; and

(f) The name of the patient for whom the drug was originally prescribed, the prescription number and any other identifying marks are obliterated from the packaging or bottle before the return of the drug.

2. A pharmacy to which a drug is returned pursuant to this section may:

(a) Reissue the drug to fill other prescriptions for offenders incarcerated in the same correctional institution if the registered pharmacist of the pharmacy determines that the drug is suitable for that purpose in accordance with standards adopted by the Board pursuant to subsection 5; or

(b) Transfer the drug to a nonprofit pharmacy designated by the Board pursuant to NRS 639.2676.

3. No drug that is returned to a dispensing pharmacy pursuant to this section may be used to fill other prescriptions more than one time.

4. The director of a correctional institution shall adopt written procedures for returning drugs to a dispensing pharmacy pursuant to this section. The procedures must:

(a) Provide appropriate safeguards for ensuring that the drugs are not compromised or illegally diverted during their return.

(b) Require the maintenance and retention of such records relating to the return of such drugs as are required by the Board.

(c) Be approved by the Board.

5. The Board shall adopt such regulations as are necessary to carry out the provisions of this section including, without limitation, requirements for:

(a) Returning and reissuing such drugs pursuant to the provisions of this section.

(b) Transferring drugs to a nonprofit pharmacy pursuant to the provisions of this section and NRS 639.2676.

(c) Maintaining records relating to the return and the use of such drugs to fill other prescriptions.

6. As used in this section, "correctional institution" means an institution or facility operated by the Department of Corrections.

➡639.2676. Reissuance of unused drugs transferred to nonprofit pharmacy; immunity from civil and criminal liability; restriction; written procedures for accepting and issuing such drugs; regulations

1. A nonprofit pharmacy designated by the Board in accordance with the regulations adopted pursuant to subsection 6 to which a drug is transferred pursuant to NRS 433.801, 449.2485 or 639.2675 or section 58.85 of this act may reissue the drug to fill other prescriptions in the same pharmacy free of charge if the registered pharmacist of the nonprofit pharmacy determines that the drug is suitable for that purpose in accordance with the requirements adopted by the Board pursuant to subsection 6 and if:

(a) The drug is not a controlled substance;

(b) The drug is dispensed in a unit dose, in individually sealed doses or in a bottle that is sealed by the manufacturer of the drug;

(c) The drug is unopened and sealed in the original manufacturer's packaging or bottle;

(d) The usefulness of the drug has not expired;

(e) The packaging or bottle contains the expiration date of the usefulness of the drug; and

(f) The name of the patient for whom the drug was originally prescribed, the prescription number and any other identifying marks are obliterated from the packaging or bottle before the reissuance of the drug.

2. A person, pharmacy or facility who exercises reasonable care in the transfer, acceptance, distribution or dispensation of a drug in accordance with the provisions of this section and NRS 433.801, 449.2485 and 639.2675 and section 58.85 of this act and the regulations adopted pursuant thereto is not subject to any civil or criminal liability or disciplinary action by a professional licensing board for any loss, injury or death that results from the transfer, acceptance, distribution or dispensation of the drug.

3. A manufacturer of a drug is not subject to civil or criminal liability for any claim or injury arising from the transfer, acceptance, distribution or dispensation of the drug pursuant to this section and NRS 433.801, 449.2485 and 639.2675 and section 58.85 of this act and the regulations adopted pursuant thereto.

4. No drug that is transferred to a nonprofit pharmacy pursuant to this section may be used to fill other prescriptions more than one time.

5. A nonprofit pharmacy shall adopt written procedures for accepting and reissuing drugs pursuant to this section. The procedures must:

(a) Provide appropriate safeguards for ensuring that the drugs are not compromised or illegally diverted before being reissued.

(b) Require the maintenance and retention of records relating to the acceptance and use of the drugs and any other records as are required by the Board.

(c) Be approved by the Board.

6. The Board shall adopt such regulations as are necessary to carry out the provisions of this section, including, without limitation:

(a) Requirements for reissuing drugs pursuant to this section.

(b) Requirements for accepting drugs transferred to a nonprofit pharmacy pursuant to the provisions of this section and NRS 433.801, 449.2485 and 639.2675 and section 58.85 of this act.

(c) Requirements for maintaining records relating to the acceptance and use of drugs to fill other prescriptions pursuant to this section.

(d) The criteria and procedure for obtaining a designation as a nonprofit pharmacy for the purposes of this section, including, without limitation, provisions for a pharmacy, registered pharmacist or practitioner who is registered with the Board to be designated as a nonprofit pharmacy.

➡639.268. Purchase of controlled substances, poisons, dangerous drugs and devices by practitioner; sale of controlled substances or dangerous drugs to persons or agencies which provide emergency care; records; regulations

<Section effective Jan. 1, 2014. See, also, section effective until Jan. 1, 2014.>

1. A practitioner may purchase supplies of controlled substances, poisons, dangerous drugs and devices from a pharmacy by:

(a) Making an oral order to the pharmacy or transmitting an oral order through his or her agent, except an order for a controlled substance in schedule II; or

(b) If the order is for a controlled substance, presenting to the pharmacy a written order signed by the practitioner which contains his or her registration number issued by the Drug Enforcement Administration.

2. A hospital pharmacy or a pharmacy designated for this purpose 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 State Health Officer or his or her designated medical director of emergency medical services, may sell to a person or agency described in subsection 3 supplies of controlled substances to stock the ambulances or other authorized vehicles of such a person or agency or replenish the stock if:

(a) The person or agency is registered with the Drug Enforcement Administration pursuant to 21 C.F.R. Part 1301;

(b) The person in charge of the controlled substances is:

(1) A paramedic appropriately certified by the health authority;

(2) A registered nurse licensed by the State Board of Nursing; or

(3) A person who holds equivalent certification or licensure issued by another state; and

(c) Except as otherwise provided in this paragraph, the purchase order is countersigned by a physician or initiated by an oral order and may be made by the person or agency or transmitted by an agent of such a person or agency. An order for a controlled substance listed in schedule II must be made pursuant to NRS 453.251.

3. A pharmacy, institutional pharmacy or other person licensed by the Board to furnish controlled substances and dangerous drugs may sell to:

(a) The holder of a permit issued pursuant to the provisions of NRS 450B.200 or 450B.210;

(b) The holder of a permit issued by another state which is substantially similar to a permit issued pursuant to the provisions of NRS 450B.200 or 450B.210; and

(c) An agency of the Federal Government that provides emergency care or transportation and is registered with the

Drug Enforcement Administration pursuant to 21 C.F.R. Part 1301.

4. A pharmacy, institutional pharmacy or other person licensed by the Board to furnish dangerous drugs who sells supplies pursuant to this section shall maintain a record of each sale which must contain:

(a) The date of sale;

(b) The name, address and signature of the purchaser or the person receiving the delivery;

(c) The name of the dispensing pharmacist;

(d) The name and address of the authorizing practitioner; and

(e) The name, strength and quantity of each drug sold.

5. A pharmacy, institutional pharmacy or other person licensed by the Board to furnish dangerous drugs who supplies the initial stock for an ambulance or other emergency vehicle shall comply with any applicable regulations adopted by the State Board of Health, or a district board of health, pursuant to NRS 450B.120.

6. The Board shall adopt regulations regarding the records a pharmacist shall keep of any purchase made pursuant to this section.

➡639.270. Sales by grocers and dealers

Any drug, medicine, remedy, poison or chemical, the sale of which is not otherwise restricted as provided by this chapter, and any patent or proprietary medicine, may be sold by grocers and dealers generally without restriction when prepared and sold in original and unbroken packages and, if poisonous, labeled with the official poison labels and sold in accordance with the requirements of the Federal Food, Drug and Cosmetic Act. [FN1]

[FN1] 21 U.S.C.A. § 301 et seq.

➡639.275. Computer or other electronic device provided to practitioner by pharmacy or insurer

A pharmacy or insurer may provide to a practitioner a computer or any other electronic device, including, without limitation, any software or equipment required for the computer or device if the computer or other electronic device is capable of transmitting data to any pharmacy in this state.

➡639.2801. Requirements for labeling containers for prescribed drugs

Unless specified to the contrary in writing on the prescription by the prescribing practitioner, all prescriptions filled by any practitioner must be dispensed in a container to which is affixed a label or other device which clearly shows:

1. The date.

2. The name, address and prescription serial number of the practitioner who filled the prescription.

3. The names of the prescribing practitioner and of the person for whom prescribed.

4. The number of dosage units.

5. The symptom or purpose for which the drug is prescribed, if included by the practitioner pursuant to NRS 639.2352.

6. Specific directions for use given by the prescribing practitioner.

7. The expiration date of the effectiveness of the drug or medicine dispensed, if that information is included on the original label of the manufacturer of that drug or medicine. If the expiration date specified by the manufacturer is not less than 1 year after the date of dispensing, the practitioner may use a date that is 1 year after the date of dispensing as the expiration date.

8. The proprietary or generic name of the drug or medicine as written by the prescribing practitioner.

9. The strength of the drug or medicine.

The label must contain the warning:

Caution: Do not use with alcohol or nonprescribed drugs without consulting the prescribing practitioner.

➡ 639.2802. Availability of information concerning prices of prescriptions

In addition to any applicable requirements set forth in NRS 439.900 to 439.940, inclusive, prescription price information must be made available, upon request, by a pharmacist or practitioner who dispenses drugs.

➡ 639.28025. Notice of availability of list of prices for drugs and professional services to be posted

In addition to any applicable requirements set forth in NRS 439.900 to 439.940, inclusive, every practitioner who dispenses drugs shall post on the premises in a place conspicuous to customers and easily accessible and readable by

customers a notice, provided by the Board, advising customers that a price list of drugs and professional services is available to them upon request.

639.2803. Dispensing specific drugs when choice of drugs available

No person who owns a pharmacy licensed under this chapter may require a pharmacist in his or her employment to dispense a specific drug when a choice of drugs is available.

639.2804. Filling prescriptions for amygdalin and procaine hydrochloride

1. A prescription for the substance having the trade name “laetrile” shall be considered as an order for the substance by its generic name, amygdalin. The prescription may be filled with “laetrile” or its generic equivalent.

2. A prescription for the substance having the trade name “Gerovital H3” shall be considered as an order for procaine hydrochloride with preservatives and stabilizers, and the order may be filled using similar products manufactured under other trade names.

639.2805. Substances licensed for manufacture in Nevada: Filling prescriptions; labeling of containers

1. A pharmacist or practitioner is not subject to any penalty for filling a prescription for a substance licensed for manufacture in this state if the prescription is issued to a patient by his or her practitioner.

2. If a substance licensed for manufacture in this state has not been approved as a drug by the Food and Drug Administration, the label or other device affixed to its container must so state and the label must further state that the State of Nevada has not approved the substance.

639.2806. Parenteral solutions: Limitation on sale and dispensing

A parenteral solution which is used by a patient in his or her home or in a facility for the dependent or a medical facility, other than a hospital as defined in NRS 449.012, may only be sold or dispensed:

1. By a pharmacy licensed in this state or a practitioner;

2. If the date of expiration is on its label; and

3. If a practitioner, registered pharmacist and a registered nurse are available at all times for immediate assistance to the patient in case of any pharmaceutical problems encountered in its use.

639.2807. Parenteral solutions: Compounding; regulation by Board

1. Any parenteral for use in a home or a facility for the dependent or a medical facility, other than a hospital as defined in NRS 449.012, must be compounded, packaged and labeled:

(a) By a registered pharmacist in a pharmacy or a practitioner licensed in this state. The practitioner shall ensure that the parenterals are delivered to the patient and are not available for use after the date of expiration.

(b) Pursuant to regulations adopted by the Board.

2. To maintain the stability of parenteral solutions, to prevent their contamination and that of the personnel of the practitioner and to ensure the quality and continuity of care for patients, the Board shall adopt regulations, to include:

(a) The procedures for the compounding, packaging, replacement and disposal of parenteral solutions;

(b) The conditions under which those solutions must be prepared, stored and delivered;

(c) The equipment required for the preparation, sterilization and storage of those solutions and the maintenance and cleaning of that equipment;

(d) The procedures for the proper disposal of any material used in the preparation of those solutions;

(e) The procedures for maintaining records and clinical monitoring of patients;

(f) The education and training of persons employed by practitioners; and

(g) The requirements for the education of patients relating to the use of parenterals.

639.2808. Performance of blood glucose test by registered pharmacist or registered intern pharmacist

A registered pharmacist or a registered intern pharmacist may perform a blood glucose test using devices for monitoring approved by the Food and Drug Administration for use in the home. The performance of such a test must be in compliance with standards of practice recommended by the American Association of Diabetes Educators or its successor organization.

639.2809. Implementation, monitoring and modification of drug therapy by pharmacist: Restrictions; notice; regulations

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:

(1) In a licensed medical facility; or

(2) If developed to ensure continuity of care for a patient, in any setting that is affiliated with a medical facility where the patient is receiving care. A pharmacist who modifies a drug therapy of a patient receiving care in a setting that is affiliated with a medical facility shall, within 72 hours after implementing or modifying the drug therapy, provide written notice of the implementation or modification of the drug therapy to the collaborating practitioner or enter the appropriate information concerning the drug therapy in an electronic patient record system shared by the pharmacist and the collaborating practitioner.

(c) Must state the conditions under which a prescription of a practitioner relating to the drug therapy of a patient may be changed by the pharmacist without a subsequent prescription from the practitioner.

(d) 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.

Unlawful Acts and Penalties

➡639.281. False representations

1. Any person who secures or attempts to secure registration for himself or herself or any other person by making, or causing to be made, any false representation or who fraudulently represents himself or herself to be a registered pharmacist or practitioner is guilty of a misdemeanor.

2. Any certificate issued by the Board on information later found to be false or fraudulent must be automatically cancelled by the Board.

639.2813. False representation as practitioner or agent; unauthorized transmission of order for prescription by agent

1. Except as provided in NRS 453.331 and 454.311, it is unlawful for any person falsely to represent himself or herself as a practitioner entitled to write prescriptions in this state, or the agent of such a person, for the purpose of transmitting to a pharmacist an order for a prescription. A person who violates the provisions of this subsection:

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony,

and shall be punished as provided in NRS 193.130.

2. It is unlawful for the agent of a practitioner entitled to write prescriptions in this state willfully to transmit to a pharmacist an order for a prescription if the agent is not authorized by the practitioner to transmit such order.

639.2815. Fraudulent or excessive charge or claim under program of public assistance; penalty

A pharmacist or practitioner who knowingly submits to the State or any of its political subdivisions or any agent thereof, a charge or claim for drugs or medical supplies furnished to or for a person receiving medical care under any program of public assistance, which is false or which is in excess of any amount established by law or regulations adopted by the Department of Health and Human Services or by the governing body of any political subdivision, as the price or fee for the furnishing of those drugs or medical supplies, is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

639.282. Unlawful possession or sale of certain pharmaceutical preparations, drugs or chemicals; destruction

1. Except as otherwise provided in NRS 433.801,449.2485, 638.200, 639.267, 639.2675 and 639.2676, and section 58.85 of this act, it is unlawful for any person to have in his or her possession, or under his or her control, for the purpose of resale, or to sell or offer to sell or dispense or give away, any pharmaceutical preparation, drug or chemical which:

(a) Has been dispensed pursuant to a prescription or chart order and has left the control of a registered pharmacist or practitioner;

(b) Has been damaged or subjected to damage by heat, smoke,fire or water, or other cause which might reasonably render it unfit for human or animal use;

(c) Has been obtained through bankruptcy or foreclosure proceedings, or other court action, auction or other legal or administrative proceedings, except when the pharmaceutical preparation, drug or chemical is in the original sealed

container;

(d) Is no longer safe or effective for use, as indicated by the expiration date appearing on its label; or

(e) Has not been properly stored or refrigerated as required by its label.

2. The provisions of subsection 1 do not apply if the person in whose possession the pharmaceutical preparation, drug or chemical is found also has in his or her possession a valid and acceptable certification of analysis attesting to the purity and strength of the pharmaceutical preparation, drug or chemical and attesting to the fact that it can be safely and effectively used by humans or animals. The preparation, drug or chemical must not be sold or otherwise disposed of until the certification required by this subsection has been presented to and approved by the Board.

3. In the absence of conclusive proof that the preparation, drug or chemical can be used safely and effectively by humans or animals, it must be destroyed under the direct supervision of a member or an inspector of the Board, or two persons designated as agents by the Board who include an inspector of a health care board, a licensed practitioner of a health care board or a peace officer of an agency that enforces the provisions of chapters 453 and 454 of NRS.

4. As used in this section, “health care board” includes the State Board of Pharmacy, the State Board of Nursing, the Board of Medical Examiners and the Nevada State Board of Veterinary Medical Examiners.

639.2825. Unlawful to dispense or fit contact lens; exception

1. Except as otherwise provided in subsection 2, it is unlawful for the holder of a certificate of registration as a pharmacist, a certificate of registration as an intern pharmacist, a license or a permit granted pursuant to this chapter to sell, furnish or fit a contact lens.

2. A registered pharmacist may, pursuant to a prescription, sell or furnish a prepackaged contact lens that does not require any adjustment, modification or fitting, if:

(a) The prescription includes an expiration date and sets forth the number of refills that the person for whom the contact lens is prescribed may receive; and

(b) The contact lens is not sold or furnished with the intent that the initial use of the contact lens will occur after the expiration date of the prescription.

3. As used in this section, “contact lens” includes, without limitation, any cosmetic or therapeutic contact lens or any contact lens that is used to improve visual acuity.

639.283. Use of intoxicating liquor, depressant drug or controlled substance while on duty prohibited; penalty

Any person who sells, dispenses or compounds any prescription, or sells any drug or poison while under the influence of intoxicating liquor or any depressant drug or controlled substance, unless taken pursuant to a lawfully issued prescription, is guilty of a misdemeanor.

639.284. Unlawful dispensing and sales

Except as otherwise provided in NRS 639.23277, 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 which is restricted by the provisions of this chapter, by any person other than a registered pharmacist or an intern pharmacist, is guilty of a misdemeanor.

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

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony,

and shall be punished as provided in NRS 193.130.

639.2845. Selling or dispensing of procaine hydrochloride

1. A pharmacist or practitioner is not subject to any penalty for dispensing or selling without a prescription oral doses of procaine hydrochloride with preservatives and stabilizers (Gerovital H3) manufactured in this state.

2. A pharmacist or practitioner who dispenses or sells procaine hydrochloride with preservatives and stabilizers (Gerovital H3) pursuant to this section without a prescription shall maintain a register of persons to whom it was dispensed or sold. The register must contain:

(a) The name and address of the person to whom it was sold or dispensed;

(b) The amount sold or dispensed and the date;

(c) The signature of the person to whom it was sold or dispensed; and

(d) The signature of the dispenser, who must be a registered pharmacist or a registered intern pharmacist acting under the direct and immediate supervision of a registered pharmacist or practitioner.

639.285. Unlawful sales by unlicensed persons

Any person not licensed by the Board, who sells, displays or offers for sale any drug, device or poison, the sale of which is restricted to prescription only or by a registered pharmacist or under his or her direct and immediate supervision:

1. If no substantial bodily harm results, is guilty of a category D felony; or

2. If substantial bodily harm results, is guilty of a category C felony,

and shall be punished as provided in NRS 193.130, unless a greater penalty is provided pursuant to section 5 or 6 of this act.

639.286. Violation of Board's regulations

Regulations officially adopted by the Board under the powers granted by NRS 454.110 and 639.073 as those regulations apply to the restricted sale of drugs and the sale or labeling of poisons apply to all persons alike. Violation of those regulations is a misdemeanor.

639.287. Failure to furnish information concerning employees; false information; penalty

1. When called upon by a member, inspector or investigator of the Board, the owner or manager of any premises on which drugs, medicines or poisons are sold at retail or a wholesaler or manufacturer of drugs shall furnish the member, inspector or investigator with the name of each owner, manager, partner, officer of the corporation and employee, together with a statement of the capacity in which each of those persons is employed or the extent to which each is engaged in the operation of the licensed establishment.

2. Any person who refuses to furnish that information or willfully furnishes false information is guilty of a misdemeanor.

639.288. Unlawful sales by wholesalers and manufacturers

It is unlawful for any wholesaler or manufacturer to furnish, sell, offer for sale, or deliver any drugs, poisons, chemicals or devices, other than those referred to in NRS 639.270, to any person not authorized by the laws of this state to handle, sell, possess or deal in such drugs, poisons, chemicals or devices.

639.289. Entry by Board member or agent

A member or any agent of the Board may enter any premises in this State where a person who holds a license, certificate or permit issued pursuant to the provisions of this chapter practices pharmacy and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing pharmacy without the appropriate license, certificate or permit issued pursuant to the provisions of this chapter.

639.2893. Forwarding of certain information

Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice pharmacy without the appropriate license, certificate or permit issued pursuant to the provisions of this chapter.

639.2895. Additional penalties

In addition to any other penalty prescribed by law, if the Board determines that a person has violated subsection 1 of NRS 639.100, subsection 1 of NRS 639.2813 or NRS 639.284 or 639.285, the Board may:

1. Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license, certificate or permit or otherwise demonstrates that he or she is no longer in violation of subsection 1 of NRS 639.100, subsection 1 of NRS 639.2813 or NRS 639.284 or 639.285. An order to cease and desist must include a telephone number with which the person may contact the Board.

2. Issue a citation to the person. A citation issued pursuant to this subsection must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this subsection. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

3. Assess against the person an administrative fine of not more than $5,000.

4. Impose any combination of the penalties set forth in subsections 1, 2 and 3.

639.300. Recovery of penalties; conduct of actions and prosecutions by district attorney

1. The several penalties prescribed in this chapter may be recovered in any court having jurisdictions, by a civil action instituted by the Board, in the name of the State of Nevada, or by criminal prosecution upon complaint being made.

2. The district attorney of the county wherein violations of the provisions of this chapter occur shall conduct all such actions and prosecutions at the request of the Board.

639.310. Penalty

Unless a greater penalty is specified, any person who violates any of the provisions of this chapter is guilty of a misdemeanor.

Products That Are Precursors to Methamphetamine

639.400. "Product that is a precursor to methamphetamine" defined

As used in this section and NRS 639.410 and 639.420 and sections 2 to 4.5, inclusive, of this act, "product that is a precursor to methamphetamine" means a product which contains ephedrine, pseudoephedrine or phenylpropanolamine or the salts, optical isomers or salts of optical isomers of such chemicals and may be marketed or distributed lawfully in the United States under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. § 301 et seq., as a nonprescription drug.

639.410. Sales of products that are precursors to methamphetamine

A person shall not sell or transfer to an ultimate user in the course of any business, or engage in the business of selling to ultimate users, a product that is a precursor to methamphetamine, unless the person is a pharmacy.

639.420. Unusual or excessive loss or disappearance of products that are precursors to methamphetamine

1. Except as otherwise provided in subsection 2, if a pharmacy becomes aware of any unusual or excessive loss or disappearance of a product that is a precursor to methamphetamine while the product is under the control of the pharmacy, the pharmacy must:

(a) Make an oral report to the Department of Public Safety at the earliest practicable opportunity after the pharmacy becomes aware of the unusual or excessive loss or disappearance of the product that is a precursor to methamphetamine; and

(b) Submit a written report to the Department of Public Safety within 15 days after the pharmacy becomes aware of the unusual or excessive loss or disappearance of the product that is a precursor to methamphetamine.

2. If an unusual or excessive loss or disappearance of a product that is a precursor to methamphetamine occurs while the product is being transported to a pharmacy, the pharmacy is not required to comply with the provisions of subsection 1.

3. A report required by subsection 1 must include, without limitation, a description of the circumstances surrounding the loss or disappearance and may be in substantially the following form:

LOSS REPORT

License number:.....

Name:.....

Business address:.....

City:.....

State:.....

Zip code:.....

Business phone:.....

Date of loss:.....

Type of loss:.....

Description of circumstances:.....

4. As used in this section, "unusual or excessive loss or disappearance" means a loss or disappearance for which a report would be required under 21 U.S.C. § 830(b)(1), and any regulations adopted pursuant thereto, if the pharmacy were subject to the requirements of 21 U.S.C. § 830(b)(1) and any regulations adopted pursuant thereto.

639.430. Real-time, stop sale system

1. The Board shall approve a real-time, stop sale system for use by pharmacies in this State if the Board determines that a real-time, stop sale system is available and appropriate for use by pharmacies in this State. The Board shall approve a real-time, stop sale system for use by pharmacies in this State only if the Board determines that the system:

(a) Will allow pharmacies in this State to electronically submit information to the system before the sale or transfer of

a product that is a precursor to methamphetamine;

(b) Will determine whether the sale or transfer of the product would violate NRS 453.355 or any other law which prohibits the sale or transfer of a product that is a precursor to methamphetamine;

(c) Will send an alert to pharmacies to stop the sale or transfer of a product if the sale or transfer would violate NRS 453.355 or any other law which prohibits the sale or transfer of a product that is a precursor to methamphetamine;

(d) Will allow law enforcement agencies in this State to access from the system transaction records of any sale or transfer or attempted sale or transfer of a product that is a precursor to methamphetamine; and

(e) Is available for use by pharmacies and law enforcement agencies in this State free of charge.

2. Before approving a real-time, stop sale system, the Board must adopt regulations establishing the minimum requirements for the real-time, stop sale system. The Board shall also adopt regulations establishing the requirements for use of the real-time, stop sale system by the pharmacies and law enforcement agencies of this State.

639.440. Notice

1. After the Board has approved a real-time, stop sale system pursuant to section 2 of this act and adopted regulations establishing the requirements for the use of the system pursuant to that section, the Board must notify each pharmacy in this State of the real-time, stop sale system that has been approved, the manner in which to establish the system in the pharmacy and the content of the regulations.

2. Once a pharmacy receives notification pursuant to subsection 1, the pharmacy shall obtain the real-time, stop sale system and consult the system in the manner prescribed before completing any sale or transfer of a product that is a precursor to methamphetamine, except when the purchaser has a valid prescription for such a product. The pharmacy shall obtain any information necessary from the person seeking the purchase or transfer of the product to receive notice from the real-time, stop sale system.

3. Except as otherwise provided in this subsection, if a pharmacy receives an alert from the real-time, stop sale system that the sale or transfer of a product may violate NRS 453.355 or any other law which prohibits the sale or transfer of a product that is a precursor to methamphetamine, the pharmacy must not allow the sale or transfer to be completed. The Board shall provide by regulation for exceptions to allow for the completion of a sale or transfer:

(a) Despite such an alert if the pharmacist or an employee of the pharmacy has a reasonable fear of imminent bodily harm.

(b) If a pharmacy experiences a mechanical or electronic failure of the real-time, stop sale system.

4. A pharmacy that complies with the provisions of this section is not liable in any civil action for using the real-time, stop sale system or for any act or omission resulting from the use of the system which is not the result of the negligence, recklessness or deliberate misconduct of the pharmacy.

5. Failure of a person to use the real-time, stop sale system as required pursuant to this section is a misdemeanor punishable by a fine of not more than $1,000.

➡639.450. Immunity

The failure of the real-time, stop sale system approved pursuant to section 2 of this act to send an alert to a pharmacy to stop the sale or transfer of a product that is a precursor to methamphetamine in violation of NRS 453.355, or any other law which prohibits the sale or transfer of a product that is a precursor to methamphetamine, does not establish a basis for any cause of action against the Board. The Board is immune from any liability arising from or related to the unauthorized access or misuse of any information collected by or derived from the real-time, stop sale system approved pursuant to section 2 of this act.

Wholesalers and Wholesale Distribution

Additional Licensing Requirements

➡639.500. Submission of fingerprints and information concerning certain persons associated with wholesaler; issuance of provisional license; prohibitions

1. In addition to the requirements for an application set forth in NRS 639.100, each applicant for a license to engage in wholesale distribution shall submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. If the applicant is a:

(a) Natural person, that person must submit his or her fingerprints.

(b) Partnership, each partner must submit his or her fingerprints.

(c) Corporation, each officer and director of the corporation must submit his or her fingerprints.

(d) Sole proprietorship, that sole proprietor must submit his or her fingerprints.

2. In addition to the requirements of subsection 1, the applicant shall submit with the application a list containing each employee, agent, independent contractor, consultant, guardian, personal representative, lender or holder of indebtedness of the applicant. The Board may require any person on the applicant's list to submit a complete set of fingerprints to the Board if the Board determines that the person has the power to exercise significant influence over

the operation of the applicant as a licensed wholesaler. The fingerprints must be submitted with written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The provisions of this subsection do not apply to a:

(a) Lender or holder of indebtedness of an applicant who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.

(b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.

3. The Board may issue a provisional license to an applicant pending receipt of the reports from the Federal Bureau of Investigation if the Board determines that the applicant is otherwise qualified.

4. An applicant who is issued a license by the Board shall not allow a person who is required to submit fingerprints pursuant to subsection 2 to act in any capacity in which the person exercises significant influence over the operation of the wholesaler if the:

(a) Person does not submit a complete set of fingerprints in accordance with subsection 2; or

(b) Report of the criminal history of the person indicates that the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or offense involving moral turpitude or related to the qualifications, functions or duties of that person in connection with the operation of the wholesaler.

5. The Board shall not issue a license to an applicant if the requirements of this section are not satisfied.

➡639.505. Submission of updated information concerning certain persons associated with wholesaler; submission of additional fingerprints; prohibitions

1. On an annual basis, each licensed wholesaler shall submit to the Board an updated list of each employee, agent, independent contractor, consultant, guardian, personal representative, lender or holder of indebtedness of the wholesaler who is employed by or otherwise contracts with the wholesaler for the provision of services in connection with the operation of the licensee as a wholesaler. Any changes to the list must be submitted to the Board not later than 30 days after the change is made.

2. If a person identified on an updated list of the wholesaler is employed by or otherwise contracts with the wholesaler after the wholesaler is issued a license and that person did not submit fingerprints pursuant to NRS 639.500, the Board may require that person to submit a complete set of fingerprints to the Board if the Board determines that the person has the power to exercise significant influence over the operation of the licensee as a wholesaler. The fingerprints must be submitted within 30 days after being requested to do so by the Board and must include written permission

authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The provisions of this subsection do not apply to a:

(a) Lender or holder of indebtedness of a wholesaler who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.

(b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.

3. A wholesaler shall not allow a person who is required to submit fingerprints pursuant to subsection 2 to act in any capacity in which the person exercises significant influence over the operation of the wholesaler if the:

(a) Person does not submit a complete set of fingerprints in accordance with subsection 2; or

(b) Report of the criminal history of the person indicates that the person has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or offense involving moral turpitude or related to qualifications, functions or duties of that person in connection with the operation of the wholesaler.

639.510. Protection of certain information obtained by Board

The Board shall implement and maintain reasonable security measures to protect the information obtained by the Board pursuant to NRS 639.500 and all other information related to an application for a license to engage in wholesale distribution to protect the information from unauthorized access, acquisition, destruction, use, modification or disclosure. The provisions of this section do not prohibit the Board from disclosing and providing such information to other state and federal agencies involved in the regulation of prescription drugs to the extent deemed necessary by the Board.

639.515. Bond or other form of security required; exceptions

1. Except as otherwise provided in this subsection, before the Board issues a license to engage in the wholesale distribution of prescription drugs, the applicant shall file with the Board a bond in an amount not less than $25,000 and not more than $100,000, as determined by the Board, executed by the applicant as principal, and by a corporation qualified under the laws of this State as surety, payable to this State and conditioned upon the compliance with the requirements of this chapter applicable to wholesalers. An applicant that is a publicly traded corporation is not required to file a bond or other security pursuant to this section.

2. In lieu of the bond required pursuant to subsection 1, an applicant may deposit with the Board a like amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the

amount is not available for withdrawal except upon order of the Board.

3. The Board may, by agreement with a wholesaler who has been licensed with the Board for 5 consecutive years or more, allow a reduction in the amount of the bond or other security as provided in subsections 1 and 2, if the wholesaler has conducted business in accordance with the applicable provisions of this chapter for the immediately preceding 5 years, but no bond may be in an amount less than $5,000. The Board may at any time thereafter require the licensee to increase the amount of the bond or other security if evidence is presented to the Board supporting this requirement.

4. The purpose of the bond and other security required by this section is to secure payment of any fines imposed by the Board pursuant to NRS 639.255 and any costs incurred by the Board regarding the license of a wholesaler that are imposed pursuant to NRS 622.400 or 622.410 which the licensee fails to pay within 30 days after the fines or costs become due and payable. The Board may make a claim against a bond or other security pursuant to this subsection until 1 year after the license ceases to be valid or until 60 days after any administrative proceeding against the licensee conducted pursuant to NRS 639.241 to 639.2576, inclusive, is concluded.

5. Except as otherwise provided in this subsection, before renewing a license to engage in wholesale distribution, the Board shall require the licensee to file with the Board satisfactory evidence that the surety bond or other security is in full force. A licensee that is a publicly traded corporation is not required to maintain a bond or other security.

6. Failure of an applicant or licensee to file or maintain in full force the required bond or other security constitutes cause for the Board to deny, revoke, suspend or refuse to renew a license to engage in wholesale distribution.

7. All money received by the Board pursuant to this section must be deposited in accordance with NRS 639.081.

Statement of Prior Sales

➡639.535. “Statement of prior sales” or “statement” defined

As used in NRS 639.535 to 639.555, inclusive, unless the context otherwise requires, “statement of prior sales” or “statement”:

1. Means a statement of prior sales that must be used in a transaction involving the purchase or sale of a prescription drug by a wholesaler, if required; and

2. Is synonymous with the term “Statement Identifying Prior Sales of Prescription Drugs by Wholesalers Required by the Prescription Drug Marketing Act.”

➡639.540. Duties of Board; requirements concerning use, form and contents of statement

1. The Board shall ensure the safe and efficient operation of wholesalers and the integrity and propriety of transactions involving the purchase and sale of prescription drugs by wholesalers, including, without limitation, ensuring:

(a) The circumstances and conditions under which a wholesaler must prepare, deliver, acquire and maintain a statement of prior sales regarding a transaction involving the purchase or sale of a prescription drug;

(b) The form and contents of a statement of prior sales; and

(c) The process and procedures for verifying and certifying that the information contained in a statement of prior sales is complete and accurate.

2. In ensuring the circumstances and conditions under which a wholesaler must prepare, deliver, acquire and maintain a statement of prior sales regarding a transaction involving the purchase or sale of a prescription drug, the Board shall consider:

(a) The need for verification to ensure that the transaction is a bona fide transaction pursuant to NRS 639.595; and

(b) The level of risk the transaction poses to public health and safety, including, without limitation, the potential that the transaction may involve the sale or purchase of a prescription drug that is:

(1) Counterfeit;

(2) Deemed to be adulterated or misbranded in accordance with the provisions of chapter 585 of NRS;

(3) Mislabeled;

(4) Damaged or compromised by improper handling, storage or temperature control;

(5) From a foreign or unlawful source; or

(6) Manufactured, packaged, labeled or shipped in violation of any state or federal law relating to prescription drugs.

3. If a statement of prior sales is required for a transaction involving the purchase or sale of a prescription drug by a wholesaler, the statement:

(a) Must include the signature of the wholesaler or the wholesaler’s designated representative certifying that the information contained in the statement is complete and accurate; and

(b) Except as otherwise provided in subsection 4, must be:

(1) In written or electronic form, if the transaction occurs before January 1, 2007; and

(2) In electronic form, if the transaction occurs on or after January 1, 2007.

4. The Board may extend the date for compliance with the requirement that the statement of prior sales must be in electronic form if the Board determines that the technology to provide such a statement in electronic form is not reasonably available or that the licensed wholesalers in this State otherwise require additional time to carry out the requirements of an electronic form. If the Board extends the deadline pursuant to this subsection, the Board shall ensure that all licensed wholesalers in this State are provided adequate notice of the extension.

639.545. Prohibited transactions

If a statement of prior sales indicates that more than three prior sales of a prescription drug have occurred, including, without limitation, a sale involving an authorized distributor of record, a person who is licensed to engage in wholesale distribution pursuant to this chapter shall not sell that prescription drug to another wholesaler.

639.550. Unlawful acts

A person who is licensed to engage in wholesale distribution pursuant to this chapter is guilty of a category C felony and shall be punished as provided in NRS 193.130 if, with the intent to defraud or deceive, the person:

1. Fails to deliver to another person a complete and accurate statement of prior sales for a prescription drug, if such a statement is required, before selling or otherwise transferring the drug to that person.

2. Fails to acquire a complete and accurate statement of prior sales for a prescription drug, if such a statement is required, before obtaining the drug from another person.

3. Falsely swears or certifies that the information in a statement of prior sales is accurate and complete.

639.555. Additional unlawful acts

A person who is licensed to engage in wholesale distribution pursuant to this chapter is guilty of a category C felony and shall be punished as provided in NRS 193.130 if the person knowingly:

1. Destroys, alters, conceals or fails to maintain a complete and accurate statement of prior sales for each prescription drug in his or her possession for wholesale distribution if such a statement is required.

2. Fails to authenticate information contained in a statement of prior sales for a prescription drug, if such a statement is required, and distributes or attempts to distribute that prescription drug.

3. Forges, counterfeits or falsely creates a statement of prior sales.

4. Makes a false representation or assertion of any factual matter contained in a statement of prior sales.

5. Fails to record material information required to be recorded in a statement of prior sales.

Business Practices

➡639.570. Employees of wholesalers or manufacturers; adoption of marketing code of conduct; training; investigation policies; submission of information to Board; Board to report certain information to Governor and Legislature; duties of Board

1. A wholesaler or manufacturer who employs a person to sell or market a drug, medicine, chemical, device or appliance in this State shall:

(a) Adopt a written marketing code of conduct which establishes the practices and standards that govern the marketing and sale of its products. The marketing code of conduct must be based on applicable legal standards and incorporate principles of health care, including, without limitation, requirements that the activities of the wholesaler or manufacturer be intended to benefit patients, enhance the practice of medicine and not interfere with the independent judgment of health care professionals. Adoption of the most recent version of the Code on Interactions with Healthcare Professionals developed by the Pharmaceutical Research and Manufacturers of America satisfies the requirements of this paragraph.

(b) Adopt a training program to provide regular training to appropriate employees, including, without limitation, all sales and marketing staff, on the marketing code of conduct.

(c) Conduct annual audits to monitor compliance with the marketing code of conduct.

(d) Adopt policies and procedures for investigating instances of noncompliance with the marketing code of conduct, including, without limitation, the maintenance of effective lines of communication for employees to report noncompliance, the investigation of reports of noncompliance, the taking of corrective action in response to noncompliance and the reporting of instances of noncompliance to law enforcement authorities in appropriate circumstances.

(e) Identify a compliance officer responsible for developing, operating and monitoring the marketing code of conduct.

2. A wholesaler or manufacturer who employs a person to sell or market a drug, medicine, chemical, device or

appliance in this State shall submit to the Board annually:

(a) A copy of its marketing code of conduct;

(b) A description of its training program;

(c) A description of its investigation policies;

(d) The name, title, address, telephone number and electronic mail address of its compliance officer; and

(e) Certification that it has conducted its annual audit and is in compliance with its marketing code of conduct.

3. On or before January 15 of each odd-numbered year, the Board shall prepare and submit to the Governor, and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, a compilation of the information submitted to the Board pursuant to this section, other than any information identified as a trade secret in the information submitted to the Board.

4. The Board:

(a) Shall adopt regulations providing for the time of the submission and the form of the information required pursuant to this section and defining “compliance” for the purposes of this section.

(b) May not require the disclosure of the results of an audit conducted pursuant to this section.

(c) Shall post on its Internet website information concerning the compliance of all wholesalers and manufacturers with the requirements of this section.

(d) Shall not disclose any proprietary or confidential business information that it receives pursuant to this section.

639.575. Information regarding other wholesalers

A person who is licensed to engage in wholesale distribution pursuant to this chapter shall maintain the following information, updated annually, concerning each wholesaler from whom the licensee purchases a prescription drug or to whom the licensee sells a prescription drug:

1. A list that identifies each state in which the wholesaler is domiciled and each state into which the wholesaler ships prescription drugs.

2. Copies of each state and federal regulatory license and registration held by the wholesaler, including, without limitation, the numbers accompanying each license and registration.

3. Copies of formation documents, business licenses and other documents related to the company of the wholesaler and its operations.

4. Copies of the wholesaler's most recent site inspection report by state or federal agencies.

5. If the licensee receives a prescription drug from the wholesaler, a copy of the wholesaler's product liability insurance policy that includes the licensee as an additional insured for at least $1,000,000.

6. A list that includes the name and address of:

(a) If the wholesaler is a partnership, limited-liability partnership or limited-liability corporation, the partners or shareholders, as applicable.

(b) If the wholesaler is a private corporation, the officers, directors and shareholders.

(c) If the wholesaler is a public corporation, the officers and directors.

7. Evidence of due diligence in accordance with NRS 639.580.

8. A copy of the wholesaler's policy or procedure for internal operations, including, without limitation, the procedures related to handling counterfeit, misbranded or adulterated prescription drugs.

9. A listing of all manufacturers with whom the wholesaler claims status as an authorized distributor of record and the applicable account numbers.

639.580. Evidence regarding due diligence; prohibited business relationships

1. A person who is licensed to engage in wholesale distribution pursuant to this chapter shall maintain the following evidence regarding due diligence concerning each wholesaler with whom the licensee does business in accordance with any applicable requirements of the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq.:

(a) A copy of the driver's license of:

(1) If the wholesaler is a sole proprietor, the owner.

(2) If the wholesaler is a partnership, limited-liability partnership or limited-liability corporation, each partner or shareholder, as applicable.

(3) If the wholesaler is a private corporation, each officer and director.

(b) Proof that the licensee has checked to determine if civil or criminal litigation or both exists against the company, its owners, partners, officers or directors and whether any disciplinary action has been taken or is pending against the company, its owners, partners, officers or directors by a state or federal agency.

2. A person who is licensed to engage in wholesale distribution pursuant to this chapter shall not maintain a business relationship with any company if any of the owners, partners, officers or directors have been convicted of a felony related to the wholesale distribution of prescription drugs.

639.585. On-site inspections; agreements with other wholesalers

1. A person who is licensed to engage in wholesale distribution pursuant to this chapter shall, within 30 days after beginning a business relationship with another wholesaler, conduct an on-site inspection of each facility of the wholesaler to verify that the wholesaler complies with federal requirements for the storage of prescription drugs and the operation of the facilities where prescription drugs are stored.

2. After the date of the inspection pursuant to subsection 1, the licensee shall conduct an on-site inspection biannually.

3. Each on-site inspection conducted pursuant to this section must include:

(a) An assessment of the authority, training and experience of persons who are responsible for receiving, inspecting, storing, handling and shipping prescription drugs at the facility;

(b) An assessment of the operational conditions of each facility of the wholesaler, including, without limitation, security, climate control and cleanliness;

(c) An assessment of compliance with:

(1) The Federal Prescription Drug Marketing Act;

(2) Appropriate recordkeeping measures;

(3) The Drug Enforcement Administration recordkeeping requirements if the wholesaler maintains a federal controlled substance registration; and

(4) Temperature monitoring and documentation requirements; and

(d) An assessment of the procedures of the wholesaler for detecting adulterated, misbranded or counterfeit prescription drugs.

4. For each inspection pursuant to this section, the licensee shall obtain and maintain the signature of the appropriate representative of the wholesaler verifying the accuracy of the inspection.

5. Each licensee shall enter into an agreement with each wholesaler with whom the licensee enters into a business relationship providing that the wholesaler will comply with all applicable federal and state laws and regulations relating to the purchase and sale of prescription drugs and requiring the wholesaler to notify the licensee of any material change regarding the integrity or legal status of prescription drugs received by the licensee or any other material change regarding the legal status of the wholesaler.

639.590. Certification regarding other wholesalers

A person who is licensed to engage in wholesale distribution pursuant to this chapter shall certify a claim by another wholesaler that the wholesaler is an authorized distributor of record from whom the licensee purchases a prescription drug. Such certification includes a statement signed by a representative of the wholesaler certifying the claim that the wholesaler is an authorized distributor of record for a specified manufacturer and:

1. A copy of the written agreement currently in effect with the manufacturer;

2. A copy of a letter from the manufacturer endorsing the wholesaler as an authorized distributor of record;

3. Copies of applicable invoices from the manufacturer demonstrating the purchase by the wholesaler of at least 1,000 sales units of prescription drugs from the manufacturer within the 12 months immediately preceding the current month;

4. Copies of applicable invoices from the manufacturer from each of the previous 12 months;

5. Copies of applicable invoices from the manufacturer specific to the given transaction; or

6. Verification from the manufacturer's website that the wholesaler is an authorized distributor of record.

639.595. Transactions involving prescription drugs

1. A wholesaler may sell a prescription drug only if the sale is a bona fide transaction.

2. A wholesaler may purchase a prescription drug only from:

(a) A manufacturer;

(b) A pharmacy or practitioner if that pharmacy or practitioner maintains a valid license in the State in which the pharmacy or practitioner is domiciled; or

(c) Another wholesaler if:

(1) The wholesaler who sells the drug is licensed by the Board; and

(2) The sale is a bona fide transaction.

3. A wholesaler may receive a prescription drug from a pharmacy or practitioner only if the wholesaler does not pay the pharmacy or practitioner an amount, either in cash or credit, that is more than the price for which the wholesaler sells such prescription drugs to other pharmacies or practitioners at the time of return and:

(a) The prescription drug was originally shipped to the pharmacy or practitioner by the wholesaler; or

(b) The prescription drug could not be returned by the pharmacy or practitioner to the original wholesaler.

If a wholesaler receives a prescription drug pursuant to this subsection and the wholesaler subsequently sells the prescription drug to another wholesaler, the prescription drug must be accompanied by a statement of prior sales as defined in NRS 639.535.

4. The Board shall not limit the quantity of prescription drugs a wholesaler may purchase, sell, distribute or otherwise provide to another wholesaler, distributor or manufacturer.

5. For the purposes of this section:

(a) A purchase shall be deemed a bona fide transaction if:

(1) The wholesaler purchased the drug:

(I) Directly from the manufacturer of the drug; or

(II) With a reasonable belief that the drug was originally purchased directly from the manufacturer of the drug;

(2) The circumstances of the purchase reasonably indicate that the drug was not purchased from a source prohibited by law;

(3) Unless the drug is purchased by the wholesaler from the manufacturer, before the wholesaler sells the drug to another wholesaler, the wholesaler who sells the drug conducts a reasonable visual examination of the drug to ensure that the drug is not:

(I) Counterfeit;

(II) Deemed to be adulterated or misbranded in accordance with the provisions of chapter 585 of NRS;

(III) Mislabeled;

(IV) Damaged or compromised by improper handling, storage or temperature control;

(V) From a foreign or unlawful source; or

(VI) Manufactured, packaged, labeled or shipped in violation of any state or federal law relating to prescription drugs;

(4) The drug is shipped directly from the wholesaler who sells the drug to the wholesaler who purchases the drug; and

(5) The documents of the shipping company concerning the shipping of the drug are attached to the invoice for the drug and are maintained in the records of the wholesaler.

(b) A sale shall be deemed a bona fide transaction if the wholesaler sells the prescription drug only to:

(1) A pharmacy or practitioner if that pharmacy or practitioner maintains a valid license in the state in which the pharmacy or practitioner is domiciled.

(2) Another wholesaler who maintains a valid license in the state in which he or she is domiciled if the wholesaler who sells the prescription drug has complied with NRS 639.575, 639.580 and 639.585.

(c) The purchase or sale of a prescription drug includes, without limitation, the distribution, transfer, trading, bartering or any other provision of a prescription drug to another person by a wholesaler. A transfer of a prescription drug from a wholesale facility of a wholesaler to another wholesale facility of the wholesaler shall not be deemed a purchase or sale of a prescription drug pursuant to this section if the wholesaler is a corporation whose securities are publicly traded and regulated by the Securities Exchange Act of 1934.

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