



Nevada State Board of Pharmacy

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August 3, 2020

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption and Amendment of Regulations of the Nevada State Board of Pharmacy

The Nevada State Board of Pharmacy will hold a Public Hearing at 9:00 a.m. on Thursday, September 3, 2020, at the Hilton Garden Inn, 7830 S. Las Vegas Blvd., Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption and amendment of regulations that pertain to Chapters 453 and/or 639 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.060:

Amendment of Nevada Administrative Code (NAC) 639: Pharmacy Technician Ability to Administer Immunizations. (LCB File No. R142-20)

1. The need for and the purpose of the proposed regulation or amendment.

The proposed amendment will authorize a pharmacy technician with appropriate training to administer immunizations under the direct supervision of a pharmacist. The amendment will allow pharmacies to meet the increased demand for vaccine services and will be crucial to the State's capacity to expediently treat Nevada's population when a COVID-19 vaccine is developed. The regulation is necessary for the protection, health and safety of the public.

2. Either the terms or the substance of the regulations to be adopted and amended.

A copy of the proposed regulation amendment is attached to this notice.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public:

(a) Both adverse and beneficial effects.

There should be no adverse economic impact from this regulation amendment on regulated businesses or the public. The beneficial effects of the amendment will allow pharmacies to meet the increased demand for vaccine services and will be crucial to the State's capacity to expediently treat Nevada's population when a COVID-19 vaccine is developed. The regulation is necessary for the protection, health and safety of the public.

(b) Both immediate and long-term effects.

The Board anticipates that both the immediate or long-term economic effect on regulated businesses or the public will be beneficial since this amendment will increase the State's capacity to timely deploy a COVID-19 vaccine in response to the current pandemic.

4. The estimated cost to the agency for enforcement of the proposed regulation.

There will be no additional or special costs incurred by the Board of Pharmacy for enforcement of this regulation amendment.

5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board of Pharmacy is not aware of any similar regulations of any other state or local governmental agency that the proposed regulation amendment overlaps or duplicates.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The regulation is not required by federal law.

7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The Board of Pharmacy is not aware of any similar federal regulation amendments of the same activity in which the state regulation is more stringent.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation amendment does not provide a new or increase of fees.

Persons wishing to comment upon the proposed action of the Board may appear at the scheduled public hearing or may address their comments, data, views, or arguments in written form to the Nevada State Board of Pharmacy, 985 Damonte Ranch Parkway, Suite 206 – Reno, NV 89521, or at e-mail address: shunting@pharmacy.nv.gov. Written submissions must be received by the Board at least fourteen days before the scheduled public hearing. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted and amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted and amended will be available in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. The text of each regulation will include the entire text of any section of the Nevada Administrative Code which is

proposed for amendment or repeal. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Nevada State Board of Pharmacy
Reno, Nevada

Nevada State Board of Pharmacy
Las Vegas, Nevada

Mineral County Courthouse
Hawthorne, Nevada

Elko County Courthouse
Elko, Nevada

Washoe County Courthouse
Reno, Nevada

**PROPOSED REGULATION OF THE
STATE BOARD OF PHARMACY**

LCB File No. R142-20

July 16, 2020

Explanation – Language in *blue italics* is new; language in *red text* [~~omitted material~~] is language to be omitted, and language in *green text* indicates prior Board-approved amendments that are in the process of being codified.

AUTHORITY: NRS 639.070; NRS 639.1371.

A REGULATION relating to the delegation by a pharmacist to a pharmacy technician the ability to administer immunizations with appropriate training, and under the direct supervision of a pharmacist.

Section 1. Chapter 639 of NAC is hereby amended by adding thereto the provisions set forth as sections 2-7 of this regulation.

Section 2. NAC 639.245 is hereby amended to read as follows:

639.245 1. A written record must be kept available for inspection showing the pharmacists, pharmaceutical technicians and pharmaceutical technicians in training on duty during the hours of business. This record must be:

- (a) Readily retrievable; and
- (b) Retained for 2 years.

2. A pharmaceutical technician under the direct supervision of a pharmacist may:

- (a) Prepackage and label unit dose and unit of use and repackage drugs if a pharmacist:
 - (1) Inspects the final products; and
 - (2) Affixes his or her initials to the appropriate records for controlling quality.

(b) Prepare, package, compound and label prescription drugs pursuant to prescriptions or orders for medication if a pharmacist:

- (1) Inspects the final product; and

- (2) Affixes his or her initials to the appropriate records for controlling quality.
- (c) Prepare bulk compounds if a pharmacist:
 - (1) Inspects the final product; and
 - (2) Affixes his or her initials to the appropriate records for controlling quality.
- (d) Distribute routine orders and stock medications and supplies in the pharmacy or areas where care is provided to patients.
- (e) Maintain inventories of supplies of drugs.
- (f) Maintain pharmaceutical records.
- (g) Request authorization to refill a prescription from the prescribing practitioner.
- (h) Transfer a prescription through a computer network if the:
 - (1) Pharmaceutical technician is employed by a pharmacy that:
 - (I) Has more than one location; and
 - (II) Maintains a computer network which provides information between its pharmacies; and
 - (2) Prescription is transferred to one of the pharmacies within its computer network.
- (i) Enter information into the pharmacy's computer system, including, without limitation, information contained in a new prescription concerning the prescription drug and the directions for its use.
- (j) Administer immunizations under the direct and immediate supervision of a pharmacist pursuant to NAC 639.2971(3). Immunization records must be readily retrievable and retained for 2 years.*

3. A pharmaceutical technician may not:

(a) Perform any action requiring a judgmental decision regarding a drug, the interpretation of a prescription or the instructions for the preparation of a prescription.

(b) Take new prescription or chart orders by telephone.

(c) Distribute medications pursuant to a chart order or dispense a prescription unless the order or prescription has been verified by a pharmacist.

4. A pharmaceutical technician shall prepare and distribute drugs only pursuant to written procedures and guidelines established by the pharmacy in which the pharmaceutical technician performs his or her duties.

Section 3. NAC 639.254 is hereby amended to read as follows:

639.254 1. The owner and managing pharmacist of a pharmacy shall provide training for pharmaceutical technicians working in or for the pharmacy that ensures the continuing competency of those technicians. Except as otherwise provided in this section, the training must consist of initial training upon employment and at least 12 hours of in-service training during the 2-year period immediately preceding the renewal of the registration of the pharmaceutical technician. One of the 12 hours of in-service training must be a jurisprudence program approved or presented by the Board that relates to the practice of pharmacy or the law concerning pharmacy in this State.

2. The managing pharmacist shall maintain a written record of the initial training and the annual training, *including immunization training pursuant to NAC 639.2971(3)*, completed by each pharmaceutical technician working in or for the pharmacy that contains:

(a) The name and signature of the person receiving the training;

(b) The date or dates on which the training was received;

(c) The number of hours of training received;

- (d) A general description of the topics covered; and
- (e) The name of the person or provider conducting the training.

3. A pharmaceutical technician may substitute the completion of the continuing education necessary for recertification by the Pharmacy Technician Certification Board or the National Healthcareer Association for the biennial in-service training required by subsection 1.

Section 4. NAC 639.2971 is hereby amended to read as follows:

639.2971 1. A physician may establish a written protocol authorizing pharmacists to administer immunizations by an intranasal, intramuscular or subcutaneous injection. Except as otherwise limited by the physician pursuant to subsection 4, any pharmacist who is trained and certified in accordance with [NAC 639.2973](#) may subscribe to the written protocol and administer immunizations in compliance with the protocol. Such a protocol must contain:

- (a) The name of the physician who is authorizing the administration of immunizations by a pharmacist;
- (b) The immunizations that may be administered by a pharmacist;
- (c) Detailed policies and procedures that a pharmacist must follow while administering immunizations, including, without limitation, procedures to follow in the case of adverse reactions or emergencies following administration;
- (d) A procedure for the review of the protocol and its operation by the physician at least once annually, and the making and keeping of a record of the review;
- (e) When appropriate, specific instructions related to the age of the patient;
- ~~(f) Except as otherwise provided in subsection 2, a restriction that a pharmacist may not delegate his or her authority to administer an immunization;~~

~~(g)~~ (f) A restriction that a pharmacist may not administer an immunization except at an authorized location, which location may not be the home of the patient, unless the patient resides in a licensed facility for long-term care or in a hospital;

~~(h)~~ (g) A requirement that the immunizations will be administered according to all applicable federal, state and local laws; and

~~(i)~~ (h) The signature of the physician authorizing the administration of the immunizations and the time period for which the written protocol is effective.

2. An intern pharmacist may administer immunizations by an intranasal, intramuscular or subcutaneous injection under the direct and immediate supervision of a pharmacist who has subscribed to a written protocol established by a physician.

3. A pharmaceutical technician may administer immunizations under the direct and immediate supervision of a pharmacist who has subscribed to a written protocol established by a physician. Before the pharmaceutical technician may administer immunizations, the pharmaceutical technician must complete a minimum of one (1) hour of training relating to vaccines, immunization and their administration from one of the following:

(a) Immunize Nevada;

(b) ACPE-approved CPE;

(c) In-service training provided by the owner or managing pharmacist to the pharmaceutical technicians working in or for the pharmacy that ensures the competency of the technicians; or

(d) Other Board approved training.

~~3.~~ **4.** If a physician orders a deviation from the written protocol for the benefit of a specific patient, the physician shall note the deviations from the written protocol in the record of the patient.

~~4.~~ **5.** A physician may include restrictions to a written protocol established by the physician pursuant to subsection 1 by limiting the protocol to any of the following:

- (a) A specific pharmacist or pharmacists;
- (b) A specific location or locations;
- (c) The administration of a specific immunization or immunizations; or
- (d) Other limitations as the physician determines necessary.

Section 5. NAC 639.2974 is hereby amended to read as follows:

639.2974 **1.** A pharmacist who administers immunizations or an intern pharmacist acting under the direct and immediate supervision of a pharmacist who administers immunizations shall:

~~1.~~(a) Maintain certification in basic cardiac life support from the American Heart Association; and

~~2.~~ (b) On or before October 31 of each year, complete:

~~(a)~~ (i) At least 2 hours of continuing education in a course or courses that address the life cycle of diseases, drugs and administration of immunizations; or

~~(b)~~ (ii) A course provided by the Centers for Disease Control and Prevention regarding epidemiology and prevention of diseases which are preventable through immunization.

2. *A pharmaceutical technician acting under the direct and immediate supervision of a pharmacist who administers immunizations shall, on or before October 31 of each year,*

complete at least 1 hour of continuing education in a course relating to vaccines, immunization and their administration from one of resources listed pursuant to NAC 639.2971(3)(a)-(d).

Section 6. NAC 639.2975 is hereby amended to read as follows:

639.2975 1. The drugs administered as immunizations by a pharmacist, or an intern pharmacist *or pharmaceutical technician* acting under the direct and immediate supervision of a pharmacist, must be in the legal possession of:

(a) The pharmacy that employs the pharmacist, ~~or~~ intern pharmacist, *or pharmaceutical technician* who will be administering the immunizations, which pharmacy is responsible for the drugs and the maintenance of records of administration of the immunizations; or

(b) The physician who has established a written protocol for the administration of the immunizations, which physician is responsible for the drugs and the maintenance of records of administration of the immunizations.

2. The drugs used for immunizations must be transported and stored at the proper temperatures indicated for the drugs by the manufacturer.

3. While engaged in the administration of immunizations, a pharmacist, ~~or~~ an intern pharmacist *acting under the direct and immediate supervision of a pharmacist, or a pharmaceutical technician* acting under the direct and immediate supervision of a pharmacist, may have in his or her custody and control the drugs for immunization that are identified in the written protocol and any other dangerous drugs listed in the written protocol to treat an adverse reaction.

4. If a pharmacist, ~~or~~ an intern pharmacist *acting under the direct and immediate supervision of a pharmacist, or a pharmaceutical technician* acting under the direct and

immediate supervision of a pharmacist, administers immunizations at a location other than a pharmacy, the pharmacist, ~~or~~ intern pharmacist, *or pharmaceutical technician* must return all unused drugs to the pharmacy or physician responsible for the drugs.

Section 7. NAC 639.2976 is hereby amended to read as follows:

639.2976 A pharmacist *who administers immunizations or directly supervises the administration of immunizations by a pharmaceutical technician*, or an intern pharmacist acting under the direct and immediate supervision of a pharmacist who administers immunizations, shall report the information required for inclusion in the Immunization Information System established by the Department of Health and Human Services pursuant to [NRS 439.265](#) and the regulations adopted pursuant thereto.