

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

FEBRUARY 22, 2011

Referred to Committee on Commerce and Labor

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

FISCAL NOTE: Effect on Local Government: Increases or Newly  
Provides for Term of Imprisonment in County or City  
Jail or Detention Facility.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the practice of pharmacy; revising provisions governing the authority of a registered pharmacist to collaborate with a practitioner for the implementation, monitoring and modification of drug therapy; authorizing the State Board of Pharmacy to establish regulations relating to collaborative pharmacy practice; revising provisions governing the use of the letters “Rx” and “RX” by certain persons; revising provisions relating to the authority of a registered pharmacist to possess and administer controlled substances and dangerous drugs under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law authorizes a registered pharmacist to collaborate with a  
2 practitioner to engage in the implementation and modification of drug therapy for a  
3 patient at a licensed medical facility or licensed pharmacy. (NRS 639.0124)  
4 **Section 1** of this bill prescribes requirements for written guidelines and protocols  
5 which must be developed by a pharmacist who collaborates with a practitioner and  
6 requires those guidelines and protocols to be approved by the State Board of  
7 Pharmacy. **Section 1** also authorizes the written guidelines and protocols to set  
8 forth provisions for a pharmacist to implement, monitor and modify the drug  
9 therapy of a patient in a medical facility or a setting that is affiliated with a licensed  
10 medical facility. **Sections 10.3 and 10.7** of this bill revise the authority of a  
11 pharmacist to possess and administer controlled substances and dangerous drugs



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12 under certain circumstances for the care of a patient in accordance with the written  
13 guidelines and protocols developed pursuant to **section 1**.

14 Existing law prohibits a person operating a business from using the letters "Rx"  
15 or "RX" if the person does not have a license from the Board. (NRS 639.230)  
16 **Section 10** of this bill authorizes persons who are not subject to the laws governing  
17 the practice of pharmacy to use those letters if the person obtains approval from the  
18 Board.

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

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 639 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

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

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

8 *(b) May provide for implementation, monitoring and*  
9 *modification of drug therapy for a patient receiving care:*

10 *(1) In a licensed medical facility; or*

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

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

25 *(d) Must be approved by the Board.*

26 *2. The Board may adopt regulations which:*

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

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

31 **Sec. 2.** (Deleted by amendment.)

32 **Sec. 3.** (Deleted by amendment.)



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1 **Sec. 4.** (Deleted by amendment.)

2 **Sec. 5.** (Deleted by amendment.)

3 **Sec. 6.** (Deleted by amendment.)

4 **Sec. 7.** (Deleted by amendment.)

5 **Sec. 8.** (Deleted by amendment.)

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

7 639.0124 "Practice of pharmacy" includes, but is not limited  
8 to, the:

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

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

15 3. Participation in drug evaluation and drug research.

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

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

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

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

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

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

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

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

39 639.230 1. A person operating a business in this State shall  
40 not use ~~[the letters "Rx" or "RX" or]~~ the word "drug" or "drugs,"  
41 "prescription" or "pharmacy," or similar words or words of similar  
42 import, without first having secured a license from the Board. *A*  
43 *person operating a business in this State which is not otherwise*  
44 *subject to the provisions of this chapter shall not use the letters*  
45 *"Rx" or "RX" without the approval of the Board. The Board may*



1 *deny approval of the use of the letters “Rx” or “RX” by any*  
2 *person if the Board determines that:*

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

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

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

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

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

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

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

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

32 (b) *A registered pharmacist or practitioner from collaborating*  
33 *in the implementation, monitoring and modification of drug*  
34 *therapy pursuant to guidelines and protocols approved by the*  
35 *Board.*

36 **Sec. 10.3.** NRS 453.026 is hereby amended to read as follows:

37 453.026 “Agent” means a pharmacist [a] *who cares for a*  
38 *patient of a prescribing practitioner in a medical facility or in a*  
39 *setting that is affiliated with a medical facility where the patient is*  
40 *receiving care in accordance with written guidelines and protocols*  
41 *developed and approved pursuant to section 1 of this act, a*  
42 *licensed practical nurse or registered nurse who cares for a patient of*  
43 *a prescribing practitioner in a medical facility or an authorized*  
44 *person who acts on behalf of or at the direction of and is employed*  
45 *by a manufacturer, distributor, dispenser or prescribing practitioner.*



1 The term does not include a common or contract carrier, public  
2 warehouseman or employee of the carrier or warehouseman.

3 **Sec. 10.7.** NRS 454.213 is hereby amended to read as follows:

4 454.213 A drug or medicine referred to in NRS 454.181 to  
5 454.371, inclusive, may be possessed and administered by:

6 1. A practitioner.

7 2. A physician assistant licensed pursuant to chapter 630 or  
8 633 of NRS, at the direction of his or her supervising physician or a  
9 licensed dental hygienist acting in the office of and under the  
10 supervision of a dentist.

11 3. Except as otherwise provided in subsection 4, a registered  
12 nurse licensed to practice professional nursing or licensed practical  
13 nurse, at the direction of a prescribing physician, physician assistant  
14 licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric  
15 physician or advanced practitioner of nursing, or pursuant to a chart  
16 order, for administration to a patient at another location.

17 4. In accordance with applicable regulations of the Board, a  
18 registered nurse licensed to practice professional nursing or licensed  
19 practical nurse who is:

20 (a) Employed by a health care agency or health care facility that  
21 is authorized to provide emergency care, or to respond to the  
22 immediate needs of a patient, in the residence of the patient; and

23 (b) Acting under the direction of the medical director of that  
24 agency or facility who works in this State.

25 5. Except as otherwise provided in subsection 6, an  
26 intermediate emergency medical technician or an advanced  
27 emergency medical technician, as authorized by regulation of the  
28 State Board of Pharmacy and in accordance with any applicable  
29 regulations of:

30 (a) The State Board of Health in a county whose population is  
31 less than 100,000;

32 (b) A county board of health in a county whose population is  
33 100,000 or more; or

34 (c) A district board of health created pursuant to NRS 439.362  
35 or 439.370 in any county.

36 6. An intermediate emergency medical technician or an  
37 advanced emergency medical technician who holds an endorsement  
38 issued pursuant to NRS 450B.1975, under the direct supervision of a  
39 local health officer or a designee of the local health officer pursuant  
40 to that section.

41 7. A respiratory therapist employed in a health care facility.  
42 The therapist may possess and administer respiratory products only  
43 at the direction of a physician.



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- 1 8. A dialysis technician, under the direction or supervision of a  
2 physician or registered nurse only if the drug or medicine is used for  
3 the process of renal dialysis.
- 4 9. A medical student or student nurse in the course of his or her  
5 studies at an approved college of medicine or school of professional  
6 or practical nursing, at the direction of a physician and:
- 7 (a) In the presence of a physician or a registered nurse; or  
8 (b) Under the supervision of a physician or a registered nurse if  
9 the student is authorized by the college or school to administer the  
10 drug or medicine outside the presence of a physician or nurse.
- 11 ➤ A medical student or student nurse may administer a dangerous  
12 drug in the presence or under the supervision of a registered nurse  
13 alone only if the circumstances are such that the registered nurse  
14 would be authorized to administer it personally.
- 15 10. Any person designated by the head of a correctional  
16 institution.
- 17 11. An ultimate user or any person designated by the ultimate  
18 user pursuant to a written agreement.
- 19 12. A nuclear medicine technologist, at the direction of a  
20 physician and in accordance with any conditions established by  
21 regulation of the Board.
- 22 13. A radiologic technologist, at the direction of a physician  
23 and in accordance with any conditions established by regulation of  
24 the Board.
- 25 14. A chiropractic physician, but only if the drug or medicine  
26 is a topical drug used for cooling and stretching external tissue  
27 during therapeutic treatments.
- 28 15. A physical therapist, but only if the drug or medicine is a  
29 topical drug which is:
- 30 (a) Used for cooling and stretching external tissue during  
31 therapeutic treatments; and  
32 (b) Prescribed by a licensed physician for:
- 33 (1) Iontophoresis; or  
34 (2) The transmission of drugs through the skin using  
35 ultrasound.
- 36 16. In accordance with applicable regulations of the State  
37 Board of Health, an employee of a residential facility for groups, as  
38 defined in NRS 449.017, pursuant to a written agreement entered  
39 into by the ultimate user.
- 40 17. A veterinary technician at the direction of his or her  
41 supervising veterinarian.
- 42 18. In accordance with applicable regulations of the Board, a  
43 registered pharmacist who:
- 44 (a) Is trained in and certified to carry out standards and practices  
45 for immunization programs;



1 (b) Is authorized to administer immunizations pursuant to  
2 written protocols from a physician; and

3 (c) Administers immunizations in compliance with the  
4 "Standards of Immunization Practices" recommended and approved  
5 by the United States Public Health Service Advisory Committee on  
6 Immunization Practices.

7 19. *A registered pharmacist pursuant to written guidelines*  
8 *and protocols developed and approved pursuant to section 1 of this*  
9 *act.*

10 20. A person who is enrolled in a training program to become a  
11 physician assistant licensed pursuant to chapter 630 or 633 of NRS,  
12 dental hygienist, intermediate emergency medical technician,  
13 advanced emergency medical technician, respiratory therapist,  
14 dialysis technician, nuclear medicine technologist, radiologic  
15 technologist, physical therapist or veterinary technician if the person  
16 possesses and administers the drug or medicine in the same manner  
17 and under the same conditions that apply, respectively, to a  
18 physician assistant licensed pursuant to chapter 630 or 633 of NRS,  
19 dental hygienist, intermediate emergency medical technician,  
20 advanced emergency medical technician, respiratory therapist,  
21 dialysis technician, nuclear medicine technologist, radiologic  
22 technologist, physical therapist or veterinary technician who may  
23 possess and administer the drug or medicine, and under the direct  
24 supervision of a person licensed or registered to perform the  
25 respective medical art or a supervisor of such a person.

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



